

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)

Discussion Document for the Law Enforcement Advisory Panel

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 13**) would implement various management revisions for the dolphin wahoo fisheries and are largely independent of one another.

Actions in this amendment

Blue highlight denotes actions being discussed at this meeting:

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.** Reduce the recreational bag limit and establish a recreational vessel limit for wahoo
- **Action 13.** 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

	Process Step	Date
✓	Council directs staff to work on amendment	March 2016
✓	Scoping	August 2016
✓	Develop amendment actions and alternatives	September 2016-December 2020
	Public hearings	January 2021
	Council reviews public hearing comments and revised analyses	March 2021
	Council reviews amendment and approves for formals review	June 2021
	Implementation	Sometime in 2022

Actions and Alternatives

Note: Actions not discussed in this section (**Actions 1-5** and **Action 7**) along with the associated analyses are included in the public hearing summary document for Amendment 10 that can be found by clicking [HERE](#).

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

Table 1. Summary of alternatives for 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.
Preferred 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.

Range of vessel and bag limits that will be explored for Preferred Alternative 5:

- Examine a vessel limit of 10, 20, and 30 fish.
- Examine a bag limit of 2, 3, 4, and 5 fish.
- Examine combinations of bag limit and vessel limits whichever is less (emphasis on most restrictive measure).

Discussion:

- Accountability measures (AMs) are inherently short-term, temporary corrective measures designed to maintain landings below an ACL. Post-season AMs, like the those being considered in **Action 6**, occur the fishing year after the AM trigger has been met.
- **Alternative 1 (No Action)** would 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** 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.
- **Alternatives 1 (No Action) through 4** would be implemented near the beginning of the fishing year (January 1).
- Under **Preferred Alternative 5**, if landings are projected meet the sector ACL, a reduction in the bag limit or vessel limit would occur first and if still needed, the length of the recreational fishing season would be reduced by the amount necessary to prevent the annual catch limit from being exceeded. These reductions would occur in-season during the fishing year after the AM is triggered.

Analysis and potential effects:

- Analysis of potential bag and vessel limit reductions is pending.
- Overall, longer seasons result in increased fishing opportunities for the recreational sector and increased revenue opportunities for the for-hire sector. Reducing the season length (**Alternative 1 (No Action)** and **Alternative 2**) are anticipated to result in negative effects associated with loss of access to the resource.
- The effects of reducing the bag limit (**Alternative 3**) or the vessel limit (**Alternative 4**) depend upon how fishermen are affected by either higher bag/vessel limits and shorter seasons, or lower bag limits and longer seasons.
- **Preferred Alternative 5** would provide similar effects as the alternative described above as it includes bag limit and vessel limit reductions and the option of season length adjustments as needed. The extent to which higher bag limits and long seasons are balanced and the associated social effects will depend on the **Preferred Alternative 5** sub-alternative chosen. Since this alternative would delay and potentially prevent restrictive measures from going into place until there is an indication that the sector ACL will be met or exceeded, this is likely the least restrictive alternative.

Requested Advisory Panel Input:

1. Does the Law Enforcement AP have comments or recommendations on the Council's preferred alternative in **Action 6** that would potentially implement an in-season bag limit reduction, vessel limit reduction, or harvest closure in the year after the recreational AM is triggered?
2. Does the Law Enforcement AP have additional comments or recommendations on **Action 6**?

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

Table 2. Summary of alternatives for 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.
Preferred 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.

Discussion:

- **Alternative 1 (No Action)** would reduce the sector ACL by the ACL overage.
- **Preferred 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.

Analysis and potential effects:

- **Alternative 1 (No Action)** would implement a payback provision for an overage of the sector ACL that would reduce the sector ACL by the amount of the overage but there is no mechanism that would limit harvest to the revised sector ACL, thus there would be no realized effects to the fishery under the AM.
- **Preferred Alternative 2** would reduce the fishing season. The effects of a reduced fishing season would depend on the severity of the reduction, the timing, and the availability of other species that could be suitable substitutes for wahoo. Generally, a reduced fishing season may reduce the number of for-hire trips that are taken, which would negatively affect net operating revenues for for-hire businesses. Additionally, a reduced fishing season would result in fewer wahoo harvested.
- **Alternative 3** may reduce the total harvest per angler on trips that meet or exceed the revised bag limit. The individual economic effects of this alternative would be dependent on the ability of the angler to fully land above the revised bag limit. A reduction in bag limit may also reduce the number of for-hire trips that are taken.
- The effects of a vessel limit in **Alternative 4** would be similar to those described for **Alternative 3** but potentially to a lesser degree, particularly on trips with few anglers onboard.

Requested Advisory Panel Input:

1. Does the Law Enforcement AP have comments or recommendations on the Council's preferred alternative in **Action 8** that would potentially implement a reduced fishing season

(i.e. a harvest closure before the end of the calendar year) in the year after the recreational AM is triggered?

2. Does the Law Enforcement AP have additional 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

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.

Preferred 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 gears. A vessel in the Atlantic Exclusive Economic Zone that has on board other gear types that are not authorized in the fishery for dolphin may not possess a dolphin. Dolphin retained by such a vessel shall not exceed:

Sub-alternative 2a. 250 pounds gutted weight

Preferred Sub-alternative 2b. 500 pounds gutted weight

Sub-alternative 2c. 750 pounds gutted weight

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

Preferred 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.

- 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 **Preferred 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.
- The intent behind **Preferred 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.

Analysis and potential effects:

- Allowing harvest of dolphin (**Preferred Alternative 2**) and wahoo (**Preferred Alternative 3**) by vessels with the necessary Atlantic Dolphin/Wahoo Commercial Permit and valid commercial permits required to harvest via fish trap, pot, or buoy gear is anticipated to result in positive effects to fishermen and communities.
- Most commercial trips landings dolphin or wahoo non-longline gear often record less than 500 lbs of either species on a trip (**Figures 1 and 2**).
- Commercial trips that previously had landed dolphin or wahoo with pot, trap, or buoy gear onboard typically recorded relatively low landings of either species (**Tables 3 and 4**).

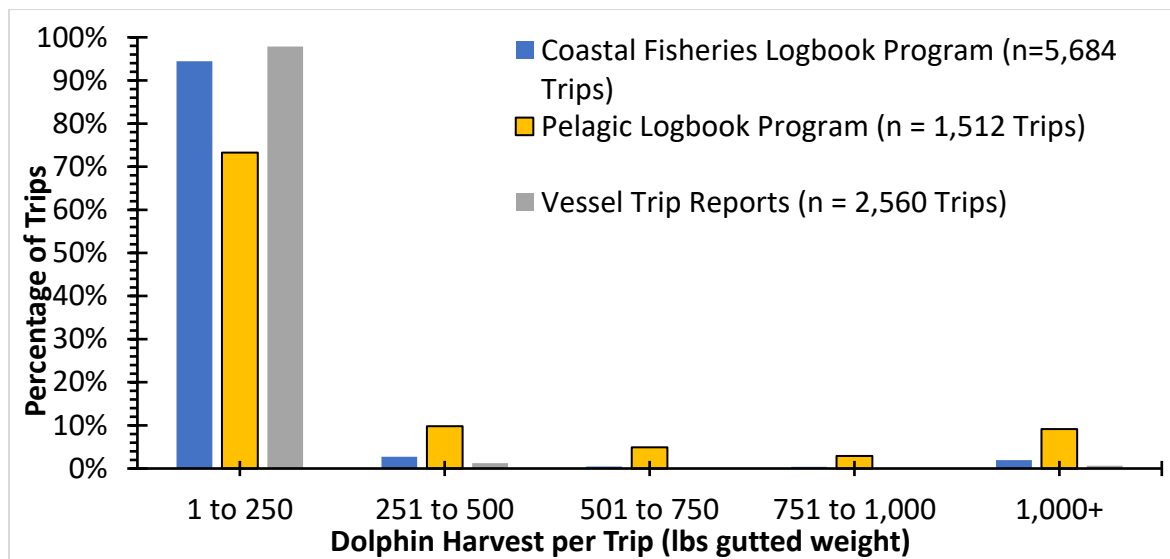


Figure 1. Distribution of Atlantic trips that commercially harvested dolphin from 2015 through 2019.

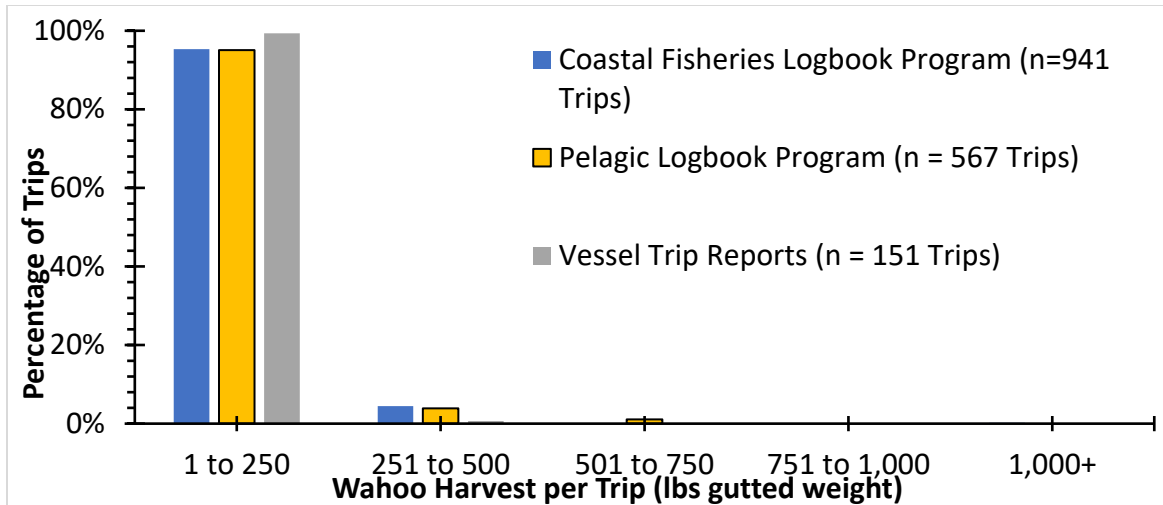


Figure 2. Distribution of Atlantic trips that commercially harvested wahoo from 2015 through 2019.

Table 3. 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 (lbs ww)	Dolphin Revenue
38	Total	2,978	\$8,691
	Mean	78	\$229

Source: ACCSP, pers. comm., data accessed July 23, 2020.

Table 4. 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 (lbs ww)	Wahoo Revenue
3	Total	176	\$853
	Mean	59	\$284

Source: ACCSP, pers. comm., data accessed July 23, 2020.

Requested Advisory Panel Input:

1. Does the Law Enforcement AP have comments or recommendations on the Council’s preferred alternatives in **Action 9** that would allow the possession of limited quantities of dolphin or wahoo caught by rod and reel on commercial vessels with trap, pot, or buoy gear onboard?
2. Does the Law Enforcement AP have additional 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

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.

Preferred 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.

Preferred 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.

- Operator cards were required by the original Dolphin Wahoo FMP and are also required for operators and/or crew in the rock shrimp fishery.
- 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.
- Public testimony from dolphin and wahoo fishermen has indicated that operator cards are rarely checked by law enforcement and are burdensome to renew.

- 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.
- **Preferred 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.
- **Preferred Alternative 3** have the same outcome as **Preferred Alternative 2**, but for the commercial sector.

Analysis and potential effects:

- **Alternative 1 (No Action)** would maintain the operator card requirement for for-hire and commercial participants in the dolphin wahoo fishery. This requirement results in direct costs to fishery participants through application fees and associated preparation costs incurred including obtaining two passport photos, postage, time to prepared and send the application materials once every three years.
- Removing the operator card requirement (**Preferred Alternatives 2 and 3**) would result in direct benefits to captain and crew members that operate for-hire and commercial vessels permitted to fish in the Dolphin Wahoo fishery through forgone costs (**Table 5**).

Table 5. Estimated cumulative economic benefits of **Action 10** (2019\$).

Alternative	Number of vessels affected	Estimated cumulative benefits
Alternative 1 (No Action)	0	\$0
Preferred Alternative 2	2,156	\$195,780
Preferred Alternative 3	2,738	\$248,583
Pref. Alternative 2 + Pref. Alternative 3	4,070	\$369,515

Requested Advisory Panel Input:

1. Does the Law Enforcement AP have comments or recommendations on the Council's preferred alternatives in **Action 10** that would allow remove the operator card requirement?
2. Does the Law Enforcement AP have additional comments or recommendations on **Action 10**?

Action 11. Reduce the recreational vessel limit for dolphin

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.

Table 6. Summary of alternatives for post-season recreational accountability measures in **Action 11**. Please note that all of the alternatives being considered would retain the vessel limit exemption for headboats and maintain the 10 fish per person bag limit.

Alternative/ Sub-alternative	Region/State(s) applicable	Vessel limit onboard charter and private vessels
1 (No Action)	Entire Atlantic EEZ	60 fish
2a	Entire Atlantic EEZ	30 fish
2b	Entire Atlantic EEZ	40 fish
2c	Entire Atlantic EEZ	42 fish
2d	Entire Atlantic EEZ	48 fish
2e	Entire Atlantic EEZ	54 fish
3a	East Florida only	30 fish
3b	East Florida only	40 fish
3c	East Florida only	42 fish
3d	East Florida only	48 fish
3e	East Florida only	54 fish
4a	East Florida, Georgia, and South Carolina	30 fish
4b	East Florida, Georgia, and South Carolina	40 fish
4c	East Florida, Georgia, and South Carolina	42 fish
4d	East Florida, Georgia, and South Carolina	48 fish
4e	East Florida, Georgia, and South Carolina	54 fish

Discussion:

- **Alternative 2** would reduce the vessel limit for dolphin in the entire Atlantic Region while **Alternative 3** would apply in the waters off of Florida only, and **Alternative 4** would apply in the waters off of South Carolina, Georgia, and Florida only.
- The vessel limit exemption for headboats would be maintained under all alternatives.
- 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.
- The Council has not yet selected a preferred alternative for **Action 11**.

Analysis and potential effects:

- The majority of the recreational trips (more than 90% on average) typically harvest less than 10 dolphin per vessel (**Figure 3** through **Figure 4**).

- Vessel limit reductions that would apply in the entire Atlantic (**Sub-alternatives 2a-2e**) will provide notably larger harvest reductions than those that would apply in Florida only (**Sub-alternatives 3a-3e**)(**Table 7**).
- Analysis for **Sub-Alternatives 2a, 3a, and 4a** through **4e** is pending.

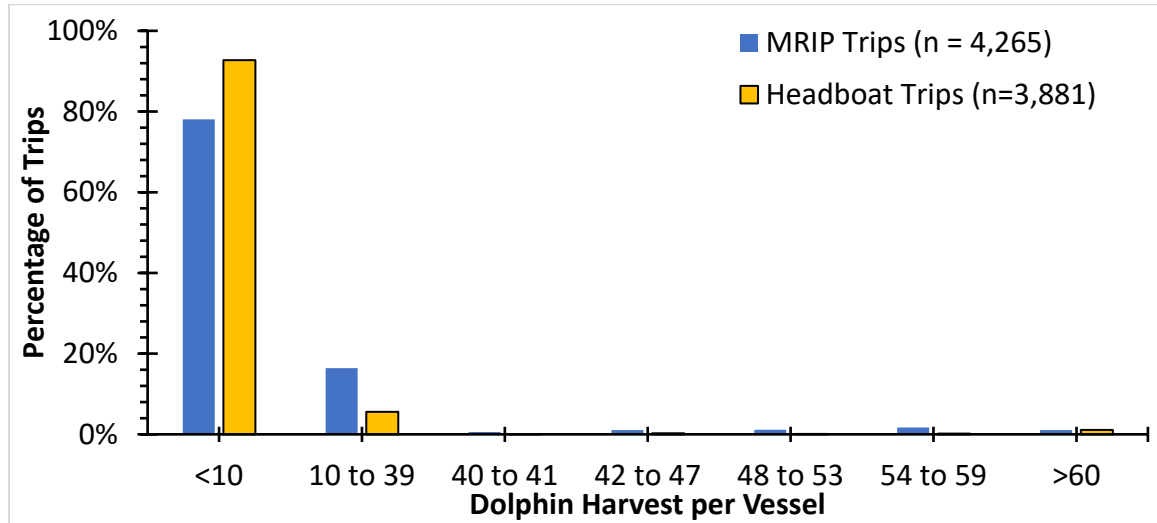


Figure 3. Recreational dolphin harvest per vessel for a range from Maine through east Florida (including Monroe County, Florida). The data is from 2015 through 2019, and data from both MRIP (private rec./charter vessels) and headboat are provided.

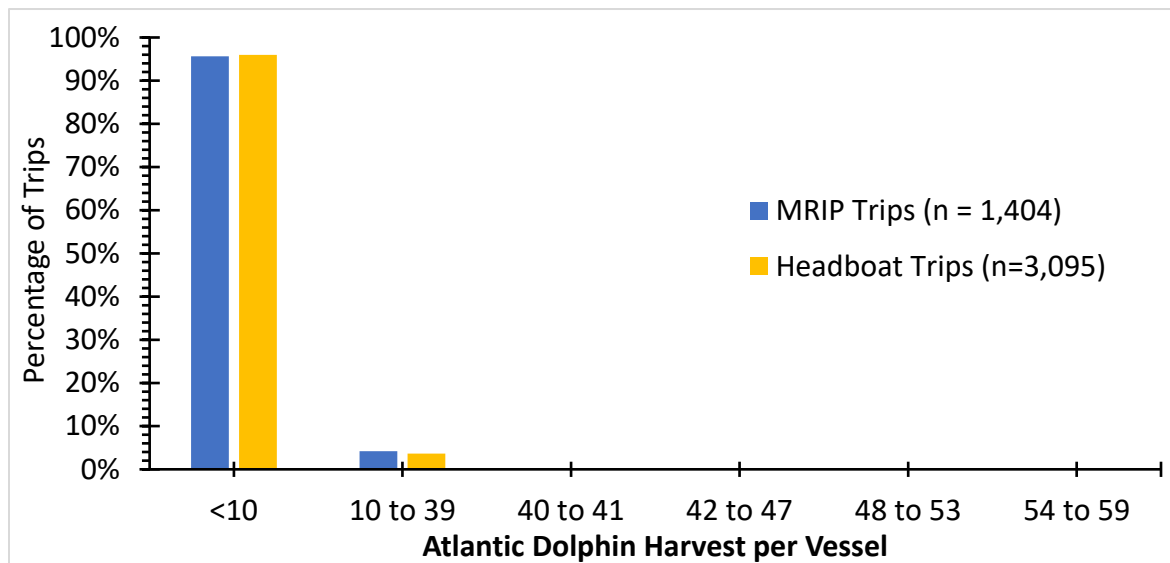


Figure 4. Recreational dolphin harvest per vessel for east Florida only (including Monroe County, Florida). The data is from 2015 through 2019, and data from both MRIP (private rec./charter vessels) and headboat are provided.

Table 7. 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. Please note that analysis for Sub-Alternatives 2a, 3a, and 4a through 4e is pending.

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 2b	40 Dolphin	5.71%	943,816
Sub-alt 2c	42 Dolphin	4.71%	778,524
Sub-alt 2d	48 Dolphin	2.32%	383,477
Sub-alt 2e	54 Dolphin	0.69%	114,051
Florida Only			
Sub-alt 3b	40 Dolphin	0.04%	6,612
Sub-alt 3c	42 Dolphin	0.03%	4,959
Sub-alt 3d	48 Dolphin	0.01%	1,653
Sub-alt 3e	54 Dolphin	0.01%	1,653

Other Advisory Panel Recommendations:

- 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 “bailer” 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

Requested Advisory Panel Input:

1. Does the Law Enforcement AP have any comments or recommendations on **Action 11** that would reduce the vessel limit for dolphin in Florida, Florida through South Carolina, and/or for the entire Atlantic EEZ?
2. Noting that there is a precedent for regional regulations on dolphin (i.e. the 20” minimum FL size limit from in the EEZ from Florida through South Carolina and no size limit in the EEZ from north of the South Carolina/North Carolina border), does the Law Enforcement AP have any comments or recommendations on the potential regional components of **Action 11**?
3. Does the Law Enforcement AP have additional comments or recommendations on **Action 11**?

Action 12. Reduce the recreational bag limit and establish a recreational vessel limit for wahoo

Alternative 1 (No Action). The recreational daily bag limit is 2 wahoo per person. There is no recreational vessel limit for wahoo.

Alternative 2. The recreational daily bag limit is 1 wahoo per person.

Alternative 3. The recreational vessel limit is:

Sub-alternative 3a. 2 wahoo per vessel.

Sub-alternative 3b. 3 wahoo per vessel.

Sub-alternative 3c. 4 wahoo per vessel.

Sub-alternative 3d. 5 wahoo per vessel.

Sub-alternative 3e. 6 wahoo per vessel.

Sub-alternative 3f. 7 wahoo per vessel.

Sub-alternative 3g. 8 wahoo per vessel.

Discussion:

- **Alternative 2** would reduce the recreational bag limit to 1 wahoo per person.
- **Alternative 3** would establish a recreational vessel limit of 2 through 8 wahoo per vessel (**Sub-alternatives 3a** through **3g**).
- As noted in **Action 4**, wahoo landings have exceeded what will be the new recreational sector ACL in 3 of the past 5 years of available landings (2015-2019). Assuming that this trend continues into future years, management measures that help slow the rate of harvest, lengthen the fishing season, and prevent the ACL from being exceeded, such as a reduction in the bag limit (**Alternative 2**) or implementing a vessel limit (**Alternative 3**), may be necessary to prevent the recreational sector from consistently exceeding the sector ACL and triggering restrictive management measures.
- Additionally, slowing the rate of harvest and ensuring sustainable harvest of the wahoo stock would provide for long-term benefits for the wahoo fishery.

Requested Advisory Panel Input:

1. Does the Law Enforcement AP have comments or recommendations on **Action 12**?

Action 13. 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.

Preferred 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 stated intent of the request based on discussions held at the Dolphin Wahoo Committee (Committee) is to allow crew to continue to work during typically long runs back to port in the Mid-Atlantic and New England regions as well as reduce the time that customers spend at the dock waiting for fish to be filleted. It has been noted that there are not many fish cleaning services in these regions, as found in some parts of the South Atlantic region, and customers can have to wait for extended periods of time for their fish to be cleaned once back at the dock.
- 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.

Analysis and potential effects:

- Allowing fillets to be brought back by properly permitted charter and headboat vessels north of the Virginia/North Carolina line could contribute to improved quality of dolphin caught on these trips since whole fish would not have to be stored with head and fins intact.
- Requiring the skin to be intact on fillets of dolphin (**Sub-alternative 2a**) and counting two fillets as one dolphin for trip limit purposes (**Sub-alternative 2b**) would be expected to enhance the ability of law enforcement officers to identify species and enforce regulations.
- Conversely, **Alternative 2** places additional burden on law enforcement. **Preferred Alternative 1 (No Actions)** would not add additional complexity to regulation and would ensure that compliance with regulations is not negatively affected.
- The recreational ACL for dolphin is tracked in weight. Allowing filleting at sea in the Mid-Atlantic and New England regions would 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.
- 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.

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 13**, 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.

Requested Advisory Panel Input:

1. Given that some of the Law Enforcement AP’s previously stated concerns (i.e. the use of Cape Hatteras as the dividing line for regulations, 1” by 1” skin requirement on a fillet, contradiction with state regulations in the South Atlantic Region, and the requirement to retain racks) were addressed as the Dolphin Wahoo Committee has developed the action, please provide any additional comments on the current version of **Action 13**.
2. Do the other previous comments from the Law Enforcement AP (additional burden on law enforcement and no compelling reason for filleting at sea exemption) as well as the previous motion still apply to **Action 13**?
3. Does the Law Enforcement AP have additional comments or recommendations on **Action 13**?