

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)

Decision Document for the Dolphin Wahoo Advisory Panel October 2020 meeting

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). 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. 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 Council has continued to work on the amendment since that time.

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 would like to revisit the application of ORCS for all the unassessed species in the ABC Control Rule Amendment. As such, ORCS was not used for setting 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 fishery 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

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).
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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. Work has been ongoing.
December 2020	Council reviews preliminary effects, provides guidance on actions, approves the Purpose and Need statements, 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.

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. According to this amendment, the rationale for setting ABC equal to the ACL was that:
 - This was the preferred alternative in the Comprehensive ACL Amendment.
 - Monitoring efforts had improved significantly, thereby reducing the likelihood that the commercial ACLs would be exceeded.
 - Dealers were to begin reporting electronically once a week, further enhancing ACL monitoring efforts.
 - Recreational landings had remained well below recreational ACLs since implemented.
- 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.
- **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.
- The potential revised dolphin ACLs are all above the observed landings in recent years except for 2015 (**Figure 1, Table 2**). The new ACL is likely not constraining on total harvest in most years (**Table 3**) but could be potentially constraining in years of exceptionally high landings.

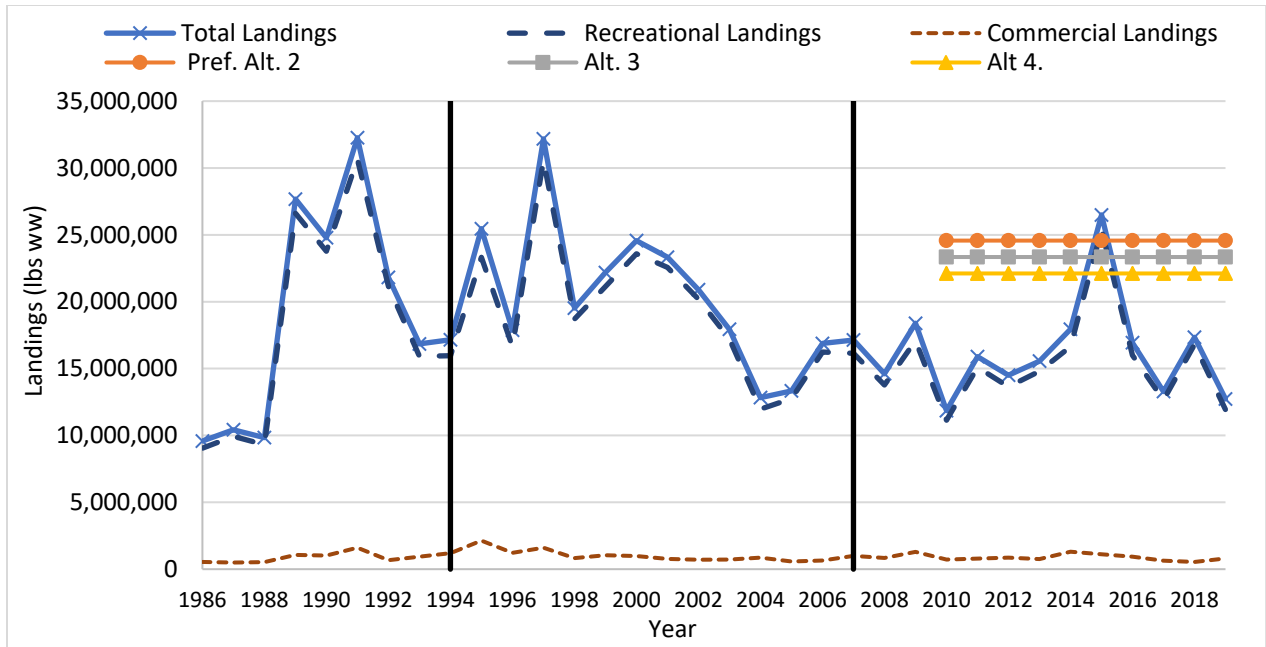


Figure 1. Atlantic dolphin landings (pounds whole weight) from 1986-2019 in comparison to **Alternatives 2 (Preferred)** through **4** in **Action 1**. The solid vertical lines indicate baseline years (1994 to 2007) selected by the SSC for setting the dolphin ABC.

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. Comparison of alternatives in **Action 1** to recent average annual Atlantic dolphin landings. The new ABC for dolphin = 24,570,764 lbs ww (3rd highest landings from 1994-2007). Please note that 2019 commercial landings are preliminary.

Alternative	Dolphin ACL (lbs ww)	Difference from 2015-2019 average dolphin landings (lbs ww)	Difference from 2017-2019 average dolphin landings (lbs ww)	Difference from 2019 dolphin landings (lbs ww)
Alternative 1 (No Action)*	15,344,846	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	24,570,764	8,019,269	10,776,047	12,641,466
Alternative 3	23,342,225	6,790,730	14,407,931	11,412,927
Alternative 4	22,113,687	5,562,192	14,407,931	10,184,389

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

Table 3. Prediction of **Action 1** alternatives meeting or exceeding the ACL based on 3-year average landings, 5-year average landings, and highest annual landings between 2015 and 2019.

Alternative	Dolphin ACL (lbs ww)	5-year average landings (2015 through 2019)	3-year average landings (2017 through 2019)	Highest landings from 2015 through 2019
Alternative 1 (No Action)	15,344,846	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	24,570,764	No	No	16-Oct
Alternative 3	23,342,226	No	No	30-Sep
Alternative 4	22,113,688	No	No	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.

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 1**?

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. According to this amendment, the rationale for setting ABC equal to the ACL was that:
 - This was the preferred alternative in the Comprehensive ACL Amendment.
 - Monitoring efforts had improved significantly, thereby reducing the likelihood that the commercial ACLs would be exceeded.
 - Dealers were to begin reporting electronically once a week, further enhancing ACL monitoring efforts.
 - Recreational landings had remained well below recreational ACLs since implemented.
- 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 4**) 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.
- **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.
- The potential revised wahoo ACLs are below some of the observed landings in recent years (**Figure 2, Table 5**). The new ACL would not be constraining on total harvest in most years but will be constraining in years of exceptionally high landings (**Table 6**).

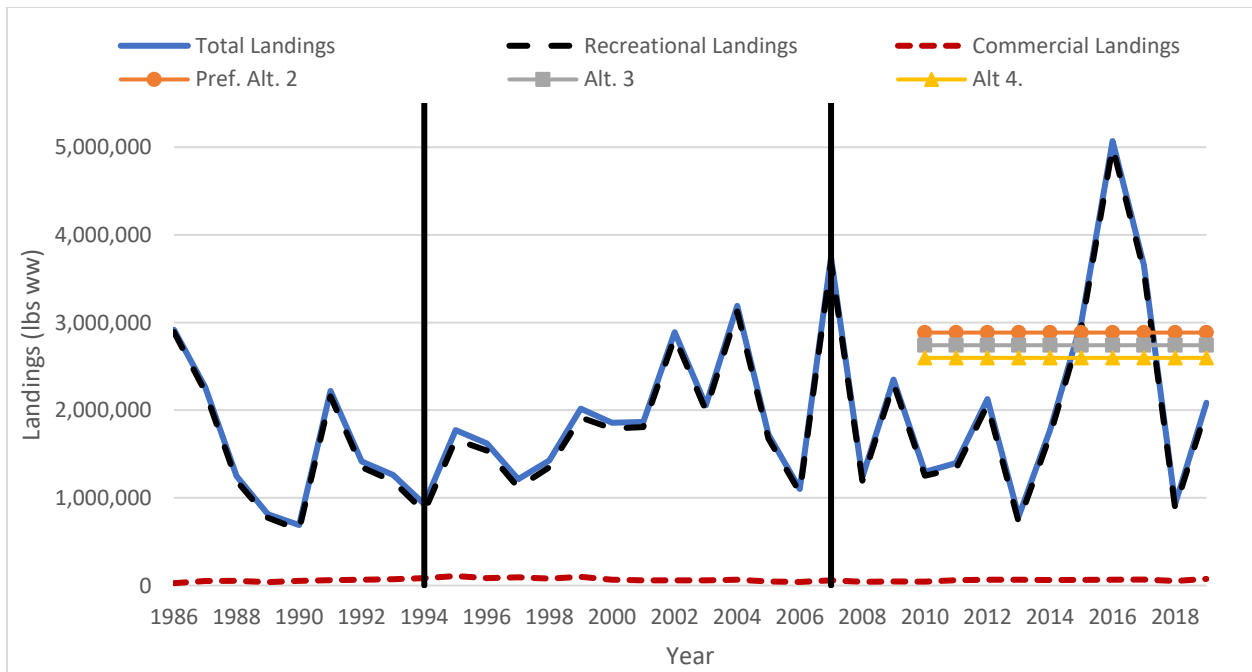


Figure 2. Atlantic wahoo landings (pounds whole weight) from 1986-2019 in comparison to **Alternatives 2 (Preferred)** through **4 in Action 2**. The solid vertical lines indicate baseline years (1994 to 2007) selected by the SSC for setting the wahoo ABC.

Table 4. 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
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Table 5. Comparison of alternatives in **Action 2** to recent average annual Atlantic wahoo landings. New ABC for wahoo = 2,885,303 lbs ww (3rd highest landings during 1994-2007). Please note that 2019 landings are preliminary.

Alternative	Wahoo ACL (lbs ww)	Difference from 2015-2019 average wahoo landings (lbs ww)	Difference from 2017-2019 average wahoo landings (lbs ww)	Difference from 2019 wahoo landings (lbs ww)
Alternative 1 (No Action)*	1,794,960	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	2,885,303	-64,106	662,116	800,008
Alternative 3	2,741,038	-208,218	517,851	655,743
Alternative 4	2,596,773	-352,546	373,586	511,478

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

Table 6. Prediction of **Action 2** alternatives meeting or exceeding the ACL based on 3-year average landings, 5-year average landings, and highest annual landings between 2015 and 2019.

Alternative	Wahoo ACL (lbs ww)	5-year average landings (2015 through 2019)	3-year average landings (2017 through 2019)	Highest landings from 2015 through 2019
Alternative 1 (No Action)	1,794,960	Not Applicable	Not Applicable	Not Applicable
Preferred Alternative 2	2,885,303	24-Dec	No	23-Sep
Alternative 3	2,741,038	8-Dec	No	9-Sep
Alternative 4	2,596,773	22-Nov	No	29-Aug

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

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 2**?

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 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 9**).
- While none of the alternatives are projected to be constraining on either sector (**Table 10**) in most years, it is still possible that landings could exceed some of the alternatives in years of exceptionally high landings (**Figures 3 and 4**). This is particularly the case for the recreational sector.

Table 7. Sector allocations for Atlantic dolphin in **Action 3** based on the revised total ACL from Action 1.

Alternative	Recreational allocation of the total ACL	Commercial allocation of the total ACL
Alternative 1 (No action)	90.00%	10.00%
Alternative 2	93.75%	6.25%
Alternative 3	93.00%	7.00%
Alternative 4	92.00%	8.00%

Table 8. Sector annual catch limits (ACLs) for Atlantic dolphin in **Action 3** based on the revised total ACL from Action 1.

Alternative	Recreational sector ACL (lbs ww)	Commercial sector ACL (lbs ww)
Alternative 1 (No action)	22,113,688	2,457,076
Alternative 2	23,035,091	1,535,673
Alternative 3	22,850,811	1,719,953
Alternative 4	22,605,103	1,965,661

Table 9. Commercial sector annual catch limits (ACLs) for Atlantic dolphin in **Action 3** in comparison to the current sector ACL.

Alternative	Commercial sector ACL (lbs ww) *	Difference from current commercial sector 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

* Revised commercial ACL.

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

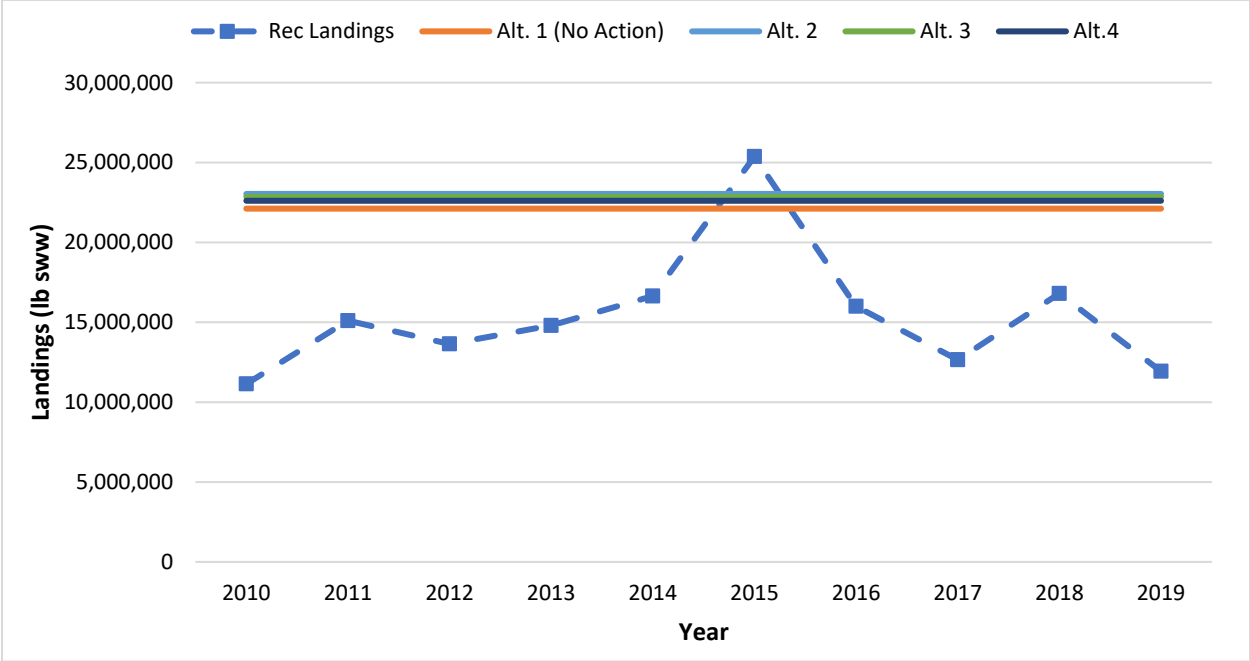


Figure 3. Recreational Atlantic dolphin landings in comparison to allocation alternatives in Action 3, 2010-2019.

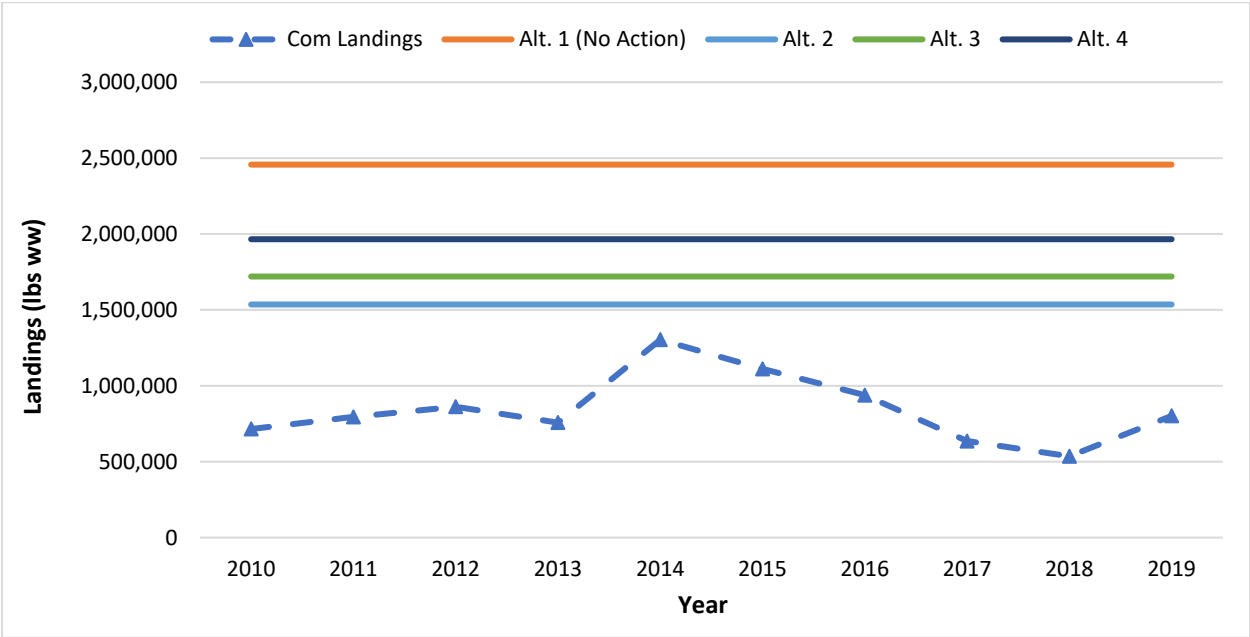


Figure 4. Commercial Atlantic dolphin landings in comparison to allocation alternatives in Action 3, 2010-2019.

Table 10. Sector ACL alternatives in **Action 3** and prediction if the sector ACLs would be met or exceeded using the highest annual landings from 2015 through 2019. Note that none of the ACLs are projected to be met or exceeded using a 5-year or 3-year average of landings.

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

*Assumes ABC=ACL and new catch level recommendations are implemented in Action 1.

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 3**?

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 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 (**Table 13**).
- The potential revised wahoo ACLs for the recreational sector are below some of the observed landings in recent years (**Figure 5**). The new recreational sector ACLs would not be constraining on total harvest in most years but will be constraining in years of exceptionally high landings (**Table 14**).
- None of the alternatives are projected to be constraining on the commercial sector (**Table 14**), but it is still possible that landings could exceed some of the alternatives in years of exceptionally high landings (**Figures 6**).

Table 11. Sector allocations for Atlantic wahoo in **Action 4** based on the revised total ACL from Action 2.

Alternative	Recreational Allocation of Total ACL*	Commercial Allocation of Total ACL
Alternative 1 (No Action)	96.07%	3.93%
Alternative 2	96.35%	3.65%
Alternative 3	97.55%	2.45%
Alternative 4*	97.00%	3.00%

Table 12. Sector annual catch limits (ACLs) for Atlantic wahoo in **Action 4** based on revised total ACL of 2,885,303 lb ww (from Action 2).

Alternative	Recreational sector ACL (lbs ww)	Commercial sector ACL (lbs ww)
Alternative 1 (No action)	2,771,911	113,392
Alternative 2	2,779,989	105,314
Alternative 3	2,814,613	70,690
Alternative 4	2,798,744	86,559

Table 13. Commercial sector annual catch limits (ACLs) for Atlantic wahoo in **Action 4** in comparison to the current sector ACL.

Alternative	Commercial sector ACL (lbs ww) *	Difference from current commercial sector 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

*Revised commercial ACL.

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

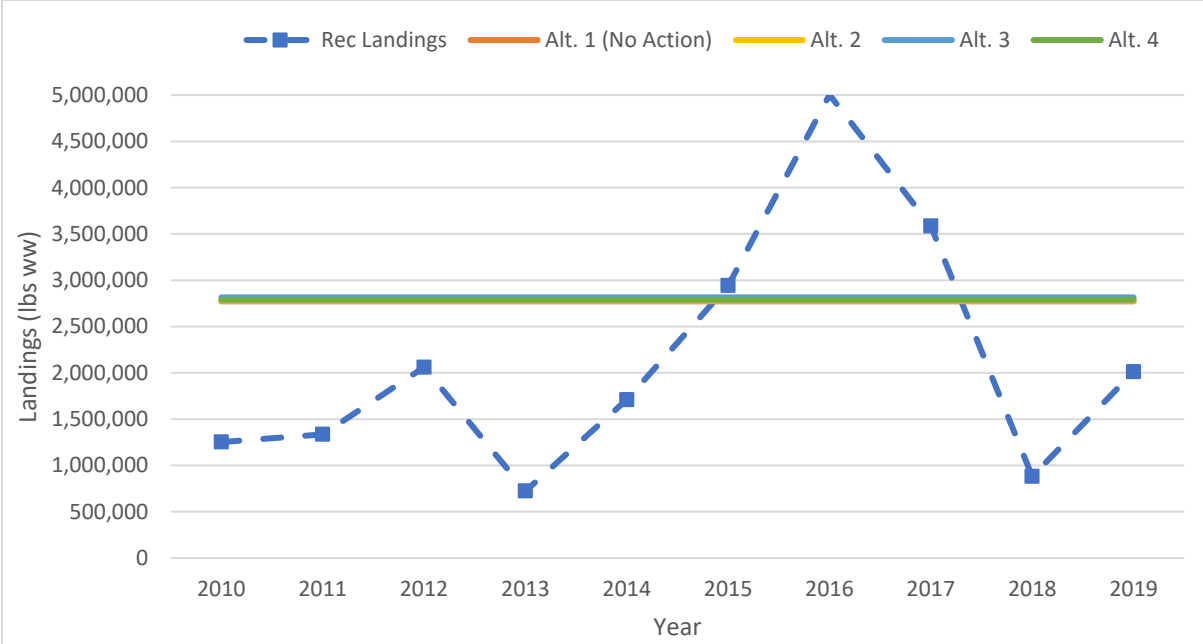


Figure 5. Recreational Atlantic wahoo landings in comparison to allocation alternatives in Action 4, 2010-2019.

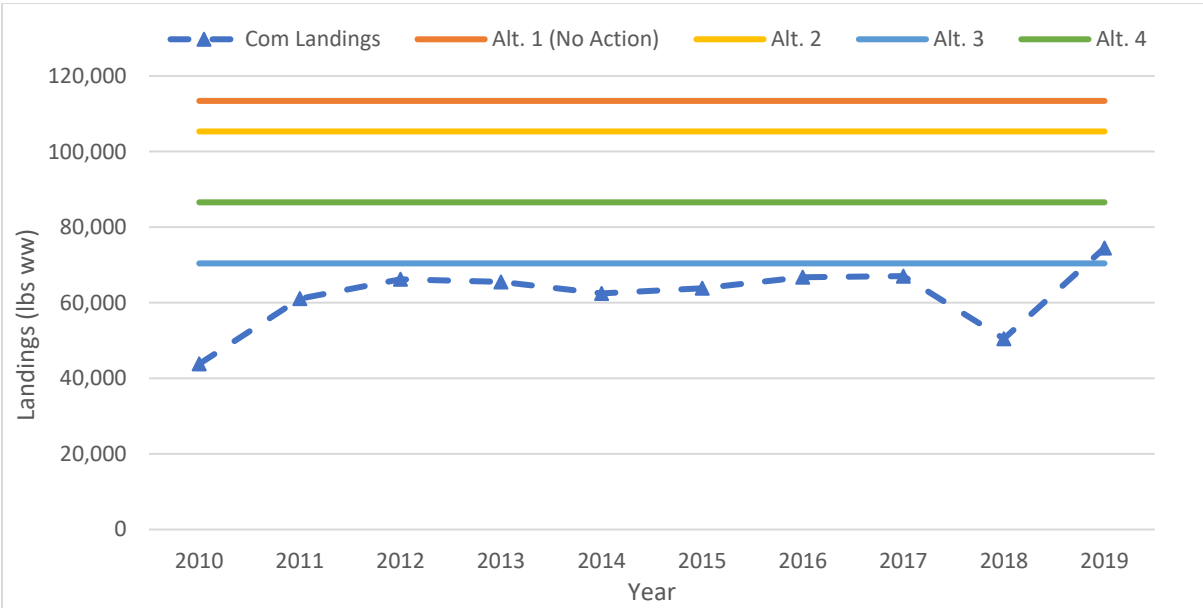


Figure 6. Commercial Atlantic wahoo landings in comparison to allocation alternatives in Action 4, 2010-2019.

Table 14. Recreational sector ACL alternatives in **Action 4** and prediction of whether the recreational sector ACLs would be met or exceeded based on 3-year average landings, 5-year average landings, and highest annual landings between 2015 and 2019. Note that none of the commercial ACLs in **Action 4** are projected to be exceeded under any of the landings scenarios examined.

Alternative	Recreational sector ACL (lbs ww)	Recreational ACL met or exceeded?
Assumption of average landings from 2015 through 2019		
Alternative 1	2,771,911	19-Dec
Alternative 3	2,779,989	20-Dec
Alternative 4	2,814,902	24-Dec
Alternative 5	2,798,744	22-Dec
Assumption of average landings from 2017 through 2019		
Alternative 1	2,771,911	No
Alternative 3	2,779,989	No
Alternative 4	2,814,902	No
Alternative 5	2,798,744	No
Assumption of highest annual landings from 2015 through 2019		
Alternative 1	2,771,911	17-Sep
Alternative 3	2,779,989	18-Sep
Alternative 4	2,814,902	21-Sep
Alternative 5	2,798,744	19-Sep

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 4**?

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 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 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 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.

- 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.

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 5**?

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.

NEW Alternative 5. If landings are projected to meet the sector ACL, reduce (*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. The bag limit

Sub-alternative 5a. The vessel limit

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** would reduce the vessel limit the following fishing season by the amount necessary to prevent the ACL from being exceeded.
- **New 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.”

Requested Advisory Panel Action:

- If the Council chooses an alternative that would reduce the bag limit as part of the accountability measure for dolphin, is there a minimum number that should be specified? I.e. the bag limit will not go below **X** number of fish.
- If the Council chooses an alternative that would reduce the vessel limit as part of the accountability measure for dolphin, is there a minimum number that should be specified? I.e. the vessel limit will not go below **X** number of fish.
- Out of a bag limit reduction and vessel limit reduction, is one more palatable than the other?
- Does the AP have other comments or recommendations on **Action 6**?

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 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 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.

- 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.

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 7**?

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.

NEW Alternative 5. Reduce the bag limit or implement a vessel limit (*Sub-alternatives 5a and/or 5b*) at the beginning of the following fishing year. 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 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

Sub-alternative 5a. Implement a vessel limit

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.
- **New 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.”

Requested Advisory Panel Action:

- If the Council chooses an alternative that would implement a vessel limit as part of the accountability measure for wahoo, is there a minimum number that should be specified? I.e. the vessel limit will not go below **X** number of fish.
- Out of a bag limit reduction and vessel limit, is one more palatable than the other?
- Does the AP have other comments or recommendations on **Action 8**?

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 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 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 dolphin 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 fishery may not possess a dolphin. Dolphin retained by such a vessel shall not exceed:

- 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.

- The current list of allowable gears in the dolphin wahoo fishery does not include trap, pot, or buoy gears, therefore dolphin or wahoo may not be 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 gears are also on board.
- **Sub-alternatives 2a** through **2d** were included in response to the Committee's 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 gears are also on board.

Previous Advisory Panel Recommendations:

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

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

9 IN FAVOR; 0 OPPOSED

Note: Buoy and trap gear was not being examined within the action at the time that it was reviewed by the Dolphin Wahoo AP.

The AP also noted the following:

- Consider the golden crab fishery.
- If dolphin or wahoo harvest is limited to rod-and-reel only on trips pulling trap gear, then the additional amount landed will not likely be very large. No problem with allowing this.
- Will also help with enforcement and clarity of the regulations.
- Be specific on pot or trap gear being onboard rather than open up to all gears.

Requested Advisory Panel Action:

- Does the AP have other comments or recommendations on **Action 9**?

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.

Past 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 13 was listed as Action 8 in the amendment at the time.

The AP also noted the following:

- The concept makes sense if a penalty goes to the operator of a vessel committing an offense rather than the owner, but it is burdensome to obtain if it is not being used for the intended purpose.
- One more thing to apply for and if you forget it is expired, it can be costly. For identification purposes, there are other IDs or certifications that could be used that are already in place such as a captain's licenses, driver's license, or TWIC card.

Requested Advisory Panel Action:

- Does the AP have other comments or recommendations on **Action 10**?

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 Committees guidance from December 2018 to consider alternatives that focuses on vessel limits divisible by 6 but are not below 40 fish.
- Upon initial analysis of revised MRIP data, it is possible that the recreational sector may be fully utilizing the potential sector ACL for dolphin in some years and additional restrictions may be desired to limit harvest. This will be dependent on the ACL as well as allocations set by the Council. Further information will be available at future meetings.
- Based on initial analysis that can be found in the **Appendix C**, the majority of the recreational trips (more than 90% on average) typically harvest less than 10 dolphin per vessel on average (**Figure 7** through **Figure 9**).

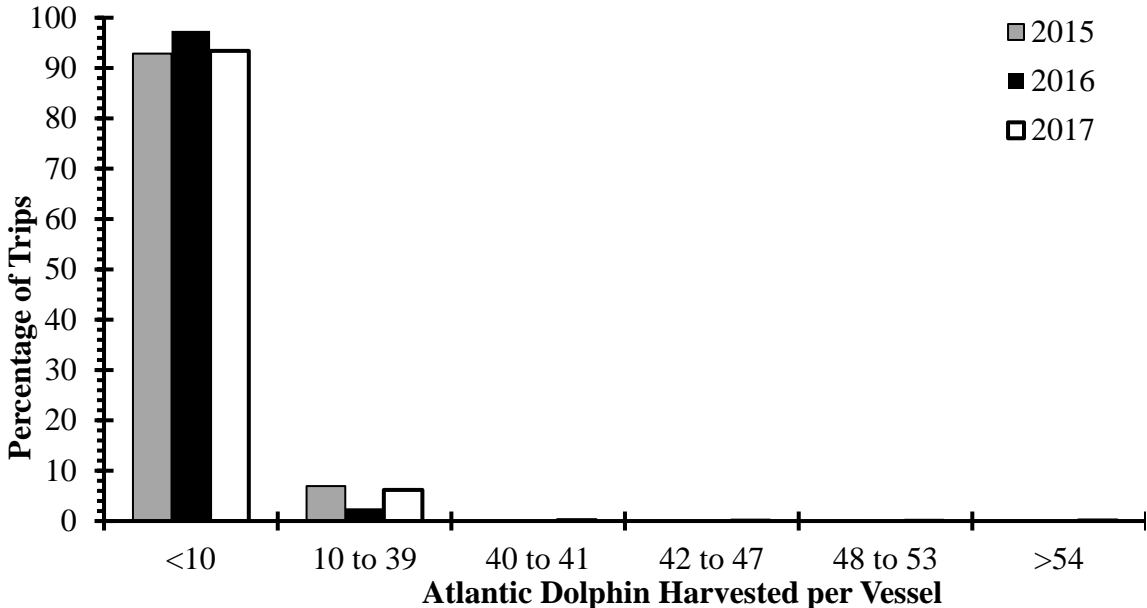


Figure 7. Distribution of Atlantic dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,884,919 vessel trips) and Headboat (2,837 trips) recreational surveys. The results are from Maine to Florida and include Monroe County, Florida.

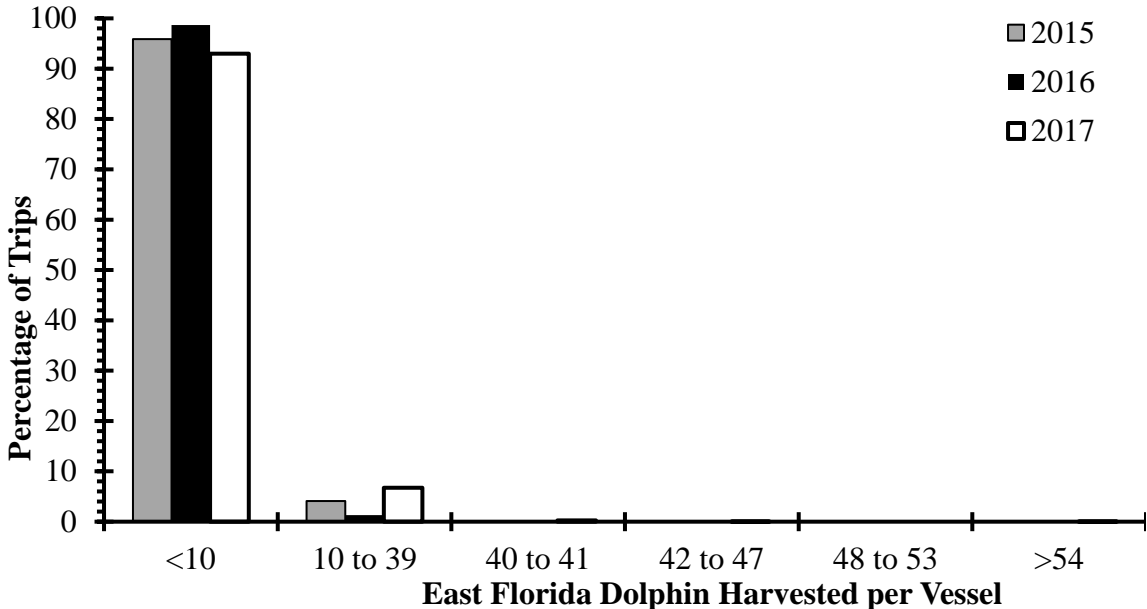


Figure 8. Distribution of east Florida dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,164,106 vessel trips) and Headboat (2,303 trips) recreational surveys. The results are from east Florida and include Monroe County, Florida.

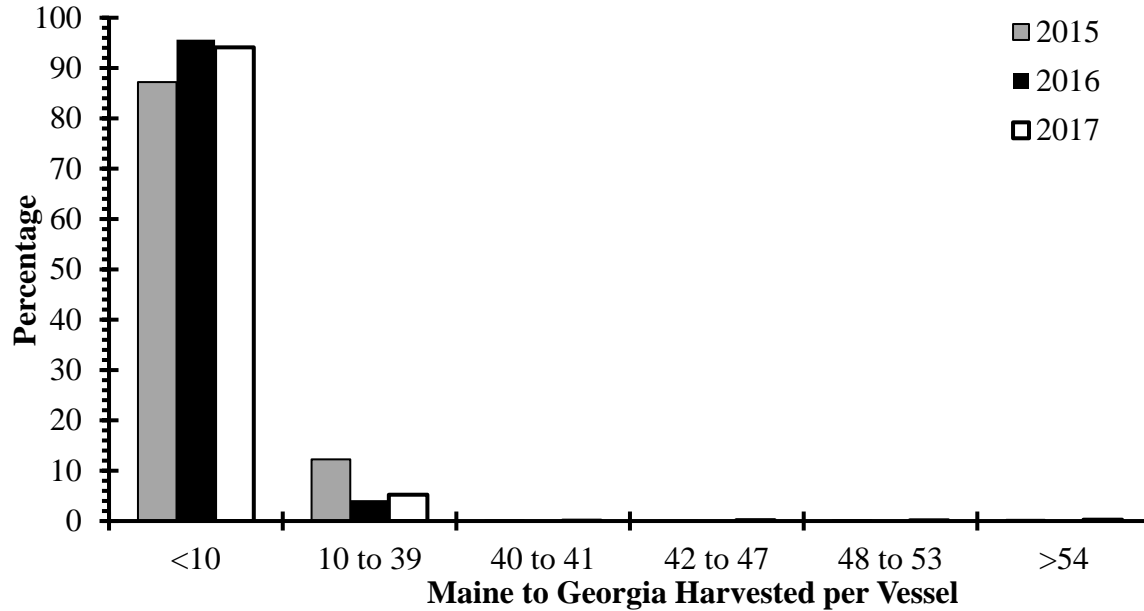


Figure 9. Distribution of Maine to Georgia dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (720,813 vessel trips) and Headboat (534 trips) recreational surveys.

Past Advisory Panel Recommendations:

- 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 be 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.

Requested Advisory Panel Action:

- Does the AP have other comments or recommendations on **Action 11**?

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 Council 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.

IPT Recommendations/Comments:

- 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 many 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 federally regulated tunas, sharks, and swordfish.

Past Advisory Panel Recommendations:

The South Atlantic Fishery Management Council's Law Enforcement (LE) AP reviewed the initial request from the Mid-Atlantic Council 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 #1: THE LE AP RECOMMENDS THAT NO FILLETING OF DOLPHIN BE ALLOWED IN THE EEZ OFF THE ATLANTIC. APPROVED BY AP (UNANIMOUS)

Requested Advisory Panel Action:

- Does the AP have comments or recommendations on **Action 12**?