

Possible Modifications to Dolphin Wahoo Management Information paper

Background

In the discussion of Dolphin Wahoo Amendment 10 (Amendment 10), the Council identified several management topics that could be addressed through future amendments to the Dolphin Wahoo Fishery Management Plan (FMP). Specifically, the Council provided the following guidance at the March 2021 meeting to “*prepare information on identified topics regarding the use of pelagic longline gear in the dolphin wahoo fishery, dolphin size limits, and exemptions to the dolphin and wahoo vessel limits onboard for-hire vessels. The Council will review this information at the June 2021 meeting.*”

Pelagic Longline Gear Actions

At the June 2020 meeting, the Council passed a motion to “*add an alternative that would remove pelagic longline gear as an allowable gear in the dolphin wahoo fishery unless you hold a HMS limited entry permit*” and a subsequent motion to “*move proposed Action 14 and proposed Action 15, along with the new alternative to a new amendment that will be discussed in March 2021.*” The Council has considered actions in Amendment 10 that would modify gear, bait, and training requirements in the pelagic longline (PLL) fishery for dolphin and wahoo to reflect similar requirements in the PLL fisheries managed by NOAA Highly Migratory Species (HMS). The amendment also included an action that would establish a permit endorsement that would be required for vessels that use PLL gear in the Dolphin Wahoo fishery (See **Appendix 1** for motion and the text of related actions).

Although the Council intended to initiate development of an amendment focusing on the use of PLL gear for initial review at the March 2021, subsequent work planning discussions during the Executive Committee have scheduled this potential amendment to begin in December 2021 and be completed in September 2023.

Size Limit and Retention Limit Actions

At the March 2021 meeting, the Council provided the following direction to staff:

- 1) DEVELOP A FRAMEWORK ACTION OR OTHER APPROPRIATE ACTION TO CONSIDER MAKING THE MINIMUM SIZE REQUIREMENTS CURRENTLY IN PLACE FOR FL, GA, AND SC APPLY THROUGHOUT THE MANAGEMENT ZONE FOR DOLPHIN.
- 2) DEVELOP A FRAMEWORK OR OTHER APPROPRIATE ACTION TO CONSIDER EXEMPTING THE CHARTER FLEET FROM THE DOLPHIN AND WAHOO VESSEL LIMITS.

The ability of the Council to develop a framework amendment versus a plan amendment will depend on the complexity and content of the actions that the Council wants to consider. Guidance from General Counsel will likely be necessary in regard to specifying the type of amendment that is needed once the Council has decided the content. Measures that can be

revised via framework procedures for the Dolphin Wahoo FMP are specified in 50 C.F.R. §622.281 (See **Appendix 2** for the full rule text) and have been summarized below:

- **Biological specifications:** Biomass levels, age-structured analyses, MSY, OY, OFL, TAC, ABC, ABC Control Rule, overfishing definitions and other status determination criteria, and time frame for recovery of Atlantic dolphin or wahoo if overfished.
- **Fishery specifications:** ACLs, ACTs, AMs, and authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available.
- **Time and area related measures:** Seasonal or area closures, sub-zones and their management measures, fishing year (adjustment not to exceed 2 months), definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.
- **Other management measures:** Trip limits, minimum sizes, gear regulations and restrictions, and permit requirements.

The desired content of an amendment will also greatly affect its timing on the Council's workplan. Currently, a potential amendment focusing on changes to the minimum size limit (SL) for Dolphin and exemptions to retention limits onboard charter vessels has been added to the Council's workplan to tentatively start in September 2021 and finish in March 2023.

Requests of the Committee

- 1) **Content:** Is the Committee still interested in pursuing amendment(s) to the Dolphin Wahoo FMP focusing on:
 - PLL gear?
 - Changes to the minimum SL for dolphin?
 - Exempting charter vessels from retention limits?
- 2) **Structure:** What general work structure should be pursued?
 - A single amendment covering a single topic or group of topics (please specify which topic(s))?
 - Multiple separate amendments?
 - One amendment focused on management changes to the PLL fishery?
 - One amendment focused on changes to the minimum SL for Dolphin and/or exempting charter vessels from retention limits?
- 3) **Timing:** What should be the general start time of the next amendment(s) to the Dolphin Wahoo FMP.
 - PLL related amendment tentatively starting at the December 2021 meeting.
 - Dolphin minimum SL/charter retention limit exemption amendment tentatively starting at the September 2021 meeting.

APPENDIX 1. Council motions from the June 2020 meeting.

MOTION #10: ADD AN ALTERNATIVE THAT WOULD REMOVE PELAGIC LONGLINE GEAR AS AN ALLOWABLE GEAR IN THE DOLPHIN WAHOO FISHERY UNLESS YOU HOLD A HMS LIMITED ENTRY PERMIT.

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MOTION #11: MOVE PROPOSED ACTION 14 AND PROPOSED ACTION 15, ALONG WITH THE NEW ALTERNATIVE TO A NEW AMENDMENT THAT WILL BE DISCUSSED IN MARCH 2021.

Proposed Action 14. Establish a permit endorsement requirement for dolphin and wahoo when using pelagic longline gear.

Alternative 1 (No Action). Currently there is no permit endorsement required to use pelagic longline gear in the Dolphin Wahoo fishery. Do not establish permit endorsement requirement for vessels issued an Atlantic Dolphin/Wahoo Commercial Permit to use pelagic longline gear.

Alternative 2. In order to use pelagic longline gear onboard a vessel, require a longline endorsement to the Atlantic Dolphin/Wahoo Commercial Permit.

Proposed Action 15. Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements.

Sub-action 15A: Protected species handling and release training requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1A (No Action). The owner or operator of a vessel for which an Atlantic Dolphin/Wahoo Commercial Permit has been issued and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, as specified in 50 C.F.R. §635.21(c)(5)(i) and (ii). These requirements are a reference to the Highly Migratory Species regulations for pelagic longlines. Currently there are no protected species handling and release training requirements to use pelagic longline gear in the Dolphin Wahoo fishery. Do not establish protected species handling and release training requirements for vessels issued an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement to use pelagic longline gear.

Alternative 2A. In order to use pelagic longline gear on board a vessel, require a valid Safe Handling, Release, and Identification Workshop certificate on board for both the owner and operator of a vessel issued an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement.

Alternative 3A. In order to use pelagic longline gear on board a vessel, require a valid Safe Handling, Release, and Identification Workshop certificate be supplied when renewing an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement.

Sub-action 15B: Rigging and deployment requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1B (No Action). Currently there are no rigging or deployment requirements to use pelagic longline gear in the Dolphin Wahoo fishery. Do not establish requirements for rigging or deployment of pelagic longline gear on board vessels issued an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement.

Alternative 2B. If the total length of any gangion plus the length of any floatline is less than 100 meters, then the length of all gangions must be at least 10 percent longer than the length of the floatlines on board vessels issued an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement.

Alternative 3B. Cannot deploy a pelagic longline that exceeds 20 nautical miles in length in the Mid-Atlantic Bight as defined at 50 CFR §635.2 on board vessels issued an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement.

Sub-action 15C: Hook requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1C (No Action). Currently there are no hook requirements to use pelagic longline gear in the Dolphin Wahoo fishery. Do not establish hook requirements on board vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement when using pelagic longline gear.

Alternative 2C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement must possess and/or use only corrodible (i.e., non-stainless steel) circle hooks when using pelagic longline gear.

Alternative 3C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement must possess and/or use only 18/0 or larger corrodible (i.e., non-stainless steel) circle hooks with an offset not to exceed 10 degrees, and/or 16/0 or larger non-offset corrodible circle hooks when using pelagic longline gear.

Alternative 4C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement must possess and/or use only 12/0 or larger non-offset circle hooks when using pelagic longline gear.

Alternative 5C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement must possess and/or use only 14/0 or larger non-offset circle hooks when using pelagic longline gear.

Alternative 6C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement must possess and/or use only 16/0 or larger non-offset circle hooks when using pelagic longline gear.

Sub-action 15D: Bait requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1D (No Action). Currently there are no bait requirements to use pelagic longline gear in the Dolphin Wahoo fishery. Do not establish bait requirements on board vessels with an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement when using pelagic longline gear.

Alternative 2D. Require the use of whole finfish and/or squid as bait on board vessels that are issued an Atlantic Dolphin/Wahoo Commercial Permit and/or endorsement when using pelagic longline gear.

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APPENDIX 2. Full text of 50 C.F.R. §622.281

§622.281 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Dolphin and Wahoo Fishery of the Atlantic, the RA may establish or modify the following items specified in paragraph (a) of this section for Atlantic dolphin and wahoo.

(a) Atlantic dolphin and wahoo. Biomass levels, age-structured analyses, MSY, OY, OFL, TAC, ABC, ABC Control Rule, ACLs, ACTs, AMs, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, overfishing definitions and other status determination criteria, time frame for recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.