



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

(Revise dolphin and wahoo management  
measures)

## Decision Document

### Background

In March 2016, the 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. 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 intention of avoiding an in-season

closure for the commercial dolphin fishery. Since 2016, neither the commercial nor the recreational sector has harvested their respective ACLs.

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 onboard a vessel, and remove the operator card requirement for vessel operators or crew members. Development of the amendment was suspended pending the availability of revised recreational data from the Marine Recreational Information Program (MRIP), per guidance received 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 the amendment 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.

The Interdisciplinary Plan Team (IPT) for the amendment was unable to meet as scheduled after the December Council meeting due to the federal government shutdown but several members have been able to provide some input via email. Nevertheless, the actions, alternatives, as well as the Purpose and Need statements have not undergone the close examination that the IPT typically undertakes. It is likely that there will be several additional IPT recommendations for the amendment for the June 2019 meeting along with some preliminary analysis. At the March 2019 meeting, the Dolphin Wahoo Committee can certainly make progress on the amendment by working through the actions and alternatives, particularly focusing on the ranges of alternatives that are proposed for the newly added actions.

The actions in the amendment can be grouped according to the objective that they are intended to accomplish. **Actions 1** through **3** accommodate revised MRIP data by implementing a new ABC, ACL, and ACT while also revising sector allocations that may change as result of a updated data for baseline years that have been used to calculate these allocations. **Actions 4** through **6** relate to potential revisions to the definition of optimum yield for dolphin. **Actions 7** and **8** allow adaptive management of sector ACLs. The remaining actions (**Actions 9** through **13**) implement miscellaneous management revisions for the dolphin and wahoo fisheries and are largely independent of one another. If the Committee chooses to approve this amendment for scoping, these general topics will likely be the main focus followed by the general range of alternatives that are being considering.

Finally, the Council will be receiving an in-depth presentation on considerations for revising sector allocations during the Committee of the Whole. As such, while it is helpful to read through the information provided for **Actions 2** and **3**, it may be most beneficial and the most efficient use of time for the Dolphin Wahoo Committee to hold off on discussion of these two actions until the presentation on allocations has been provided.

## Actions in this amendment

### Actions that accommodate revised MRIP data

- **Action 1.** Revise acceptable biological catches (ABCs), annual catch limits (ACLs), and annual catch targets (ACTs) for dolphin and wahoo.
- **Action 2.** Revise sector allocations for dolphin.
- **Action 3.** Revise sector allocations for wahoo.

### Actions that redefine OY in the dolphin fishery

- **Action 4.** Revise the optimum yield (OY) definition for dolphin.
- **Action 5.** Establish a commercial annual catch target (ACT) for dolphin.
- **Action 6.** Modify the recreational annual catch target (ACT) for dolphin.

### Actions that accommodate adaptive management of sector ACLs

- **Action 7.** Allow adaptive management of sector annual catch limits (ACLs) for dolphin.
- **Action 8.** Revise the accountability measures for dolphin.

### Actions that implement miscellaneous management revisions in the dolphin and wahoo fisheries

- **Action 9.** Allow properly permitted vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo.
- **Action 10.** Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery.
- **Action 11.** Allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders.
- **Action 12.** Modify the recreational vessel limit for dolphin.
- **Action 13.** Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements.

## Objectives for this meeting

- Review the draft Purpose and Need statements.
- Review actions and alternatives, particularly focusing on the range of alternatives presented.
- Provide guidance to the SSC on whether to consider the inclusion of recreational landings from Monroe County for dolphin and wahoo when the SSC provides their ABC recommendations to the Council.
- Consider approving the amendment for scoping.

## Expected amendment timing

- |               |  |
|---------------|--|
| December 2018 | Council reviewed existing items in Amendment 10 and directed staff begin work again on the amendment.  |
| March 2019    | Council reviews draft Purpose and Need statements as well as actions and alternatives, provides guidance to the SSC on whether to consider the |

inclusion of recreational landings from Monroe County for dolphin and wahoo when the SSC provides their ABC recommendations to the Council, and approves the amendment for scoping.

- |                |   |
|----------------|---|
| Spring 2019    | Scoping occurs via webinar.   |
| June 2019      | Council reviews scoping comments, Goals and Objectives of the FMP, Purpose and Need statements, and actions and alternatives. |
| September 2019 | Council reviews preliminary effects and provides guidance on actions and alternatives.  |
| December 2019  | Council reviews revised effects, provides guidance on actions and alternatives, and finalizes Purpose and Need Statements.    |
| March 2020     | Council reviews revised effects, provides guidance on actions and alternatives, and approves for public hearings.             |
| Spring 2020    | Public hearings occur via webinar.  |
| June 2020      | Council reviews public hearing comments and provides guidance on actions and alternatives.                                    |
| September 2020 | Council reviews revised effects and approves amendment for Secretarial review.  |
| Spring 2021    | Dolphin Wahoo Amendment 10 actions are implemented  |

## Purpose and Need statement

### ***Purpose for Action***

The *purpose* of Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery for the Atlantic (Dolphin Wahoo Amendment 10) is to revise the catch levels [acceptable biological catch (ABC) estimates, annual catch limits (ACL)], annual catch targets (ACT), accountability measures (AM), sector allocations, and management measures for dolphin and wahoo. The revisions to the ABC and ACL incorporate recreational data as per the Marine Recreational Information Program (MRIP) using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

### ***Need for Action***

The *need* for Dolphin Wahoo Amendment 10 is to base conservation and management measures upon the best scientific information available, and to prevent unnecessary negative social and economic impacts that may otherwise be realized in the dolphin wahoo fishery and fishing community, in accordance with the provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act.

### **IPT Recommendation:**

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

### **Committee Action:**

- **INCLUDE THE IPT'S SUGGESTED PURPOSE AND NEED STATEMENTS FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE THE IPT'S SUGGESTED PURPOSE AND NEED STATEMENTS FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE)**
- **OTHER?**

## Proposed Actions and Alternatives

### **Action 1. Revise acceptable biological catches (ABCs), annual catch limits (ACLs), and annual catch targets (ACTs) for dolphin and wahoo.**

Note: This is a new action for the amendment.

### **Action Alternatives:**

**Alternative 1 (No Action).** Acceptable biological catches, annual catch limits, and annual catch targets for dolphin and wahoo are based on data from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Coastal Household Telephone Survey method. The ABC=ACL.

**Alternative 2.** Revise acceptable biological catches, annual catch limits, and annual catch targets for dolphin and wahoo with landings from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The ABC=ACL.

### **Discussion:**

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “add an action to revise the ACL to accommodate new MRIP data.”
- **Alternative 2** incorporates revised recreational data from MRIP produced by the Fishery Effort Survey as well as updated commercial and headboat data.
- The ABC is 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.
- Should the Committee want to consider buffers to the ABC by setting the ACL below ABC, additional actions would need to be added to do so.
- The SSC has not yet had an opportunity to provide new ABC recommendations but is scheduled to do so at their April 2019 meeting. The ACL and ACT for dolphin and wahoo are dependent on the ABC.
- In the past it has been standard procedure to exclude recreational landings for unassessed species from Monroe County when coming up with ABCs, sector allocations, and for quota monitoring. Commercial landings of these species from Monroe County are included in these calculations.
- Doing so has implications on landings-based ABCs and sector ACLs. Given the large recreational fishery for the two species in the Keys, these implications are likely notable for both dolphin and wahoo.
- The rationale for excluding recreational landings for the unassessed species is that previously it was problematic to work with older MRIP data for Monroe County due to the proximity to both the South Atlantic and Gulf of Mexico regions. With the MRIP revision, it appears that this may no longer be the case and Monroe County data are more easily split for “South Atlantic only” landings.
- To prepare for the SSC meeting in April where new ABCs for dolphin and wahoo will be discussed, it would be helpful to get input from the SEFSC and the Committee at the March meeting regarding the dataset that the SSC should consider. In doing so, guidance through a motion from the Committee could be made to ask the SSC to consider Monroe County recreational landings when calculating new ABCs for dolphin and wahoo. If included in the

ABC recommendations, this would also allow Monroe County recreational landings to be used in calculating sector allocations and for quota monitoring.

### **IPT Recommendations:**

- Recommended draft wording and range of alternatives is provided in the action.

### **Committee Action:**

- **INCLUDE ACTION 1 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE ACTION 1 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

### **Action 2. Revise sector allocations for dolphin.**

Note: This is a new action for the amendment.

#### **Action Alternatives:**

**Alternative 1 (No Action).** The recreational sector allocation for dolphin is 90% of the total ACL. The commercial sector allocation for dolphin is 10% of the total ACL. This is based on the total catch between 2008 and 2012 as reported in 2014 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program Fishery using the Coastal Household Telephone Survey method. The recreational and commercial allocations specified remain in effect until modified.

**Alternative 2.** Allocate 93% of the total ACL for dolphin to the recreational sector. Allocate 7% of the total ACL for dolphin to the commercial sector. This is based on the total catch between 2008 and 2012 as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The recreational and commercial allocations specified would remain in effect until modified.

**Alternative 3.** Allocate 93.6% of the total ACL for dolphin to the recreational sector. Allocate 6.4% of the total ACL for dolphin to the commercial sector. This is based on the total catch between 2013 and 2017 as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The recreational and commercial allocations specified would remain in effect until modified.

**Alternative 4.** Allocate 92.9% of the total ACL for dolphin to the recreational sector. Allocate 7.1% of the total ACL for dolphin to the commercial sector. This is based on the total catch between 1986 and 2017 as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort

Survey method. The recreational and commercial allocations specified would remain in effect until modified.

**Alternative 5.** Modify the time series and method by which allocations for dolphin are specified for the recreational and commercial sectors by applying the following formula and using landings data as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The recreational and commercial allocations specified would remain in effect until modified.

Sector apportionment = (50% \* average of long-term catch (lbs ww)) + (50% \* average of recent catch (lbs ww)).

**Sub-alternative 5a.** Long-term catch = 1999 through 2008; recent catch = 2006 through 2008. This would result in 94.2% to the recreational sector and 5.8% to the commercial sector.

**Sub-alternative 5b.** Long-term catch = 2008 through 2017; recent catch = 2015 through 2017. This would result in 94.1% to the recreational sector and 5.9% to the commercial sector.

**Sub-alternative 5c.** Long-term catch = 1986 through 2017; recent catch = 2015 through 2017. This would result in 93.8% to the recreational sector and 6.2% to the commercial sector.

## Discussion:

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “add an action to revise sector allocations.”
- For the alternatives presented, potential sector ACLs will be provided in pounds once the SSC has specified an ABC recommendation for dolphin. Percentages of the total ACL for each alternative are provided in **Table 1**.
- The alternatives presented are all landings-based and should be considered as an initial starting point. The range of alternatives can be expanded and the Committee may want to provide guidance on other ways that allocations should be considered. The IPT could help develop such ideas and come back to the Committee with other alternatives that examine other ways to allocate between sectors.
- **Alternative 2** updates sector allocations with new MRIP data using the same baseline years that were selected in Dolphin Wahoo Amendment 8, which was the last amendment in which sector allocations for dolphin were revised.
- **Alternative 3** updates sector allocations with new MRIP data as well as the time series for which sector allocations are calculated. This alternative uses the most recent 5 years of available data.
- **Alternative 4** updates sector allocations with new MRIP data and uses the longest time series of available usable recreational data.
- **Alternative 5** applies the sector allocation formula originally used for wahoo in the Comprehensive ACL amendment. The sub-alternatives of **Alternative 5** use vary time series for baseline years.



**Table 1. Sector allocations for Action 2.**

Alternative	Recreational Allocation of the Total ACL	Commercial Allocation of the Total ACL
Alternative 1 (No action)	90.0%	10.0%
Alternative 2	93.0%	7.0%
Alternative 3	93.6%	6.4%
Alternative 4	92.9%	7.1%
Alternative 5a	94.2%	5.8%
Alternative 5b	94.1%	5.9%
Alternative 5c	93.8%	6.2%

**IPT Recommendations:**

- The recommended draft wording and range of alternatives is provided in the action.
- While not currently available, 2018 data will likely be available in the late spring or early summer. The Committee may want to consider adding 2018 to the time series instead of a terminal year of 2017, however this will cause some delay in when analyses can be available for review.
- If “recent catch” is a concern, the Committee may not want to consider defining “recent catch” as 2006 through 2008, as is the case in **Sub-alternative 5a**.

**Committee Action:**

- **INCLUDE ACTION 2 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE ACTION 2 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

**Action 3. Revise sector allocations for wahoo.**

Note: This is a new action for the amendment.

**Action Alternatives:**

**Alternative 1 (No Action).** The recreational sector allocation for wahoo is 96.07% of the total ACL. The commercial sector allocation for wahoo is 3.93% of the total ACL. This is based on the following formula for each sector using landings data as reported in 2013 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program Fishery using the Coastal Household Telephone Survey method. The recreational and commercial allocations specified remain in effect until modified.

Sector apportionment = (50% \* average of long-term catch (lbs ww)) + (50% \* average of recent catch (lbs ww)).

Long-term catch = 1999 through 2008; Recent catch = 2006 through 2008

**Alternative 2.** Allocate 97.2% of the total ACL for wahoo to the recreational sector. Allocate 2.8% of the total ACL for wahoo to the commercial sector. This is based on the following formula for each sector using landings data as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The recreational and commercial allocations specified would remain in effect until modified.

Sector apportionment = (50% \* average of long-term catch (lbs ww)) + (50% \* average of recent catch (lbs ww)).

Long-term catch = 1999 through 2008; Recent catch = 2006 through 2008

**Alternative 3.** Modify the time series by which allocations for wahoo are specified for the recreational and commercial sectors applying the following formula and using landings data as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The recreational and commercial allocations specified would remain in effect until modified.

Sector apportionment = (50% \* average of long-term catch (lbs ww)) + (50% \* average of recent catch (lbs ww)).

**Sub-alternative 3a.** Long-term catch = 2008 through 2017; Recent catch = 2015 through 2017. This would result in 97.3% to the recreational sector and 2.7% to the commercial sector and.

**Sub-alternative 3b.** Long-term catch = 1986 through 2017; recent catch = 2015 through 2017. This would result in 97.4% to the recreational sector and 2.6% to the commercial sector.

**Alternative 4.** Allocate 96.2% of the total ACL for wahoo to the recreational sector. Allocate 3.8% of the total ACL for wahoo to the commercial sector. This is based on the total catch between 1986 and 2017 as reported in 2019 from the commercial accumulated landings system, NMFS headboat survey, and Marine Recreational Information Program using the Fishery Effort Survey method. The recreational and commercial allocations specified would remain in effect until modified.

## Discussion:

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “add an action to revise sector allocations.”
- For the alternatives presented, sector ACLs will be provided in pounds once the SSC has specified an ABC recommendation for wahoo. Percentages of the total ACL for each alternative is provided in **Table 2**.
- The alternatives presented are all landings-based and should be considered as an initial starting point. The range of alternatives can be expanded and the Committee may want to provide guidance on other ways that allocations should be considered. The IPT could help

develop such ideas and come back to the Committee with other alternatives that examine other ways to allocate between sectors.

- **Alternative 2** updates sector allocations with new MRIP data using the same baseline years and sector allocation formula that was originally selected in Comprehensive ACL Amendment.
- **Alternative 3** and its sub-alternatives updates sector allocations with new MRIP data as well as the time series for which sector allocations are calculated in the sector allocation formula.
- **Alternative 4** updates sector allocations with new MRIP data, uses the longest time series of available usable recreational data, and does not use the sector allocation formula.

**Table 2.** Sector allocations for **Action 3.**

Alternative	Recreational Allocation of the Total ACL	Commercial Allocation of the Total ACL
Alternative 1 (No Action)	96.07%	3.93%
Alternative 2	97.2%	2.8%
Alternative 3a	97.3%	2.7%
Alternative 3b	97.4%	2.6%
Alternative 4	96.2%	3.8%

**IPT Recommendations:**

- The recommended draft wording and range of alternatives is provided in the action.
- While not currently available, 2018 data will likely be available in the late spring or early summer. The Committee may want to consider adding 2018 to the time series instead of a terminal year of 2017, however this will cause some delay in when analyses can be available for review.
- If “recent catch” is a concern, the Committee may not want to consider defining “recent catch” as 2006 through 2008, as is the case in **Alternative 2**.

**Committee Action:**

- **INCLUDE ACTION 3 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE ACTION 3 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

**Action 4. Revised the optimum yield (OY) definition for dolphin.**

Note: This is a previously existing action for the amendment.

**Action Alternatives:**

**Alternative 1 (No Action).** OY is equal to the total ACL.

**Alternative 2.** OY is equal to the sum of the commercial ACL and the recreational ACT.

**Alternative 3.** OY is equal to 75% MSY.

**Alternative 4.** OY is the long-term average catch, which is not to exceed the total ACL, and will fall between the total ACL and the sum of the commercial and recreational ACTs.

### **Discussion:**

- The Magnuson-Stevens Fishery Conservation and Management Act defines optimum yield (OY) as “the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems; that is prescribed on the basis of the maximum sustainable yield (MSY) from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery” (50 C.F.R. §600.310 (i)(A)).
- Defining OY for dolphin can be linked to how the definition affects the access of each user group at the present and in the future.
- For the commercial sector, an OY that allows the commercial fleet to access the maximum proportion of the ACL (**Alternative 1 (No Action)**) would likely be the most beneficial by maximizing the commercial landings. The effects of **Alternatives 2 through 4** would depend on how much of the ACL is available to the commercial fleet.
- For the recreational sector, the effects of OY may be associated with the trade-off between allowing access and retention of dolphin to keep trip satisfaction high, but also leaving enough dolphin in the water to allow a high probability of interaction with the species and continued targeted recreational trips.
- Information on how the alternatives for OY relate to actual landings values will not be available until the SSC has had the opportunity to provide recommended catch levels.

### **SSC/Advisory Panel Recommendations:**

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

**MOTION: SUPPORT ALTERNATIVE 1 IN ACTION 1.  
9 IN FAVOR, 1 OPPOSED**

Note: Action 4 was listed as Action 1 in the amendment at the time.

### **IPT Recommendations:**

- If the Committee would like to keep the action defining OY in the amendment, **Actions 4, 5, and 6** should remain together as all three actions pertain to potentially using ACTs in setting OY. Should the Committee choose to remove **Action 4**, **Actions 5** and **6** could be removed as a block.

### **Committee Action:**

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

## **Action 5. Establish a commercial annual catch target (ACT) for dolphin.**

Note: This is a previously existing action for the amendment.

### **Action Alternatives:**

**Alternative 1 (No Action).** There is no ACT for the commercial sector.

**Alternative 2.** The commercial ACT equals 80% of the commercial ACL [commercial ACL\*0.8].

**Alternative 3.** The commercial ACT equals 90% of the commercial ACL [commercial ACL\*0.9].

**Alternative 4.** The commercial ACT equals the commercial ACL.

### **Discussion:**

- Currently there is not a commercial ACT for dolphin. If the definition of OY is changed to incorporate a commercial ACT, then once needs to be established.
- **Alternatives 2 and 3** would establish a commercial ACT at 20% and 10% less than the commercial ACL, respectively.
- **Alternative 4** would establish a commercial ACT equal to the commercial ACL.
- A commercial ACT for dolphin may function as a performance standard and does not need to be linked to an AM. Therefore, assuming no further action is taken to link the ACT to an AM, using a commercial ACT as a “soft target” could help define OY without implementing restrictions in the fishery if the ACT is met or exceeded.

### **SSC/Advisory Panel Recommendations:**

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

**MOTION:** ADOPT ALTERNATIVE 1 IN ACTION 3.  
10 IN FAVOR, 0 OPPOSED

Note: Action 5 was listed as Action 3 in the amendment at the time.

### **IPT Recommendations:**

- Since the ACT is a “soft target” with no related management items, **Action 5** may not be necessary if not intended for use in the definition of OY.

### **Committee Action:**

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

## **Action 6. Modify the recreational annual catch target (ACT) for dolphin.**

Note: This is a previously existing action for the amendment.

### **Action Alternatives:**

**Alternative 1 (No Action).** The ACT for the recreational sector equals [sector ACL\*(1-PSE)] or [ACL\*0.5], whichever is greater.

**Alternative 2.** The recreational ACT equals 50% of the recreational ACL [recreational ACL\*0.5].

**Alternative 3.** The recreational ACT equals 60% of the recreational ACL [recreational ACL\*0.6].

**Alternative 4.** The recreational ACT equals 70% of the recreational ACL [recreational ACL\*0.7].

### **Discussion:**

- **Alternative 1 (No Action)** would retain the recreational ACT implemented in Dolphin Wahoo Amendment 5.
- **Alternatives 2, 3, and 4** would reduce the recreational ACT by 50%, 40% and 30%, respectively in comparison to the ACL.
- The recreational ACT for dolphin functions as a performance standard, and does not trigger an AM. Therefore, assuming no further action is taken to link the ACT to an AM, using the recreational ACT as a “soft target” could help define OY without implementing restrictions on the fishery if the ACT is met or exceeded.

### **SSC/Advisory Panel Recommendations:**

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

**MOTION:** CONSIDER RECREATIONAL ACT OF 70% OF THE ACL. ALSO ADD A FUTURE AM THAT WOULD TRIGGER A RECREATIONAL REDUCTION IF THE RECREATIONAL ACT IS MET. SUGGEST 10 PER PERSON WITH A MAXIMUM OF 40 PER VESSEL.

9 IN FAVOR; 1 OPPOSED

### **IPT Recommendations:**

- Since the ACT is a “soft target” with no related management items, **Action 6** may not be necessary if not intended for use in the definition of OY.

### **Committee Action:**

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

## **Action 7. Allow adaptive management of sector annual catch limits (ACLs) for dolphin.**

Note: This is a previously existing action for the amendment.

### **Action Alternatives:**

**Alternative 1 (No Action).** The current allocation for the recreational sector for dolphin is 90% of the total ACL. The current allocation for the commercial sector for dolphin is 10% of the total ACL.

**Alternative 2.** Set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

**Sub-alternative 2a:** 1% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

**Sub-alternative 2b:** 2.5% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

**Sub-alternative 2c:** 5% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

**Sub-alternative 2d:** 10% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

**Alternative 3.** If the commercial ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage (Sub-alternatives 3a-3c) of the commercial sector ACL.

**Sub-alternative 3a:** The carried forward balance shall not exceed 5% of the total commercial sector ACL.

**Sub-alternative 3b:** The carried forward balance shall not exceed 10% of the total commercial sector ACL.

**Sub-alternative 3c:** The carried forward balance shall not exceed 20% of the total commercial sector ACL.

**Alternative 4.** If the recreational ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage (Sub-alternatives 4a-4c) of the recreational sector ACL.

**Sub-alternative 4a:** The carried forward balance shall not exceed 1% of the total recreational sector ACL.

**Sub-alternative 4b:** The carried forward balance shall not exceed 2.5% of the total recreational sector ACL.

**Sub-alternative 4c:** The carried forward balance shall not exceed 5% of the total recreational sector ACL.

**Alternative 5:** Conditionally transfer for the next fishing year a certain percentage (Sub-alternatives 5a-5d) of the ACL from a sector that is not landing its ACL to the other sector that is landing at least 90% of its ACL, if the landings of the donating sector are below the minimum landings threshold (Sub-alternatives 5e-5g). The highest landings from the donating sector, based on available finalized data from the five years prior, will be used as criteria to determine if landings are below the minimum landings threshold for a conditional transfer to occur.

Conditional Quota Transfer (MUST CHOOSE ONE):

**Sub-alternative 5a:** Conditionally transfer 1% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 5b:** Conditionally transfer 2.5% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 5c:** Conditionally transfer 5% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 5d:** Conditionally transfer 10% of the unadjusted ACL of one sector to the other sector.

Donating sector's ACL Minimum Threshold (MUST CHOOSE ONE), if the donating sector's landings are:

**Sub-alternative 5e:** less than 50% of its unadjusted ACL.

**Sub-alternative 5f:** less than 65% of its unadjusted ACL.

**Sub-alternative 5g:** less than 75% of its unadjusted ACL.

## Discussion:

- **Alternative 2** would set aside a portion of the total ACL that can be used by either sector if needed to prevent a closure of harvest in the fishery. Under this scenario, a certain percentage of the total ACL is set aside into a “common pool” allocation for use by either sector. The ACLs for both sectors are then re-set based on the remaining total ACL. The outcome will be reduced ACLs for both the recreational and commercial sectors, but either sector may use the common pool ACL if they exceed their respective sector ACLs and the common pool category ACL has not been exhausted. Should this alternative be pursued by the Council, a revision of the accountability measures (**Action 8**) will be necessary.
- **Alternative 3** would allow unharvested ACL (i.e. the difference between observed landings and the sector ACL) in the commercial sector in a given fishing year to be used in the following fishing year if needed to help avoid a harvest closure for the sector. A similar measure is currently being pursued in the Comprehensive ABC Control Rule Amendment.
- **Alternative 4** would allow unharvested ACL (i.e. the difference between observed landings and the sector ACL) in the recreational sector in a given fishing year to be used in the following fishing year if needed to help avoid a harvest closure for the sector. A similar measure is currently being pursued in the Comprehensive ABC Control Rule Amendment.
- **Alternative 5** would allow the conditional transfer of ACL from one sector to the other with limitations on the amount of ACL that can be transferred from the donating sector (**Sub-alternatives 5a-5d**). Additionally, stipulations are in place that do not allow the transfer to take place unless the donating sector is under-harvesting its ACL by at least a given amount



(**Sub-alternatives 5e-5g**) every year over the previous five years of available data. Also, the receiving sector must be harvesting at least 90% of its unadjusted ACL.

- At the March 2017 meeting, the Council noted that **Alternative 5** may not be applicable to the dolphin fishery due to the “pulse” nature of the fishery and that the Council may want to remove this alternative at a future date.

### **SSC/Advisory Panel Recommendations:**

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

**MOTION:** SUPPORT SUB-ALTERNATIVE 2B OF ACTION 4.

**Alternative 2.** Set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

**Sub-alternative 2b:** 2.5% of the total ACL becomes a common pool allocation. The remaining total ACL is split between the recreational sector and the commercial sector according to the current allocation.

6 IN FAVOR; 4 OPPOSED

**MOTION:** SUPPORT SUB-ALT 3A OF ACTION 4.

**Alternative 3.** If the commercial ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage of the commercial sector ACL.

**Sub-alternative 3a:** The carried forward balance shall not exceed 5% of the total commercial sector ACL.

8 IN FAVOR; 2 OPPOSED

**MOTION:** SUPPORT SUB-ALT 4A IN ACTION 4.

**Alternative 4.** If the recreational ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage of the recreational sector ACL.

**Sub-alternative 4a:** The carried forward balance shall not exceed 1% of the total recreational sector ACL.

9 IN FAVOR; 1 OPPOSED

Note: Action 7 was listed as Action 4 in the amendment at the time.

### **IPT Recommendations:**

- **Alternatives 2 and 5** may be cumbersome to implement from a timing perspective due to time lags in the landings data, particularly for recreational data. Keeping track of the common pool ACL available to both sectors at once (**Alternative 2**) or conditionally transferring ACL from one sector to the other (**Alternative 5**) will be tricky due to the “pulse” nature of the fishery, with large amounts of landings occurring in a relatively short amount of time.
- **Alternatives 3 and 4** involve allowing carryover of uncaught ACL. This is being addressed in the Comprehensive ABC Control Rule Amendment, thus these alternatives may not be necessary in Amendment 10.

**Committee Action:**

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

**Action 8. Revise the accountability measures for dolphin.**

Note: This is a previously existing action for the amendment.

**Action Alternatives:**

**Alternative 1 (No action).** The current commercial AM includes an in-season closure to take place if the commercial ACL is met or projected to be met. If the commercial ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The current recreational AM includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

**Alternative 2.** The commercial AM will include an in-season closure to take place if the commercial ACL and the available common pool ACL is met or projected to be met. If the commercial ACL and the available common pool ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available common pool ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

**Alternative 3.** The commercial AM will include an in-season closure to take place if the commercial ACL and the available uncaught sector ACL from the previous fishing year is met or projected to be met. If the commercial ACL and the available uncaught sector ACL from the previous fishing year is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

**Alternative 4.** The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available uncaught sector ACL from the previous fishing year is exceeded, but only after recreational landings have been monitored for

persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

### **Discussion:**

- **Alternative 2** is included to accompany **Alternative 2** in **Action 7** (common pool allocation).
- **Alternative 3** is included to accompany **Alternative 3** in **Action 7** (uncaught commercial ACL carried forward to the next fishing year).
- **Alternative 4** is included to accompany **Alternative 4** in **Action 7** (uncaught recreational ACL carried forward to the next fishing year).
- Recreational accountability measures for dolphin and wahoo are also being considered in the Recreational Accountability Measures Amendment.

### **IPT Recommendations:**

- **Action 8** is included in the amendment to accommodate alternatives in **Action 7**. If alternatives are removed from **Action 7**, then the Committee may want to consider removing corresponding alternatives in **Action 8** since they may no longer be necessary.

### **Committee Action:**

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

### **Action 9. Allow properly permitted commercial fishing vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo.**

Note: This is a previously existing action for the amendment.

### **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 EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

**Alternative 2.** A vessel in the Atlantic EEZ that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and a valid Federal commercial American lobster permit endorsed for trap fishing only is authorized to target dolphin and wahoo with rod and reel while fishing for lobsters in possession of lobster traps. A person aboard a vessel in the Atlantic EEZ that has on board other gear types that are not authorized in the fisheries for dolphin and wahoo may not possess a dolphin or wahoo.

**Alternative 3.** Allow the possession of dolphin or wahoo on properly permitted **commercial** vessels with gear types onboard that are not authorized in the dolphin wahoo fishery. The amount of dolphin or wahoo allowed onboard cannot exceed a certain percentage of the total commercially harvested species onboard by weight. (*note: need sub-alts for percent of total harvest*).

**Alternative 4.** Allow the possession of dolphin or wahoo on properly permitted **commercial** vessels with gear types onboard that are not authorized in the dolphin wahoo fishery. The amount of dolphin or wahoo allowed onboard cannot exceed the **recreational incidental** limit (*note: need sub-alts for incidental limit*).

### Discussion:

- The Atlantic Offshore Lobstermen’s Association requested that the Council modify regulations to allow the historical practice of harvesting dolphin and wahoo while in the possession of lobster pots to continue. Part of the request was as follows:  
  
“Recently, one Association member was notified by NOAA law enforcement, during a dockside inspection, that it is illegal to possess dolphin and lobster during a single trip. No citations were issued in this case. This member holds both a valid dolphin and American offshore lobster permit but was notified that he violated the above quoted regulation because lobster pot gear is not an authorized or exempted gear type for the dolphin and wahoo fishery. It has been a long standing practice for permitted offshore lobstermen to fish a few lures behind their vessel, between lobster trawls, especially when they encounter the Gulf Stream, and have long transit times between lobster trawls. The targets being a range of pelagic species, mahi are frequently caught during the summer months. During this activity they are usually in possession of Jonah crab, lobster, and lobster traps. Given the distinct nature of the gear and fisheries, i.e., you can’t catch dolphin with lobster pots, and you can’t catch lobsters with lures, both gear types should be allowed in possession on the same trip. Obviously, any such practice should be subject and consistent with the licensing and reporting provisions of each FMP. Therefore, we are requesting that the SAFMC work with NOAA Fisheries to modify the current regulations to provide an exemption for lobster vessels or list lobster gear as an authorized gear type under 622.272.”
- The current list of allowable gears in the dolphin wahoo fishery does not include lobster pots, therefore dolphin or wahoo may not be harvested when lobster pots are on board a vessel (**Alternative 1 No Action**). In the regulations, “gear” applies to the dolphin wahoo fishery itself. The intent behind **Alternatives 2** is to allow the possession of dolphin and wahoo on vessels with commercial vessel permits for dolphin and wahoo when lobster pots are also onboard.
- **Alternative 3** would allow the possession of dolphin and wahoo onboard vessels that also has gears that are prohibited in the fishery. The alternative, in essence would allow retention of dolphin or wahoo caught as bycatch or as an ancillary catch on a trip where other species are targeted. The percentage of the total commercially harvested species onboard by weight that could be dolphin or wahoo would need to be specified.

- Instead of a percentage, as included in **Alternative 3**, a maximum number or weight of fish allowed per trip could also be specified as an incidental limit (**Alternative 4**). The amount of dolphin or wahoo that could be onboard would need to be specified.
- 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 for vessels and catch the species north of the 39 degrees north latitude (50 CFR §622.278 Commercial Trip Limits).

### **SSC/Advisory Panel Recommendations:**

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

**MOTION:** ALLOW VESSELS WITH POT GEAR ONBOARD 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

### **IPT Recommendations:**

- **Alternatives 3 and 4** allow the opportunity for new gears to be used in the dolphin wahoo fishery. This may go beyond the original intent of the action.

### **Committee Action:**

- **APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 9.**
- **DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 9 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

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

Note: This is a previously existing action for the amendment.

### **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** would be the inverse of **Alternative 2**.

## SSC/Advisory Panel Recommendations:

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

**MOTION: SUPPORT ALTERNATIVE 2 AND 3 IN ACTION 8.**

9 IN FAVOR; 0 OPPOSED

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

**Committee Action:**

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

**Action 11. Allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders.**

Note: This is a new action for the amendment.

**Action Alternatives:**

**Alternative 1 (No Action).** Bag limit sales of dolphin landed from a vessel that is issued a federal for-hire dolphin wahoo permit is prohibited if operating on a trip under a for-hire mode. If the vessel is also issued a federal commercial dolphin wahoo permit and necessary state commercial permits, dolphin landed from the vessel may be sold if not operating on a trip under a for-hire or private recreational mode.

**Alternative 2.** Allow bag limit sales of dolphin landed from a vessel that is issued a federal for-hire dolphin wahoo permit, commercial dolphin wahoo permit, and necessary state commercial permits, regardless of whether on a commercial or for-hire trip.

**Alternative 3.** For vessels landing in Florida only, allow bag limit sales of dolphin landed from a vessel that is issued a federal for-hire dolphin wahoo permit, commercial dolphin wahoo permit, and necessary state commercial permits, regardless of whether on a commercial or for-hire trip.

**Discussion:**

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “add for-hire bag limit sales of dolphin by dually permitted vessels to Dolphin Wahoo Amendment 10.”
- **Alternative 2** would allow bag limit sales of dolphin throughout the management range.
- **Alternative 3** would allow bag limit sales of dolphin in Florida only. The rationale for initially including this alternative was to encourage discussion on the Dolphin Wahoo AP’s recommendation. The IPT had varying opinions on including this alternative.

**SSC/Advisory Panel Recommendations:**

The Dolphin Wahoo AP discussed allowing bag limit sales of dolphin and approved the following motions during their April 21, 2017 meeting:

**MOTION: IN FLORIDA ONLY, REINSTATE CHARTERBOAT FISH SALES FOR PROPERLY PERMITTED VESSELS TO BE ABLE TO SELL BAG LIMIT ONLY QUANTITIES OF DOLPHIN AND WAHOO TO A LICENSED DEALER. SOLD LANDINGS WOULD COME FROM THE RECREATIONAL ACL.**  
8 IN FAVOR; 2 ABSTAIN

**MOTION:** REINSTATE CHARTERBOAT FISH SALES FOR PROPERLY PERMITTED VESSELS TO BE ABLE TO SELL BAG LIMIT ONLY QUANTITIES OF DOLPHIN AND WAHOO TO A LICENSED DEALER. SOLD LANDINGS WOULD COME FROM THE RECREATIONAL ACL.  
8 IN FAVOR; 2 OPPOSED

### **IPT Recommendations:**

- Recommended draft wording and range of alternatives is provided in the action.
- Regarding inclusion of **Alternative 3**:
  - There is no set number of alternatives per NEPA and all reasonable alternatives that meet the Purpose and Need should be included.
  - Having only two alternatives is acceptable in some circumstances.
  - If the alternative remains in the amendment, it would be beneficial to get some rationale on why Florida was selected and not other states.
  - The alternative may run afoul of National Standard 4, in that “conservation and management measures should not discriminate between residents of different states.”

### **Committee Action:**

- **INCLUDE ACTION 11 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE ACTION 11 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

### **Action 12. Modify the recreational vessel limit for dolphin.**

Note: This is a new action for the amendment.

### **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.



### **Discussion:**

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “add an action to reduce the recreational vessel limit for dolphin to 40 fish.” Further guidance was provided to consider an additional range outside of 40 fish that focuses on vessel limits divisible by 6.
- The Council has received varying public comment on reducing the trip limit for dolphin. In general, thus far, comments in favor of doing so have come from stakeholders in Florida while comments opposed have come from stakeholders in the Carolinas.
- Upon initial analysis of revised MRIP data, it is possible that the recreational sector may be fully utilizing the sector ACL for in some years and some restrictions may be desired to limit harvest. This will be dependent on the catch levels recommended by the SSC as well as allocations set by the Council. Further information will be available at future meetings.

### **SSC/Advisory Panel Recommendations:**

- As mentioned in **Action 6**, 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.

### **IPT Recommendations:**

- Recommended draft wording and range of alternatives is provided in the action.

### **Committee Action:**

- **INCLUDE ACTION 12 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE ACTION 12 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

### **Action 13. Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements.**

Note: This is a new action for the amendment.

### **Action Alternatives:**

**Alternative 1 (No Action).** The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, as specified in 50 C.F.R. §635.21(c)(5)(i) and (ii). There are no protected species handling, release or identification training, circle hook, hook material, or gangion length requirements.

**Alternative 2.** Require the following for vessels with a commercial dolphin wahoo permit when using pelagic longlines:

**Sub-alternative 2a.** Must possess valid Safe Handling, Release, and Identification Workshop certificate onboard for both the owner and operator.

**Sub-alternative 2b.** Must possess and/or use only corrodible (i.e., non-stainless steel) circle hooks.

**Sub-alternative 2c.** Must possess and/or use only 18/0 or larger hooks with an offset not to exceed 10 degrees, and/or 16/0 or larger non-offset hooks.

**Sub-alternative 2d.** Must use whole finfish and/or squid as bait.

**Sub-alternative 2e.** If the total length of any gangion plus the length of any floatline is less than 100 meters, then the length of all gangions must be at least 10 percent longer than the length of the floatlines.

**Sub-alternative 2f.** Cannot deploy a pelagic longline that exceeds 20 nautical miles in length in the Mid-Atlantic Bight.

### Discussion:

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “consider HMS gear and training requirements in the pelagic longline fishery for dolphin and wahoo.” Clarification was made to exclude HMS monitoring requirements.
- In **Action 1 (No Action)**, 50 C.F.R. §635.21(c)(5)(i) and (ii) references HMS sea turtle-related gear and release requirements and not training.
- The items listed in **Alternative 2** came about as a result of a Biological Opinion issued by the NOAA Office of Protected Resources that required these measures to minimize sea turtle bycatch mortality and right whale interactions. The Safe Handling, Release, and Identification Workshop certificate serves as proof of required training (**Sub-alternative 2a**), corrodible circle hooks are intended to mitigate injuries to hooked sea turtles (**Sub-alternative 2b**), larger hooks (16/0 and 18/0) are intended to discourage sea turtle hooking (**Sub-alternative 2c**), whole baits are intended to be easier for sea turtles to pull off of a hook (**Sub-alternative 2d**), length of gangion is intended to help sea turtles resurface (**Sub-alternative 2e**), and the longline length restriction is intended to minimize right whale interactions (**Sub-alternative 2f**).
- Larger hook sizes (**Sub-alternative 2c**) may not be conducive to targeting dolphin.
- The definition of a circle hook is “a fishing hook originally designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape.”
- Coinciding with Amendment 10, it is possible that Protected Resources will want to issue a Biological Opinion for the Dolphin Wahoo fishery. Management measures may be required from this Biological Opinion that are similar to those outlined in **Alternative 2** or could be very different. More information will be provided once the NOAA Office of Protected Resources has been able to provide guidance.

### IPT Recommendations:

- Recommended draft wording and range of alternatives is provided in the action.

**Committee Action:**

- **INCLUDE ACTION 13 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.**
- **DO NOT INCLUDE ACTION 13 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**
- **OTHER?**

**Committee Action:**

- **INCLUDE ALL ACTIONS IN DOLPHIN WAHOO AMENDMENT 10, AS MODIFIED, FOR SCOPING BEFORE JUNE 2019.**
- **INCLUDE ALL ACTIONS IN DOLPHIN WAHOO AMENDMENT 10, AS MODIFIED, TO BE REVIEWED IN JUNE 2019.**
- **OTHERS?**