

Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic

(Revise annual catch limits, sector allocations, accountability measures, and management measures for dolphin and wahoo)

Background

In March 2016, the South Atlantic Fishery Management Council (Council) directed staff to begin development of a joint dolphin wahoo and snapper grouper amendment (Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44) to examine different ways to reallocate or share quota between the commercial and recreational sectors for dolphin and yellowtail snapper. One of the major driving events for this amendment occurred in 2015 when the commercial sector met the sector annual catch limit (ACL) for dolphin and closed on June 30, 2015 for the remainder of the calendar year. In the same year, the recreational sector harvested a little over half of the recreational sector ACL, resulting in approximately 6.7 million pounds whole weight (lbs ww) of the total ACL for dolphin going unharvested.

Of note since the 2015 in-season commercial closure for dolphin is Dolphin Wahoo Amendment 8 that went into effect on February 22, 2016 and increased the commercial sector allocation for dolphin from 7.54% to 10% of the total ACL, which added approximately 377,000 lbs ww to the commercial ACL and set the commercial ACL close to the original “soft” cap of 1.5 million lbs ww that was established in the original Dolphin Wahoo Fishery Management Plan (FMP; SAFMC 2003). If Dolphin Wahoo Amendment 8 had been in place in 2015, the in-season closure of commercial dolphin harvest would have been delayed or possibly would not

have occurred. Also, on January 30, 2017, Dolphin Wahoo Framework Amendment 1 went into effect that established a 4,000 lbs ww commercial trip limit for dolphin once 75% of the commercial sector ACL is reached, with the intent of slowing down commercial harvest to avoid an in-season closure for the commercial dolphin fishery. Since 2016, neither the commercial nor the recreational sectors have harvested their respective ACLs and the conditional commercial trip limit implemented in Dolphin Wahoo Framework Amendment 1 has not been triggered.

The Council eventually split Dolphin Wahoo Amendment 10 from Snapper Grouper Amendment 44 and continued to develop the amendments separately. Amendment 10 previously included actions to revise the definition of optimum yield for dolphin, allow adaptive management of sector ACLs, allow possession of dolphin and wahoo when non-authorized gears in the dolphin wahoo fishery are on board a vessel, and remove the operator card requirement for vessel operators or crew members. Development of the amendment was suspended pending availability of revised recreational data from the Marine Recreational Information Program (MRIP) using the Fishery Effort Survey (FES) method instead of the Coastal Household Telephone Survey (CHTS) method, per guidance provided during the March 2017 Council meeting. With revised recreational data available, the Council directed staff at the December 2018 meeting to start work again on Amendment 10 with the inclusion of additional items that would allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders; modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements; reduce the recreational vessel limit for dolphin; revise ACLs to accommodate new recreational data; and revise sector allocations. In March 2019, the Council reviewed the actions in the amendment and added a potential item to explore, the addition of buoy gear in the dolphin wahoo fishery. At the June 2019 meeting, the Council reviewed the amendment, removed an action that would allow bag limit sales of dolphin, and added an action that would allow for-hire vessels north of the Virginia/North Carolina border to fillet dolphin at sea. At the September 2019 meeting, the Council modified and added actions that would revise the accountability measures for dolphin and wahoo.

The Scientific and Statistical Committee (SSC) provided new acceptable biological catch (ABC) recommendations for dolphin and wahoo at their October 2019 meeting and again at their April 2020 meeting. In doing so, recreational landings were included for Monroe County, Florida for both dolphin and wahoo. These landings were previously left out of past catch level recommendations for all unassessed species due to issues with determining whether such landings occurred from Gulf of Mexico or South Atlantic waters. The new MRIP dataset allows for better partitioning of recreational landings from Monroe County, Florida between regions and the vast majority of dolphin and wahoo landed in the county are caught from South Atlantic waters. At their April 2020 meeting, the SSC revisited the time series used to set the catch level recommendations at the request of the Council and chose the third highest landings from 1994 to 2007 for both dolphin and wahoo to set the ABC instead of a time series of 1994 to 1997 for dolphin and 1999 to 2007 for wahoo. This resulted in ABCs of 24,570,764 lbs ww for dolphin and 2,885,303 lbs ww for wahoo. The Only Reliable Catch Stocks (ORCS) method was discussed but the SSC had concerns over the method and will revisit the application of ORCS for all the unassessed species in the ABC Control Rule Amendment. As such, ORCS was not used for recommending the ABCs for dolphin or wahoo.

The actions currently in the amendment can be grouped according to the objectives that they are intended to accomplish. **Actions 1** through **4** accommodate revised recreational data and updated catch level recommendations from the SSC by implementing new ACLs while also revising sector allocations. **Actions 5** through **8** would change recreational accountability measures. The remaining actions (**Actions 9** through **12**) would implement various management revisions for the dolphin wahoo fisheries and are largely independent of one another.

Actions in this amendment

Actions that accommodate revised recreational data and catch level recommendations

- **Action 1.** Revise the total annual catch limit for dolphin to reflect the updated acceptable biological catch level
- **Action 2.** Revise the total annual catch limit for wahoo to reflect the updated acceptable biological catch level
- **Action 3.** Revise sector allocations and sector annual catch limits for dolphin
- **Action 4.** Revise sector allocations and sector annual catch limits for wahoo

Actions that change recreational accountability measures

- **Action 5.** Revise the trigger for the post-season recreational accountability measures for dolphin
- **Action 6.** Revise the post-season recreational accountability measures for dolphin
- **Action 7.** Revise the trigger for the post-season recreational accountability measures for wahoo
- **Action 8.** Revise the post-season recreational accountability measures for wahoo

Actions that implement various management revisions in the dolphin wahoo fishery

- **Action 9.** Allow properly permitted commercial fishing vessels with trap, pot, or buoy gear on board that are not authorized for use in the dolphin wahoo fishery to possess commercial quantities of dolphin and wahoo
- **Action 10.** Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery
- **Action 11.** Reduce the recreational vessel limit for dolphin
- **Action 12.** Allow filleting of dolphin at sea on board charter or headboat vessels in the waters north of the Virginia/North Carolina border

Objectives for this meeting

- Review and approve the draft purpose and need statements.
- Review actions and alternatives and make modifications as appropriate.
- Consider choosing preferred alternatives.
- Consider timing of the amendment and approving for public hearings.

Potential amendment timing

March 2016	Council directed staff to begin development of a joint dolphin wahoo and snapper grouper amendment (Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44).
August 2016	Scoped concepts of gear allocation of commercial sector ACL (longline vs. all other gears) and adaptive management of sector ACLs.
March 2017	Development of the amendment was suspended pending the availability of revised recreational data (MRIP revisions).
December 2018	Council directed staff to begin work again on the amendment.
December 2020	Council approves Purpose and Need statements, reviews preliminary effects, provides guidance on actions, selects preferred alternatives, and approves for public hearings.
Winter 2021	Public hearings occur.
March 2021	Council reviews public hearing comments and revised effects. Also provides guidance on actions.
June 2021	Council reviews the amendment and approves for Secretarial review.
2022	Dolphin Wahoo Amendment 10 actions are implemented.

Purpose and Need Statement

The *purpose* of Dolphin Wahoo Amendment 10 is to revise the catch levels [acceptable biological catch (ABC) and annual catch limits (ACL)], sector allocations, accountability measures, and management measures for dolphin and wahoo. Management measures address authorized gear and the operator card requirement in the dolphin and wahoo fisheries, as well as recreational vessel limits and allowing fillets at sea onboard for-hire vessels in the dolphin fishery.

The *need* for Dolphin Wahoo Amendment 10 is to base conservation and management measures on the best scientific information available and increase net benefits to the Nation, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

IPT Recommendations/Comments:

- As an initial starting point, the IPT has suggested the above draft purpose and need statements.

Committee Action:

- APPROVE THE IPT'S SUGGESTED PURPOSE AND NEED STATEMENTS IN AMENDMENT 10.
- PROVIDE EDITS AND APPROVE THE PURPOSE AND NEED STATEMENTS IN AMENDMENT 10 AS REVISED.

Proposed Actions and Alternatives

Action 1. Revise the total annual catch limit for dolphin to reflect the updated acceptable biological catch level

Action Alternatives:

Alternative 1 (No Action). The total annual catch limit for dolphin is equal to the current acceptable biological catch level.

Preferred Alternative 2. The total annual catch limit for dolphin is equal to the updated acceptable biological catch level.

Alternative 3. The total annual catch limit for dolphin is equal to 95% of the updated acceptable biological catch level.

Alternative 4. The total annual catch limit for dolphin is equal to 90% of the updated acceptable biological catch level.

Discussion:

- The ACL for dolphin is dependent on the ABC, which is set based on catch level recommendations from the Council's SSC.
- The SSC provided a new ABC for dolphin at their October 2019 meeting and again at their April 2020 meeting. In doing so, recreational landings were included for Monroe County, Florida. These landings were previously left out of past catch level recommendations for all unassessed species due to issues with determining whether such landings occurred from Gulf of Mexico or South Atlantic waters. The new MRIP dataset allows for better partitioning of recreational landings from Monroe County, Florida between regions and the vast majority of dolphin landed in the county are caught from South Atlantic waters.
- At their April 2020 meeting, the SSC revisited the time series used to set the catch level recommendations at the request of the Council and chose the third highest landings from 1994 to 2007 for dolphin to set the ABC instead of a time series of 1994 to 1997 for dolphin.
- The revised ABC for dolphin is 24,570,764 lbs ww which incorporates FES estimates of recreational landings (**Figure 1**). The existing ABC for dolphin is 15,344,846 lbs ww and incorporates CHTS estimates of recreational landings.
- The ABC is currently set equal to the ACL as specified in Dolphin Wahoo Amendment 5, which accommodated a previous revision of MRIP data.
- Dolphin landings are largely driven by the recreational sector. The percent standard errors (PSEs) for recreational dolphin landings (**Table 1**) tend to be relatively low each year and are

among the lowest of the species that the Council manages. This may be an important consideration in whether a buffer is desired between the ABC and ACL to account for uncertainty.

- **Alternative 1 (No Action)** maintains the ACL equal to the existing ABC which does not incorporate recreational landings from Monroe County, FL and is tracked using CHTS estimates for recreational data. All other alternatives incorporate recreational landings from Monroe County, FL and would be tracked using FES estimates for recreational data. **Alternative 1 (No Action)** is not a viable alternative because it is not based on the best scientific information available (BSIA).
- **Preferred Alternative 2** would set the ACL equal to the updated ABC. **Alternative 3** would implement a 5% buffer between the ACL and ABC which equates to approximately 1.23 million pounds. **Alternative 4** would implement a 10% buffer between the ACL and ABC which equates to approximately 2.46 million pounds. All of these alternatives adopt BSIA.
- The potential revised dolphin ACLs are all above the observed landings in recent years except for 2015 (**Figure 1**). The new ACL is likely not constraining on total harvest but could be potentially constraining in years of exceptionally high landings (**Table 2, Appendix A**).

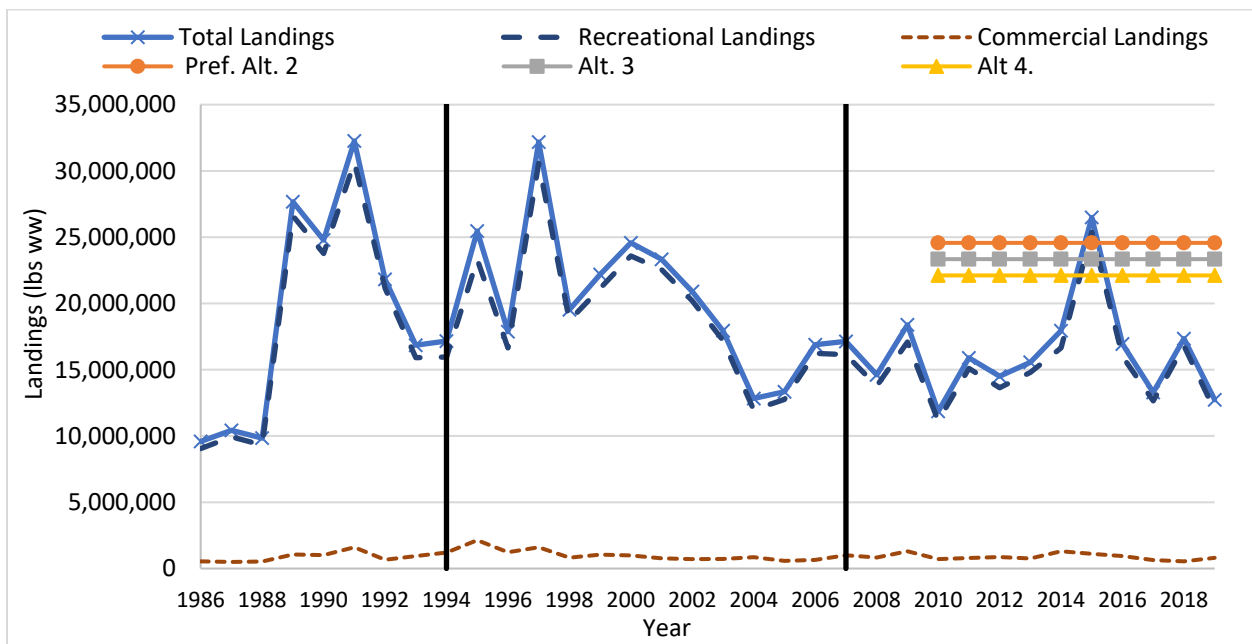


Figure 1. Atlantic dolphin landings (pounds whole weight) from 1986-2019 in comparison to **Alternatives 2 (Preferred)** through **4 in Action 1**. The solid vertical lines indicate baseline years (1994 to 2007) selected by the SSC for setting the dolphin ABC. Please note that 2019 commercial landings are preliminary.

Table 1. Percent standard errors (PSEs) for recreational Atlantic dolphin landings (by weight), 2010-2019.

Year	Recreational PSEs for Dolphin
2010	15.2
2011	13.5
2012	12.1
2013	18.9
2014	15.4
2015	12.4
2016	11.2
2017	14.5
2018	14.6
2019	14.4

Table 2. Projection of total ACL being reached under alternatives in **Action 1** when compared with the average landings (lbs ww) from 2015-2019 (5-year average) and 2017-2019 (3-year average), and maximum landings for a single year from 2015-2019. Please note that 2019 landings are preliminary.

Alternative	Dolphin ACL (lbs ww)	Total ACL reached based on average landings from 2015-2019	Total ACL reached based on average landings from 2017-2019	Total ACL reached based on maximum landings from 2015-2019
Alternative 1 (No Action)*	15,344,846	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	24,570,764	No	No	Yes (16-Oct)
Alternative 3	23,342,226	No	No	Yes (30-Sep)
Alternative 4	22,113,688	No	No	Yes (14-Sep)

***Alternative 1 (No Action)** incorporates CHTS estimates for recreational landings and is not applicable to the potential new ACLs which incorporate FES estimates.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and approved the following motion during their October 28, 2020 meeting:

Comments:

- Some AP members expressed concern over population trends for dolphin noting that abundance is important for the recreational fishery. Dolphin tend to be relatively easy to catch when present, thus making them more susceptible to depletion and a more cautious approach is appropriate to management.

MOTION: ENDORSE ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTIONS 1 AND 2.

APPROVED BY AP

Committee Action:

- THE COMMITTEE MAY WANT TO DISCUSS THE ACTION/ALTERNATIVES AND MODIFY IF NEEDED.

Action 2. Revise the total annual catch limit for wahoo to reflect the updated acceptable biological catch level.

Action Alternatives:

Alternative 1 (No Action). The total annual catch limit for wahoo is equal to the acceptable biological catch level.

Preferred Alternative 2. The total annual catch limit for wahoo is equal to the updated acceptable biological catch level.

Alternative 3. The total annual catch limit for wahoo is equal to 95% of the updated acceptable biological catch level.

Alternative 4. The total annual catch limit for wahoo is equal to 90% of the updated acceptable biological catch level.

Discussion:

- The ACL for wahoo is dependent on the ABC, which is set based on catch level recommendations from the Council's SSC.
- The SSC provided new ABCs for wahoo at their October 2019 meeting and again at their April 2020 meeting. In doing so, recreational landings were included for Monroe County, Florida. These landings were previously left out of past catch level recommendations for all unassessed species due to issues with determining whether such landings occurred from Gulf of Mexico or South Atlantic waters. The new MRIP dataset allows for better partitioning of recreational landings from Monroe County, Florida between regions and the vast majority of wahoo landed in the county are caught from South Atlantic waters.
- At their April 2020 meeting, the SSC revisited the time series used to set the catch level recommendations and chose the third highest landings from 1994 to 2007 to set the ABC for wahoo instead of a time series of 1999 to 2007.
- The revised ABC for wahoo is 2,885,303 lbs ww which incorporates FES estimates of recreational landings (**Figure 2**). The existing ABC for wahoo is 1,794,960 lbs ww and incorporates CHTS estimates of recreational landings.
- The ABC is currently set equal to the ACL as specified in Dolphin Wahoo Amendment 5, which accommodated a previous revision of MRIP data.
- Wahoo landings are largely driven by the recreational sector. While higher than those for dolphin, the percent standard errors (PSEs) for recreational wahoo landings (**Table 3**) tend to be relatively low each year and are among the lowest for species that the Council manages. This may be an important consideration in whether a buffer is desired between the ABC and ACL to account for uncertainty.
- **Alternative 1 (No Action)** maintains the ACL equal to the existing ABC which does not incorporate recreational landings from Monroe County, FL and is tracked using CHTS estimates for recreational data. All other alternatives incorporate recreational landings from Monroe County, FL and would be tracked using FES estimates for recreational data. **Alternative 1 (No Action)** is not a viable alternative because it is not based on the best scientific information available (BSIA).

- **Preferred Alternative 2** would set the ACL equal to the updated ABC. **Alternative 3** would implement a 5% buffer between the ACL and ABC which equates to approximately 144,000 pounds. **Alternative 4** would implement a 10% buffer between the ACL and ABC which equates to approximately 289,000 pounds. All of these alternatives adopt BSIA.
- The potential revised wahoo ACLs are below some of the observed landings in recent years (**Figure 2**). The new ACL is not constraining on total harvest based on the most recent three years of landings but could be potentially constraining in years of exceptionally high landings or if using a five-year average landings baseline (**Table 4, Appendix B**).

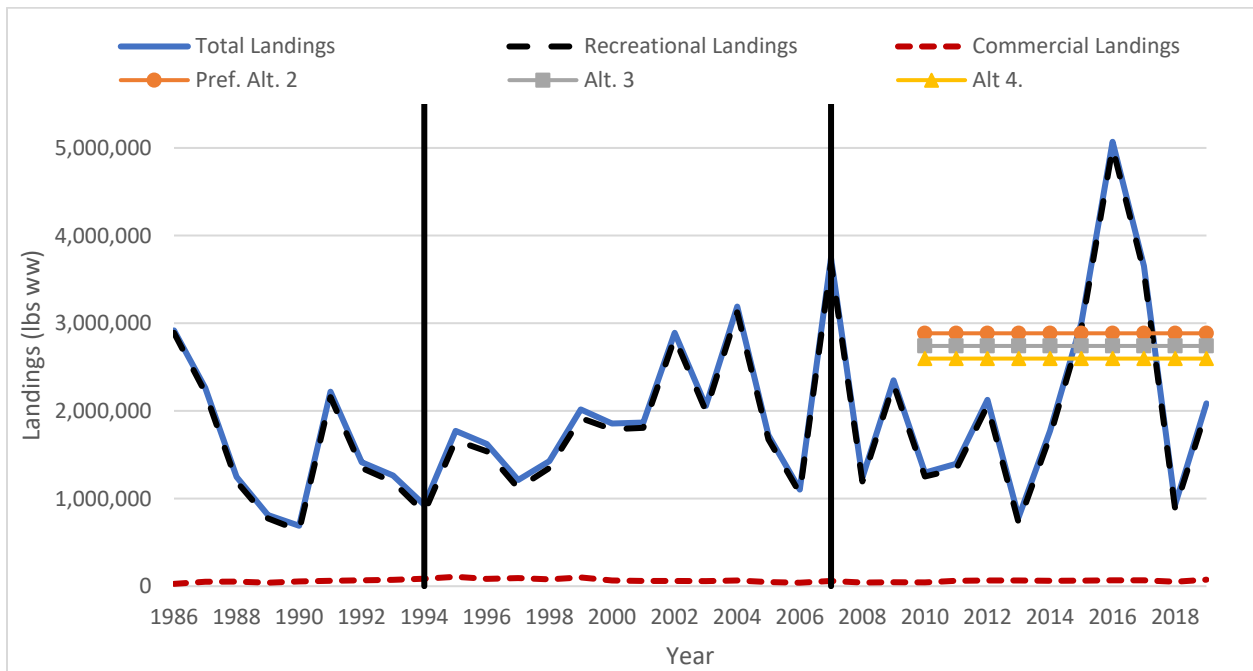


Figure 2. Atlantic wahoo landings (pounds whole weight) from 1986-2019 in comparison to **Alternatives 2 (Preferred)** through **4** in **Action 2**. The solid vertical lines indicate baseline years (1994 to 2007) selected by the SSC for setting the wahoo ABC. Please note that 2019 commercial landings are preliminary.

Table 3. Percent standard errors (PSEs) for recreational Atlantic wahoo landings (by weight), 2010-2019.

Year	Recreational PSEs for Wahoo
2010	27.2
2011	25.1
2012	13.6
2013	21.5
2014	21.8
2015	26.7
2016	28.8
2017	40.9
2018	27
2019	28.8

Table 4. Projection of total ACL being reached under alternatives in **Action 2** when compared with the average landings (lbs ww) from 2015-2019 (5-year average) and 2017-2019 (3-year average), and maximum landings for a single year from 2015-2019. Please note that 2019 landings are preliminary.

Alternative	Wahoo ACL (lbs ww)	Total ACL reached based on average landings from 2015-2019	Total ACL reached based on average landings from 2017-2019	Total ACL reached based on maximum landings from 2015-2019
Alternative 1 (No Action)*	1,794,960	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	2,885,303	Yes (24-Dec)	No	Yes (22-Sep)
Alternative 3	2,741,038	Yes (8-Dec)	No	Yes (8-Sep)
Alternative 4	2,596,773	Yes (22-Nov)	No	Yes (29-Aug)

***Alternative 1 (No Action)** incorporates CHTS estimates for recreational landings and is not applicable to the potential new ACLs which incorporate FES estimates.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and approved the following motion during their October 28, 2020 meeting:

Comments:

- Wahoo tend to be more difficult to target and thus may not be as susceptible to traditional fishing pressure. A less cautious approach to management may be appropriate but AP members stated that there is concern over increased fishing pressure, particularly from divers using spearfishing gear. It was noted that some divers seem to be targeting spawning aggregations and that divers were accounting for a notable number of wahoo harvested directly and through delayed mortality due to wahoo being speared but escaping when the spear pulls out of the fish.

MOTION: ENDORSE ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTIONS 1 AND 2.
APPROVED BY AP

Committee Action:

- NONE REQUIRED.
- THE COMMITTEE MAY WANT TO DISCUSS THE ACTION/ALTERNATIVES AND MODIFY IF NEEDED.

Action 3. Revise sector allocations and sector annual catch limits for dolphin

Action Alternatives:

Note: The revised total annual catch limit in Alternatives 1 (No Action) through 4 reflects Preferred Alternative 2 in Action 1 in Amendment 10 to the Fishery Management Plan for Dolphin and Wahoo of the Atlantic. The revised total annual catch limit includes recreational landings from Monroe County, Florida, and incorporates recreational data as per the Marine Recreational Information Program using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

Alternative 1 (No Action). Retain the current recreational sector and commercial sector allocations as 90.00% and 10.00%, respectively, of the revised total annual catch limit for dolphin.

Alternative 2. Allocate 93.75% of the revised total annual catch limit for dolphin to the recreational sector. Allocate 6.25% of the revised total annual catch limit for dolphin to the commercial sector. This is based on approximately maintaining the current commercial annual catch limit and allocating the remaining revised total annual catch limit to the recreational sector.

Alternative 3. Allocate 93.00% of the revised total annual catch limit for dolphin to the recreational sector. Allocate 7.00% of the revised total annual catch limit for dolphin to the commercial sector. This is based on the Council's intent to explore alternatives for sector allocations that would not result in a decrease in the current pounds of dolphin available to either sector.

Alternative 4. Allocate 92.00% of the revised total annual catch limit for dolphin to the recreational sector. Allocate 8.00% of the revised total annual catch limit for dolphin to the commercial sector. This is based on the Council's intent to explore alternatives for sector allocations that would not result in a decrease in the current pounds of dolphin available to either sector.

Discussion:

- **Alternative 1 (No Action)** maintains the current sector allocations implemented via Dolphin Wahoo Amendment 8 (effective February 2016), which was the most recent amendment where sector allocations for dolphin were modified.
- **Alternative 2** approximately maintains the current commercial sector ACL (1,534,485 lbs ww) on a pound-basis, while allocating the remainder of the total ACL to the recreational sector.

- **Alternatives 3 and 4** revise sector allocations based on the Council’s guidance at the June 2020 meeting and intent to explore alternatives for sector allocations that would not result in a decrease in the current pounds of dolphin available to either sector.
- All alternatives would increase the recreational ACL on a pound basis, but comparison to the current recreational ACL may not be relevant due to the relatively large shift from CHTS to FES estimates and how landings will be tracked going forward in time.
- All alternatives would increase the commercial ACL on a pound basis (**Table 6**).
- While none of the alternatives are projected to be constraining on either sector (**Table 7; Figures 3 and 4**) in most years, it is still possible that landings could exceed some of the alternatives for the recreational sector in years of exceptionally high landings.

Table 5. Sector allocations and ACLs for Atlantic dolphin in **Action 3** based on the revised total ACL of 24,570,764 lbs ww from Preferred Alternative 2 in Action 1.

Alternative	Recreational allocation of the total ACL	Recreational sector ACL (lbs ww)	Commercial allocation of the total ACL	Commercial sector ACL (lbs ww)
Alternative 1 (No action)	90.00%	22,113,688	10.00%	2,457,076
Alternative 2	93.75%	23,035,091	6.25%	1,535,673
Alternative 3	93.00%	22,850,811	7.00%	1,719,953
Alternative 4	92.00%	22,605,103	8.00%	1,965,661

Table 6. Commercial ACLs for dolphin in **Action 3** in comparison to the current commercial ACL.

Alternative	Commercial ACL (lbs ww)	Difference from current commercial ACL (lbs ww) *
Alternative 1 (No Action)	2,457,076	922,591
Alternative 2	1,535,673	1,188
Alternative 3	1,719,953	185,468
Alternative 4	1,965,661	431,176

*Current commercial ACL= 1,534,485 lbs ww.

Table 7. Predicted date when the recreational and commercial sector ACLs for dolphin would be reached or exceeded under the maximum landings for a single year from 2015-2019. **PLEASE NOTE:** The recreational and commercial sector ACLs for dolphin would not be reached or exceeded under the average landings from 2015-2019 (5-year average) or average landings from 2017-2019 (3-year average) scenarios. 2019 commercial landings are preliminary.

Alternative	Recreational Sector ACL (lbs ww)	Recreational ACL reached?	Commercial Sector ACL (lbs ww)	Commercial ACL reached?
Alternative 1 (No Action)	22,113,688	Yes (29-Sep)	2,457,076	No
Alternative 2	23,035,091	Yes (11-Oct)	1,535,673	No
Alternative 3	22,850,811	Yes (8-Oct)	1,719,953	No
Alternative 4	22,605,103	Yes (5-Oct)	1,965,661	No

Note: Maximum annual landings during 2015-2019 were 25,375,981 lbs ww for the recreational sector and 1,111,483 lbs ww for the commercial sector.

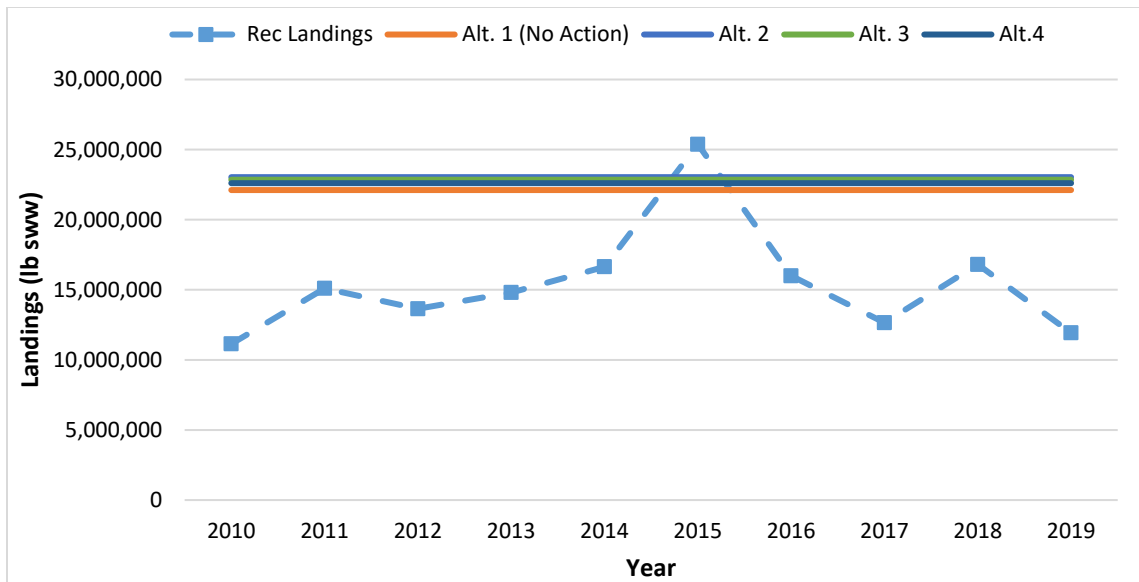


Figure 3. Recreational dolphin landings in comparison to allocation alternatives in **Action 3**, 2010-2019.

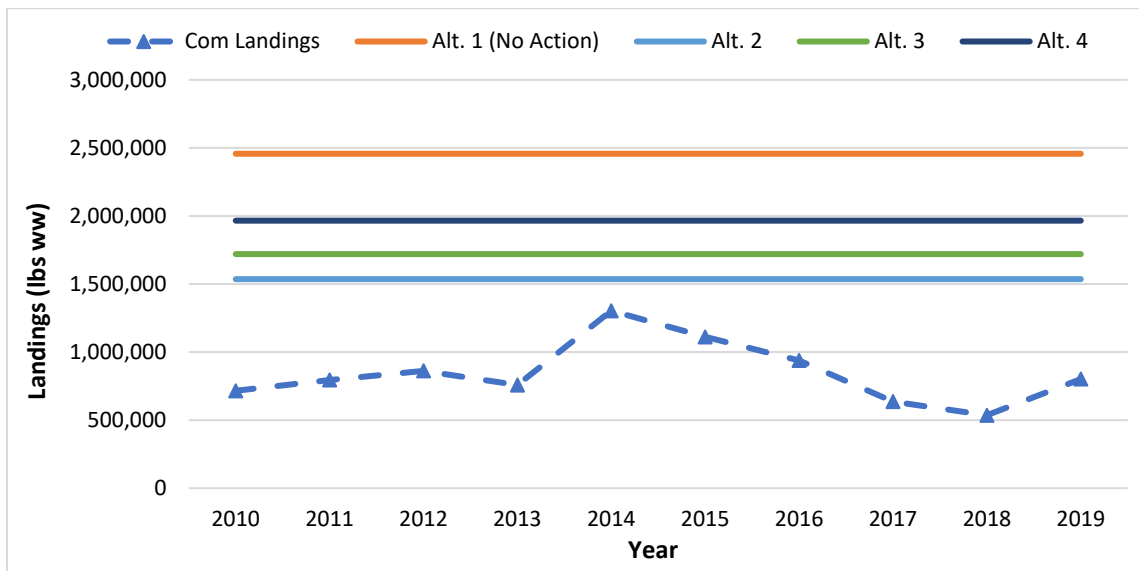


Figure 4. Commercial Atlantic dolphin landings in comparison to allocation alternatives in **Action 3**, 2010-2019. Please note that 2019 landings are preliminary.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and approved the following motion during their October 28, 2020 meeting:

Recommendations:

- In **Action 3**, the AP expressed support for **Alternative 2**, noting that this alternative would not encourage increased harvest of dolphin while also maintaining adequate harvest levels for both sectors.

MOTION: CHOOSE ALTERNATIVE 2 AS PREFERRED IN ACTION 3.

APPROVED BY AP

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 3 IN AMENDMENT 10 (HIGHLIGHTED IN YELLOW).
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 3 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 4. Revise sector allocations and sector annual catch limits for wahoo

Action Alternatives:

Note: The revised total annual catch limit in Alternatives 1 (No Action) through 4 reflects Preferred Alternative 2 in Action 2 in Amendment 10 to the Fishery Management Plan for Dolphin and Wahoo of the Atlantic. The revised total annual catch limit includes recreational landings from Monroe County, Florida, and incorporates recreational data as per the Marine Recreational Information Program using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

Alternative 1 (No Action). Retain the current recreational sector and commercial sector allocations as 96.07% and 3.93%, respectively, of the revised total annual catch limit for wahoo.

Alternative 2. Allocate 96.35% of the revised total annual catch limit for wahoo to the recreational sector. Allocate 3.65% of the revised total annual catch limit for wahoo to the commercial sector. This is based on the total catch between 1994 and 2007.

Alternative 3. Allocate 97.55% of the revised total annual catch limit for wahoo to the recreational sector. Allocate 2.45% of the revised total annual catch limit for wahoo to the commercial sector. This is based on maintaining the current commercial annual catch limit and allocating the remaining revised total annual catch limit to the recreational sector.

Alternative 4. Allocate 97.00% of the revised total annual catch limit for wahoo to the recreational sector. Allocate 3.00% of the revised total annual catch limit for wahoo to the commercial sector. This is based on the Council's intent to explore alternatives for sector allocations that would not result in a decrease in the current pounds of wahoo available to either sector.

Discussion:

- **Alternative 1 (No Action)** maintains the current sector allocations implemented via Dolphin Wahoo Amendment 5 (effective July 2014), which was the most recent amendment where sector allocations for wahoo were modified.
- **Alternative 2** revises sector allocations with updated landings data (inclusive of Monroe County, FL recreational landings as well as FES estimates) for the same time series for catch data that the SSC examined when updating the ABC for wahoo which was 1994 through 2007.

- **Alternative 3** approximately maintains the current commercial sector ACL (70,542 lbs ww) on a pound-basis, while allocating the remainder of the total ACL to the recreational sector.
- **Alternative 4** revises sector allocations based on the Council’s guidance at the June 2020 meeting and intent to explore alternatives for sector allocations that would not result in a decrease in the current pounds of dolphin available to either sector.
- All alternatives would lead to an increase in the ACL for the recreational sector on a pound basis, but comparison to the current recreational ACL may not be relevant due to the relatively large shift from CHTS to FES estimates.
- All alternatives would lead to an increase in the ACL for the commercial sector on a pound basis (**Table 9**).
- The potential revised recreational ACLs are below some of the observed landings in recent years (**Figure 5**). Landings have been above the potential new sector ACLs in 3 of the past 5 years. The new ACL would not be constraining on recreational harvest in many years but will be constraining in years of exceptionally high landings (**Table 10, Appendix B**).
- While none of the alternatives are projected to be constraining on the commercial sector, it is still possible that landings could exceed some of the alternatives in years of exceptionally high landings (**Figure 6, Table 10, Appendix B**).

Table 8. Sector allocations for wahoo in **Action 4** based on the revised total ACL of 2,885,303 lbs ww from Preferred Alternative 2 in Action 2.

Alternative	Percent Recreational allocation	Recreational sector ACL (lbs ww)	Percent Commercial allocation	Commercial sector ACL (lbs ww)
Alternative 1 (No action)	96.07%	2,771,911	3.93%	113,392
Alternative 2	96.35%	2,779,989	3.65%	105,314
Alternative 3	97.55%	2,814,613	2.45%	70,690
Alternative 4	97.00%	2,798,744	3.00%	86,559

Table 9. Commercial ACLs for wahoo in **Action 4** in comparison to the current commercial ACL.

Alternative	Commercial ACL (lbs ww)	Difference from current commercial ACL (lbs ww) *
Alternative 1 (No Action)	113,392	42,850
Alternative 2	105,314	34,772
Alternative 3	70,690	148
Alternative 4	86,559	16,017

**Current commercial ACL= 70,542 lbs ww.

Table 10. Predicted date when the recreational and commercial sector ACLs for wahoo would be reached or exceeded under three scenarios: 1) average from 2015-2019 (5-year average), 2) average from 2017-2019 (3-year average), and 3) the maximum landings for a single year from 2015-2019. 2019 commercial landings are preliminary.

Alternative	Wahoo ACL (lbs ww)	ACL reached? Average 2015-2019 landings	ACL reached? Average 2017-2019 landings	ACL reached? Maximum landings from 2015-2019
Commercial Sector				
Alternative 1 (No Action)	113,392	No	No	No
Alternative 2	105,314	No	No	No
Alternative 3	70,690	No	No	Yes (23-Nov)
Alternative 4	86,559	No	No	No
Recreational Sector				
Alternative 1 (No Action)	2,771,911	Yes (19-Dec)	No	Yes (17-Sep)
Alternative 2	2,779,989	Yes (20-Dec)	No	Yes (18-Sep)
Alternative 3	2,814,613	Yes (24-Dec)	No	Yes (21-Sep)
Alternative 4	2,798,744	Yes (22-Dec)	No	Yes (19-Sep)

Note: Maximum annual landings during 2015-2019 were 5,003,444 lbs ww for the recreational sector and 74,449 lbs ww for the commercial sector.

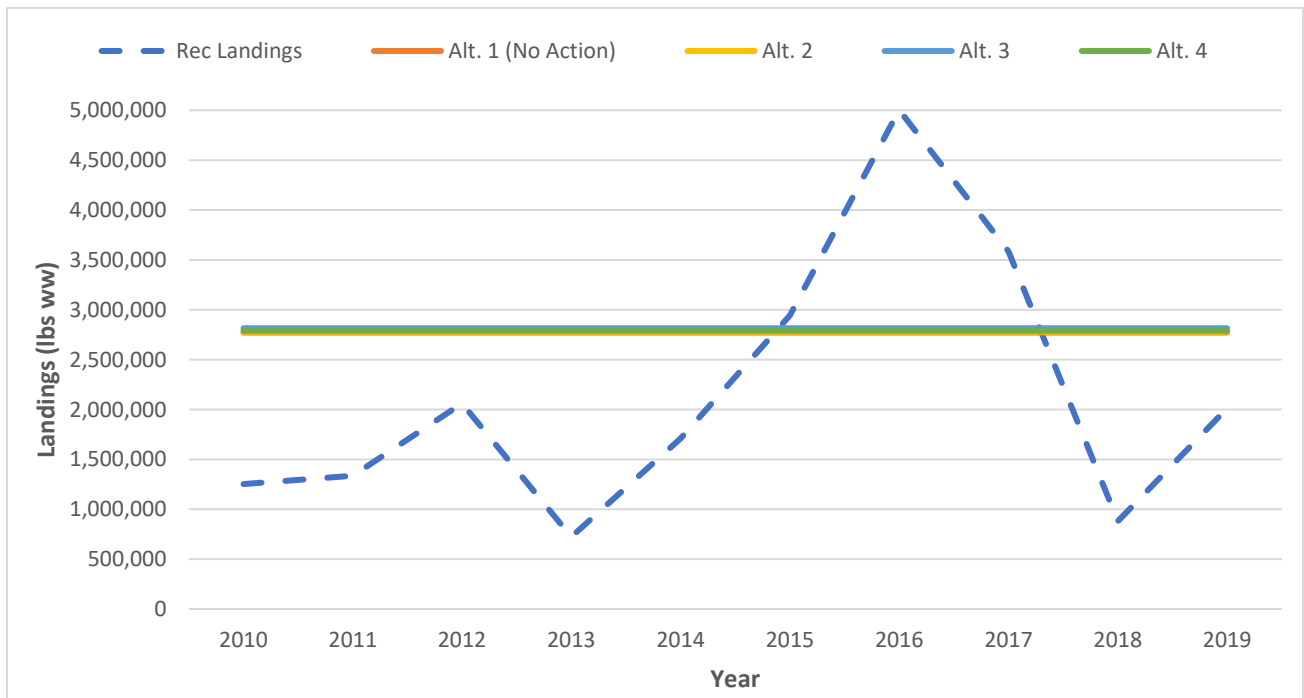


Figure 5. Recreational wahoo landings in comparison to allocation alternatives in **Action 4**, 2010-2019.

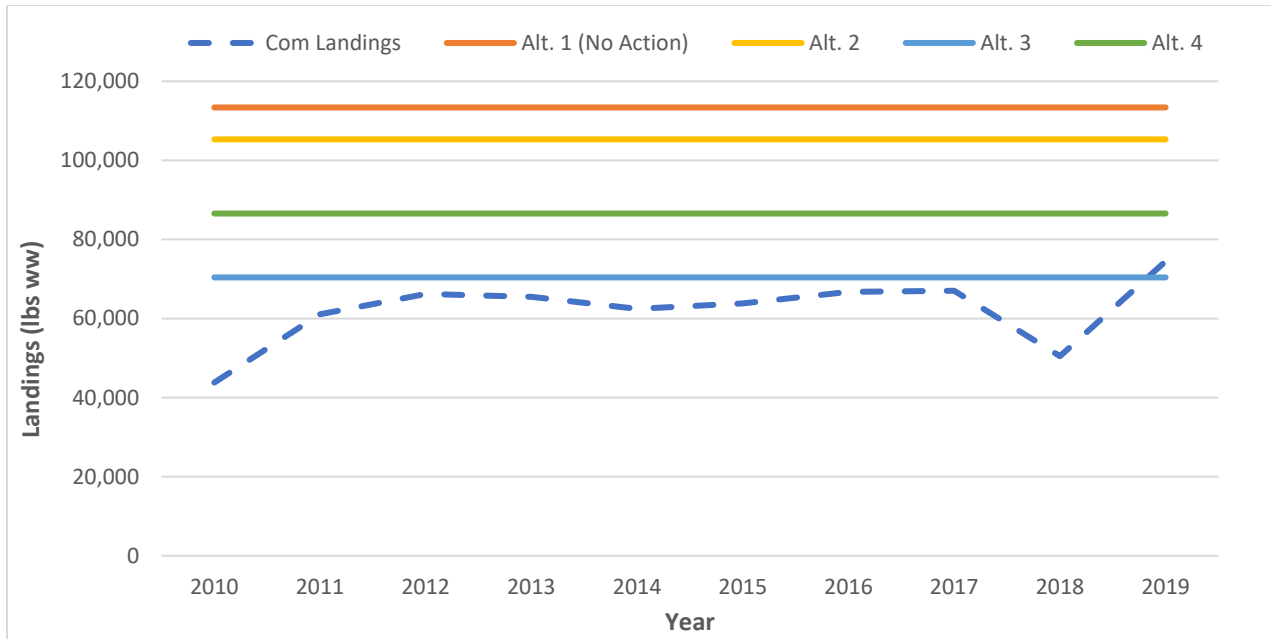


Figure 6. Commercial wahoo landings in comparison to allocation alternatives in **Action 4**, 2010-2019. Please note that commercial landings are preliminary.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and approved the following motion during their October 28, 2020 meeting:

Recommendations:

- In **Action 4**, the AP expressed support for **Alternative 3**, noting that this alternative would not encourage increased harvest of wahoo while maintaining adequate harvest levels for both sectors.

**MOTION: CHOOSE ALTERNATIVE 3 AS PREFERRED IN ACTION 4.
APPROVED BY AP**

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 4 IN AMENDMENT 10 (HIGHLIGHTED IN YELLOW).
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 4 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 5. Revise the trigger for the post-season recreational accountability measures for dolphin

Action Alternatives:

Alternative 1 (No action). If recreational landings exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. Implement post season accountability measures in the following fishing year if the recreational annual catch limits are constant and the 3-year geometric mean of landings exceeds the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Alternative 3. Implement post season accountability measures in the following fishing year if the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Alternative 4. Implement post season accountability measures in the following fishing year if recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Alternative 5. Implement post season accountability measures in the following fishing year if the total (commercial and recreational combined) annual catch limit is exceeded.

Alternative 6. Implement post season accountability measures in the following fishing year if the recreational annual catch limit is exceeded.

Discussion:

- **Action 5** was included as part of the Council's guidance to split the recreational AM action for dolphin into two actions, with one focusing on the trigger for the AM and the other focusing on the AM itself. Furthermore, the Council specified that it did not want to consider in season AMs for the recreational sector.
- Under **Alternative 1 (No Action)**, the recreational sector AM does not include in-season closure if the sector ACL is met or projected to be met. This alternative allows the recreational sector to exceed the sector ACL in a given year and landings would be monitored for persistence in increased landings. If the total ACL is exceeded and the recreational ACL continues to be exceeded, then the sector ACL would be reduced by the overage amount (i.e., a payback provision) and the recreational season would be reduced, but

only if dolphin is overfished. Additionally, the recreational ACL and season would not be reduced if the RA determines this action is not necessary.

- Since the current recreational AM is likely inadequate because it depends on an overfished status, this issue will need to be addressed. **Alternatives 2 through 6** address this issue.
- **Alternative 2** would trigger the recreational AM if the 3-year geometric mean of recreational dolphin landings exceed the sector ACL.
- **Alternative 3** would trigger the recreational AM if the summed recreational landings over 3 years exceeds the summed sector ACL over the same 3 years.
- **Alternative 4** would trigger the recreational AM if recreational landings exceed the sector ACL two times in a three-year timespan or the total ACL is exceeded.
- **Alternative 5** would trigger the recreational AM if the total ACL is exceeded.
- **Alternative 6** would trigger the recreational AM if the recreational ACL is exceeded.

Table 11. Summary of triggers for post-season recreational accountability measures in **Action 5**.

Alternative	Trigger(s) for the post-season recreational AM
Alternative 1 (No Action)	The total and sector ACL is exceeded and dolphin deemed overfished.
Alternative 2	The 3-year geometric mean of recreational landings exceeds the sector ACL.
Alternative 3	The 3-year summed total of recreational landings exceeds the 3-year summed total of the sector ACL.
Alternative 4	Recreational landings exceed the sector ACL two times in a 3-year period or the total ACL is exceeded in any single year.
Alternative 5	Recreational and commercial landings exceed the total ACL.
Alternative 6	Recreational landings exceed the sector ACL.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and provided the following recommendation during their October 28, 2020 meeting:

- Regarding **Action 5**, the AP did not choose a single alternative but noted that multi-year triggers that take into account variability in landings are preferred.

IPT Recommendations/Comments:

- Since the current recreational AM is inadequate because it depends on an overfished status, this issue will need to be addressed. **Alternatives 2 through 6** address this issue.
- Combining three years of data could help overcome some of the issues with MRIP stemming from the timing of data and issues with data anomalies (**Alternatives 2 and 3**).
- The multi-year alternatives in **Action 5** are likely not compatible with Alternative 5 in Action 6, as it may not lead formulation of an adequate AM since overruns of the sector ACL could go on for several years with no corrective action.
- While potentially unlikely, using multi-year triggers in **Alternatives 2 and 3** could lead to multi-year AMs being in place if recreational landings greatly exceed the sector ACL in a single year due to no in-season AM being in place such as a harvest closure or measures to slow down recreational harvest.

Committee Action:

- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 6. Revise the post-season recreational accountability measures for dolphin

Action Alternatives:

Alternative 1 (No action). If recreational landings exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. Reduce the length of the following recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded in the following year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 3. Reduce the bag limit in the following recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded in the following year. However, the bag limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 4. Reduce the vessel limit in the following recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded in the following year. However, the vessel limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 5. In the following fishing year monitor landings and if landings are projected to meet the sector ACL, reduce the bag limit and/or the vessel limit (*Sub-alternatives 5a and/or 5b*) first and if needed reduce the length of the recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded. However, the vessel limit, bag limit, and/or recreational fishing season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Sub-alternative 5a. Reduce the bag limit by the amount necessary but not below X fish per person per day (*Council to fill in the number*).

Sub-alternative 5b. Reduce the vessel limit by the amount necessary but not below X fish per vessel per day (*Council to fill in the number*).

Alternative 6. In order to prevent the annual catch limit from being exceeded in the following fishing year, reduce the bag limit first, and, if necessary, shorten the length of the recreational

fishing season. The bag limit will not be reduced below X fish per person per day (*Council to fill in the number*). However, the bag limit, and/or recreational fishing season, will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 7. In order to prevent the annual catch limit from being exceeded in the following fishing year, reduce the vessel limit first, and, if necessary, shorten the length of the recreational fishing season. The vessel limit will not be reduced below X fish per vessel per day (*Council to fill in the number*). However, the vessel limit, and/or recreational fishing season, will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Discussion:

- Under **Alternative 1 (No Action)**, the recreational sector AM does not include in-season closure if the sector ACL is met or projected to be met. This alternative allows the recreational sector to exceed the sector ACL in a given year and landings would be monitored for persistence in increased landings. If the recreational ACL continues to be exceeded, then the sector ACL would be reduced by the overage amount (i.e., a payback provision) and the recreational season would be reduced, but only if dolphin is overfished and the total ACL is exceeded. Additionally, the recreational ACL and season would not be reduced if the RA determines this action is not necessary.
- In accordance with guidance from the Council, all alternatives preserve language along the lines of “if the regional administrator determines, using the best available science, that it is not necessary.”
- **Alternative 2** would reduce the length of the following recreational fishing season by the amount necessary to prevent the sector ACL from being exceeded.
- **Alternative 3** would reduce the bag limit the following fishing season by the amount necessary to prevent the ACL from being exceeded.
- **Alternative 4** would reduce the vessel limit the following fishing season by the amount necessary to prevent the ACL from being exceeded.
- **Alternative 5** was added in response to the following direction to staff from the Council’s September 2020 meeting: “Add an alternative that would monitor for persistence in increased landings. Under this alternative, if landings are projected meet the sector ACL, reduce the bag limit or vessel limit first and if needed reduce the length of the recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded.”
- **Alternative 6** would reduce the bag limit up to a minimum number set by the Council and the fishing season would be reduced if still necessary to prevent the ACL from being exceeded.
- **Alternative 7** would reduce the vessel limit up to a minimum number set by the Council and the fishing season would be reduced if still necessary to prevent the ACL from being exceeded.

Table 12. Summary of post-season recreational accountability measures in **Action 6.**

Alternative	Post-season recreational AM
Alternative 1 (No Action)	Reduce the sector ACL by the ACL overage and reduce the fishing season accordingly to ensure that the reduced sector ACL is not exceeded.
Alternative 2	Reduce the fishing season to prevent the sector ACL from being exceeded.
Alternative 3	Reduce the bag limit to prevent the sector ACL from being exceeded.
Alternative 4	Reduce the vessel limit to prevent sector ACL from being exceeded.
Alternative 5	Monitor landings and if projected to reach sector ACL, potentially implement an in-season bag limit reduction, in-season vessel limit reduction, and if still necessary reduce the fishing season in-season to prevent the sector ACL from being exceeded.
Alternative 6	Reduce the bag limit to no less than a specified number of fish to prevent the sector ACL from being exceeded. If a bag limit reduction is insufficient, also reduce the fishing season.
Alternative 7	Reduce the vessel limit to no less than a specified number of fish to prevent the sector ACL from being exceeded. If a bag limit reduction is insufficient, also reduce the fishing season.

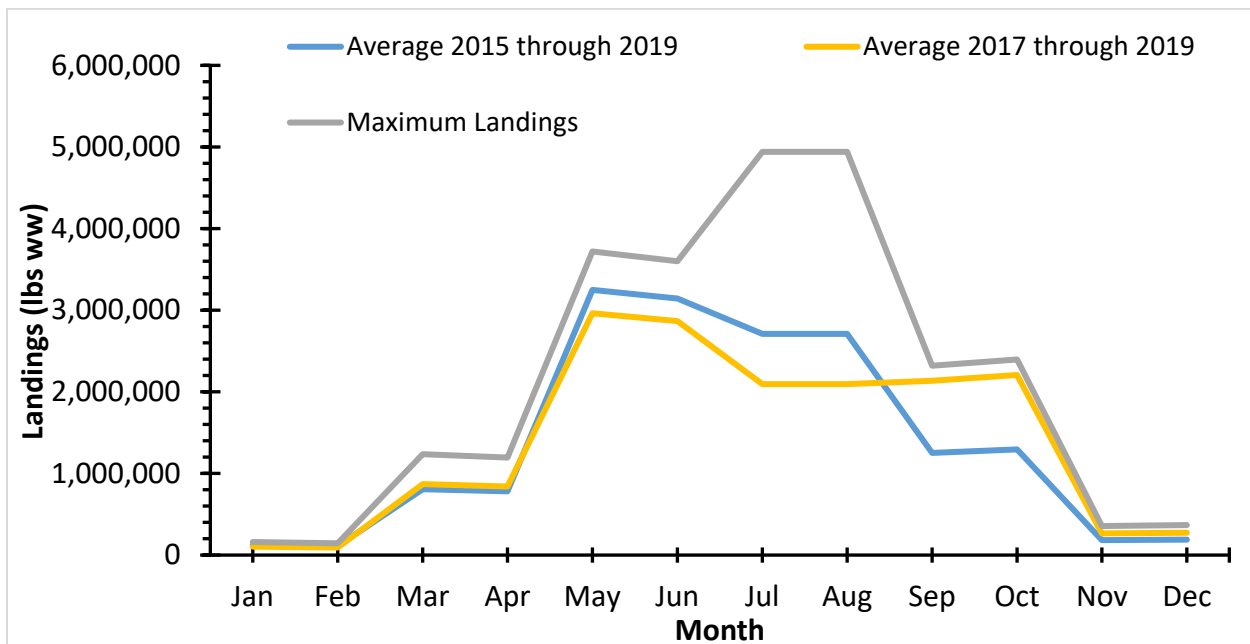


Figure 7. Dolphin recreational landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum landings for a single year from 2015 through 2019.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and provided the following recommendation during their October 28, 2020 meeting:

- In **Action 6**, a vessel limit reduction would be slightly preferable compared to the other alternatives being considered, especially compared to a closed season. If vessel limits are reduced, try to maintain limits that are viable for the for-hire component of the fishery.

IPT Recommendations/Comments:

- **Alternative 2** seems to delay a closure to the following year instead of an in-season closure. This may be contradictory to the Council’s stated intent to avoid harvest closures (in-season or otherwise) if possible for the recreational sector.
- Unless specified otherwise, potential reductions in **Alternatives 3 and 4** would presumably fall between one fish less than the current limit and one fish overall.
- **Alternative 5** is not likely compatible with multi-year alternatives in Action 5 (Alternatives 2, 3, and 4), as it is likely not an adequate AM since overruns of the sector ACL could go on for several years with no corrective action. Also, the typical time lag between the end of a MRIP wave and when the landings data by weight is reported to SERO is approximately 60 days. Given the “pulse” nature of the dolphin fishery, this may lead to inadequate lead time to impose an in-season bag limit and/or vessel limit reduction before an in-season closure is necessary.
- **Alternatives 6 and 7** were added by the IPT for the Committee’s consideration. These alternatives are similar to the concepts within the current recreational AM for Atlantic king mackerel found in 50 CFR §622.388 *Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs)*. A portion of this AM reads “the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the bag limit by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL, in the following fishing year.”
- For **Alternatives 5 through 7**, if approved for inclusion in Amendment 10, the Committee will need to specify the minimum reductions that will take place before a season closure is implemented. Not doing so could:
 - Lead to interpretations of the AM that are not compatible with the intent of the Council.
 - Jeopardize the functionality of the AM. The more discretion left to NMFS, the harder to waive public notice and comment since it is not specified to the public ahead of time what reductions will take place when the AM is triggered.

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 6 IN AMENDMENT 10 (HIGHLIGHTED IN YELLOW).
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 6 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- CONSIDER NARROWING THE RANGE OF ALTERNATIVES?
- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 7. Revise the trigger for the post-season recreational accountability measures for wahoo

Action Alternatives:

Alternative 1 (No action). If recreational landings exceed the recreational annual catch limit, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. Implement post season accountability measures in the following fishing year if the recreational annual catch limits are constant and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Alternative 3. Implement post season accountability measures in the following fishing year if the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Alternative 4. Implement post season accountability measures in the following fishing year if recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total (commercial and recreational combined) annual catch limit in any one year.

Alternative 5. Implement post season accountability measures in the following fishing year if the total (commercial and recreational combined) annual catch limit is exceeded.

Alternative 6. Implement post season accountability measures in the following fishing year if the recreational annual catch limit is exceeded.

Discussion:

- **Action 7** was included as part of the Council's guidance to split the recreational AM action for wahoo into two actions, with one focusing on the trigger for the AM and the other focusing on the AM itself. Furthermore, the Council specified that it did not want to consider in season AMs for the recreational sector.
- Under **Alternative 1 (No Action)**, the recreational sector AM does not include in-season closure if the sector ACL is met or projected to be met. This alternative allows the recreational sector to exceed the sector ACL in a given year and landings would be monitored for persistence in increased landings. If the total ACL is exceeded and the recreational ACL continues to be exceeded, then the sector ACL would be reduced by the overage amount (i.e. a payback provision), but only if wahoo is overfished. Additionally, the recreational ACL would not be reduced if the RA determines this action is not necessary.

- Since the current recreational AM is likely inadequate because it depends on an overfished status, this issue will need to be addressed. **Alternatives 2** through **6** address this issue.
- **Alternative 2** would trigger the recreational AM if the 3-year geometric mean of recreational dolphin landings exceed the sector ACL.
- **Alternative 3** would trigger the recreational AM if the summed recreational landings over 3 years exceeds the summed sector ACL over the same 3 years.
- **Alternative 4** would trigger the recreational AM if recreational landings exceed the sector ACL two times in a three-year timespan or the total ACL is exceeded.
- **Alternative 5** would trigger the recreational AM if the total ACL is exceeded.
- **Alternative 6** would trigger the recreational AM if the recreational ACL is exceeded.

Table 13. Summary of triggers for post-season recreational accountability measures in **Action 7**.

Alternative	Triggers for the post-season recreational AM
Alternative 1 (No Action)	The total and sector ACL is exceeded and wahoo is deemed overfished.
Alternative 2	The 3-year geometric mean of recreational landings exceeds the sector ACL.
Alternative 3	The 3-year summed total of recreational landings exceeds the 3-year summed total of the sector ACL.
Alternative 4	Recreational landings exceed the sector ACL two times in a 3-year period or the total ACL is exceeded in any single year.
Alternative 5	Recreational and commercial landings exceed the total ACL.
Alternative 6	Recreational landings exceed the sector ACL.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and provided the following recommendation during their October 28, 2020 meeting:

- Regarding **Action 7**, the AP did not choose a single alternative but noted that multi-year triggers that take into account variability in landings are preferred.

IPT Recommendations/Comments:

- Since the current recreational AM is inadequate because it depends on an overfished status, this issue will need to be addressed. **Alternatives 2** through **6** address this issue.
- Combining three years of data could help overcome some of the issues with MRIP stemming from the timing of data and issues with data anomalies (**Alternatives 2** and **3**).
- The multi-year alternatives in **Action 7** are likely not compatible with Alternative 5 in Action 8, as it may not lead formulation of an adequate AM since overruns of the sector ACL could go on for several years with no corrective action.
- While potentially unlikely, using multi-year triggers in **Alternatives 2** and **3** could lead to multi-year AMs being in place if recreational landings greatly exceed the sector ACL in a single year due to no in-season AM being in place such as a harvest closure or measures to slow down recreational harvest.

Committee Action:

- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 8. Revise the post-season recreational accountability measures for wahoo

Action Alternatives:

Alternative 1 (No action). If recreational landings exceed the recreational annual catch limit, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. Reduce the length of the following recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded in the following year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 3. Reduce the bag limit in the following recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded in the following year. However, the bag limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 4. Implement a vessel limit in the following recreational fishing season that would prevent the annual catch limit from being exceeded in the following year. However, the vessel limit will not be implemented if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 5. In the following fishing year reduce the bag limit and/or implement a vessel limit (*Sub-alternatives 5a and/or 5b*) at the beginning of the recreational fishing season first while monitoring landings. If landings are projected to meet the sector ACL, reduce the length of that recreational fishing season by the amount necessary to prevent the annual catch limit from being exceeded. However, the bag limit will not be reduced, a vessel limit will not be implemented, and/or the recreational fishing season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Sub-alternative 5a. Reduce the bag limit by the amount necessary but not below X fish per person per day (*Council to fill in the number*).

Sub-alternative 5b. Implement a vessel limit by the amount necessary but not below X fish per vessel per day (*Council to fill in the number*).

Alternative 6. In order to prevent the annual catch limit from being exceeded in the following fishing year, reduce the bag limit at the beginning of the recreational fishing season first, and, if necessary, shorten the length of the recreational fishing season. The bag limit will not be

reduced below 1 fish per person per day. However, the bag limit, and/or recreational fishing season, will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 7. In order to prevent the annual catch limit from being exceeded in the following fishing year, implement a vessel limit at the beginning of the recreational fishing season first, and, if necessary, shorten the length of the fishing season. The vessel limit will not be below X fish per vessel per day (*Council to fill in the number*). However, the vessel limit, and/or recreational fishing season, will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Discussion:

- Under **Alternative 1 (No Action)**, the recreational sector AM does not include in-season closure if the sector ACL is met or projected to be met. This alternative allows the recreational sector to exceed the sector ACL in a given year and landings would be monitored for persistence in increased landings. If the recreational ACL continues to be exceeded, then the sector ACL would be reduced by the overage amount (i.e. a payback provision) and the recreational season would be reduced, but only if dolphin is overfished and the total ACL is exceeded. Additionally, the recreational ACL and season would not be reduced if the RA determines this action is not necessary.
- In accordance with guidance from the Council, all of the alternatives preserve language along the lines of “if the regional administrator determines, using the best available science, that it is not necessary.”
- **Alternative 2** would reduce the length of the following recreational fishing season by the amount necessary to prevent the sector ACL from being exceeded.
- **Alternative 3** would reduce the bag limit the following fishing season by the amount necessary to prevent the ACL from being exceeded.
- **Alternative 4** implement a vessel limit the following fishing season by the amount necessary to prevent the ACL from being exceeded.
- **Alternative 5** was added in response to the following direction to staff from the Council’s September 2020 meeting: “Add an alternative that would reduce the bag limit or implement a vessel limit while monitoring for persistence in increased landings. Under this alternative, if landings met or were projected to meet the sector ACL with the reduced bag limit or vessel limit in place, an in-season closure would occur.”
- **Alternative 6** would reduce the bag limit to one fish per person first and the fishing season would be reduced if still necessary to prevent the ACL from being exceeded.
- **Alternative 7** implement a vessel limit not to go below a minimum number specified by the Council and the fishing season would be reduced if still necessary to prevent the ACL from being exceeded.

Table 14. Summary of post-season recreational accountability measures in **Action 8**.

Alternative	Post-season recreational AM
Alternative 1 (No Action)	Reduce the sector ACL by the ACL overage.
Alternative 2	Reduce the fishing season to prevent the sector ACL from being exceeded.
Alternative 3	Reduce the bag limit to prevent the sector ACL from being exceeded.
Alternative 4	Implement a vessel limit to prevent the sector ACL from being exceeded.
Alternative 5	At the beginning of the fishing year potentially reduce the bag limit, implement a vessel limit, and if still necessary reduce the fishing season in-season to prevent the sector ACL from being exceeded.
Alternative 6	Reduce the bag limit to one fish per person. If a bag limit reduction is insufficient, also reduce the fishing season.
Alternative 7	Reduce the vessel limit to no less than a certain number to prevent sector ACL from being exceeded. If a bag limit reduction is insufficient, also reduce the fishing season.

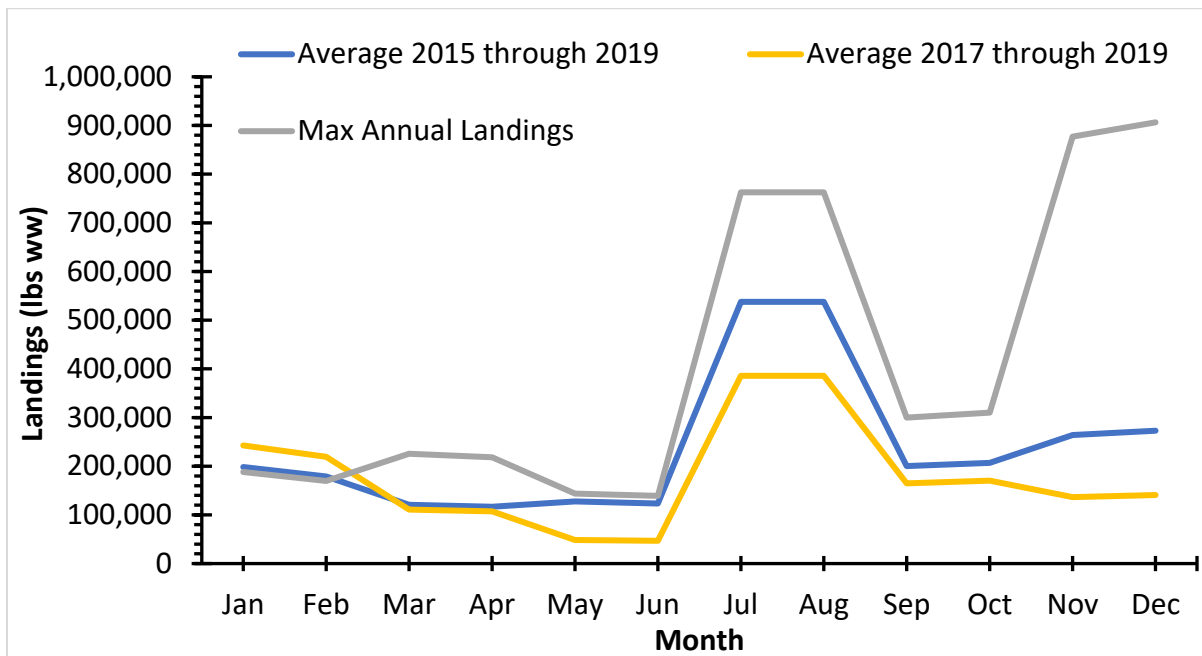


Figure 8. Wahoo recreational landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum annual landings from 2015 through 2019.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and provided the following recommendation during their October 28, 2020 meeting:

- In **Action 8** (specifying recreational AMs), a vessel limit reduction would be slightly preferable compared to the other alternatives being considered, especially compared to a closed season. If vessel limits are reduced, try to maintain limits that are viable for the for-hire component of the fishery.

- It was noted that 8 fish per vessel is recommended as a minimum limit for wahoo in an AM.

IPT Recommendations/Comments:

- **Alternative 2** seems to delay a closure to the following year instead of an in-season closure. This may be contradictory to the Council’s stated intent to avoid harvest closures (in-season or otherwise).
- As currently specified, reductions in **Alternative 4** would presumably be as low as one fish per vessel.
- **Alternative 5** is not compatible with multi-year alternatives in **Action 7**, as it is likely not an adequate AM since overruns of the sector ACL may go on for several years with no corrective action.
- **Alternatives 6 and 7** were added by the IPT for the Committee’s consideration. These alternatives are similar to the concepts within the current recreational AM for Atlantic king mackerel found in 50 CFR §622.388 *Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs)*. A portion of this AM reads “the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the bag limit by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL, in the following fishing year.”
- For **Alternatives 5 and 7**, if approved for inclusion in Amendment 10, the Committee will need to specify the minimum reductions that will take place before a season closure is implement Not doing so would:
 - Leave a great undesired discretion to NMFS and could lead to interpretations of the AM that are not compatible with the intent of the Council.
 - The more discretion left to NMFS, the harder to waive public notice and comment since it is not specified to the public ahead of time what reductions will take place when the AM is triggered.

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 8 IN AMENDMENT 10 (HIGHLIGHTED IN YELLOW).
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 8 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- CONSIDER NARROWING THE RANGE OF ALTERNATIVES?
- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 9. Allow properly permitted commercial fishing vessels with trap, pot, or buoy gear on board that are not authorized for use in the dolphin wahoo fishery to possess commercial quantities of dolphin and wahoo

Action Alternatives:

Alternative 1 (No Action). The following are the only authorized commercial gear types in the fisheries for dolphin and wahoo in the Atlantic Exclusive Economic Zone: automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic Exclusive Economic Zone that has on board gear types (including trap, pot, or buoy gear) other than authorized gear types may not possess a dolphin or wahoo. The current commercial trip limit for wahoo is 500 pounds. The current trip limit for dolphin is 4,000 pounds once 75 percent of the commercial sector annual catch limit is reached. Prior to reaching 75 percent of the commercial sector annual catch limit, there is no commercial trip limit for dolphin.

Alternative 2. A vessel in the Atlantic Exclusive Economic Zone that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and the necessary state and/or valid federal commercial permits for required to fish trap, pot, or buoy gear or is in compliance with permit requirements specified for the spiny lobster fishery in 50 C.F.R. §622.400 are is authorized to retain dolphin and wahoo caught by rod and reel while in possession of such gears. ~~The wahoo commercial trip limit will remain at 500 pounds.~~ A person aboard a vessel in the Atlantic Exclusive Economic Zone that has on board other gear types that are not authorized in the fisheries fishery for dolphin and wahoo may not possess a dolphin or wahoo. Dolphin retained by such a vessel on trips when trap, pot, or buoy gear are on board shall not exceed: *(Sub-alternatives 2a through 2d)*

Sub-alternative 2a. 250 pounds gutted weight

Sub-alternative 2b. 500 pounds gutted weight

Sub-alternative 2c. 750 pounds gutted weight

Sub-alternative 2d. 1,000 pounds gutted weight

Alternative 3. A vessel in the Atlantic Exclusive Economic Zone that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and valid federal commercial permits required to fish trap, pot, or buoy gear or is in compliance with permit requirements specified for the spiny lobster fishery in 50 C.F.R. §622.400 is authorized to retain wahoo caught by rod and reel while in possession of such gear types. A vessel in the Atlantic Exclusive Economic Zone that has on board other gear types that are not authorized in the fisheries for wahoo may not possess a wahoo. The wahoo commercial trip limit will be 500 pounds.

Discussion:

- The Atlantic Offshore Lobstermen’s Association initially requested that the South Atlantic Council modify regulations to allow the historical practice of harvesting dolphin while in the possession of lobster pots to continue.
- There currently is an incidental limit in place of 200 pounds of dolphin and wahoo, combined weight, for vessels that do not have a dolphin wahoo commercial permit but do have another federal commercial permit and catch the species north of the 39 degrees north latitude (50

CFR §622.278 Commercial Trip Limits). This incidental limit would remain in place unless otherwise specified and these vessels would not be exempt from any of the gear provisions.

- Additional edits were made to account for the Committee’s guidance from the September 2020 meeting to include spiny lobster traps in the exempted gear.
- The current list of allowable gear in the Dolphin Wahoo fishery does not include trap, pot, or buoy gear, therefore dolphin or wahoo may not be legally harvested when such gear is on board a vessel (**Alternative 1 No Action**). The intent behind **Alternative 2** is to allow the possession of dolphin on vessels with commercial permits for dolphin when trap, pot, or buoy gear are also on board.
- **Sub-alternatives 2a** through **2d** were include in response to the Committees direction to staff to examine “a range of 250 to 1,000 lbs gutted weight by 250 lbs increments.”
- The intent behind **Alternative 3** is to allow the possession of wahoo on vessels with commercial vessel permits for wahoo when trap, pot, or buoy gear are also on board.

Table 17. Landings and revenue statistics for vessels harvesting Atlantic dolphin with buoy gear, pots, or traps on board across all years, 2015-2019 (2019\$).

Number of Vessels	Statistic	Dolphin Landings (ww)	Dolphin Revenue
38	Total	2,978	\$8,691
	Mean	78	\$229

Table 18. Landings and revenue statistics for vessels harvesting Atlantic wahoo with buoy gear, pots, or traps on board across all years, 2015-2019 (2019\$).

Number of Vessels	Statistic	Wahoo Landings (ww)	Wahoo Revenue
3	Total	176	\$853
	Mean	59	\$284

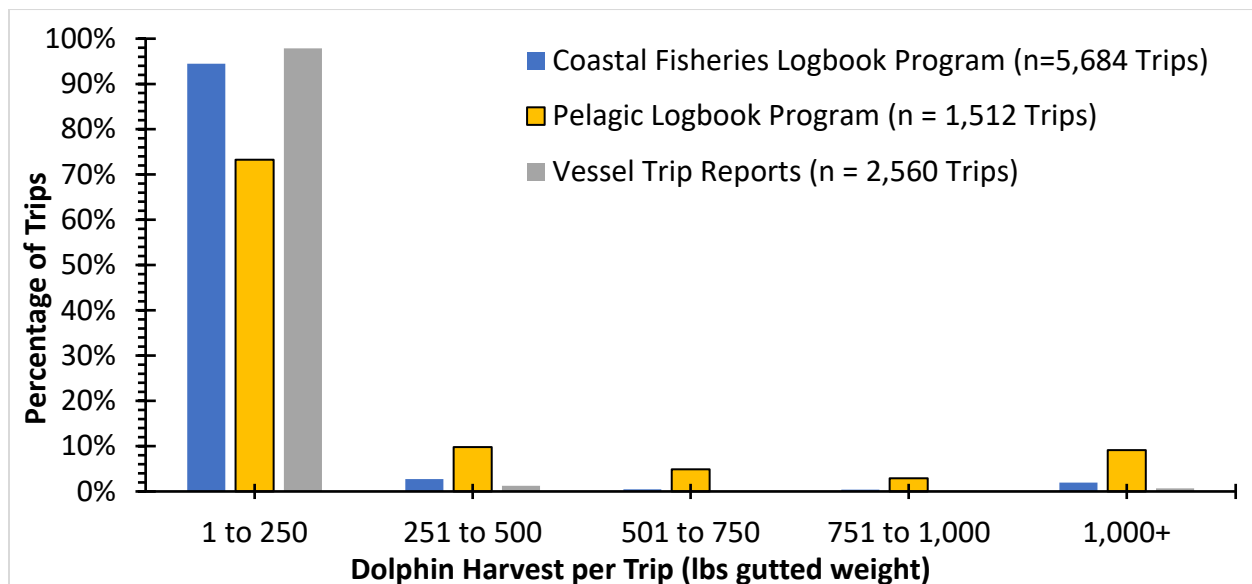


Figure 9. Distribution of Atlantic trips that commercially harvested dolphin from 2015 through 2019.

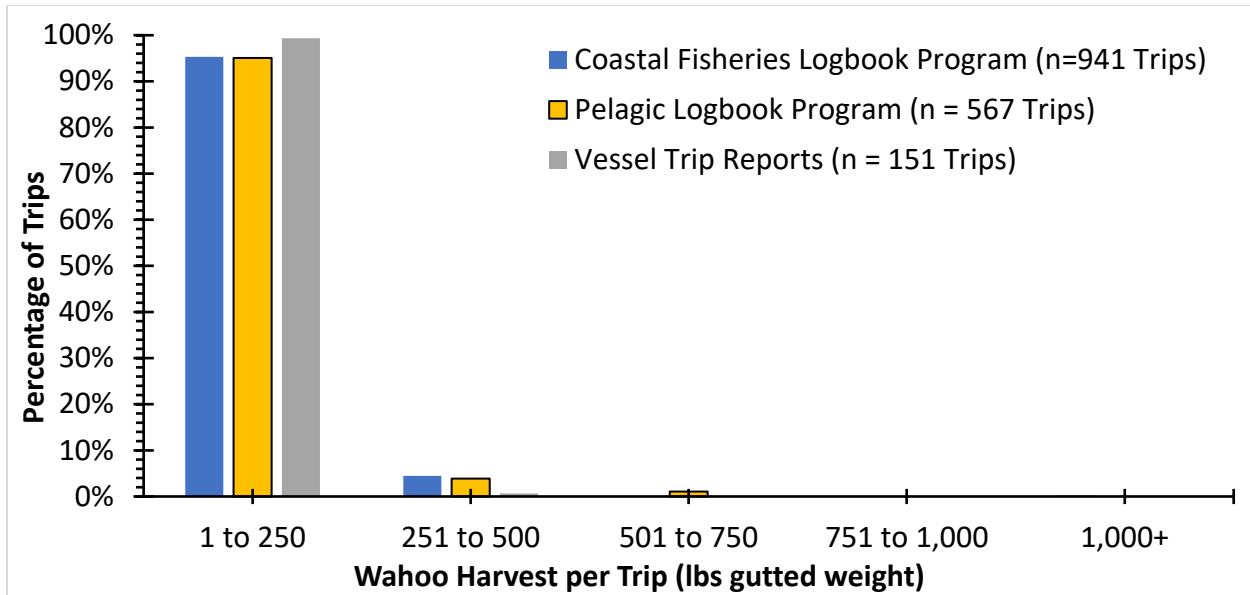


Figure 10. Distribution of Atlantic trips that commercially harvested wahoo from 2015 through 2019.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and passed the following motion during their October 28, 2020 meeting:

Recommendation:

- In **Action 9** (possession of dolphin and wahoo when specified unauthorized gear are onboard), consider trip limits of no more than 500 pounds for dolphin. Limits above that tend to go beyond total landings of dolphin on typical rod and reel commercial trips.

MOTION: ALLOW VESSELS WITH POT, TRAP, OR BUOY GEAR ON BOARD TO POSSESS DOLPHIN OR WAHOO AS LONG AS THEY ARE A PERMITTED VESSEL AND FISH ARE CAUGHT BY ROD AND REEL.

APPROVED BY AP

IPT Recommendations/Comments:

- The IPT noted that NMFS may does not have the ability to require a state permit in federal waters. Additionally, there are a wide range of state permits potentially involved due to the large geographic coverage of the Dolphin Wahoo FMP. Accordingly, the IPT recommended removing the mention of state permits in the action, with the exception of the state requirements for the spiny lobster fishery reference in the federal regulations.
- The IPT felt that it would be better to remove wahoo from **Alternative 2** and place it in a new alternative (**Alternative 3**) to make it clear whether the Committee wants to include wahoo in this action and that the wahoo trip limit would remain at 500 pounds unless the Committee specifies otherwise.
- Higher trip limits such as 750 lbs ww (**Sub-alternative 2c**) and 1000 lbs ww (**Sub-alternative 2d**) could provide an incentive for the current incidental harvest of dolphin to convert to a targeted harvest with more vessels involved. This could result in a shorter

season for dolphin due to an in-season closure if the commercial sector ACL is met and result in regulatory discards.

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 9 IN AMENDMENT 10 (HIGHLIGHTED IN YELLOW).
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 9 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 10. Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery

Action Alternatives:

Alternative 1 (No Action). An Atlantic Charter/Headboat for Dolphin/Wahoo Permit or an Atlantic Dolphin/Wahoo Commercial Permit is not valid unless the vessel operator or a crewmember holds a valid Operator Card issued by either the Southeast Regional Office or by the Greater Atlantic Regional Fisheries Office.

Alternative 2. Neither a vessel operator nor any crewmember is required to have an Operator Card for an Atlantic Charter/Headboat for Dolphin/Wahoo Permit to be valid.

Alternative 3. Neither a vessel operator nor any crewmember is required to have an Operator Card for an Atlantic Dolphin/Wahoo Commercial Permit to be valid.

Discussion:

- Operator cards were required by the original Dolphin Wahoo FMP and are also required for operators and/or crew in the rock shrimp fishery. For dolphin wahoo, current regulations under 50 C.F.R. §622.270 would be retained under **Alternative 1 (No Action)** are:

(c) *Operator permits.* (1) An operator of a vessel that has or is required to have a charter vessel/headboat or commercial permit for Atlantic dolphin and wahoo issued under this section is required to have an operator permit.

(2) A person required to have an operator permit under paragraph (c)(1) of this section must carry on board such permit and one other form of personal identification that includes a picture (driver's license, passport, etc.).

(3) An owner of a vessel that is required to have a permitted operator under paragraph (c)(1) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.

(4) An owner of a vessel that is required to have a permitted operator under paragraph (c)(1) of this section and the operator of such vessel are responsible for ensuring that a person

whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

- The intent of including operator cards in the Dolphin Wahoo FMP was to improve enforcement and aid in data collection. It was also intended to decrease costs to vessel owners from fisheries violations and make vessel captains more accountable for damaging habitat or violating regulations intended to protect the long-term viability of the stock.
- At the March 2016 Council meeting, NMFS Office of Law Enforcement gave a presentation on operator cards, mentioning that currently the operator cards are not used for gathering data, distributing information, or enforcement to a large extent.
- **Alternative 2** would remove the requirement for the vessel operator or crew member to hold an operator card for an Atlantic Charter/Headboat for Dolphin/Wahoo Permit to be valid. It would still require Atlantic Dolphin/Wahoo Commercial Permit holders to have an operator card.
- **Alternative 3** have the same outcome as **Alternative 2**, but for the commercial sector.

Advisory Panel Recommendations:

The Dolphin Wahoo AP discussed this action and approved the following motion during their April 21, 2017 meeting:

MOTION: SUPPORT ALTERNATIVE 2 AND 3 IN ACTION 8.
9 IN FAVOR; 0 OPPOSED

Note: Action 10 was listed as Action 8 in the amendment at the time.

The Dolphin Wahoo AP discussed this action again and provided the following recommendation during their October 28, 2020 meeting:

- In **Action 10**, the AP endorsed their previous motion to remove the operator card requirements for both the recreational and commercial sectors (Alternatives 2 and 3).

Committee Action:

- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 11. Reduce the recreational vessel limit for dolphin

Action Alternatives:

Alternative 1 (No Action). The recreational daily bag limit is 10 dolphin per person, not to exceed 60 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Alternative 2. The recreational daily bag limit is 10 dolphin per person, not to exceed:

Sub-alternative 2a. 40 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 2b. 42 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 2c. 48 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 2d. 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Alternative 3. In Florida only, the recreational daily bag limit is 10 dolphin per person, not to exceed:

Sub-alternative 3a. 40 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 3b. 42 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 3c. 48 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 3d. 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Discussion:

- The sub-alternatives are based on the Committee’s guidance from December 2018 to consider alternatives that focus on vessel limits divisible by 6 but are not below 40 fish.
- The vessel limit exemption for headboats would be maintained under all alternatives.
- Based on analysis that can be found in **Appendix D**, the majority of the recreational trips (more than 90% on average) typically harvest less than 10 dolphin per vessel (**Figure 11** through **Figure 12**).
- It has been noted in public comment and during the Dolphin Wahoo Participatory Workshops held in North Carolina that a 60-fish vessel limit is important for getting customers to book charter trips in the Carolinas. For-hire captains have indicated that they may not harvest the vessel limit but the opportunity to do so aids in “selling a trip” in some circumstances.
- Vessel limit reductions that would apply in the entire Atlantic (**Sub-alternatives 2a-2d**) will provide notably larger harvest reductions than those that would apply in Florida only (**Sub-alternatives 3a-3d**)(**Table 19**).

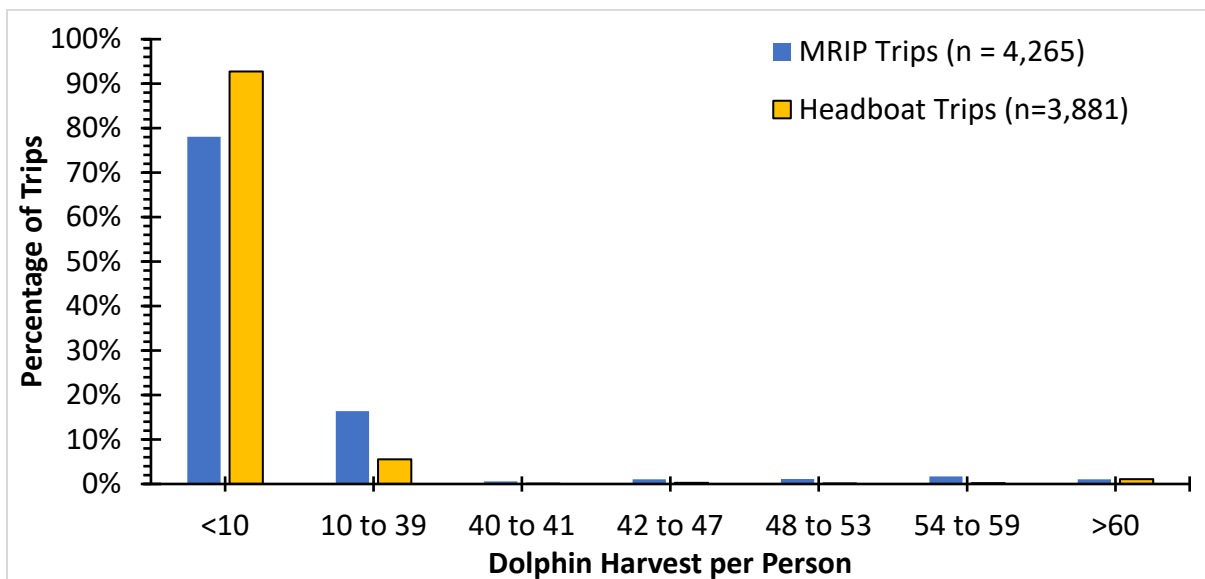


Figure 11. Recreational dolphin harvest per vessel for a range from Maine through east Florida (including Monroe County, Florida). The data is from 2015 through 2019, and data from both MRIP (private rec./charter vessels) and headboat are provided.

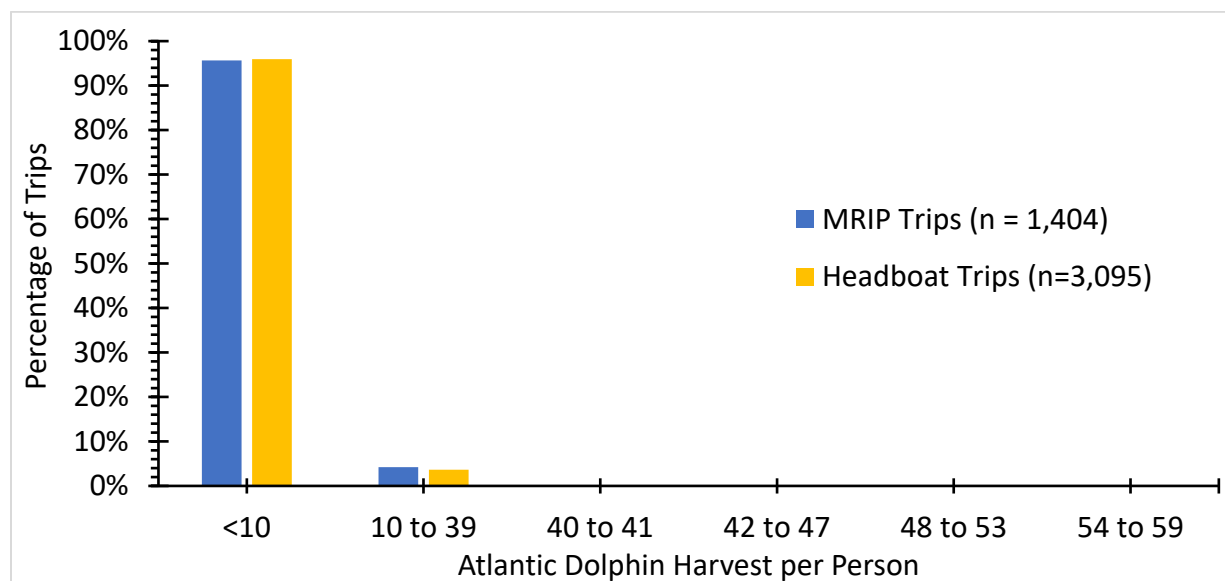


Figure 12. Recreational dolphin harvest per vessel for east Florida only (including Monroe County, Florida). The data is from 2015 through 2019, and data from both MRIP (private rec./charter vessels) and headboat are provided.

Table 19. Reduction in recreational landings from a range of different vessel limits for dolphin based on private and for-hire recreational dolphin landings from 2015-2019.

Alternative	Vessel Limit	Total recreational landings reduction on a percent basis (private recreational and charter)	Total estimated reduction in landings (lbs ww)
Atlantic Region			
Sub-alt 2a	40 Dolphin	5.71%	943,816
Sub-alt 2b	42 Dolphin	4.71%	778,524
Sub-alt 2c	48 Dolphin	2.32%	383,477
Sub-alt 2d	54 Dolphin	0.69%	114,051
Florida Only			
Sub-alt 3a	40 Dolphin	0.04%	6,612
Sub-alt 3b	42 Dolphin	0.03%	4,959
Sub-alt 3c	48 Dolphin	0.01%	1,653
Sub-alt 3d	54 Dolphin	0.01%	1,653

Advisory Panel Recommendations:

- During the April 21, 2017 Dolphin Wahoo AP meeting, there was initial support by the Dolphin Wahoo AP for a 40 fish vessel limit for dolphin if added as a step down once the recreational ACT has been landed.
- During the August 22, 2019 Dolphin Wahoo AP webinar, there was discussion on lowering the retention limit for dolphin, with some AP members noting that this may be acceptable while others felt that this may not be necessary and offering caution in reducing bag limits as

“once you give it up, you may never get it back.” Additionally, it was noted that reducing retention limits too far could have a notable negative impact on the ability to book charter trips, therefore caution should be exercised if there is a change in the retention limit. While some members noted that a retention limit reduction may be acceptable in the South Florida area, others felt that any changes should apply region-wide. There seemed to be general consensus that if the Council reduces recreational limits for dolphin, consider reducing the vessel limit but do not change the bag limit of 10 fish per person per day.

- The Dolphin Wahoo AP discussed this action and passed the following motion during their October 28, 2020 meeting:

Recommendation:

- In **Action 11** (reduce the recreational vessel limit for dolphin), there was support for **Alternative 1 (No Action)**, particularly in North Carolina or to take action just in Florida (**Alternative 3**). It was noted that the 60 fish limit is very important to the for-hire fishery in North Carolina, particularly when “slinger” dolphin are abundant.
- If limits are reduced, maintaining limits divisible by 6 is preferred.

MOTION: SUPPORT ALTERNATIVE 3B OR 3C AS PREFERRED IN ACTION 11.
APPROVED BY AP

IPT Recommendations/Comments:

- While it is assumed, the IPT wanted to verify that this action is intended to apply to both for-hire and private recreational vessels.
- There have been previous discussions over the headboat exemption for vessel limits and under what circumstance this exemption would apply. Headboat is defined in 50 CFR §622.2(*Definitions and acronyms*) as:
 - “Headboat means a vessel that holds a valid Certificate of Inspection (COI) issued by the USCG to carry more than six passengers for hire.”

Committee Action:

- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Action 12. Allow filleting of dolphin at sea on board charter or headboat vessels in the Atlantic Exclusive Economic Zone north of the Virginia/North Carolina border.

Alternative 1 (No Action). Dolphin possessed in the Atlantic Exclusive Economic Zone must be maintained with head and fins intact, with specific exceptions for fish lawfully harvested in the Bahamas. Such fish harvested from the Atlantic Exclusive Economic Zone may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

Alternative 2. Exempt dolphin from regulations requiring head and fins be intact on board properly permitted charter and headboat vessels in the Atlantic Exclusive Economic Zone north of the Virginia/North Carolina border where dolphin may be filleted under the following requirement(s):

- Sub-alternative 2a.** Skin must remain intact on the entire fillet of any dolphin carcass.
- Sub-alternative 2b.** Two fillets of dolphin, regardless of the length of each fillet, is the equivalent to one dolphin.

Discussion:

- This action was added in response to a request from the Mid-Atlantic Fishery Management Council “that the South Atlantic Fishery Management Council and Southeast Regional Office provide an exemption for the regulation prohibiting filleting of dolphinfish (mahi mahi) in the waters north of Cape Hatteras.”
- The suggested regulations associated with allowing filleting of dolphin at sea included:
 - Requiring a 1” by 1” piece of skin remain on each fillet.
 - Crew must retain the racks (frames) of each fish.
 - Crew must be able to present two fillets with are equivalent to one fish.
- The request stated that the action originated from a joint law enforcement/for-hire workshop with attendees from the U.S. Coast Guard, NOAA Office of Law Enforcement, the Atlantic States Marine Fisheries Commission, the Greater Atlantic Regional Fisheries Office, and Highly Migratory Species.
- The Committee specified that the action should only apply onboard for-hire vessels in waters north of the North Carolina/Virginia border and include options that would require skin remains on the entire fillet and that two fillets would equal one fish for enforcement purposes. No frames would need to be retained.

Advisory Panel Recommendations:

The South Atlantic Fishery Management Council’s Law Enforcement (LE) AP reviewed the initial request from the Mid-Atlantic Council at their May 2019 meeting and provided the following input:

- The Mid-Atlantic Council’s request would indicate that law enforcement officers would need to count and match racks and fillets. This would be burdensome to boarding officers and appears redundant.
- The exception on filleting for fish brought to the U.S. from The Bahamas is effective because the fish are caught outside the U.S. EEZ. The Mid-Atlantic Council’s request would add considerable burden to law enforcement officers if implemented in U.S. waters (i.e., certain regulations would apply in some areas along the east coast but not 3 others) resulting in considerably more time required for enforcement and more regulatory complexity.
- Consider that law enforcement would need guidance to address the possible scenario where a fish is caught and filleted north of Cape Hatteras but landed south of that line where the exception on filleting at sea would not apply. If adopted, the proposed regulation needs to be specified for the entire managed area (i.e., the U.S. east coast for dolphin) in order to be enforceable.
- In North Carolina, it is unlawful to possess aboard a vessel or while engaged in fishing any species of finfish that is subject to a size or harvest restriction without having the head and tail attached (except mullet and hickory shad when used for bait and tuna landed commercially).
- There appears to be no compelling reason to request an exemption on mutilated fish only for dolphin.

- A 1” by 1” piece of skin on a fillet, as proposed in the Mid-Atlantic Council’s request, is not large enough to ensure proper identification. If a filleting exemption is ultimately implemented, it should mirror what is in place for fish that are caught in The Bahamas and brought to the U.S.

The LE AP approved the following motion:

MOTION: THE LE AP RECOMMENDS THAT NO FILLETING OF DOLPHIN BE ALLOWED IN THE EEZ OFF THE ATLANTIC. APPROVED BY AP (UNANIMOUS)

The Dolphin Wahoo AP discussed this action and provided the following recommendations during their October 28, 2020 meeting:

- In **Action 12**, several AP members noted that allowing filleting of dolphin at sea would also be useful in the South Atlantic Region. It would help with minimizing turnaround time between half day charters in South Florida where dolphin can be targeted due to the short travel distance to deep water. It would also help with spare cold storage capacity and preserving the meat of harvested fish.
- Some AP members noted that they also have very long runs to and from fishing grounds when targeting dolphin that are similar to those in the Mid-Atlantic. If this were to be allowed, the racks of filleted fish could be required to aid in the enforcement of size limits.

IPT Recommendations/Comments:

- This action could provide economic benefits to the for-hire sector on for-hire trips landing numerous dolphin in the Mid-Atlantic and New England regions.
- The recreational ACL for dolphin is tracked in weight. Allowing filleting at sea in the Mid-Atlantic and New England regions will reduce size and weight measurements from recreational catches due to fewer measurements being collected dockside by creel surveyors.
- Filleting at sea is allowed for some federally regulated groundfish and flounder species in the Mid-Atlantic and New England regions. It is not allowed for golden tilefish, blueline tilefish, or HMS species such as tunas, sharks, and swordfish.
- Filleting of dolphin at sea may encourage additional harvest due to less cold storage space required to preserve additional fish and less time/hassle needed at the dock filleting fish.
- Allowing fillets of dolphin at sea onboard for-hire vessels in the Mid-Atlantic and New England regions could encourage the desire for similar regulations in the South Atlantic region, for other sectors (private recreational and commercial), and for other species under other FMPs.

Committee Action:

- CONSIDER CHOOSING A PREFERRED ALTERNATIVE FOR PUBLIC HEARINGS.

Committee Action:

- APPROVE ALL ACTIONS IN DOLPHIN WAHOO AMENDMENT 10, AS MODIFIED, FOR PUBLIC HEARINGS TO TAKE PLACE BEFORE THE MARCH 2021 MEEING.

APPENDIX A

Dolphin Annual Catch Limit Analysis

Introduction

Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (Amendment 10) is in the process of potentially revising annual catch limits (ACL), sector allocations, accountability measures, and management measures for dolphin and wahoo. The ACLs will be changed because in 2018 the recreational landings survey of Marine Recreational Information Program (MRIP) changed the effort component from a phone survey to a mail survey. Also, Amendment 10 is changing the area where the dolphin landings are included for the Atlantic region to include recreational landings from Monroe County, Florida. An analysis is needed to determine if the MRIP effort change and the addition of Monroe County landings will cause the ACL to be exceeded.

Predicting Future Landings

The first step in evaluating the change in the landings and the impact of an ACL change is predicting future landings. Updated dolphin commercial landings were provided by the Southeast Fisheries Science Center (SEFSC) on August 21, 2020 and updated recreational landings were provided on May 8, 2020. The recreational landings are in two-month waves (e.g. January/February) but were converted to months by assuming uniform daily landings within a wave. Since MRIP changed the effort component from a phone to a mail survey in 2018 conversion factors were used to provide the mail survey equivalent MRIP landings before 2018. The most recent years of landings were used as a proxy for future landings. Different landings scenarios were pursued to provide a range of potential future landings. The scenarios are 1) average of the five most recent years of complete landings (2015 through 2019), 2) average of the three most recent years (2017 through 2019) of complete landings, and 3) the maximum annual landings for a single year from the last 5 years of complete landings. **Table A-1** provides the landings for each year of the five recent years of complete landings, and also the landings for the three landings scenarios. Landings from 2015 were the maximum landings over this time period. Total (commercial and recreational) landings for the three scenarios are shown in **Figure A-1**, commercial monthly landings for the three scenarios are provided in **Figure A-2**, and recreational landings for the three scenarios are provided in **Figure A-3**. All of the landings are in pounds whole weight (lbs ww).

Table A-1. Annual landings for Atlantic dolphin from 2015 to 2019, average landings from 2015 through 2019, average landings from 2017 through 2019, and the maximum annual landings from a single year from 2015 through 2019. The “Total” landings in the table are the combined commercial and recreational landings.

Year	Commercial	Recreational	Total
2015	1,111,483	25,375,981	26,487,464
2016	938,477	15,997,342	16,935,819
2017	635,952	12,649,853	13,285,805
2018	535,923	16,804,999	17,340,922
2019	801,826	11,929,298	12,731,124
Average 2015-2019	804,732	16,551,495	17,356,227
Average 2017-2019	657,900	13,794,717	14,452,617

Max Annual Landings	1,111,483	25,375,981	26,487,464
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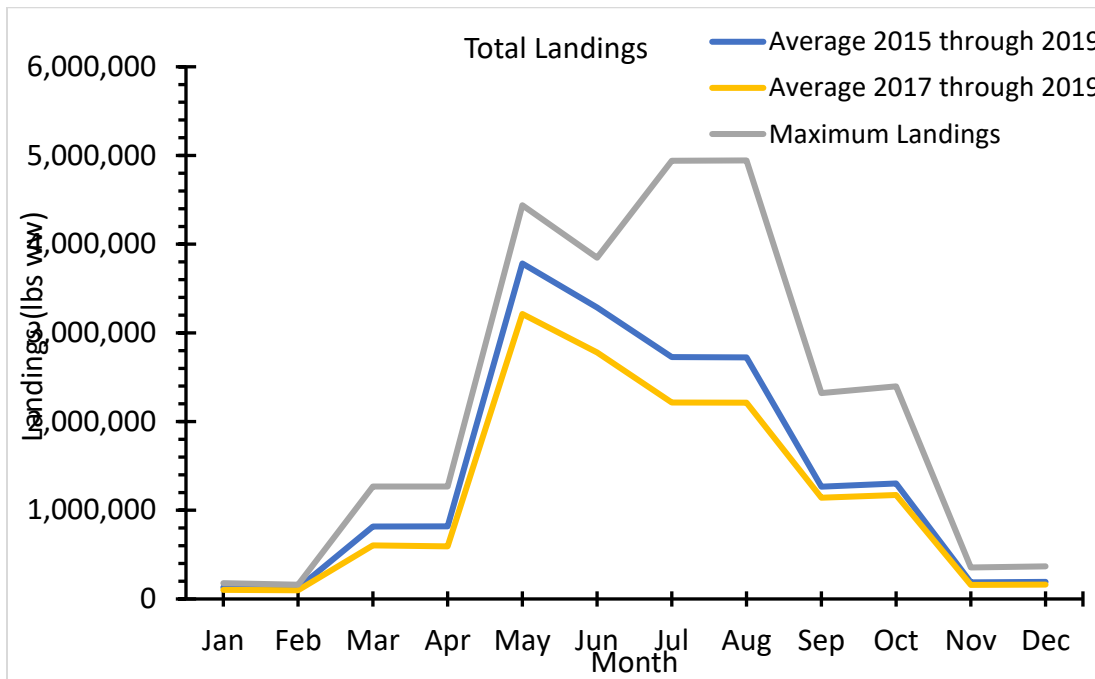


Figure A-1. Atlantic dolphin total landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum landings for a single year from 2015 through 2019. The total landings are both the commercial and recreational landings combined.

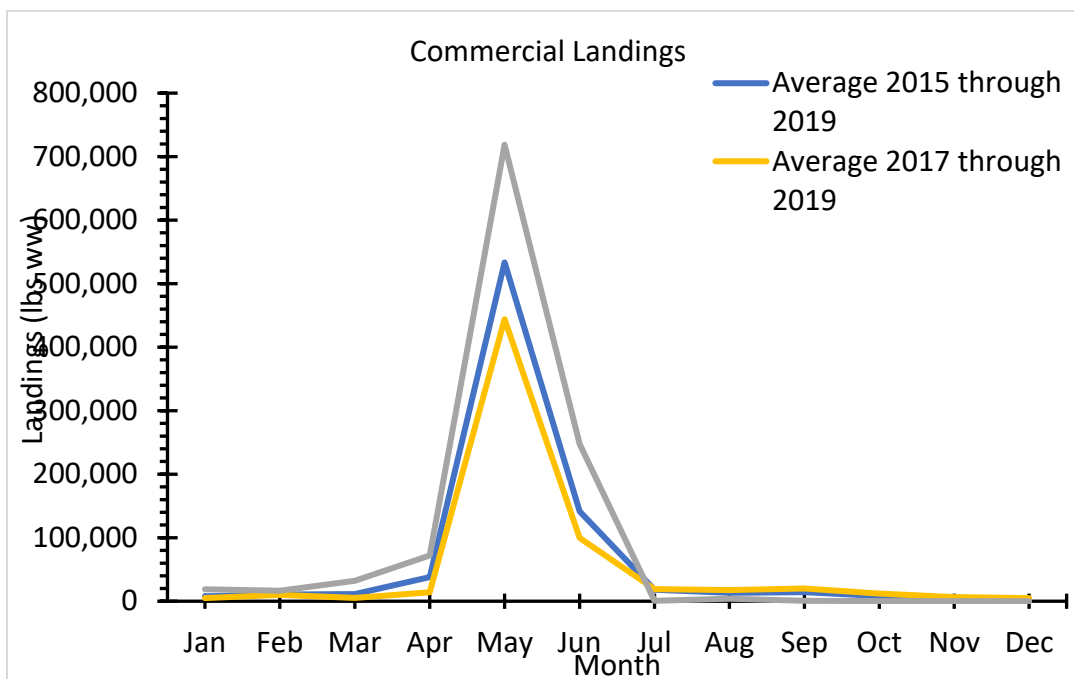


Figure A-2. Atlantic dolphin commercial landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum landings for a single year from 2015 through 2019.

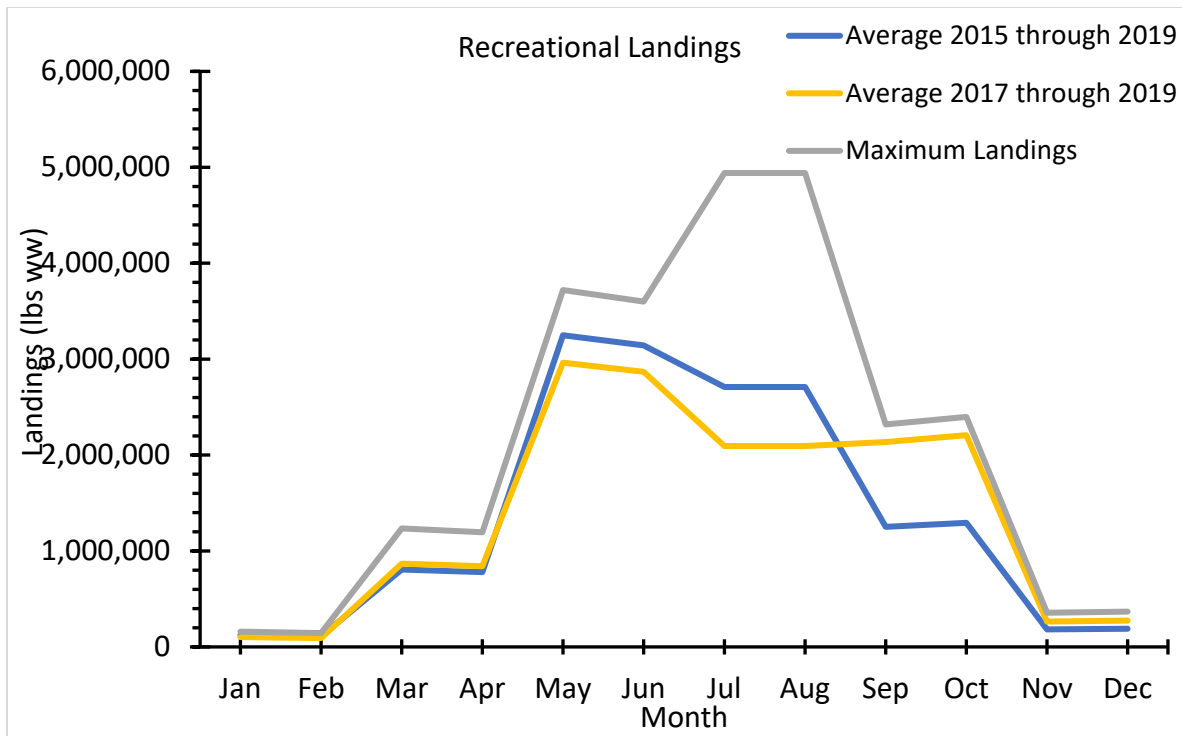


Figure A-3. Atlantic dolphin recreational landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum landings for a single year from 2015 through 2019.

Actions and Alternatives

Action 1 of Amendment 10 considers different Atlantic dolphin total annual catch limits. The total annual catch limit is for both the landings from the commercial and recreational sectors combined. The three landings scenarios were compared to the ACL alternatives in Action 1 to determine the dates that landings would be projected to meet or exceed the ACL (**Table A-2**). The Alternative 1 ACL (15,344,846 lbs ww) is not applicable because it's the current ACL which was derived with the old MRIP data (phone survey) and did not include the Monroe County, Florida recreational landings. Only the maximum landings scenario had an expected ACL overage, and the predicted dates that the ACL would be projected to be reached are shown in **Table A-2**.

Table 2. Action 1 annual catch limit alternatives for Amendment 10, and the prediction of whether the ACL would be met or exceeded for the three landings scenarios. This action proposes total annual catch limits which has both the commercial and recreational dolphin landings combined for one annual catch limit.

Alternative	Dolphin ACL (lbs ww)	Average 2015 through 2019 Landings	Average 2017 through 2019 Landings	Maximum Landings
Alternative 1 (No Action)	15,344,846 ¹	Not Applicable	Not Applicable	Not Applicable

¹ Alternative 1 of Action 1 provides an ACL equivalent to the old MRIP data which had the effort component collected with a phone survey, and did not include recreational landings from Monroe County, Florida. This makes the ACL of Alternative 1 not applicable to the data

Preferred Alternative 2	24,570,764	No	No	Yes (16-Oct)
Alternative 3	23,342,226	No	No	Yes (30-Sep)
Alternative 4	22,113,688	No	No	Yes (14-Sep)

Action 3 of Amendment 10 revises the Atlantic dolphin sector allocations and sector ACLs. The three landings scenarios were compared to the ACLs to determine if there is an ACL overage for the individual commercial and recreational sectors. The predicted landings of the average of 2015 through 2019 and the average of 2017 through 2019 for both the commercial and recreational sectors are below the ACLs stated in Action 3. Only the maximum landings scenario had predicted ACL overages, and it was only for the recreational sector. The predicted dates that the recreational ACL would be met or exceeded are show in **Table A-3**.

Table A-3. Action 3 annual catch limit alternatives for Amendment 10 and predicted dates that the recreational ACL would be met or exceeded using the maximum landings scenario. This action separates the annual catch limits into the separate commercial and recreational sectors.

Alternative	Commercial Sector ACL (lbs ww)	Commercial ACL met?	Recreational Sector ACL (lbs ww)	Recreational ACL met?
Alternative 1	2,457,076	No	22,113,688	Yes (29-Sep)
Alternative 2	1,535,673	No	23,035,091	Yes (11-Oct)
Alternative 3	1,719,953	No	22,850,811	Yes (8-Oct)
Alternative 4	1,965,661	No	22,605,103	Yes (5-Oct)

Provided in **Table A-1** because the **Table A-1** landings use the new MRIP data and include recreational landings from Monroe County, Florida. The Alternative 1 ACL has been in place since 2012 and this ACL has been compared against landings from the old MRIP survey and the Alternative 1 ACL has never been exceeded. Therefore, the Alternative 1 ACL is not expected to be exceeded with the old MRIP data.

APPENDIX B

Wahoo Annual Catch Limit Analysis

Introduction

Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (Amendment 10) is in the process of potentially revising annual catch limits (ACL), sector allocations, accountability measures, and management measures for dolphin and wahoo. The ACLs will be changed because in 2018 the recreational landings survey of Marine Recreational Information Program (MRIP) changed the effort component from a phone survey to a mail survey. Also, Amendment 10 is changing the area where the Atlantic wahoo recreational landings are included to include recreational landings from Monroe County, Florida. An analysis is needed to determine if the MRIP effort change and the addition of Monroe County recreational landings will cause the ACL to be exceeded.

Predicting Future Landings

The first step in evaluating the change in the landings and the impact of an ACL change is predicting future landings. Updated wahoo commercial landings were provided by the Southeast Fisheries Science Center on August 1, 2020 and updated recreational landings were provided on May 8, 2020. The recreational landings are in two-month waves (e.g. January/February) but were converted to months by assuming uniform daily landings within a wave. Since in 2018 MRIP changed the effort component from a phone to a mail survey conversion factors were used to provide the mail survey equivalent MRIP landings before 2018. The most recent years of landings were used as a proxy for future landings. Different landings scenarios were pursued to provide a range of potential future landings. The scenarios are 1) average of the five most recent years of complete landings (2015 through 2019), 2) average of the three most recent years of complete landings (2017 through 2019), and 3) the maximum annual landings for a single year from the last 5 years of complete landings. **Table B-1** provides the landings for each year of the five recent years of complete landings, and also the landings for the three landings scenarios. The maximum commercial landings were from 2019 and the maximum recreational landings were from 2016. Total (commercial and recreational) monthly landings for the three scenarios are shown in **Figure B-1**, commercial monthly landings for the three scenarios are shown in **Figure B-2**, and recreational monthly landings for the three scenarios are shown in **Figure B-3**. All of the landings are in pounds whole weight (lbs ww).

Table B-1. Annual landings for Atlantic wahoo from 2015 to 2019, average landings from 2015 through 2019, average landings from 2017 through 2019, and the maximum annual landings from a single year from 2015 through 2019. The “Total” landings in the table are the combined commercial and recreational landings.

Year	Commercial	Recreational	Total
2015	63,836	2,943,009	3,006,845
2016	66,745	5,003,444	5,070,189
2017	67,032	3,585,791	3,652,823
2018	50,486	880,960	931,446
2019	74,449	2,010,814	2,085,263
Average 2015-2019	64,510	2,884,804	2,949,313
Average 2017-2019	63,989	2,159,188	2,223,177

Max Annual Landings	74,449	5,003,444	5,077,893
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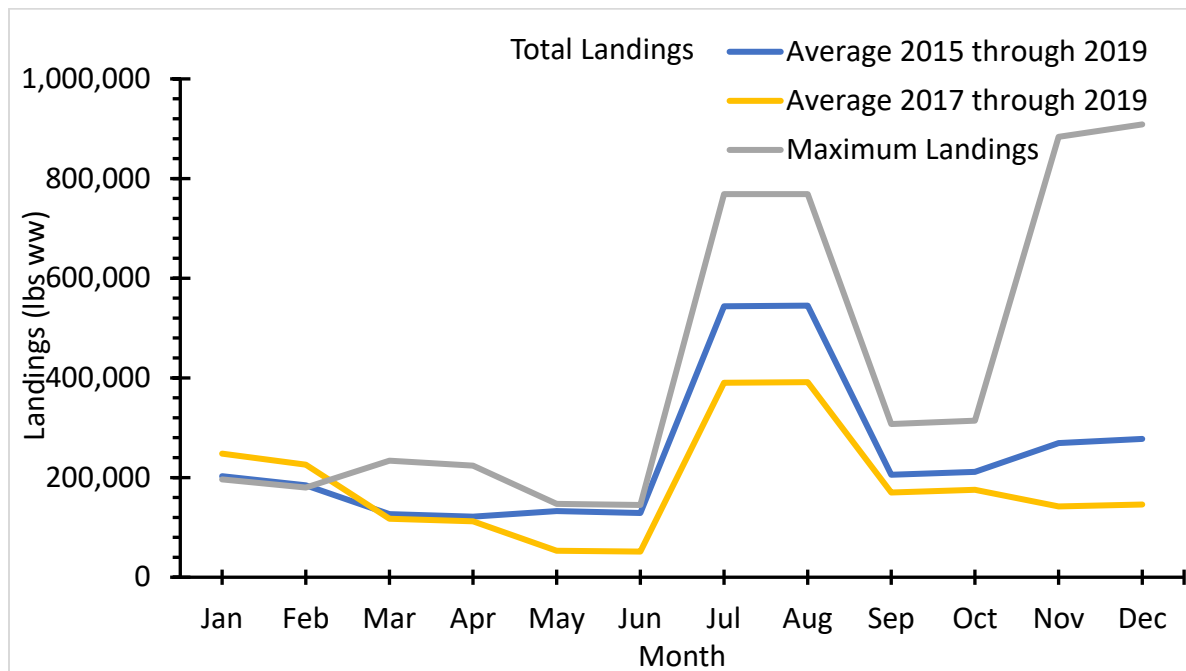


Figure B-1. Atlantic wahoo total landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum annual landings from 2015 through 2019. The total landings are both the commercial and recreational landings combined.

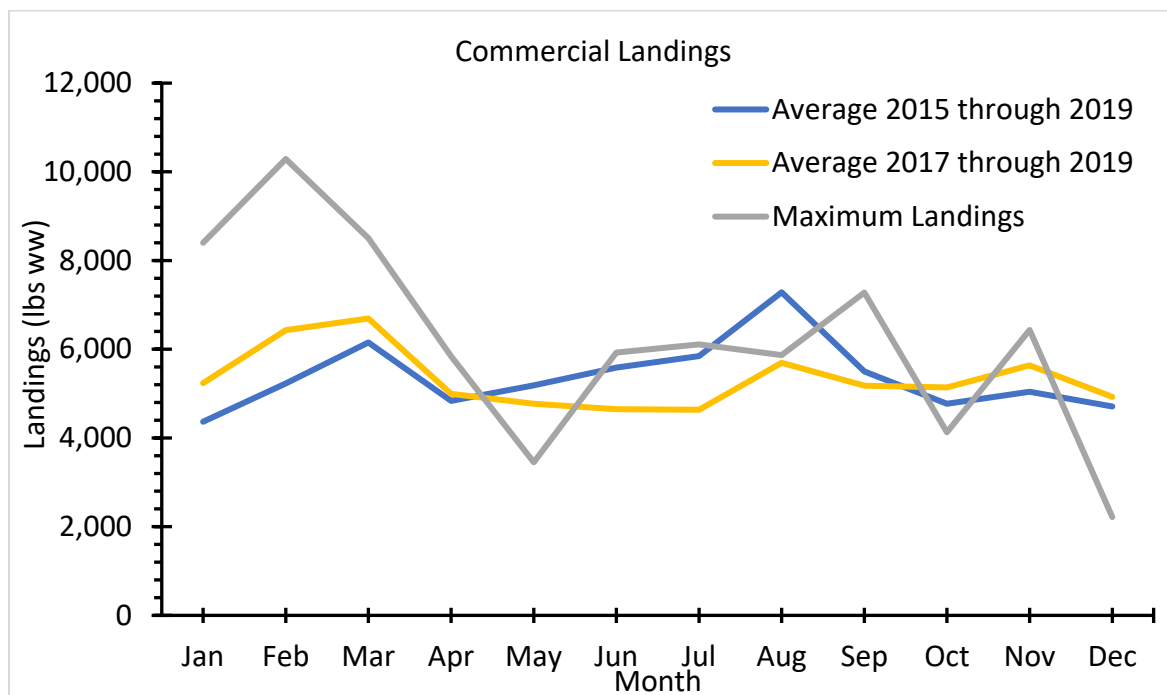


Figure B-2. Atlantic wahoo commercial landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum annual landings from 2015 through 2019.

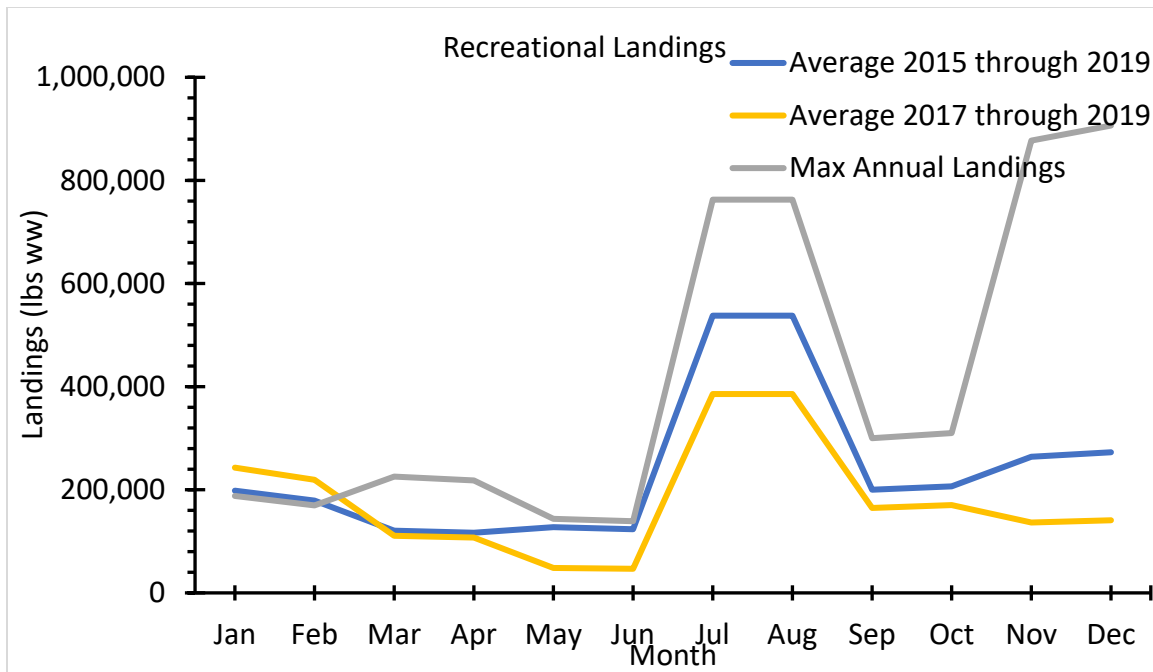


Figure B-3. Atlantic wahoo recreational landings by month for the three landings scenarios of 1) average of 2015 through 2019, 2) average of 2017 through 2019, and, 3) the maximum annual landings from 2015 through 2019.

Actions and Alternatives

Action 2 of Amendment 10 considers different Atlantic wahoo total annual catch limits. The total annual catch limit is for both the landings from the commercial and recreational sectors combined. The Alternative 1 ACL (1,794,960 lbs ww) is not applicable because it's the current ACL which was derived with the old MRIP data (phone survey) and did not include the Monroe County, Florida recreational landings. The ACLs for Alternative 2 through 4 were applicable and **Table B-2** provides the dates that landings would be projected to meet or exceed the ACL under the three landings scenarios.

Table B-2. Action 2 annual catch limit alternatives from Amendment 10, and a prediction if the ACL would be met or exceeded using the three landings scenarios. This action proposes total annual catch limits which has both the commercial and recreational landings combined for one annual catch limit.

Alternative	Wahoo ACL (lbs ww)	Average 2015 through 2019 Landings	Average 2017 through 2019 Landings	Maximum Landings
Alternative 1 (No Action)	1,794,960 ²	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	2,885,303	Yes (24-Dec)	No	Yes (22-Sep)

² Alternative 1 of Action 1 provides an ACL equivalent to the old MRIP data which had the effort component collected with a phone survey, and did not include recreational landings from Monroe County, Florida. This makes the ACL of Alternative 1 not applicable to the data provided in Table 1 because the Table 1 landings use the new MRIP data and include recreational landings from Monroe County, Florida. The Alternative 1 ACL has been in place since 2012 and this ACL has been compared against landings from the old MRIP survey and the Alternative 1 ACL has not been exceeded since 2013. Therefore, the Alternative 1 ACL is not expected to be exceeded with the old MRIP data.

Alternative 3	2,741,038	Yes (8-Dec)	No	Yes (8-Sep)
Alternative 4	2,596,773	Yes (22-Nov)	No	Yes (29-Aug)

Action 4 of Amendment 10 revises the Atlantic wahoo sector allocations and sector ACLs. The three landings scenarios were compared to the Action 4 Alternative ACLs to determine if there is an ACL overage for the individual commercial and recreational sectors (**Table B-3**). For the commercial sector there was only one predicted ACL overage and it was with the max landings scenario. However, for the recreational sector there were predicted ACL overages for the two landings scenarios using the average of the five most recent years of complete landings (2015 through 2019), and the maximum annual landings from the last 5 years of complete landings. The predicted dates that landings would be projected to meet or exceed the ACL for the three landings scenarios are provided in **Table B-3**.

Table B-3. Action 4 annual catch limit alternatives for the recreational sector for Amendment 10 and predicted dates that the recreational ACL would be met or exceeded for the three landings scenarios.

Alternative	Wahoo ACL (lbs ww)	Average 2015 through 2019 Landings	Average 2017 through 2019 Landings	Maximum Landings
Commercial Sector				
Alternative 1 (No Action)	113,392	No	No	No
Preferred Alternative 2	105,314	No	No	No
Alternative 3	70,690	No	No	Yes (23-Nov)
Alternative 4	86,559	No	No	No
Recreational Sector				
Alternative 1 (No Action)	2,771,911	Yes (19-Dec)	No	Yes (17-Sep)
Preferred Alternative 2	2,779,989	Yes (20-Dec)	No	Yes (18-Sep)
Alternative 3	2,814,613	Yes (24-Dec)	No	Yes (21-Sep)
Alternative 4	2,798,744	Yes (22-Dec)	No	Yes (19-Sep)

APPENDIX C

Dolphin and Wahoo Commercial Harvest per Trip

Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (Amendment 10) is in the process of potentially revising commercial trip limits for dolphin and wahoo. Available commercial landings by trip for the Atlantic coast (Maine to east Florida, including Monroe County) from the recent years of 2015 through 2019 were explored to determine the commercial harvest of dolphin and wahoo per trip. Dolphin and wahoo harvest is illegal if these commercial fishers have trap gear onboard a vessel so any dolphin or wahoo harvest trips with the gears of trap, pot, or buoy gear were removed. The Atlantic dolphin and wahoo harvest per trip came from three sources: 1) Coastal Fisheries Logbook Program, 2) Pelagic Logbook Program, and 3) Vessel Trip Reports. The Coastal Fisheries Logbook Program contains catch and effort for trips made by vessels that have been issued a Federal permit for the South Atlantic snapper-grouper, sharks, and king and Spanish mackerel fisheries. The Southeast Fisheries Science Center (SEFSC) provided a Coastal Fisheries Logbook Program dataset on May 26, 2020. The Pelagic logbook program contains catch and effort for fishing trips that are taken by vessels with a Federal permit issued for the swordfish and sharks under the Highly Migratory Species fishery management plan. The SEFSC provided a Pelagic Logbook Program dataset on November 8, 2020. Participants of the Coastal Fisheries Logbook Program and the Pelagic Logbook Program record all of their harvest, therefore, any harvest of dolphin and wahoo are collected in these programs. Commercial operators participating in the New England and Mid-Atlantic fishery management plans are required to report results of all fishing trips via the Vessel Trip Reports (VTR). A VTR dataset was provided from the Greater Atlantic Regional Fisheries Office on November 9, 2020. Atlantic dolphin and wahoo commercial landings per trip from all three datasets were compiled and plotted. **Figure C-1** provides the distribution of Atlantic dolphin harvest per trip for each dataset, and **Figure C-2** provides the distribution of Atlantic wahoo harvest per trip.

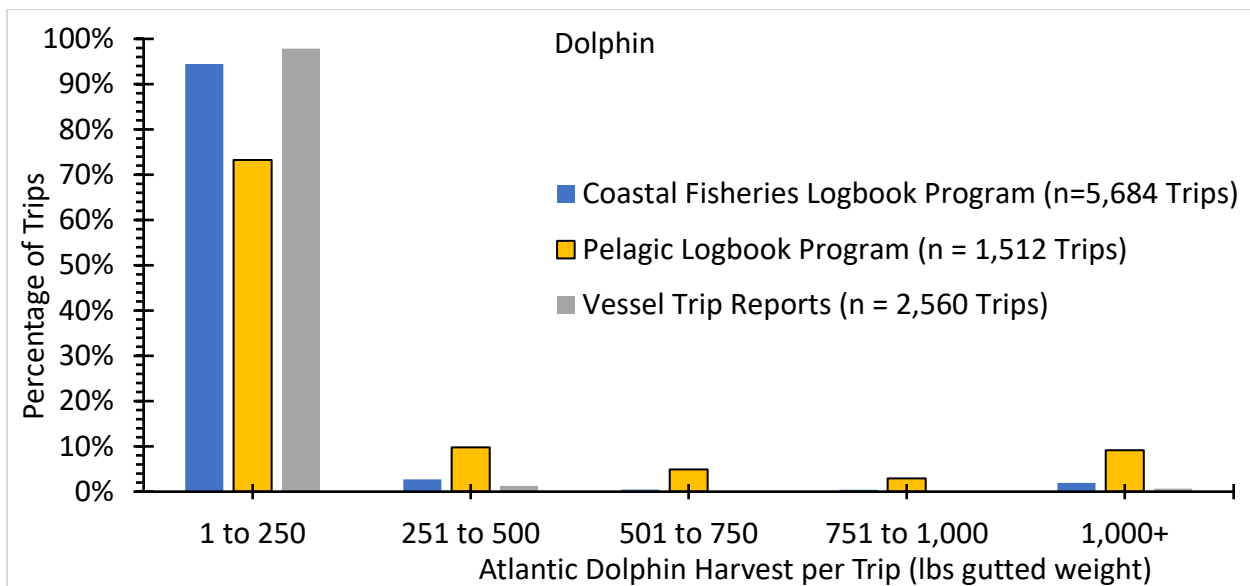


Figure C-1. Distribution of Atlantic trips that commercially harvested dolphin from 2015 through 2019.

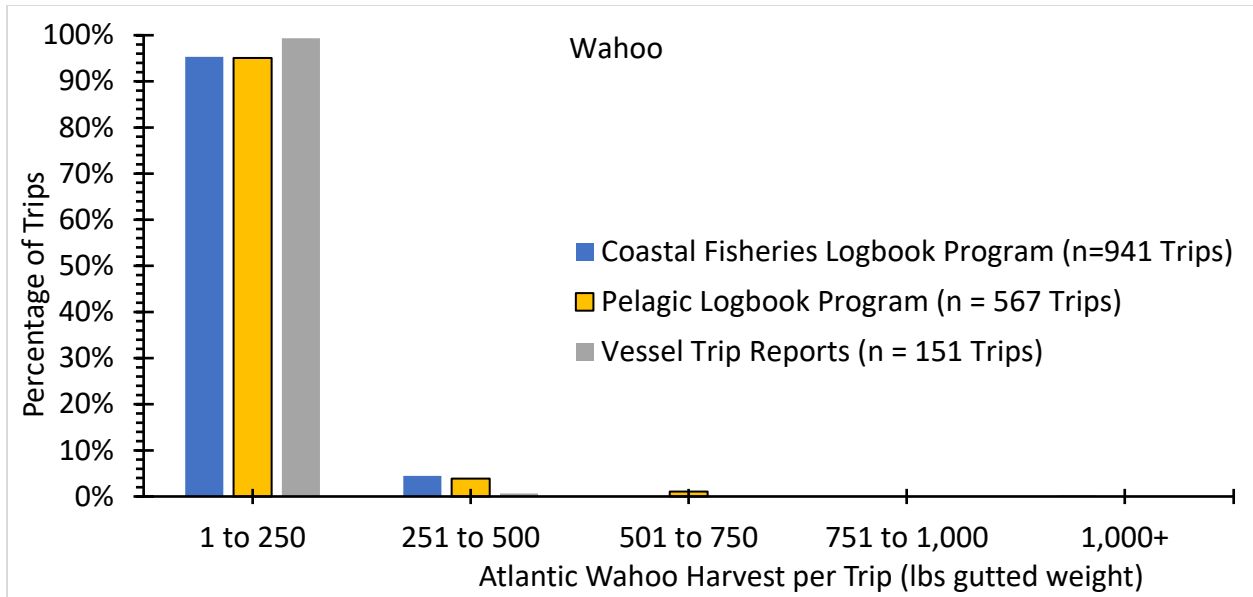


Figure C-2. Distribution of Atlantic trips that commercially harvested wahoo from 2015 through 2019.

APPENDIX D

South Atlantic dolphin harvest per person and per vessel from 2015 to 2019

Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (Amendment 10) is in the process of modifying the bag and vessel limits for Atlantic dolphin. Amendment 10 is considering bag and vessel limit changes to the Atlantic dolphin (Maine to east Florida) and also just for east Florida. In both cases Monroe County, Florida is included in east Florida. Atlantic dolphin recreational harvest information is collected from two different recreational surveys: Marine Recreational Information Program (MRIP) and the Southeast Region Headboat Survey (Headboat). Atlantic dolphin harvest per trip from 2015 through 2019 for MRIP was downloaded from the NOAA fisheries recreational landings website (fisheries.noaa.gov) in September of 2020, and Headboat data was provided from the Fisheries Science Center in July of 2020. The data were explored and appropriate weight bins were chosen. The percentage of trips for dolphin harvest per person for the Atlantic region are shown in **Figure D-1**, and harvest per person for only east Florida are shown in **Figure D-2**.

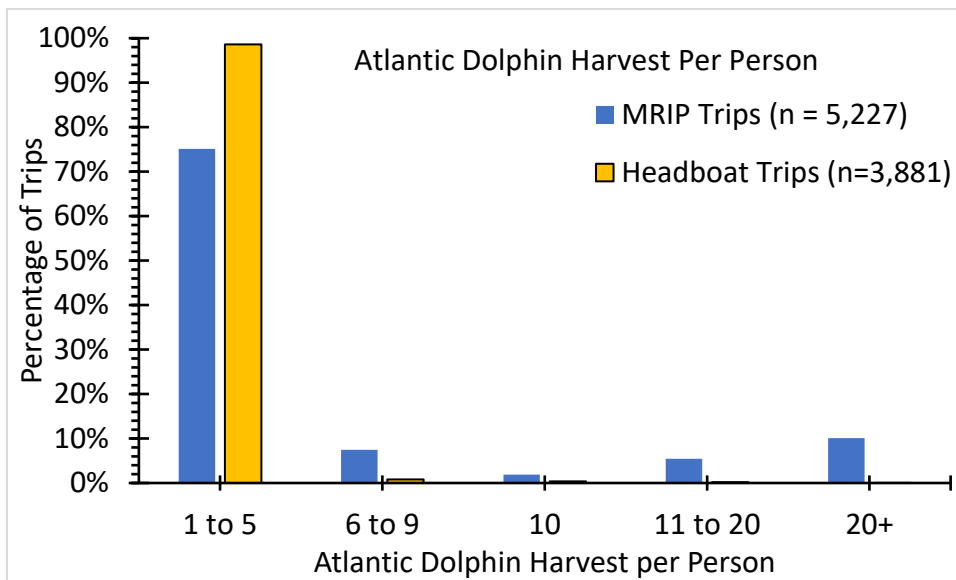


Figure D-1. Percentage of trips for a range of Atlantic dolphin harvested per person. The data is from 2015 through 2019, and data from both MRIP and Headboat are provided. The Atlantic dolphin stock is from Maine to east Florida (including Monroe County, Florida).

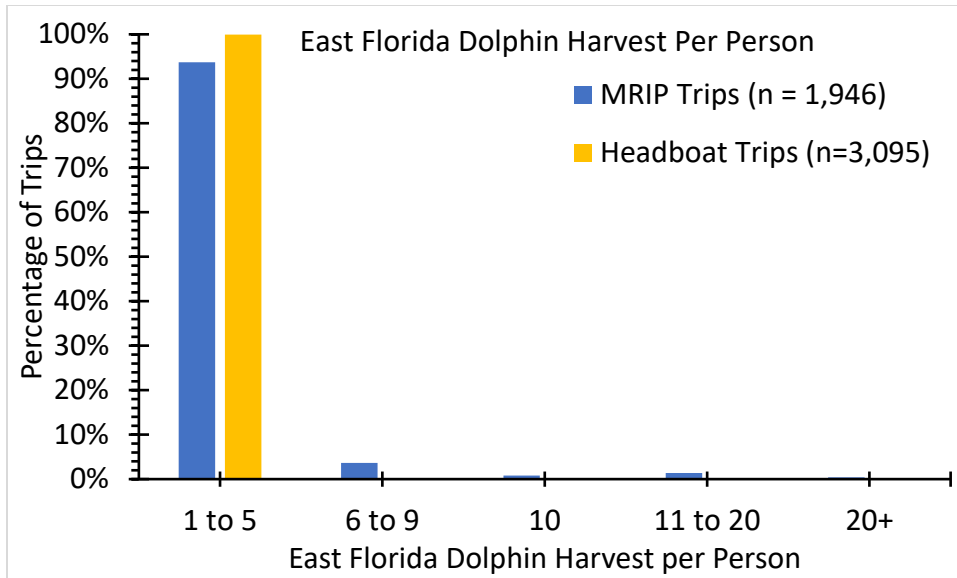


Figure D-2. Percentage of trips for a range of east Florida dolphin harvested per person. The data is from 2015 through 2019, and data from both MRIP and Headboat are provided. East Florida includes data from Monroe County, Florida.

Amendment 10 is also exploring changes to the vessel limit for Atlantic dolphin. The harvest of Atlantic dolphin per vessel for the Atlantic region are shown in **Figure D-3**, and only for east Florida are shown in **Figure D-4**.

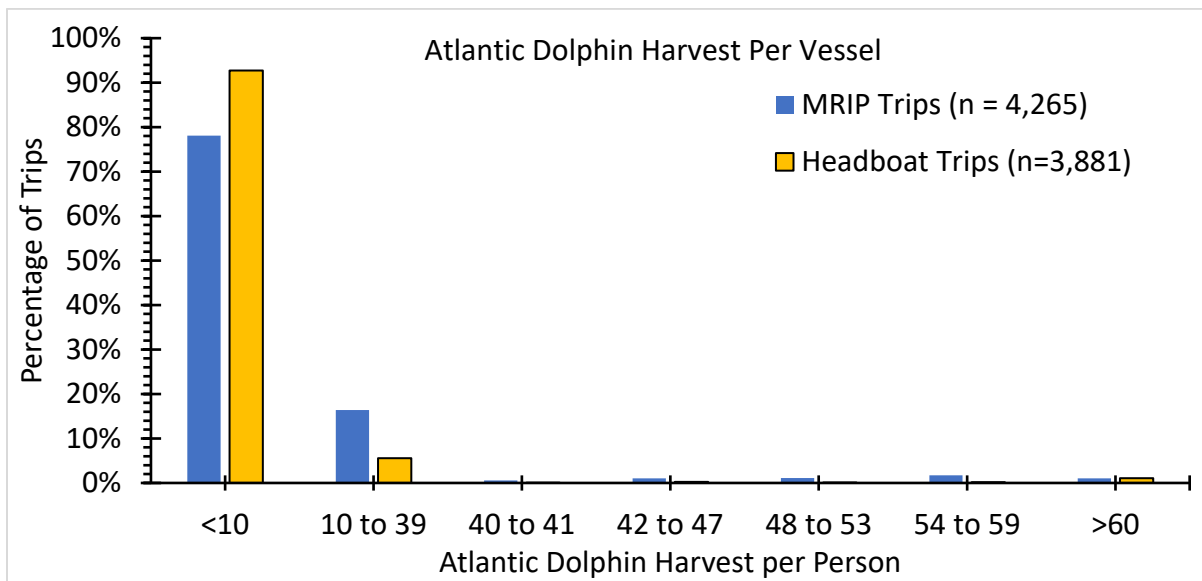


Figure D-3. Percentage of trips for a range of Atlantic dolphin harvested per vessel. The data is from 2015 through 2019, and data from both MRIP and Headboat are provided. The Atlantic dolphin stock is from Maine to east Florida (including Monroe County, Florida).

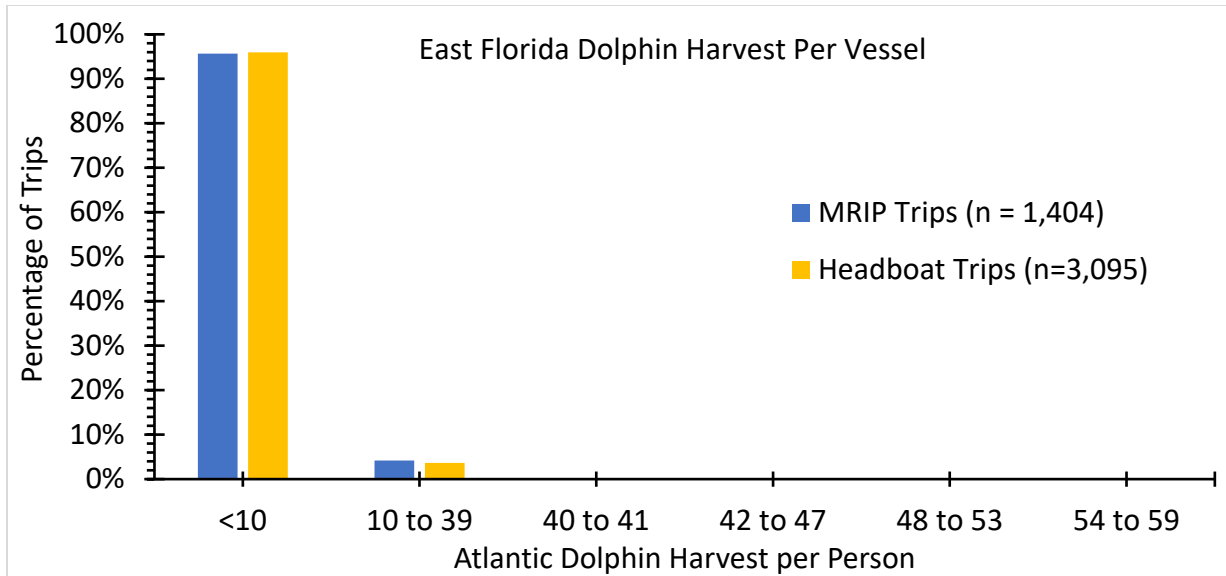


Figure D-4. Percentage of trips for a range of east Florida dolphin harvested per vessel. The data is from 2015 through 2019, and data from both MRIP and Headboat are provided. East Florida includes data from Monroe County, Florida.

Amendment 10 is considering a change to the dolphin vessel limits. Percent reductions in landings were calculated for the Amendment 10 vessel limits by modifying recent trips that harvested dolphin. Data from 2015 through 2019 were used and any trips that harvested less than the vessel limit being considered were not modified. Trips that met or exceeded the vessel limit being considered were changed to meet the vessel limit. For example if a vessel limit of 42 dolphin is being analyzed then a trip that landed 50 dolphin would be changed to a harvest of 42 dolphin. Trips that harvested above the current vessel limit of 60 fish were not modified since these trips exceeded the current vessel limit and it was assumed in the future there will still be a similar proportion of trips that exceed the vessel limit. The unmodified data is compared to the new vessel limit modified data to determine percent reduction in landings. The results of the percent reduction in landings are shown in **Table D-1**.

Table D-1. Percent reduction in landings from a range of different vessel limits for Atlantic dolphin. Data comes from the recreational data from MRIP and Headboat from 2015 to 2019.

Vessel Limit	MRIP Reduction	Headboat Reduction
Atlantic Region		
60 Dolphin per Vessel (Status Quo)	0.00%	0.00%
40 Dolphin per Vessel	5.71%	1.31%
42 Dolphin per Vessel	4.71%	1.06%
48 Dolphin per Vessel	2.32%	0.43%
54 Dolphin per Vessel	0.69%	0.10%
Only East Florida		
40 Dolphin per Vessel	0.04%	0.43%
42 Dolphin per Vessel	0.03%	0.33%

48 Dolphin per Vessel	0.01%	0.11%
54 Dolphin per Vessel	0.01%	0.03%