

Background document for potentially amending regulations on filleting of dolphin at sea in the Mid-Atlantic and New England regions

The Mid-Atlantic Fishery Management Council (MAFMC) convened a law enforcement workshop in November 2018 that brought together representatives of state and federal fisheries and law enforcement agencies, and the Mid-Atlantic for-hire community to discuss law enforcement issues, permitting, and data reporting in the region and develop potential solutions. One of the recommendations coming from this workshop was for the Mid-Atlantic Council to communicate with NOAA's Southeast Regional Office (SERO) and the South Atlantic Fishery Management Council (SAFMC) the need to consider allowing filleting and skinning of dolphin at sea in the mid/north Atlantic region. Subsequently, the MAFMC passed a motion at their December 2018 meeting requesting an exemption for the regulation prohibiting filleting of dolphin in the waters North of Cape Hatters (see 50 C.F.R §622.276 below for the current regulation). The topic was revisited in April 2019 with the following detailed recommended regulations when filleting dolphin at sea coming from the MAFMC's Law Enforcement – Tilefish – HMS Committee:

1. A 1" x 1" piece of skin must remain on each fillet.
2. Crew must retain racks (frames) of the fish.
3. Crew must be able to present two fillets which are equivalent to one fish.

On April 23, 2019, the MAFMC sent a letter to SERO and the SAFMC formally requesting that the above recommendations be addressed as soon as possible. The SAFMC Law Enforcement AP will be asked for initial comments on the MAFMC's request. This topic will be discussed at the June 2019 SAFMC meeting by the Dolphin Wahoo Committee.

50 C.F.R §622.276 Landing fish intact.

(a) Dolphin or wahoo in or from the Atlantic EEZ must be maintained with head and fins intact, except as specified in paragraph (b) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

(b) In the Atlantic EEZ, dolphin or wahoo lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided that the skin remains intact on the entire fillet of any dolphin or wahoo carcasses, valid Bahamian fishing and cruising permits are on board the vessel, each person on the vessel has a valid government passport with current stamps and dates from The Bahamas, and the vessel is in transit through the Atlantic EEZ with fishing gear appropriately stowed. For the purpose of this paragraph, a vessel is in transit through the Atlantic EEZ when it is on a direct and continuous course through the Atlantic EEZ and no one aboard the vessel fishes in the EEZ. For the purpose of this

paragraph, fishing gear appropriately stowed means that terminal gear (*i.e.*, hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.



Mid-Atlantic Fishery Management Council

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April 23, 2019

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RECEIVED

APR 30 2019

South Atlantic
Fishery Mgmt. Council

Dear Roy and Gregg:

The Mid-Atlantic Fishery Management Council (Council) conducted a Law Enforcement/For-Hire Workshop held on November 13-14, 2018 with attendees from the for-hire industry, U.S. Coast Guard (USCG), NOAA Office of Law Enforcement (NOAA OLE), the Atlantic States Marine Fisheries Commission (ASMFC), the Greater Atlantic Regional Fisheries Office, and Highly Migratory Species (HMS) Division. This workshop addressed several topics, including: (1) Operator versus angler (client) responsibilities for fisheries violations that occur on for-hire vessels, (2) issues related to the sale of golden tilefish and tuna by recreational vessels that do not possess USCG vessel safety requirements for commercial vessels; and (3) complexity of fishing regulations impacting enforceability. As a result, recommendations were presented to the Council's HMS, Law Enforcement, and Tilefish Committees at the December 2018 and April 2019 Council Meetings for their consideration.

During the South Atlantic Liaison Report at the December 2018 Council meeting, the Council passed a motion requesting the following:

Request that the South Atlantic Fishery Management Council and Southeast Regional Office provide exemption for the regulation prohibiting filleting of dolphinfish (mahi mahi) in the waters north of Cape Hatteras.

This topic was revisited at the April Council meeting via the Law Enforcement – Tilefish – HMS Committee report, which detailed recommended regulations when filleting dolphinfish at sea, as follows:

1. A 1" x 1" piece of skin must remain on each filet.
2. Crew must retain the racks (frames) of the fish.
3. Crew must be able to present two fillets which are equivalent to one fish.

Please accept this letter as a formal request from the Mid-Atlantic Fishery Management Council that the South Atlantic Fishery Management Council and the Southeast Regional Office address this recommendation as soon as possible.

Please do not hesitate to call me or Matt Seeley of my staff if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a stylized "Moore".

Christopher M. Moore, Ph.D.
Executive Director

cc: M. Luisi, W. Elliott, T. DiLernia, D. Hemilright, D. Stutt, S. Heins, J. Montañez, M. Seeley