

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



Discussion Document  
April 2025

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

### Background

At the March 2022 meeting, the South Atlantic Fishery Management Council's (Council) Dolphin Wahoo Committee (Committee) discussed potential new management measures for dolphin and provided guidance for Regulatory Amendment 3 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP) that would consider:

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

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

At the June 2022 meeting, the Committee received a presentation from the NOAA Southeast Fisheries Science Center (SEFSC) on plans to begin work on a management strategy evaluation (MSE) for the Atlantic dolphin fishery. Additionally, the Committee received feedback from the [Dolphin Wahoo Advisory Panel \(AP\)](#), refined the potential management actions in the amendment, and directed staff to prioritize assisting with the Dolphin MSE stakeholder

workshops ahead of further developing Regulatory Amendment 3, noting that comments received during these workshops as well as during Council meetings would constitute the scoping process.

At the June 2023 meeting, the Committee reviewed [summary feedback](#) received during the Dolphin MSE stakeholder workshops. The Committee passed a motion to delay development of the amendment until the Dolphin MSE results are available to review or until the December 2024 Council meeting, whichever is earlier.

Finally, at the [December 2024](#) meeting, the Committee reviewed the amendment and MSE progress. The Committee provided guidance to move forward with development of Regulatory Amendment 3 with the existing actions and range of alternatives and use the Dolphin MSE modeling results to inform Committee decisions on the actions in the amendment. At the March 2025 meeting, the Council discussed its overall heavy workload and decided to potentially delay further development of Regulatory Amendment 3 until after the Dolphin MSE has been developed, which could be early 2026.

[The Dolphin MSE](#) was originally planned to provide results as early as late 2023 or in 2024, however there have been delays along the way in its development. Work on the MSE has progressed, with modeling results being reviewed by the Council's Scientific and Statistical Committee (SSC) in April 2025 and subsequent review by the Council and the SSC scheduled for later in the year. Per the guidance provided by the Council in December, the intent is to potentially use the MSE in two main ways. One being to inform Council decisions on the actions in Regulatory Amendment 3 and the other being to potentially develop a full empirical management procedure that can help inform catch levels for dolphin and associated management measures. The final application of the MSE will depend on the success of the MSE modeling outcomes as well as feedback and review by the Council's SSC and advisors, Council members, and the fishing community.

## **Recent Dolphin Management Actions**

A somewhat recent action of note is the Council's development of Amendment 10 to the Dolphin Wahoo FMP (Amendment 10) which went into effect May 2, 2022. Amendment 10 implemented several changes in the Dolphin Wahoo fishery, including:

- Revising the acceptable biological catch, sector allocations, total annual catch limit (ACL), sector ACLs, and recreational accountability measures;
- Removing the operator card requirement; and
- Reducing the recreational vessel limit for dolphin from 60 fish to 54 fish per vessel.

The Council is considering changes to the applicable geographic range of the minimum size limit for dolphin and further changing retention limits as a continuation of similar discussions that took place during development of Amendment 10 as well as in response to public concern over a low dolphin abundance in recent years, particularly in the South Florida area.

Additionally of note since the approval of Amendment 10 is the action by the Florida Fish and Wildlife Conservation Commission that became effective May 1, 2022 to:

- Reduce the bag limit from 10 to 5 dolphin per person in Atlantic state waters,

- Reduce the private recreational vessel limit from 60 to 30 dolphin in Atlantic state waters, and
- Clarify that for-hire captain and crew are prohibited statewide from retaining a bag limit of dolphin.

These rule changes have led to an inconsistency in dolphin regulations between federal waters and state waters in the Atlantic Ocean off Florida. Some measures being considered in this amendment could address this regulatory inconsistency if the Council decides to move forward with such actions.

### Amendment Timing

Based on the generalized FMP amendment development timeline, this amendment will likely need to be reviewed by the Council over at least four meetings. This would include meetings to review a draft amendment document, a public hearing document, a revised amendment document, and a final amendment document for the Council’s approval. If additional measures are added, then at least one extra Council meeting would likely be necessary. Depending on when work begins again on the amendment, it will likely take approximately a year to develop it for submittal to the National Marine Fisheries Service. Rulemaking and implemented regulations would be several months after submittal.

### Objectives for this meeting (April 2025)

- Review measures in the amendment and previous AP recommendations.
- Provide feedback for the Council to consider in developing the amendment.

### Draft Actions in Regulatory Amendment 3

**DRAFT Action 1. Modify the applicable geographic range of the 20-inch fork length commercial and recreational minimum size limit for dolphin.**

Alternative	The commercial and recreational size limit for dolphin is 20 inches fork length and applies to dolphin in federal waters off:
Alternative 1 (No Action)	Florida, Georgia, and South Carolina.
Alternative 2	Florida through North Carolina.
Alternative 3	Florida through New York.
Alternative 4	Florida through Maine.

#### Discussion:

- The current minimum size limit for dolphin is 20 inches fork length and applies off Florida, Georgia, and South Carolina.
  - This size limit applies to both the recreational and commercial sectors.
- There is no minimum size limit for dolphin in waters off North Carolina and states further north in the Mid-Atlantic and New England regions.

- Schwenke and Buckel (2008) indicated that size at 50% maturity was 18.1 inches for female dolphin and 18.7 inches for male dolphin.
  - Non-peer reviewed literature states that spawning first occurs from 17-21 inches.

**Previous Range of AP Recommendations (April 2022):**

After a thorough discussion of the pros and cons of implementing a size limit for dolphin where one is not currently in place, the AP noted a split opinion on changing the size limit regulations for dolphin. Generally, those from states with a minimum size limit were in favor of expanding the applied geographic range to encompass areas further north, while those from states without a minimum size limit were not in favor of implementing one.

The AP provided the following recommendations:

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

**Requested AP Action:**

- Would the AP like to change any of the previous recommendations on **Draft Action 1**?
- Does the AP have any additional initial recommendations for the Council to consider on **Draft Action 1**?

## DRAFT Action 2. Modify the daily recreational bag limit for dolphin

Alternative	The daily recreational bag limit is:
Alternative 1 (No Action)	10 dolphin per person onboard private, charter, and headboat vessels.
Alternative 2 and sub-alternatives	A range of 2 to 10 dolphin per person onboard <u>private</u> vessels.
Alternative 3 and sub-alternatives	A range of 2 to 10 dolphin per person onboard <u>charter</u> vessels.
Alternative 4 and sub-alternatives	A range of 2 to 10 dolphin per person onboard <u>headboat</u> vessels.

### Discussion:

- Currently the recreational daily bag limit is 10 dolphin per person, not to exceed 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.
  - This covers the entire jurisdictional range of the Dolphin Wahoo FMP (i.e., Maine through Key West, Florida).
- The majority of dolphin harvest has typically occurred onboard private vessels followed by charter vessels to a lesser extent.
  - When examined previously, on average these two modes combined account for 95% of total dolphin harvest with the remainder occurring onboard commercial vessels or headboats.
- Overall, when last analyzed with data through 2020, recreational vessels tend to harvest 5 or fewer dolphin per person, however charter vessels have a greater percentage of trips that harvest more than 5 dolphin per person.
- When average catch per person is examined by state for Florida and North Carolina, vessels fishing off of North Carolina tend to exhibit higher landings per person than those fishing off of Florida, with charter vessels in North Carolina exhibiting a notably higher average harvest per person.

### Previous Range of AP Recommendations ([April 2022](#)):

- If limits are changed, consider higher limits for charter vessels than private vessels.
  - Help protect the viability of the charter industry by maintaining an incentive for customers to book trips while also encouraging buy-in if other measures are considered.
  - If the bag limit is changed for charter vessels, change the bag limit onboard headboat vessels to the same number of fish.

### Requested AP Action:

- Would the AP like to change any of the previous recommendations on **Draft Action 2**?
- Does the AP have any additional initial recommendations for the Council to consider on **Draft Action 2**?

### DRAFT Action 3. Modify the recreational vessel limit for dolphin

Alternative	The recreational vessel limit is:
<b>Alternative 1 (No Action)</b>	54 dolphin per vessel onboard private and charter vessels. The vessel limit is 10 dolphin per paying passenger on board headboats.
<b>Alternative 2 and sub-alternatives</b>	A range of 12 to 54 dolphin per vessel on board <b>private</b> vessels. Option to apply in the entire Atlantic region or off Florida only.
<b>Alternative 3 and sub-alternatives</b>	A range of 12 to 54 dolphin per vessel on board <b>charter</b> vessels. Also a sub-alternative to remove the vessel limit. Option to apply in the entire Atlantic region or off Florida only.
<b>Alternative 4 and sub-alternatives</b>	A range of 12 to 54 dolphin per vessel on board <b>headboat</b> vessels. Option to apply in the entire Atlantic region or off Florida only.

#### Discussion:

- When considering vessel limit reductions in Amendment 10, the Council reviewed alternatives that would reduce the vessel limit to 30, 40, 42, 48, and 54 dolphin.
- Overall when last analyzed with data through 2020, vessels tend to harvest 12 or fewer dolphin per vessel, however charter vessels account for a greater percentage of trips that harvest higher numbers of dolphin per trip.
- When catch per vessel is examined by state for Florida and North Carolina, vessels fishing off of North Carolina tend to exhibit higher landings per vessel than those fishing off of Florida, with charter vessels in North Carolina having a notably higher occurrence of higher numbers of dolphin harvested per vessel.

#### Previous Range of AP Recommendations ([April 2022](#)):

- It was noted that while the for-hire industry takes less than 20% of the landings, they do catch more dolphin per trip than the private recreational fleet.
- There was consensus from all AP members that the headboat catch of dolphin was insignificant with regards to the ACL and headboats should continue to not have a vessel limit.
  - Do not implement a vessel limit for headboats.
- Several AP members advocated for a higher vessel limit for charter boats than for private recreational vessels. There was no opposition to this concept. It was perceived that this would not be as big a burden on private recreational anglers as it would be on for-hire vessels.
- If the vessel limit is changed, maintain a limit divisible by 6.

#### Requested AP Action:

- Would the AP like to change any of the previous recommendations on **Draft Action 3**?
- Does the AP have any additional initial recommendations for the Council to consider on **Draft Action 3**?

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

Alternative	Captain and crew onboard a charter vessel may:
Alternative 1 (No Action)	Retain a daily recreational bag limit of dolphin as long as the vessel limit is not exceeded.
Alternative 2	Not retain a daily recreational bag limit.
Alternative 3	Not retain a daily recreational bag limit off <b><u>Florida only</u></b> .

**Discussion:**

- Currently captain and crew on for-hire vessels may retain a recreational bag limit of dolphin from a federal regulatory perspective.
  - Provided the recreational vessel limit is not exceeded.
  - There is an exception onboard headboats where the recreational bag limit is 10 dolphin per paying passenger (50 C.F.R. §622.277). In such a case captain and crew are not able to retain a recreational bag limit of dolphin.

**Previous Range of AP Recommendations ([April 2022](#)):**

- There was consensus from AP members that captain and crew should still be able to retain a daily bag limit in the for-hire dolphin fishery, provided that the recreational vessel limit would not be exceeded.
- Maintain captain and crew bag limits.
  - Make captain and crew bag limits the same as bag limits for anglers onboard charter vessels.
  - These limits are important on charter trips, particularly those with a low number of anglers.
  - Could be used as a conservation tool that also maintains the viability of the charter industry if individual bag limits are reduced.

**Requested AP Action:**

- Would the AP like to change any of the previous recommendations on **Draft Action 4**?
- Does the AP have any additional initial recommendations for the Council to consider on **Draft Action 4**?

**References:**

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