

Regulatory Amendment 3 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic



Options Paper
June 2022

Framework amendment to implement changes to the minimum size limit and recreational retention limits for dolphin

Background

At the March 2002 meeting, the Dolphin Wahoo Committee (Committee) reviewed an options paper and provided guidance for Regulatory Amendment 3 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP) that would consider:

- 1) Extending the applicable geographic range for the 20 inch fork length minimum size limit for dolphin that is currently in place off Florida, Georgia, and South Carolina northward,
- 2) Modifying the daily bag limit for dolphin,
- 3) Modifying the vessel limit for dolphin, and
- 4) Removing or reducing captain and crew bag limits for dolphin.

At this meeting the Committee also approved the amendment for scoping but did not specify when scoping should occur.

Of note is the South Atlantic Fishery Management Council's (Council) recent efforts to develop Amendment 10 to the Dolphin Wahoo FMP (Amendment 10) which went into effect May 2, 2022. Amendment 10 implements several changes in the Dolphin Wahoo fishery, including revisions to:

- Acceptable biological catch and sector allocations;
- Total annual catch limits (ACL) and sector ACLs;

- Recreational accountability measures; and

Management measures to:

- Allow possession of dolphin or wahoo when specified unauthorized gear types are onboard a vessel;
- Remove the operator card requirement; and
- Reduce the recreational vessel limit for dolphin from 60 fish to 54 fish per vessel.

The Council is considering changes to the applicable geographic range of the minimum size limit for dolphin and further changing retention limits as a continuation of similar discussions that took place during development of Amendment 10 as well as in response to public comments stating concern over a relative lack of dolphin abundance in recent years, particularly in the South Florida area. Additionally, of note since the approval of Amendment 10 is the recent action by the Florida Fish and Wildlife Conservation Commission that became effective May 1, 2022 to reduce the bag limit from 10 to 5 dolphin per person in Atlantic state waters, reduce the private recreational vessel limit from 60 to 30 dolphin in Atlantic state waters, and clarify that for-hire captain and crew are prohibited statewide from retaining a bag limit of dolphin. These rule changes have led to an inconsistency in dolphin regulations between federal waters and state waters off of Florida. Some measures being considered in this amendment would address this regulatory inconsistency if the Committee decides to move forward with such actions.

Objectives for this meeting

- Review potential timing of the amendment
- Review draft Purpose and Need statements
- Review AP comments and recommendations
- Provide guidance to staff on range of options to develop
- Specify timing for scoping

Tentative amendment timing

Note: The following timeline is preliminary and the realized timeline will depend on the Committee’s guidance, timing of scoping and public hearings, and the actions considered. The timeline may need to be extended depending on the above stated circumstances.

March 2022	Reviewed options paper and approve amendment for scoping.
June 2022	Review revised options paper and provide guidance on timing of scoping.
Summer 2022	Conduct scoping sessions.
September 2022	Review scoping comments and preliminary analyses.
December 2022	Review modifications to the amendment, select preferred alternatives, and approve for public hearings.
Winter 2023	Conduct public hearings.
March 2023	Review public hearing comments and approve all actions.
June 2023	Review final draft amendment and consider approval for formal review.
Early 2024	Regulation changes effective.

DRAFT Purpose and Need Statements

Note: The following Purpose and Need statements are a draft for the Committee's consideration and may change, pending Committee guidance.

The *purpose* of this amendment is to extend the applicable geographic range of the minimum size limit and modify the recreational retention limits for dolphin.

The *need* for this amendment is to provide increased conservation benefits to the dolphin fishery in the Atlantic region.

IPT Comments:

- Is the intent of the amendment solely to provide conservation benefits for dolphin or is there also an intent to align federal regulations with recent regulation changes effective for state waters off of Florida?
- Given the recent ACL changes that went into effect via Amendment 10 that involve rescaling of recreational landings using the FES method, is there a need to address optimum yield (OY) in this amendment that would likely result in restricting harvest further below the ACL?
 - Doing so would change the amendment from a framework to full plan amendment.
 - Not required to address OY at this time at this time but would like to receive input from the Committee.
 - Currently OY=ACL. Redefining OY was considered in Amendment 10 and included considerations to reduce OY below the ACL but this action was removed with the intent to examine OY holistically across multiple FMPs.

Committee Action:

- CONSIDER IPT COMMENTS.
- PROVIDE FEEDBACK ON THE DRAFT PURPOSE AND NEED STATEMENTS.

Options for Proposed Actions

1. Modify the applicable geographic range of the minimum size limit for dolphin

Previous Committee direction to staff for range of options:

- Include a range of options that would extend the applicable range of the minimum size limit for dolphin to cover:
 - North Carolina only
 - North Carolina through New York
 - North Carolina through Maine

Draft Options:

Option 1 (No Action). The size limit for dolphin is 20 inches fork length and applies to dolphin in federal waters off Florida, Georgia, and South Carolina.

Option 2. The size limit for dolphin is 20 inches fork length and applies to dolphin in federal waters off Florida through North Carolina.

Option 3. The size limit for dolphin is 20 inches fork length and applies to dolphin in federal waters off Florida through New York.

Option 4. The size limit for dolphin is 20 inches fork length and applies to dolphin in federal waters off Florida through Maine.

Other size limit options?

Background:

- The current minimum size limit for dolphin is 20 inches fork length and applies off Florida, Georgia, and South Carolina.
 - This size limit applies to both the recreational and commercial sectors.
- There is no minimum size limit for dolphin in waters off North Carolina and states further north in the Mid-Atlantic and New England regions.
- The minimum size limit for dolphin was implemented via the original Dolphin Wahoo FMP (effective 2004) and applied off Florida and Georgia only. This measure was extended to include the waters off South Carolina via Amendment 2 to the Dolphin Wahoo FMP (Amendment 2; effective 2012).
 - The Council conclusion in the original Dolphin Wahoo FMP indicated that “establishing a 20 inch size limit off Georgia and the east coast of Florida for dolphin will prevent the targeting of peanut or chicken dolphin, reduce waste, and increase yield in the fishery...In addition, this action will allow harvest only after most female dolphin are sexually mature and have spawned.”
 - In Amendment 2, extending the size limit to cover the waters off South Carolina was considered “to address concerns, primarily from South Carolina anglers, about the large-scale recreational harvest of “peanut” dolphin. At the time size limits were being discussed for this species in the South Atlantic region (2002), they were not considered off South Carolina because the state had its own measure. That measure has since been challenged in court, however, and overturned.”
- Schwenke and Buckel (2008) indicated that size at 50% maturity was 18.1 inches for female dolphin and 18.7 inches for male dolphin.
 - Non-peer reviewed literature states that spawning first occurs from 17-21 inches.
- While not considered in Amendment 10, during public hearings for that amendment and during rule making, there were many comments on increasing the minimum size limit and/or extending the minimum size limit for dolphin to cover the entire Atlantic region. Those in favor tended to be based in Florida and South Carolina while those opposed tended to be based in North Carolina.
- **Figure 1** shows the percentage (by number, not weight) of sampled dolphin under 20 inches fork length from trips onboard private and charter vessels from 2016-2021. The percentage of dolphin under 20 inches is variable from year to year and by region.

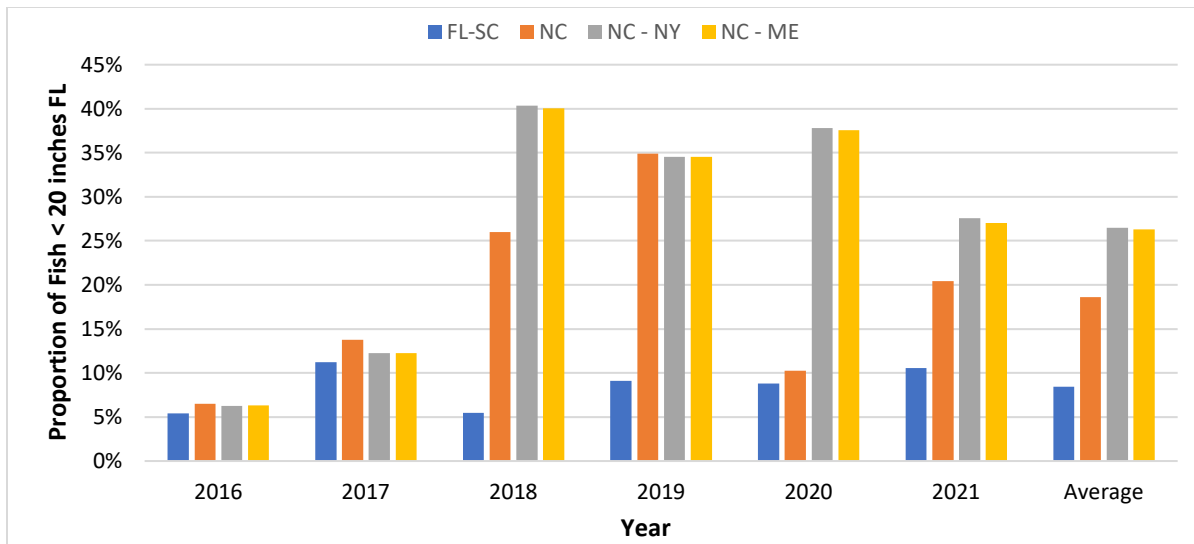


Figure 1. Percentage of recreationally sampled dolphin less than 20 inches fork length from 2016-2021. Represents Marine Recreational Information Program (MRIP; i.e. private rec./charter vessels) data only.

- **Table 1** provides the percent of sampled dolphin by general gear category from 2016 to 2021. While these samples have not been expanded to catch by gear, the table indicates that dolphin under 20 inches fork length make up a relatively small portion of the sampled commercial catch.

Table 1. Percentage of commercially sampled dolphin less than 20 inches fork length from 2016-2021. Note that this represents percent of sampled dolphin and has not been expanded to catch by gear.

Location and Gear	Size	
	Less than 20	20 or more
South of North Carolina		
All Coded Gear Excluding Longline and Unknown	2.33%	97.67%
Longline and Unknown Gear	1.67%	98.33%
North Carolina		
All Coded Gear Excluding Longline and Unknown	8.59%	91.41%
Longline and Unknown Gear	0.25%	99.75%

AP Comments and Recommendations:

Comments:

- Those from states where a 20” minimum size for dolphin is already in place widely supported the expansion of that 20” minimum size limit northward throughout the range of the species.
- This concept met stiff resistance in discussion from those operating charter boats in North Carolina, as it would have a damaging effect on the “bailer” dolphin fishery, which supports these operators through the summer season.
- Arguments offered by AP members **in support** of extending the 20” minimum size limit north of the NC/SC state line:

- Florida, Georgia, and South Carolina are allowing more dolphin to get to spawning size by releasing fish under 20”.
- The minimum size limit is a marginal but preventative conservation measure. It allows the fish to attain maturity and potentially spawn before being harvested.
- There is not much meat yield on a dolphin less than 20”. Allowing the fish to grow larger before being harvested would be a better use of the fish.
- A minimum size limit discourages targeting of very small fish.
- Arguments offered by AP members **against** extending the 20” minimum size limit north of the NC/SC state line:
 - Will imperil the NC charter boat fleet during the summer, clients will lose interest and less trips will be booked. Also will add a potential reason to receive a ticket if a “short” fish accidentally ends up in the fish box.
 - Florida takes the majority of the recreational/for-hire catch of dolphin, even with a 20” minimum size.
 - Not much is known about the potential mortality of released “short” dolphin, it is perceived that keeping a shorter one could be less harmful to the stock than “culling” through “short” fish to get to a particular length of fish of legal size.
 - Even with the directed “bailer” fishery in the for-hire sector in NC, the average length of a dolphin landed is still 23”. There is self-policing that minimizes small fish that are harvested, particularly for charter boats.
- It was noted that a minimum size limit would likely have little to no effect on the commercial fishery since the hook sizes and the gear typically used limits the number of smaller fish that are caught.
- A motion was made to recommend extending the 20” minimum size limit northward through Maine. When it came to a vote, the result was a deadlock, with one AP member choosing to abstain.

Recommendations:

- Consider extending the size limit to be consistent across the entire management unit.
- Do not make changes to the size limit.
- A 20” minimum size limit could have a provision for a certain number of fish in the bag or vessel limit that could potentially be short of that size.
 - This approach could minimize the impacts on the for-hire sector while also incurring some of the benefits of a size limit such as discouraging targeting of small fish (i.e., a hybrid approach).
- Consider potential variation between size limits onboard for-hire and private vessels.

IPT Comments:

- The IPT would like clarification if this action is intended to apply to both the recreational and commercial sectors?

Committee Action:

- CONSIDER INITIAL ANALYSES, AP INPUT, AND IPT COMMENTS.
- CONFIRM RANGE OF OPTIONS TO SEND OUT FOR SCOPING AND FOR FURTHER DEVELOPMENT.

2. Modify the daily recreational bag limit for dolphin

Previous Committee direction to staff for range of options:

- Include a range of options for a bag limit between 2 and 10 dolphin per person.
 - Consider possible different bag limits by mode (private, charter, and headboat vessels).
- Add options that would include a vessel limit or bag limit, whichever is greater instead of whichever is more restrictive.

Draft Options:

Option 1 (No Action). The daily recreational bag limit is 10 dolphin per person, not to exceed 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger with no vessel limit.

Option 2. Onboard **private vessels** only, the recreational daily bag limit is (*Sub-option 2a through 2i*), not to exceed the vessel limit, whichever is more restrictive:

Sub-option 2a. 10 dolphin per person.

Sub-option 2b. 9 dolphin per person.

Sub-option 2c. 8 dolphin per person.

Sub-option 2d. 7 dolphin per person.

Sub-option 2e. 6 dolphin per person.

Sub-option 2f. 5 dolphin per person.

Sub-option 2g. 4 dolphin per person.

Sub-option 2h. 3 dolphin per person.

Sub-option 2i. 2 dolphin per person.

Option 3. Onboard **charter vessels** only, the daily recreational bag limit is (*Sub-option 3a through 3i*), not to exceed the vessel limit, whichever is more restrictive:

Sub-option 3a to Sub-option 3i. Range of 2 to 10 dolphin per person.

Option 4. Onboard **headboat vessels** only, the daily recreational bag limit is (*Sub-option 4a through 4i*), not to exceed the vessel limit if applicable, whichever is more restrictive:

Sub-option 4a to Sub-option 4i. Range of 2 to 10 dolphin per person.

Options 5-7 would be the same as Options 2 through 4 except include "...the daily recreational bag limit is (*Sub-option Xa through Xh*), **or** the vessel limit, whichever is **less** restrictive."

Other bag limit options?

Background:

- Currently the recreational daily bag limit is 10 dolphin per person, not to exceed 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.
 - This covers the entire jurisdictional range of the Dolphin Wahoo FMP (i.e., Maine through Key West, Florida).

- While not considered in Amendment 10, during public hearings and rulemaking for that amendment there were some comments on reducing the bag limit for dolphin. Those in favor tended to be based in Florida and South Carolina while those opposed tended to be based in North Carolina.
 - Some comments were in favor of maintaining the bag limit at 10 fish per person.
 - A bag limit of 5 fish per person was also mentioned multiple times.
- The majority of dolphin harvest occurs onboard private vessels followed by charter vessels to a lesser extent. On average, these two modes combined account for 95% of total dolphin harvest with the remainder occurring onboard commercial vessels or headboats (**Table 2**).
- Overall, recreational vessels tend to harvest 5 or fewer dolphin per angler, however charter vessels have a higher percentage of trips that harvest more than 5 dolphin per angler (**Figure 2**).
- When average catch per person is examined by state for Florida and North Carolina, vessels fishing off North Carolina tend to exhibit higher landings per person than those fishing off of Florida, with charter vessels in North Carolina exhibiting a notably higher average harvest per person (**Figure 3**).

Table 2. Percent of overall recreational dolphin harvest and percent of total dolphin harvest (commercial and recreational combined) accounted for by mode for charter and private vessels. Represents dolphin harvest by weight from the Atlantic (Florida through Maine) from 2016-2019.

Year	Percent of Overall Rec. Harvest (Charter)	Percent of Total Harvest (Charter)	Percent of Overall Rec. Harvest (Private)	Percent of Total Harvest (Private)
2016	17%	16%	83%	78%
2017	18%	17%	82%	78%
2018	12%	12%	88%	85%
2019	22%	21%	78%	74%
Average	17%	16%	83%	79%

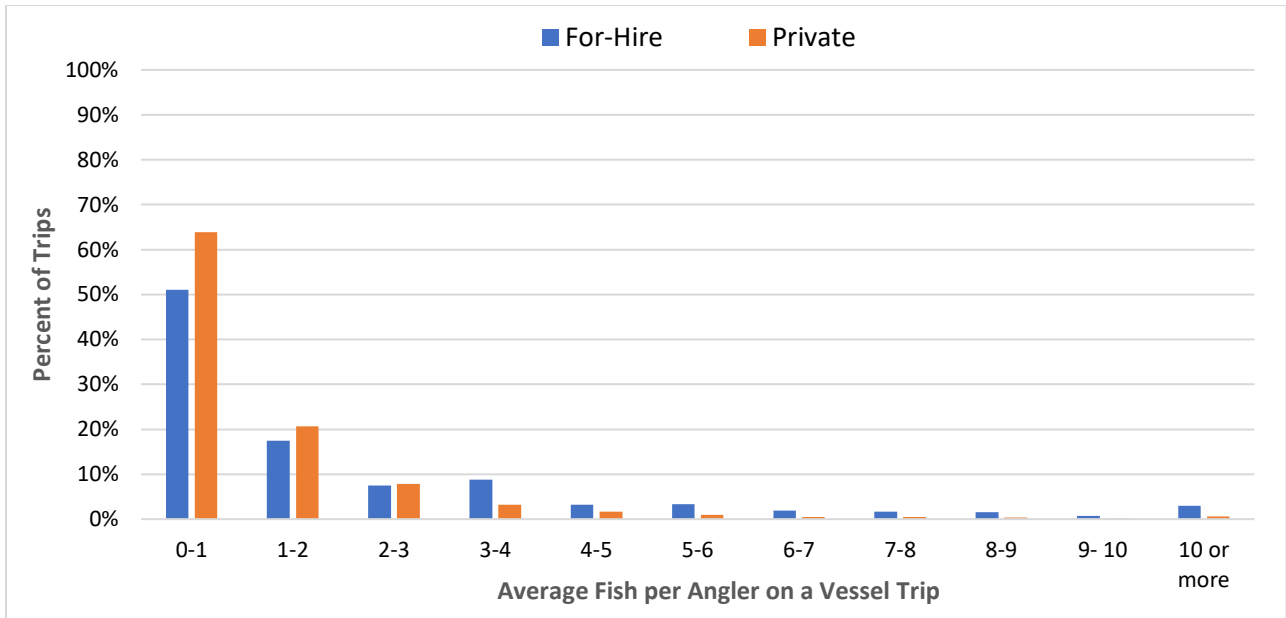


Figure 2. Distribution of dolphin harvest per angler in the Atlantic (Florida through Maine). The data cover landings from 2016 through 2021 and are based on MRIP (private rec./charter vessels) only.

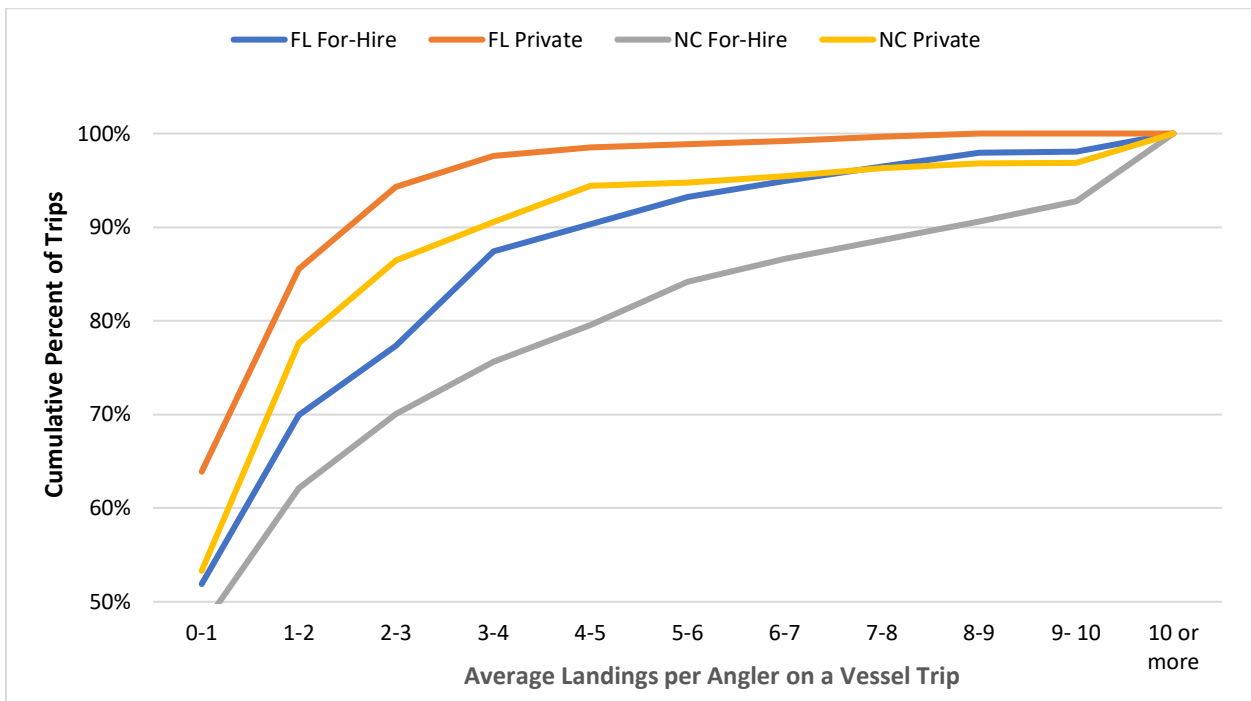


Figure 3. Cumulative percentage of trips for dolphin harvest per angler in the Atlantic for Florida and North Carolina only. The data cover landings from 2016 through 2021 and are based on MRIP (private rec./charter vessels) only.

AP Comments and Recommendations:

Comments:

- It was stated by several AP members from throughout the region that the disparity between the landings from the private recreational fleet and the for-hire fleet was massive. The data presented to the AP underlined this sentiment, as the last 5 years showed the private recreational fleet taking 83% of estimated total recreational landings and 79% of total dolphin landings overall.
- It was noted that the data are now more accurate for the for-hire fleet than it is for the private recreational fleet since for-hire operators are working under electronic reporting mandates.
- Several AP members stated that the for-hire sector would be hurt more by a reduction in daily bag limits than would the private recreational boats.

Recommendations:

- If limits are changed, consider higher limits for charter vessels (**Option 3**) than private vessels (**Option 2**).
 - Help protect the viability of the charter industry by maintaining an incentive for customers to book trips while also encouraging buy-in if other measures are considered.
 - If the bag limit is changed for charter vessels (**Option 3**), change the bag limit onboard headboat vessels (**Option 4**) to the same number of fish.
 - AP members from Florida felt that the charter mode should remain at 10 fish per person while the limit could be dropped to 5 fish per person onboard private vessels.

IPT Comments:

- Given the large number of potential options and sub-options, it would be beneficial for staff if the Committee could narrow the range before additional analysis is completed.
- The “less restrictive” terminology in **Options 5** through **7** could increase harvest if existing bag and vessel limits are not reduced. This seems contrary to the Need of the amendment as it is currently written.
 - Similar outcomes could occur if an action were to remove bag limit or vessel limit and simply defer to one or the other management option (i.e. only have a bag limit or only have a vessel limit).

Committee Action:

- CONSIDER INITIAL ANALYSES, AP INPUT, AND IPT COMMENTS.
- CONFIRM RANGE OF OPTIONS TO SEND OUT FOR SCOPING AND FOR FURTHER DEVELOPMENT.
 - CONSIDER NARROWING RANGE OF OPTIONS?

3. Modify the recreational vessel limit for dolphin

Previous Committee Direction to Staff:

- Consider a range of options for a vessel limit of 12 to 60 dolphin per vessel (currently 54 dolphin per vessel).
 - Include increments divisible by 6 as well as a vessel limit of 30 dolphin.
 - Add an option that would remove vessel limits.
 - Continue consideration of different vessel limits by mode (private, charter, and headboat vessels).
 - Add a regional option for vessel limit changes.
 - Off of Florida only.
 - Ask about other potential regional vessel limits during scoping.
- Add options that would include a vessel limit or bag limit, whichever is greater instead of whichever is more restrictive.

Draft Options:

Option 1 (No Action). The recreational bag limit is 10 dolphin per person, not to exceed 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger with no vessel limit.

Option 2. Onboard **private vessels** only, the recreational vessel limit is (*Sub-option 2a through 2j*), not to exceed the recreational bag limit per person, whichever is more restrictive:

- Sub-option 2a.** 12 dolphin per vessel.
- Sub-option 2b.** 18 dolphin per vessel.
- Sub-option 2c.** 26 dolphin per vessel.
- Sub-option 2d.** 30 dolphin per vessel.
- Sub-option 2e.** 36 dolphin per vessel.
- Sub-option 2f.** 42 dolphin per vessel.
- Sub-option 2g.** 48 dolphin per vessel.
- Sub-option 2h.** 54 dolphin per vessel.
- Sub-option 2i.** 60 dolphin per vessel.
- Sub-option 2j.** There is no vessel limit.

Option 3. Onboard **charter vessels** only, the recreational vessel limit is (*Sub-option 3a through 3j*), not to exceed the recreational bag limit per person, whichever is more restrictive:

Sub-option 3a to Sub-option 3j. Range of 12 to 60 dolphin per vessel with an option to remove the vessel limit.

Option 4. Onboard **headboat vessels** only, the recreational vessel limit is (*Sub-option 4a through 4j*), not to exceed the recreational bag limit per person, whichever is more restrictive:

Sub-option 4a to Sub-option 4j. Range of 12 to 60 dolphin per vessel with an option to remove the vessel limit.

Options 5-7 would be the same as Options 2 through 4 except include “...the recreational vessel limit is (*Sub-option Xa through Xi*), or the recreational bag limit per person, whichever is less restrictive.”

- Additional options may also have regional component (such as “...off of Florida only.”). A regional component could be applied to some or all previously stated options.

Other vessel limit options?

Background:

- Currently the recreational daily bag limit is 10 dolphin per person, not to exceed 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.
 - This covers the entire jurisdictional range of the Dolphin Wahoo FMP (i.e., Maine through Key West, Florida).
- When considering vessel limit reductions in Amendment 10, the Committee reviewed alternatives that would set the vessel limit at 30, 40, 42, 48, and 54 dolphin.
- Comments collected during public hearings and during rule making for Amendment 10 had a notable regional theme, with many of those in favor of reducing retention limits largely based in Florida or South Carolina while those in favor of maintaining the current retention limits based in North Carolina.
 - There were limited and varying opinions on different retention limits between private and charter vessels. Most commenters were in favor of a higher limit onboard charter vessels.
 - Of the comments in support of a reduced vessel limit for dolphin, many expressed support for a 30 fish vessel limit and, to a lesser extent, a 40 fish limit.
 - There were varying opinions on whether reduced vessel limits should cover the entire Atlantic or only apply to certain states.
- Overall, vessels tend to harvest 12 or fewer dolphin per vessel, however charter vessels account for a greater percentage of trips that harvest higher numbers of dolphin per trip (**Figure 4**).
- When catch per vessel is examined by state for Florida and North Carolina, vessels fishing off North Carolina tend to exhibit higher landings per vessel than those fishing off of Florida, with charter vessels in North Carolina particularly harvesting higher numbers of dolphin per vessel (**Figure 5**).

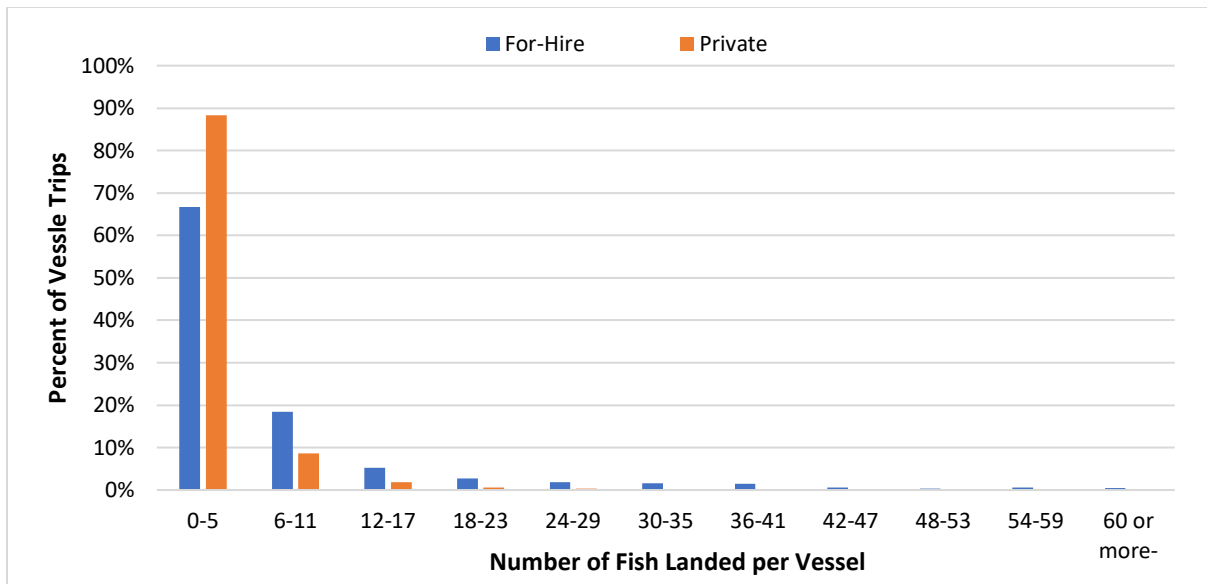


Figure 4. Percentage of trips for a range of dolphin harvested per vessel in the Atlantic (Florida through Maine). The data cover landings from 2016 through 2021 and are based on MRIP (private rec./charter vessels) only.

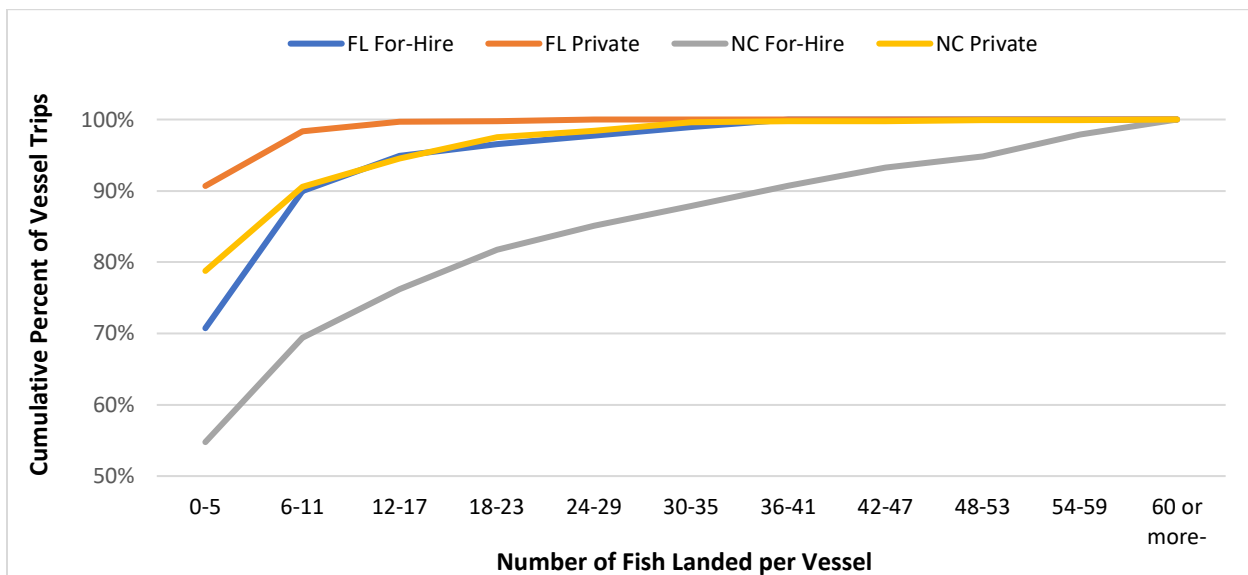


Figure 5. Cumulative percentage of trips for dolphin harvested per vessel in the Atlantic for Florida and North Carolina only. The data cover landings from 2016 through 2020 and are based on MRIP (private rec./charter vessels) only.

AP Comments and Recommendations:

Comments:

- It was noted that while the for-hire industry takes less than 20% of the landings, they do catch more dolphin per trip than the private recreational fleet.
- There was consensus from all AP members that the headboat catch of dolphin was insignificant with regards to the ACL and headboats should continue to not have a vessel limit.

Recommendations:

- Do not implement a vessel limit for headboats (**Option 4**).
- Several AP members advocated for a higher vessel limit for charter boats than for private recreational vessels. There was no opposition stated to this concept. It was perceived that this would not be nearly as big a burden on private recreational anglers as it would be on for-hire vessels.
- If the vessel limit is changed, maintain a limit divisible by 6.
- AP members from Florida felt that the charter vessels could go with 30 fish per vessel.
- AP members from North Carolina felt that charter vessels could not go with a lower vessel limit than what was passed in Amendment 10 (54 fish per vessel).

IPT Comments:

- Given the large number of potential options and sub-options, it would be beneficial for staff if the Committee could narrow the range before additional analysis is completed.
- The “less restrictive” terminology in **Options 5 through 7** could increase harvest if existing bag or vessel limits are not reduced. This seems contrary to the Need of the amendment as it is currently written.
 - Similar outcomes could occur if an action were to remove bag limit or vessel limit and simply defer to one or the other management option (i.e. only have a bag limit or only have a vessel limit).

Committee Action:

- CONSIDER INITIAL ANALYSES, AP INPUT, AND IPT COMMENTS.
- CONFIRM RANGE OF OPTIONS TO SEND OUT FOR SCOPING AND FOR FURTHER DEVELOPMENT.
 - CONSIDER NARROWING RANGE OF OPTIONS?
 - RETAIN OPTION FOR A HEADBOAT VESSEL LIMIT?

4. Modify captain and crew recreational daily bag limits for dolphin onboard charter vessels

Previous Committee Direction to Staff:

- Consider removing or reducing captain and crew bag limits for dolphin.
 - Include a range of options for a bag limit of 2 to 10 dolphin per person if the bag limit is reduced.
- Consider a regional option.
 - Off of Florida only.

Draft Options:

Option 1 (No Action). Captain and crew onboard charter vessels may retain a daily recreational bag limit of dolphin as long as the vessel limit is not exceeded.

Option 2. Onboard charter vessels only, captain and crew may retain a daily recreational bag limit of (*Sub-option 2a through 2i*), not to exceed the recreational vessel limit, whichever is more restrictive:

Sub-option 2a to Sub-option 2i. Range of 2 to 10 dolphin per person.

Option 3. Captain and crew onboard charter vessels may not retain a daily recreational bag limit.

- Additional options may also have regional component (such as “...off of Florida only.”) with wording otherwise the same as **Options 2 and 3**.

Other captain and crew bag limit options?

Background:

- Currently captain and crew on for-hire vessels may retain a recreational bag limit of dolphin from a federal regulatory perspective.
 - Provided the recreational vessel limit is not exceeded.
 - There is an exception onboard headboats where the recreational bag limit is 10 dolphin per paying passenger (50 C.F.R. §622.277). In such a case captain and crew of vessels are not able to retain a recreational bag limit of dolphin.
- For-hire captain and crew recreational bag limits are also allowed in the Snapper Grouper and Coastal Migratory Pelagics fisheries.
 - Previously prohibited for some Snapper Grouper species (gag, black grouper, red grouper, scamp, red hind, rock hind, coney, graysby, yellowfin grouper, yellowmouth grouper, yellowedge grouper, snowy grouper, misty grouper, vermilion snapper, sand tilefish, blueline tilefish, and golden tilefish) but this prohibition was removed via Amendment 27 to the Snapper Grouper Fishery of the South Atlantic Region (effective January 2014).
 - Provides consistency of regulations across South Atlantic FMPs that require a federal for-hire permit.

- Based on MRIP data from 2016 through 2021, it is estimated that captain and crew bag limits make up less than 1% of dolphin landings.

AP Comments and Recommendations:

Comments:

- There was consensus from all AP members that captain and crew should still be able to retain a daily bag limit in the for-hire dolphin fishery, provided that the recreational vessel limit would not be exceeded.

Recommendations:

- Maintain captain and crew bag limits.
 - Make captain and crew bag limits the same as bag limits for anglers onboard charter vessels.
 - These limits are important on charter trips, particularly those with a low number of anglers.
 - Could be used as a conservation tool that also maintains the viability of the charter industry if individual bag limits are reduced.

IPT Comments:

- **Option 2** is necessary if the Committee wants to consider captain and crew bag limits that differ from bag limits onboard charter vessels. If this is not the intent, then the option may not be necessary.

Committee Action:

- CONSIDER INITIAL ANALYSES AND AP COMMENTS.
- CONSIDER WHETHER TO RETAIN THIS ACTION FOR FURTHER DEVELOPMENT.
 - IF SO, RETAIN OPTION 2?
- PROVIDE GUIDANCE ON WHEN SCOPING HEARINGS SHOULD OCCUR.

References:

Schwenke, K. L. and J.A. Buckel. 2008. Age, growth, and reproduction of dolphinfish (*Coryphaena hippurus*) caught off the coast of North Carolina. Fishery Bulletin 106: 82–92.

APPENDIX. 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.