

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 South Atlantic Fishery Management Council (Council) directed staff to begin development of a joint dolphin wahoo and snapper grouper amendment (Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44) to examine different ways to reallocate or share quota between the commercial and recreational sectors for dolphin and yellowtail snapper. One of the major driving events for this amendment occurred in 2015 when the commercial sector met the sector annual catch limit (ACL) for dolphin and closed on June 30, 2015 for the remainder of the calendar year. In the same year, the recreational sector harvested a little over half of the recreational sector ACL, resulting in approximately 6.7 million pounds whole weight (lbs ww) of the total ACL for dolphin going unharvested.

Of note since the 2015 in-season commercial closure for dolphin is Dolphin Wahoo Amendment 8 that went into effect on February 22, 2016 and increased the commercial sector allocation for dolphin from 7.54% to 10% of the total ACL, which added approximately 377,000 lbs ww to the commercial ACL and set the commercial ACL close to the original “soft” cap of 1.5 million lbs ww that was established in the original Dolphin Wahoo Fishery Management

Plan (FMP). If Dolphin Wahoo Amendment 8 had been in place in 2015, the in-season closure of commercial dolphin harvest would have been delayed or possibly would not have occurred. Also, on January 30, 2017, Dolphin Wahoo Framework Amendment 1 went into effect that established a 4,000 lbs ww commercial trip limit for dolphin once 75% of the commercial sector ACL is reached, with the intent of slowing down commercial harvest to avoid an in-season closure for the commercial dolphin fishery. Since 2016, neither the commercial nor the recreational sectors have harvested their respective ACLs and the conditional commercial trip limit implemented in Dolphin Wahoo Framework Amendment 1 has not been triggered.

The Council eventually split Dolphin Wahoo Amendment 10 from Snapper Grouper Amendment 44 and continued to develop the amendments. Amendment 10 previously included actions to revise the definition of optimum yield for dolphin, allow adaptive management of sector ACLs, allow possession of dolphin and wahoo when non-authorized gears in the dolphin wahoo fishery are on board a vessel, and remove the operator card requirement for vessel operators or crew members. Development of the amendment was suspended pending the availability of revised recreational data from the Marine Recreational Information Program (MRIP), 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 add 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. 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 also the vast majority of dolphin and wahoo landed in the county are caught from South Atlantic waters. For dolphin, the third highest total landings from 1994 through 1997 were used to determine the new ABC of 18,354,469 lbs ww. The existing ABC for dolphin is 15,344,846 lbs ww. For wahoo, the third highest total landings from 1994 through 2003 were used to determine the new ABC of 2,181,585 lbs ww. The existing ABC for wahoo is 1,794,960 lbs ww

The actions in the amendment can be grouped according to the objectives that they are intended to accomplish. **Actions 1 through 4** accommodate revised MRIP data and updated catch level recommendations from the SSC by implementing a new ACLs while also revising

sector allocations that may change as result of updated data for the baseline years that have been used to calculate these allocations. **Actions 5** through **7** relate to potential revisions to the definition of optimum yield. **Actions 8** through **11** would accommodate adaptive management of sector ACLs and change accountability measures. The remaining actions (**Actions 12** through **16**) implement miscellaneous management revisions for the dolphin and wahoo fisheries and are largely independent of one another.

Actions in this amendment

Actions that accommodate revised recreational data and catch level recommendations

- **Action 1.** Revise the total annual catch limit for dolphin to reflect the updated acceptable biological catch level.
- **Action 2.** Revise the total annual catch limit for wahoo to reflect the updated acceptable biological catch level.
- **Action 3.** Revise sector allocations and sector annual catch limits for dolphin.
- **Action 4.** Revise sector allocations and sector annual catch limits for wahoo.

Actions that redefine optimum yield in the dolphin fishery

- **Action 5.** Revise the optimum yield definition for dolphin
- **Action 6.** Establish a commercial annual catch target for dolphin
- **Action 7.** Modify the recreational annual catch target for dolphin.

Actions that accommodate adaptive management of sector annual catch limits and change accountability measures

- **Action 8.** Allow adaptive management of sector annual catch limits for dolphin
- **Action 9.** Revise the commercial accountability measures for dolphin
- **Action 10.** Revise the recreational accountability measures for dolphin
- **Action 11.** Revise the recreational accountability measures for wahoo

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

- **Action 12.** Allow properly permitted commercial vessels with gear on board that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo
- **Action 13.** Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery
- **Action 14.** Modify the recreational vessel limit for dolphin
- **Action 15.** Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements
- **Action 16.** Allow filleting of dolphin at sea on board charter or headboat vessels in the waters north of the Virginia/North Carolina border

Objectives for this meeting

- Review draft purpose and need statements.
- Review actions and alternatives and make modifications as appropriate.
- Consider timing of amendment and approval for scoping.

Potential amendment timing

| | |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| March 2016 | Council directed staff to begin development of a joint dolphin wahoo and snapper grouper amendment (Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44). |
| August 2016 | Scoped concepts of gear allocation of commercial sector ACL (longline vs all other gears) and adaptive management of sector ACLs. |
| March 2017 | Development of the amendment was suspended pending the availability of revised recreational data (MRIP revisions). |
| December 2019 | Council reviews amendment and provides guidance on how to move forward, including sending the amending out for scoping. |
| Winter 2019 | Scoping occurs. |
| March 2020 | Council reviews scoping comments, Purpose and Need statements, and actions and alternatives. |
| June 2020 | Council reviews preliminary effects and provides guidance on actions and alternatives. |
| September 2020 | Council reviews revised effects, provides guidance on actions and alternatives, and finalizes Purpose and Need Statements. |
| December 2020 | Council reviews revised effects, provides guidance on actions and alternatives, selects preferred alternatives, and approves for public hearings. |
| Winter 2020 | Public hearings occur. |
| March 2021 | Council reviews public hearing comments and provides guidance on actions and alternatives. |
| June 2021 | Council reviews revised effects and approves amendment for Secretarial review. |
| Early 2022 | Dolphin Wahoo Amendment 10 actions are implemented. |

Purpose and Need statement

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 [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.

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, in accordance with the provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act.

IPT Recommendations/Comments:

- As an initial starting point, the IPT has suggested the above draft purpose and need statements. These statements will likely need to be revised as the actions within Amendment 10 are changed or removed.

Committee Action:

- APPROVE THE IPT'S SUGGESTED PURPOSE AND NEED STATEMENTS IN AMENDMENT 10.
- DO NOT APPROVE THE IPT'S SUGGESTED PURPOSE AND NEED STATEMENTS IN AMENDMENT 10.
- OTHER?

Proposed Actions and Alternatives

Action 1. Revise the total annual catch limit (ACL) for dolphin to reflect the updated acceptable biological catch level.

Action Alternatives:

Alternative 1 (No Action). The total annual catch limit for dolphin is set equal to the current acceptable biological catch level. The current total annual catch limit for dolphin is 15,344,846 pounds whole weight.

~~**Alternative 2.** The total annual catch limit for dolphin is set equal to the acceptable biological catch. Revise the total annual catch limit for dolphin to reflect the updated acceptable biological catch level.~~

Alternative 2. The total annual catch limit for dolphin is equal to the updated acceptable biological catch level.

Alternative 3. The total annual catch limit for dolphin is equal to 95% of the updated acceptable biological catch level.

Alternative 4. The total annual catch limit for dolphin is equal to 90% of the updated acceptable biological catch level.

Discussion:

- At the June 2019 meeting, the Committee approved this action and requested sub-alternatives that allow for a buffer between the ABC and the ACL.
- The ACL for dolphin is dependent on the ABC, which is set based on catch level recommendations from the Council's SSC. The SSC provided new ABC recommendations for dolphin at their October 2019 meeting. In doing so, recreational landings were included for Monroe County, Florida for dolphin. 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 also the vast majority of dolphin landed in the county are caught from South Atlantic waters.
- For dolphin, the third highest total landings from 1994 through 1997 were used to determine the new ABC of 18,354,469 lbs ww. The existing ABC for dolphin is 15,344,846 lbs ww (**Figure 1**).
- 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.
- Dolphin landings are largely driven by the recreational sector. The percent standard errors (PSEs) for recreational dolphin landings (**Table 1**) tend to be relatively low each year and are among the lowest that the SAFMC manages. This may be an important consideration in whether a buffer is desired between the ABC and ACL to account for uncertainty.
- The potential revised dolphin ACLs are below some of the observed landings in recent years (**Figure 1, Table 2**). Depending on the accountability measure, the new ACL may be constraining on total harvest, particularly for the recreational sector.

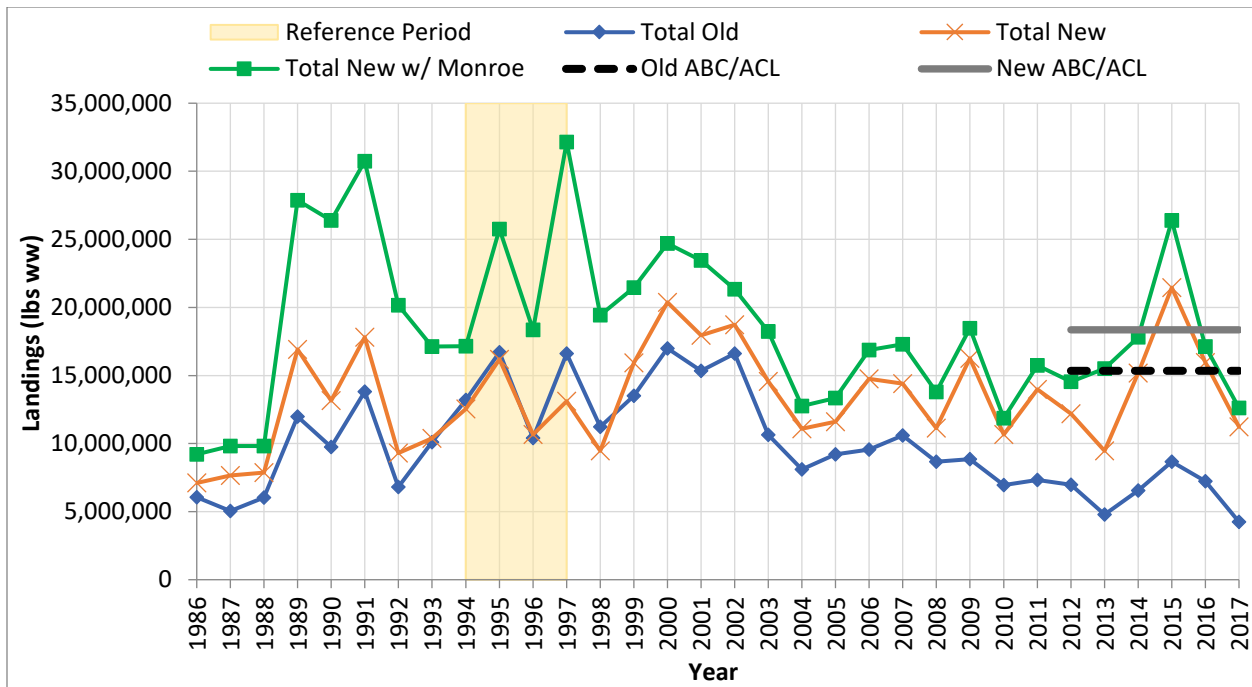


Figure 1. Atlantic dolphin landings (pounds whole weight), 1986-2017.

Table 1. Percent standard errors (PSEs) for recreational Atlantic dolphin landings (by weight), 2009-2018.

| Year | Recreational PSEs for Dolphin |
|------|-------------------------------|
| 2009 | 9.0% |
| 2010 | 10.6% |
| 2011 | 8.6% |
| 2012 | 16.8% |
| 2013 | 29.5% |
| 2014 | 17.3% |
| 2015 | 15.4% |
| 2016 | 9.4% |
| 2017 | 19.6% |
| 2018 | 14.2% |

Table 2. Comparison of alternatives in **Action 1** to recent average annual Atlantic dolphin landings.

| Alternative | Dolphin ACL (lbs ww) | Average Dolphin Landings (lbs ww) 2015-2017 | Average Dolphin Landings (lbs ww) 2013-2017 |
|---------------------------|----------------------|---------------------------------------------|---------------------------------------------|
| Alternative 1 (No Action) | 15,344,846 | N/A | N/A |
| Alternative 2 | 18,354,469 | 18,713,772 | 17,894,216 |
| Alternative 3 | 17,436,746 | 18,713,772 | 17,894,216 |
| Alternative 4 | 16,519,022 | 18,713,772 | 17,894,216 |

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 1 IN AMENDMENT 10.

- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 1 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 2. Revise the total annual catch limit (ACL) for wahoo to reflect the updated acceptable biological catch level.

Action Alternatives:

Alternative 1 (No Action). The total annual catch limit for wahoo is set equal to the acceptable biological catch level. The current total annual catch limit for wahoo is 1,794,960 pounds whole weight.

~~**Alternative 2.** The total annual catch limit for wahoo is set equal to the acceptable biological catch. Revise the total annual catch limit for wahoo to reflect the updated acceptable biological catch level.~~

Alternative 2. The total annual catch limit for wahoo is equal to the updated acceptable biological catch level.

Alternative 3. The total annual catch limit for wahoo is equal to 95% of the updated acceptable biological catch level.

Alternative 4. The total annual catch limit for wahoo is equal to 90% of the updated acceptable biological catch level.

Discussion:

- At the June 2019 meeting, the Committee approved this action and requested sub-alternatives that allow for a buffer between the ABC and the ACL.
- The ACL for wahoo is dependent on the ABC, which is set based on catch level recommendations from the Council's SSC. The SSC provided new acceptable biological catch (ABC) recommendations for wahoo at their October 2019 meeting. In doing so, recreational landings were included for Monroe County, Florida for 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 also the vast majority of wahoo landed in the county are caught from South Atlantic waters.
- For wahoo, the third highest total landings from 1994 through 2003 were used to determine the new ABC of 2,181,585 lbs ww. The existing ABC for wahoo is 1,794,960 lbs ww (**Figure 2**).
- 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.
- Wahoo landings are largely driven by the recreational sector. While higher than those for dolphin, the percent standard errors (PSEs) for recreational wahoo landings (**Table 3**) tend to be relatively low each year and are among the lowest that the SAFMC manages. This may be an important consideration in whether a buffer is desired between the ABC and ACL to account for uncertainty.
- The potential revised wahoo ACLs are below the observed landings in recent years (**Figure 2, Table 4**). Depending on the accountability measure, the new ACL may be constraining on total harvest, particularly for the recreational sector.

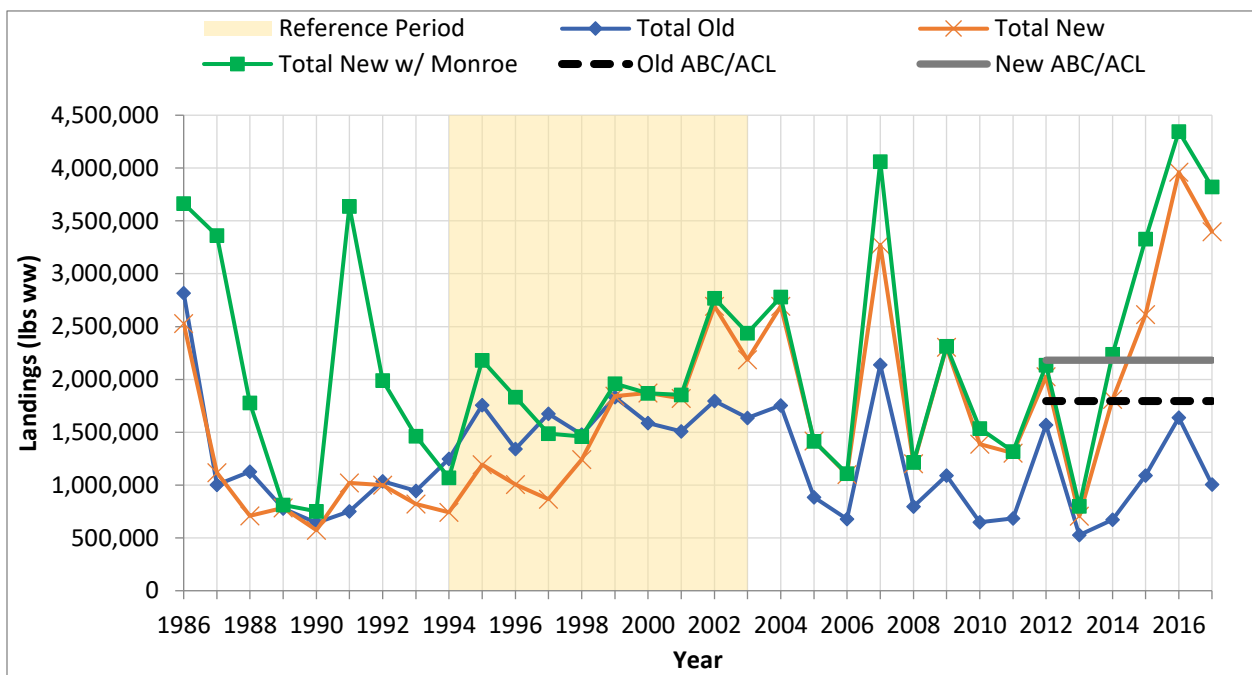


Figure 2. Atlantic wahoo landings (pounds whole weight), 1986-2017.

Table 3. Percent standard errors (PSEs) for recreational Atlantic wahoo landings (by weight), 2009-2018.

| Year | Recreational PSEs for Wahoo |
|------|-----------------------------|
| 2009 | 40.4% |
| 2010 | 12.8% |
| 2011 | 20.5% |
| 2012 | 8.9% |
| 2013 | 22.4% |
| 2014 | 23.9% |
| 2015 | 29.9% |
| 2016 | 9.2% |
| 2017 | 13.1% |

| | |
|------|-------|
| 2018 | 10.8% |
|------|-------|

Table 4. Comparison of alternatives in **Action 2** to recent average annual Atlantic wahoo landings.

| Alternative | Wahoo ACL (lbs ww) | Average Wahoo Landings (lbs ww) 2015-2017 | Average Wahoo Landings (lbs ww) 2013-2017 |
|---------------------------|-----------------------|----------------------------------------------|----------------------------------------------|
| Alternative 1 (No Action) | 1,794,960 | N/A | N/A |
| Alternative 2 | 2,181,585 | 3,832,256 | 2,907,231 |
| Alternative 3 | 2,072,506 | 3,832,256 | 2,907,231 |
| Alternative 4 | 1,963,426 | 3,832,256 | 2,907,231 |

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 2 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 2 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 3. Revise sector allocations and sector annual catch limits for dolphin

Note: This is a new action for the amendment and has not been discussed in detail by the Committee.

Action Alternatives:

Alternative 1 (No Action). The recreational sector allocation for dolphin is 90% of the total annual catch limit. The commercial sector allocation for dolphin is 10% of the total annual catch limit. This is based on the total catch between 2008 and 2012 as reported in 2014 and does not incorporate recreational landings from Monroe County, Florida.

Alternative 2. Allocate 93.95% of the total annual catch limit for dolphin to the recreational sector. Allocate 6.05% of the total annual catch limit for dolphin to the commercial sector. This is based on the total catch between 2008 and 2012 as reported in 2019 and does incorporate recreational landings from Monroe County, Florida.

Alternative 3. Allocate 94.88% of the total annual catch limit for dolphin to the recreational sector. Allocate 5.12% of the total annual catch limit for dolphin to the commercial sector. This is based on the total catch between 2013 and 2017 as reported in 2019 and does incorporate recreational landings from Monroe County, Florida.

Alternative 4. Allocate 94.94% of the total annual catch limit for dolphin to the recreational sector. Allocate 5.06% of the total annual catch limit for dolphin to the commercial sector. This is based on the total catch between 1986 and 2017 as reported in 2019 and does incorporate recreational landings from Monroe County, Florida.

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. This method incorporates recreational landings from Monroe County, Florida.

Sector apportionment = (50% * average of long-term catch (pounds whole weight)) + (50% * average of recent catch (pounds whole weight)).

Sub-alternative 5a. Long-term catch = 1999 through 2008; Recent catch = 2006 through 2008. This would result in 95.21% of the total annual catch limit to the recreational sector and 4.79% of the total annual catch limit to the commercial sector.

Sub-alternative 5b. Long-term catch = 2008 through 2017; Recent catch = 2015 through 2017. This would result in 95.02% of the total annual catch limit to the recreational sector and 4.98% of the total annual catch limit to the commercial sector.

Sub-alternative 5c. Long-term catch = 1986 through 2017; Recent catch = 2015 through 2017. This would result in 95.22% of the total annual catch limit to the recreational sector and 4.78% of the total annual catch limit to the commercial sector.

Alternative 6. Allocate 91.64% of the total annual catch limit for dolphin to the recreational sector. Allocate 8.36% of the total annual catch limit for dolphin to the commercial sector. This is based on maintaining the current commercial annual catch limit of 1,534,485 pounds whole weight and allocating the remaining total annual catch limit to the recreational 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.” The Committee has not discussed this action.
- The alternatives presented are all landings-based, with the exception of **Alternative 6**, 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. Additionally, comments on other ways to set allocations may be provided during scoping and scoping comments could be posed to solicit this type of feedback.
- **Alternative 1 (No Action)** does not change sector allocations which are partially based upon non-revised MRIP data (exclusive of Monroe County, FL recreational landings) using the same baseline years and sector allocation formula that was selected in Dolphin Wahoo Amendment 8, which was the last amendment in which sector allocations for dolphin were modified.
- **Alternative 2** updates sector allocations with revised MRIP data (inclusive of Monroe County, FL recreational landings) using the same baseline years that were selected in Dolphin Wahoo Amendment 8.
- **Alternative 3** updates sector allocations with revised MRIP data (inclusive of Monroe County, FL recreational landings) 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 revised MRIP data (inclusive of Monroe County, FL recreational landings) 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 to revised MRIP data (inclusive of Monroe County, FL recreational landings). The sub-alternatives of **Alternative 5** use varying time series for

baseline years. “Recent catch” refers to the most recent three years in the time series selected.

- **Alternative 6** maintains the current commercial sector ACL on a pound-basis (1,534,485 pounds whole weight), while allocating the remainder of the total ACL to the recreational sector.

Table 5. Sector allocations for **Action 3**.

| Alternative | Recreational Allocation of the Total ACL | Commercial Allocation of the Total ACL |
|---------------------------|------------------------------------------|----------------------------------------|
| Alternative 1 (No action) | 90.00% | 10.00% |
| Alternative 2 | 93.95% | 6.05% |
| Alternative 3 | 94.88% | 5.12% |
| Alternative 4 | 94.94% | 5.06% |
| Alternative 5a | 95.21% | 4.79% |
| Alternative 5b | 95.02% | 4.98% |
| Alternative 5c | 95.22% | 4.78% |
| Alternative 6 | 91.64% | 8.36% |

Table 6. Sector annual catch limits (ACLs) for Atlantic dolphin in **Action 3**.

| Alternative | Recreational Sector ACL* (lbs ww) | Difference from Current Recreational ACL** (lbs ww) | Commercial Sector ACL* (lbs ww) | Difference from current Commercial ACL*** (lbs ww) |
|---------------------------|-----------------------------------|-----------------------------------------------------|---------------------------------|----------------------------------------------------|
| Alternative 1 (No Action) | 16,519,022 | 2,708,661 | 1,835,447 | 300,962 |
| Alternative 2 | 17,243,385 | 3,433,024 | 1,111,085 | -423,400 |
| Alternative 3 | 17,414,467 | 3,604,106 | 940,002 | -594,483 |
| Alternative 4 | 17,425,358 | 3,614,997 | 929,112 | -605,373 |
| Alternative 5a | 17,474,695 | 3,664,334 | 879,775 | -654,710 |
| Alternative 5b | 17,439,642 | 3,629,281 | 914,827 | -619,658 |
| Alternative 5c | 17,477,602 | 3,667,241 | 876,867 | -657,618 |
| Alternative 6 | 16,819,948 | 3,009,623 | 1,534,485 | 0 |

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

**Current recreational ACL = 13,810,361 lbs ww.

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

Table 7. Comparison of alternatives in **Action 3** to recent average annual recreational Atlantic dolphin landings.

| Alternative | Recreational Sector ACL* (lbs ww) | Average Recreational Dolphin Landings (lbs ww) 2015-2017 | Average Recreational Dolphin Landings (lbs ww) 2013-2017 |
|---------------------------|-----------------------------------|----------------------------------------------------------|----------------------------------------------------------|
| Alternative 1 (No Action) | 16,519,022 | 17,872,869 | 16,977,785 |
| Alternative 2 | 17,243,385 | 17,872,869 | 16,977,785 |
| Alternative 3 | 17,414,467 | 17,872,869 | 16,977,785 |
| Alternative 4 | 17,425,358 | 17,872,869 | 16,977,785 |
| Alternative 5a | 17,474,695 | 17,872,869 | 16,977,785 |
| Alternative 5b | 17,439,642 | 17,872,869 | 16,977,785 |

| | | | |
|----------------|------------|------------|------------|
| Alternative 5c | 17,477,602 | 17,872,869 | 16,977,785 |
| Alternative 6 | 16,819,948 | 17,872,869 | 16,977,785 |

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

Table 8. Comparison of alternatives in **Action 3** to recent average annual commercial Atlantic dolphin landings.

| Alternative | Commercial Sector ACL* (lbs ww) | Average Commercial Dolphin Landings (lbs ww) 2015-2017 | Average Commercial Dolphin Landings (lbs ww) 2013-2017 |
|---------------------------|----------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|
| Alternative 1 (No Action) | 1,835,447 | 840,903 | 916,431 |
| Alternative 2 | 1,111,085 | 840,903 | 916,431 |
| Alternative 3 | 940,002 | 840,903 | 916,431 |
| Alternative 4 | 929,112 | 840,903 | 916,431 |
| Alternative 5a | 879,775 | 840,903 | 916,431 |
| Alternative 5b | 914,827 | 840,903 | 916,431 |
| Alternative 5c | 876,867 | 840,903 | 916,431 |
| Alternative 6 | 1,534,485 | 840,903 | 916,431 |

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

IPT Recommendations/Comments:

- The recommended draft wording and range of alternatives is provided in the action.
- Size limits (commercial and recreational) and bag limits (recreational) have potentially constrained the fishery since 2004 with implementation of the Dolphin Wahoo FMP. Since ACLs have gone into place, the commercial sector faced an in-season closure in 2015 for approximately 5 months but has remained open otherwise. The recreational sector has not faced an in-season closure. This may be a consideration if allocations are based on landings for more certain years.
- There is very little difference between some of the alternatives or sub-alternatives. Given this outcome, are there some alternatives or sub-alternatives that the Committee does not want to consider?
- Since commercial landings have not changed but recreational landings have increased due to MRIP revisions, the initial range of alternatives does not increase the allocation of dolphin to the commercial sector on a percent basis. Is this the intent of the Committee or would the Committee also like to consider alternatives that would increase the commercial allocation of the total ACL to more than the current 10%?
- The Council is scheduled to have an in-depth discussion on sector allocations at the March 2020 meeting. At this time, are there factors other than historic landings that the Committee wants to consider at this time or send out for scoping?

Committee Action:

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

- OTHER?

Action 4. Revise sector allocations and sector annual catch limits for wahoo

Note: This is a new action for the amendment and has not been discussed in detail by the Committee.

Action Alternatives:

Alternative 1 (No Action). The recreational sector allocation for wahoo is 96.07% of the total annual catch limit. The commercial sector allocation for wahoo is 3.93% of the total annual catch limit. This is based on the following formula for each sector using landings data as reported in 2013 and does not incorporate recreational landings from Monroe County, Florida.

Sector apportionment = (50% * average of long-term catch (pounds whole weight)) + (50% * average of recent catch (pounds whole weight)).

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

Alternative 2. Allocate 97.50% of the total annual catch limit for wahoo to the recreational sector. Allocate 2.50% of the total annual catch limit for wahoo to the commercial sector. This is based on the following formula for each sector using landings data as reported in 2019 and does incorporate recreational landings from Monroe County, Florida.

Sector apportionment = (50% * average of long-term catch (pounds whole weight)) + (50% * average of recent catch (pounds whole weight)).

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 and does incorporate recreational landings from Monroe County, Florida.

Sector apportionment = (50% * average of long-term catch (pounds whole weight)) + (50% * average of recent catch (pounds whole weight)).

Sub-alternative 3a. Long-term catch = 2008 through 2017; Recent catch = 2015 through 2017. This would result in 98.05% of the total annual catch limit to the recreational sector and 1.95% of the total annual catch limit to the commercial sector.

Sub-alternative 3b. Long-term catch = 1986 through 2017; Recent catch = 2015 through 2017. This would result in 97.91% of the total annual catch limit to the recreational sector and 2.09% of the total annual catch limit to the commercial sector.

Alternative 4. Allocate 97.09% of the total annual catch limit for wahoo to the recreational sector. Allocate 2.91% of the total annual catch limit for wahoo to the commercial sector. This

is based on the total catch between 1986 and 2017 as reported in 2019 and does incorporate recreational landings from Monroe County, Florida.

Alternative 5. Allocate 96.77% of the total annual catch limit for wahoo to the recreational sector. Allocate 3.23% of the total annual catch limit for wahoo to the commercial sector. This is based on maintaining the current commercial annual catch limit of 70,542 pounds whole weight and allocating the remaining total annual catch limit to the recreational 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.” The Committee has not discussed this action.
- The alternatives presented are all landings-based, with the exception of **Alternative 5**, 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. Additionally, comments on other ways to set allocations may be provided during scoping and scoping comments could be posed to solicit this type of feedback.
- **Alternative 1 (No Action)** does not change sector allocations which are partially based upon non-revised MRIP data (exclusive of Monroe County, FL recreational landings) using the same baseline years and sector allocation formula that was originally selected in Comprehensive ACL Amendment.
- **Alternative 2** updates sector allocations with new MRIP data (inclusive of Monroe County, FL recreational landings) 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 (inclusive of Monroe County, FL recreational landings) 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 (inclusive of Monroe County, FL recreational landings) and examines the longest time series of available usable recreational data but does not use the sector allocation formula.
- **Alternative 5** maintains the current commercial sector ACL on a pound-basis (70,542 pounds whole weight), while allocating the remainder of the total ACL to the recreational sector.

Table 9. Sector allocations for Atlantic wahoo in **Action 4**.

| Alternative | Recreational Allocation of Total ACL | Commercial Allocation of Total ACL |
|---------------------------|--------------------------------------|------------------------------------|
| Alternative 1 (No Action) | 96.07% | 3.93% |
| Alternative 2 | 97.50% | 2.50% |
| Alternative 3a | 98.05% | 1.95% |
| Alternative 3b | 97.91% | 2.09% |
| Alternative 4 | 97.09% | 2.91% |
| Alternative 5 | 96.77% | 3.23% |

Table 10. Sector annual catch limits (ACLs) for Atlantic wahoo in **Action 4**.

| Alternative | Recreational Sector ACL* (lbs ww) | Difference from Current Recreational ACL** (lbs ww) | Commercial Sector ACL* (lbs ww) | Difference from current Commercial ACL*** (lbs ww) |
|---------------------------|-----------------------------------|-----------------------------------------------------|---------------------------------|----------------------------------------------------|
| Alternative 1 (No Action) | 2,095,848 | 371,430 | 85,736 | 15,194 |
| Alternative 2 | 2,127,043 | 402,625 | 54,542 | -16,000 |
| Alternative 3a | 2,138,990 | 414,572 | 42,595 | -27,947 |
| Alternative 3b | 2,136,033 | 411,615 | 45,552 | -24,990 |
| Alternative 4 | 2,118,148 | 393,730 | 63,437 | -7,105 |
| Alternative 5 | 2,111,043 | 371,430 | 70,542 | 0 |

*Assumes ABC=ACL and new catch level recommendations are implemented in Action 2.

**Current recreational ACL = 1,724,418 lbs ww.

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

Table 11. Comparison of alternatives in **Action 4** to recent average annual recreational Atlantic wahoo landings.

| Alternative | Recreational Sector ACL* (lbs ww) | Average Recreational Wahoo Landings (lbs ww) 2015-2017 | Average Recreational Wahoo Landings (lbs ww) 2013-2017 |
|---------------------------|-----------------------------------|--------------------------------------------------------|--------------------------------------------------------|
| Alternative 1 (No Action) | 2,095,848 | 3,769,863 | 2,844,156 |
| Alternative 2 | 2,127,043 | 3,769,863 | 2,844,156 |
| Alternative 3a | 2,138,990 | 3,769,863 | 2,844,156 |
| Alternative 3b | 2,136,033 | 3,769,863 | 2,844,156 |
| Alternative 4 | 2,118,148 | 3,769,863 | 2,844,156 |
| Alternative 5 | 2,111,043 | 3,769,863 | 2,844,156 |

*Assumes ABC=ACL and new catch level recommendations are implemented in Action 2.

Table 12. Comparison of alternatives in **Action 4** to recent average annual commercial Atlantic wahoo landings.

| Alternative | Commercial Sector ACL* (lbs ww) | Average Commercial Wahoo Landings (lbs ww) 2015-2017 | Average Commercial Wahoo Landings (lbs ww) 2013-2017 |
|---------------------------|---------------------------------|------------------------------------------------------|------------------------------------------------------|
| Alternative 1 (No Action) | 85,736 | 62,393 | 63,075 |
| Alternative 2 | 54,542 | 62,393 | 63,075 |
| Alternative 3a | 42,595 | 62,393 | 63,075 |
| Alternative 3b | 45,552 | 62,393 | 63,075 |
| Alternative 4 | 63,437 | 62,393 | 63,075 |
| Alternative 5 | 70,542 | 62,393 | 63,075 |

*Assumes ABC=ACL and new catch level recommendations are implemented in Action 2.

IPT Recommendations/Comments:

- The recommended draft wording and range of alternatives is provided in the action.
- Trip limits (commercial) and bag limits (recreational) have potentially constrained the fishery since 2004 with implementation of the Dolphin Wahoo FMP. Since ACLs have gone into place, the commercial sector faced an in-season closure in 2012 for less than a month but has

remained open otherwise. The recreational sector has not faced an in-season closure. This may be a consideration if allocations are based on landings for certain years.

- There is very little difference between some of the alternatives or sub-alternatives. Given this outcome, are there some alternatives or sub-alternatives that the Committee does not want to consider?
- Since commercial landing have not changed but recreational landings have increased due to MRIP revisions, the initial range of alternatives does not increase the allocation of wahoo to the commercial sector on a percent basis. Is this the intent of the Committee or would the Committee also like to consider alternatives that would increase the commercial allocation of the total ACL to more than the current 3.93%?
- The Council is scheduled to have an in-depth discussion on sector allocations at the March 2020 meeting. At this time, are there factors other than historic landings that the Committee wants to consider at this time or send out for scoping?

Committee Action:

- APPROVE ACTION 4 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.
- DO NOT APPROVE ACTION 4 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 5. Revised the optimum yield (OY) definition for dolphin

Action Alternatives:

Alternative 1 (No Action). Optimum yield is equal to the total annual catch limit.

Alternative 2. OY Optimum yield is equal to the sum of the commercial annual catch limit ACL and the recreational annual catch target ACT.

Alternative 3. OY Optimum yield is equal to 75% maximum sustainable yield MSY.

Alternative 4. OY Optimum yield is the long-term average catch, which is not to exceed the total annual catch limit ACL, and will fall between the total annual catch limit ACL and the sum of the commercial and recreational annual catch targets 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.

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 5 was listed as Action 1 in the amendment at the time.

IPT Recommendations/Comments:

- According to the revised National Standard 1 Guidelines, although a Council can establish an annual OY, it must establish a long-term OY. ACLs are inherently short-term in nature and thus OY cannot be solely set equal to the ACL and or to an annual value. Based on this guidance, the current definition of OY being set equal to the ACL is not adequate. Since this definition of OY (OY=ACL) is used in many of the SAFMC FMPs, it may be better to address it in a separate amendment.
- As such, the IPT recommends removing Action 5 and addressing it at a later date in a comprehensive manner since OY is set equal to the ACL for multiple species in various FMPs.
- If the Committee would like to keep the action to re-define OY in the amendment, **Actions 5, 6, and 7** should remain together as all three actions pertain to potentially using ACTs in setting OY. Should the Committee choose to remove **Action 5, Actions 6 and 7** could largely be removed as a block as well.
- If the Committee wants to maintain the action redefining the OY in the Dolphin fishery, further revisions to **Alternative 2** and **Alternative 3** would be necessary, such as examining long-term averages instead of annual values. Also, the Committee may want to add an action to address wahoo, since OY is set the ACL for wahoo.

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 5 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 5 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 6. Establish a commercial annual catch target (ACT) for dolphin

Action Alternatives:

Alternative 1 (No Action). There is no annual catch target for the commercial sector.

Alternative 2. The commercial annual catch target ACT equals 80% of the commercial annual catch limit ACL [commercial annual catch limit ACL *0.8].

Alternative 3. The commercial annual catch target ACT equals 90% of the commercial annual catch limit ACL [commercial annual catch limit ACL *0.9].

Alternative 4. The commercial annual catch target ACT equals the commercial annual catch limit ACL.

Discussion:

- Currently there is not a commercial ACT for dolphin. If the definition of OY is changed to incorporate a commercial ACT, then one 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 6 was listed as Action 3 in the amendment at the time.

IPT Recommendations/Comments:

- 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:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 6 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 6 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 7. Modify the recreational annual catch target (ACT) for dolphin

Action Alternatives:

Alternative 1 (No Action). The annual catch target for the recreational sector equals [sector annual catch limit*(1- percent standard error)] or [annual catch limit*0.5], whichever is greater.

Alternative 2. The recreational annual catch target ACT equals 50% of the recreational annual catch limit ACL [recreational annual catch limit ACL *0.5].

Alternative 3. The recreational annual catch target ACT equals 60% of the recreational annual catch limit ACL [recreational annual catch limit ACL *0.6].

Alternative 4. The recreational annual catch target ACT equals 70% of the recreational annual catch limit ACL [recreational annual catch limit ACL *0.7].

Potential IPT suggested action and alternatives:

Action 7. Modify the recreational annual catch target for dolphin and wahoo

Alternative 1 (No Action). The recreational annual catch target for dolphin and wahoo equals [sector annual catch limit*(1-percent standard error)] or [annual catch limit*0.5], whichever is greater. The current annual catch target for dolphin is 12,769,061 pounds whole weight. The current annual catch target for wahoo is 1,258,825 pounds whole weight.

Alternative 2. The recreational annual catch target for dolphin and wahoo equals [the updated sector annual catch limit*(1-percent standard error)] or [updated annual catch limit*0.5], whichever is greater.

Alternative 3. Remove the recreational annual catch target for dolphin.

Alternative 4. Remove the recreational annual catch target for wahoo.

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/Comments:

- Since the recreational ACT is a “soft target” with no related management items, **Action 7** “as is” may not be necessary if not intended for use in the definition of OY.
- The recreational ACT would still need to be updated to reflect the new ACL for dolphin and wahoo. Additionally, since the recreational ACT is not currently used in management, it could be removed all together for dolphin and wahoo if not intended for use in the future.
- Assuming the recreational ACT is not used in the definition of OY, the IPT provided suggested revised alternatives for **Action 7**.

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 7 IN AMENDMENT 10.
- APPROVE THE IPT’S SUGGESTED ENTIRE REWORDING OF ACTION 7 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 7 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 8. Allow adaptive management of sector annual catch limits (ACLs) for dolphin

Action Alternatives:

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

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

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

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

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

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

Alternative 3. If the commercial **annual catch limit ACL** is not met in a given fishing year, the unused **annual catch limit 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 **annual catch limit ACL**.

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

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

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

Alternative 4. If the recreational **annual catch limit ACL** is not met in a given fishing year, the unused **annual catch limit 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 **annual catch limit ACL**.

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

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

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

Alternative 5: Conditionally transfer for the next fishing year a certain percentage (Sub-alternatives 5a-5d) of the **annual catch limit ACL** from a sector that is not landing its **annual catch limit ACL** to the other sector that is landing at least 90% of its **annual catch limit 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 **annual catch limit ACL** of one sector to the other sector.

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

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

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

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

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

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

Sub-alternative 5g: less than 75% of its unadjusted **annual catch limit 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 9**) 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 8 was listed as Action 4 in the amendment at the time.

IPT Recommendations/Comments:

- **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 can be addressed in the Comprehensive ABC Control Rule Amendment, thus these alternatives may not be necessary in Amendment 10.
- Also, **Actions 9 and 10** examine ways to allow some flexibility in how ACLs are managed.

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 8 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 8 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 9. Revise the commercial accountability measures for dolphin

Action Alternatives:

Alternative 1 (No Action). The current commercial accountability measure includes an in-season closure to take place if the commercial annual catch limit is met or projected to be met. If the commercial annual catch limit 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 annual catch limit is exceeded.

Alternative 2. The commercial accountability measure will include an in-season closure to take place if the commercial annual catch limit and the available common pool annual catch limit is met or projected to be met. If the commercial annual catch limit and the available common pool annual catch limit 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 annual catch limit is exceeded.

Alternative 3. The commercial accountability measure will include an in-season closure to take place if the commercial annual catch limit and the available uncaught sector annual catch limit from the previous fishing year is met or projected to be met. If the commercial annual catch limit and the available uncaught sector annual catch limit 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 annual catch limit is exceeded.

Alternative 4. If commercial landings exceed the commercial annual catch limit, then during the following fishing year, commercial landings will be monitored for persistence in increased landings. If the commercial annual catch limit is exceeded for a second consecutive year, it will be reduced by the amount of the commercial overage in the following fishing year and the commercial season will be reduced by the amount necessary to ensure that commercial landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the commercial annual catch limit and length of the commercial season will not be reduced if the Regional Administrator determines, using the best scientific information available science, that it is not necessary.

Alternative 5. If commercial landings exceed the commercial annual catch limit, then during the following fishing year the commercial season will be reduced by the amount necessary to ensure that commercial landings do not exceed the current year commercial sector annual catch limit. However, the length of the commercial season will not be reduced if the Regional Administrator determines, using the best scientific information available science, that it is not necessary.

Discussion:

- Under **Alternative 1 (No Action)**, the commercial sector faces an in-season closure if the sector ACL is met or projected to be met. Additionally, if the commercial ACL is exceeded there may be a shortening of the commercial season the following year only if dolphin are considered overfished and the total ACL is exceeded.
- **Alternative 2** would largely maintain the current commercial AM but accommodate a common pool ACL if implemented in **Action 8**. The language referring to an overfished designation was suggested for removal according to guidance received at the September 2019 meeting.
- **Alternative 3** would maintain the current commercial AM but accommodate the rollover of uncaught commercial sector ACL if implemented in **Action 8**. The language referring to an overfished designation was suggested for removal according to guidance received at the September 2019 meeting.
- **Alternative 4** would apply a similar version of the current recreational AM to the commercial sector. This alternative would allow the commercial sector to exceed the sector ACL in a given year without an in-season closure and landings would be monitored for persistence in increased landings. If the commercial ACL was exceeded for a second year, then the ACL would be reduced in the third year by the overage amount (i.e. a payback provision) and the commercial season would be reduced, but only if dolphin is overfished

and the total ACL is exceeded. Additionally, the commercial ACL and season would not be reduced if the RA determines this action is not necessary.

- **Alternative 5** would allow the commercial sector to exceed the sector ACL in a given year without an in-season closure, however there would be a potential shortening of the commercial season the following year “to ensure that commercial landings do not exceed the current year commercial sector annual catch limit.” This shortening of the season would not occur if the RA determines this action is not necessary.

IPT Recommendations/Comments:

- **Alternative 4** remained in the action after some discussion at the September 2019 meeting since it mirrored the current recreational AM for dolphin. At this meeting it was also discussed that the current recreational AM is not adequate.
- Thus, the Committee may want to either remove this alternative or revise it. Of particular concern is the reference to overfished status, since it is unlikely that dolphin will be assessed for the foreseeable future and therefore will not likely be determined to be overfished. As such, this AM would likely never be triggered.

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 9 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 9 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 10. Revise the recreational accountability measures for dolphin

Action Alternatives:

Alternative 1 (No action). If recreational landings exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. If recreational landings exceed the recreational annual catch limit and the available common pool annual catch limit, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit and the available common pool annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only **if the species is overfished and** the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will

not be reduced if the Regional Administrator determines, using the best **scientific information** available **science**, that it is not necessary.

Alternative 3. If recreational landings exceed the recreational annual catch limit and the available uncaught sector annual catch limit from the previous fishing year, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit and the available uncaught sector annual catch limit from the previous fishing year is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only **if the species is overfished and** the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best **scientific information** available **science**, that it is not necessary.

Alternative 4. Only implement post season accountability measures if:

Sub-alternative 4a. The recreational annual catch limits are constant and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Sub-alternative 4b. The recreational annual catch limits are constant and the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Sub-alternative 4c. The recreational annual catch limits are constant and recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Sub-alternative 4d. The total (commercial and recreational combined) annual catch limit is exceeded.

~~**Sub-alternative 4e.** The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress.~~

Alternative 5. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to **prevent reduce the probability that** the annual catch limit **from being will be** exceeded in the following year.

Discussion:

- Under **Alternative 1 (No Action)**, the recreational sector AM does not include in-season closure if the sector ACL is met or projected to be met. This alternative allows the recreational sector to exceed the sector ACL in a given year and landings would be monitored for persistence in increased landings. If the recreational ACL continues to be exceeded, then the sector ACL would be reduced by the overage amount (i.e. a payback provision) and the recreational season would be reduced, but only if dolphin is overfished and the total ACL is exceeded. Additionally, the recreational ACL and season would not be reduced if the RA determines this action is not necessary.
- **Alternative 2** would largely maintain the current recreational AM but accommodate a common pool ACL if implemented in **Action 8**. The language referring to an overfished

designation was suggested for removal according to guidance received at the September 2019 meeting.

- **Alternative 3** would maintain the current recreational AM but accommodate the rollover of uncaught recreational sector ACL if implemented in **Action 8**. The language referring to an overfished designation was suggested for removal according to guidance received at the September 2019 meeting.
- **Alternative 4** and its sub-alternatives would only apply the recreational AM if the 3-year geometric mean of recreational dolphin landings exceed the sector ACL (**Sub-alternative 4a**), the summed recreational landings over 3 years exceeds the summed sector ACL over the same 3 years (**Sub-alternative 4b**), recreational landings exceed the sector ACL two times in a three year time-span (**Sub-alternative 4c**), the total ACL is exceeded (**Sub-alternative 4d**), or if the dolphin stock becomes overfished (**Sub-alternative 4e**).
- **Alternative 5** would change the post season accountability measure to reduce the length of the following recreational fishing season by the amount necessary to prevent the sector ACL from being exceeded.

IPT Recommendations/Comments:

- The IPT recommends removal of **Sub-alternative 4e** since it is unlikely that dolphin will be assessed anytime soon and if it is, then the AM can be re-examined at that time. This also follows the logic applied in **Action 9** to remove references to an overfished status.
- Since the current recreational AM is likely inadequate because it references an overfished status, this issue will need to be addressed.
- This action may need to be split into an action addressing what the new recreational AM should be and an action specifying under what circumstance will the AM will be triggered. Further IPT discussion is necessary.

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 10 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 10 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 11. Revise the recreational accountability measures for wahoo

Action Alternatives:

Alternative 1 (No action). If recreational landings exceed the recreational annual catch limit, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. Only specify post-season accountability measures if:

Sub-alternative 2a. The recreational annual catch limits are constant and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Sub-alternative 2b. The recreational annual catch limits are constant and the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Sub-alternative 2c. The recreational annual catch limits are constant and recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Sub-alternative 2d. The total (commercial and recreational combined) annual catch limit is exceeded.

~~**Sub-alternative 2e.** The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress.~~

Alternative 3. If the post-season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season **only if the species is overfished.**

Alternative 4. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to **prevent reduce the probability that** the annual catch limit **from being will be** exceeded in the following year.

Discussion:

- Under **Alternative 1 (No Action)**, the recreational sector AM does not include in-season closure if the sector ACL is met or projected to be met. This alternative allows the recreational sector to exceed the sector ACL in a given year and landings would be monitored for persistence in increased landings. If the recreational ACL continues to be exceeded, then the sector ACL would be reduced by the overage amount (i.e. a payback provision), but only if wahoo is overfished and the total ACL is exceeded. Additionally, the recreational ACL would not be reduced if the RA determines this action is not necessary.
- **Alternative 2** and its sub-alternatives would only apply the recreational AM if the 3-year geometric mean of recreational wahoo landings exceed the sector ACL (**Sub-alternative 2a**), the summed recreational landings over 3 years exceeds the summed sector ACL over the same 3 years (**Sub-alternative 2b**), recreational landings exceed the sector ACL two times in a three year time-span (**Sub-alternative 2c**), the total ACL is exceeded (**Sub-alternative 2d**), or if the wahoo stock becomes overfished (**Sub-alternative 2e**).
- **Alternative 3** would change the post season accountability measure to reduce the recreational sector ACL by any overage (i.e. a payback provision).
- **Alternative 4** would change the post season accountability measure to reduce the length of the following recreational fishing season by the amount necessary to prevent the sector ACL from being exceeded.

IPT Recommendations/Comments:

- The IPT recommends removal of **Sub-alternative 2e** since it is unlikely that wahoo will be assessed anytime soon and if it is, then the AM can be re-examined at that time. This also follows the logic applied in **Action 9** and **Action 10** to remove references to an overfished status.
- Since the current recreational AM is likely inadequate because it references an overfished status, this issue will need to be addressed.
- This action may need to be split into an action addressing what the new recreational AM should be and an action specifying under what circumstance will the AM will be triggered. Further IPT discussion is necessary.

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 11 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 11 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 12. Allow properly permitted commercial fishing vessels with gear on board that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo

Action Alternatives:

Alternative 1 (No Action). The following are the only authorized commercial gear types in the fisheries for dolphin and wahoo in the Atlantic Exclusive Economic Zone: automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic Exclusive Economic Zone 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 Exclusive Economic Zone that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and the necessary state and/or federal commercial permits for trap, pot, or buoy gear are authorized to retain dolphin and wahoo caught by rod and reel while in possession of such gears. Dolphin retained on trips when trap, pot, or buoy gear are on board shall not exceed (*Sub-alternatives 2a through 2d*). The wahoo commercial trip limit will remain at 500 pounds. A person aboard a vessel in the Atlantic Exclusive Economic Zone 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.

Sub-alternative 2a. 250 pounds gutted weight

Sub-alternative 2b. 500 pounds gutted weight

Sub-alternative 2c. 750 pounds gutted weight

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

Discussion:

- The Atlantic Offshore Lobstermen’s Association initially requested that the South Atlantic Council modify regulations to allow the historical practice of harvesting dolphin and wahoo while in the possession of lobster pots to continue.
- There currently is an incidental limit in place of 200 pounds of dolphin and wahoo, combined weight, for vessels that do not have a dolphin wahoo commercial permit but do have another federal commercial permit and catch the species north of the 39 degrees north latitude (50 CFR §622.278 Commercial Trip Limits). This incidental limit would remain in place unless otherwise specified.
- The current list of allowable gears in the dolphin wahoo fishery does not include trap, pot, or buoy gears, therefore dolphin or wahoo may not be harvested when such gear is on board a vessel (**Alternative 1 No Action**). The intent behind **Alternative 2** is to allow the possession of dolphin and wahoo on vessels with commercial vessel permits for dolphin and wahoo when trap, pot, or buoy gears are also on board.
- **Sub-alternatives 2a** through **2d** were included in response to the Committee’s direction to staff to examine “a range of 250 to 1000 lbs gutted weight by 250 lbs increments.”

SSC/Advisory Panel Recommendations:

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

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

9 IN FAVOR; 0 OPPOSED

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

Committee Action:

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

Action 13. Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery

Action Alternatives:

Alternative 1 (No Action). An Atlantic Charter/Headboat for Dolphin/Wahoo Permit or an Atlantic Dolphin/Wahoo Commercial Permit is not valid unless the vessel operator or a crewmember holds a valid Operator Card issued by either the Southeast Regional Office or by the Greater Atlantic Regional Fisheries Office.

Alternative 2. Neither a vessel operator nor any crewmember is required to have an Operator Card for an Atlantic Charter/Headboat for Dolphin/Wahoo Permit to be valid.

Alternative 3. Neither a vessel operator nor any crewmember is required to have an Operator Card for an Atlantic Dolphin/Wahoo Commercial Permit to be valid.

Discussion:

- Operator cards were required by the original Dolphin Wahoo FMP and are also required for operators and/or crew in the rock shrimp fishery. For dolphin wahoo, current regulations under 50 C.F.R. §622.270 would be retained under **Alternative 1 (No Action)** are:

(c) *Operator permits.* (1) An operator of a vessel that has or is required to have a charter vessel/headboat or commercial permit for Atlantic dolphin and wahoo issued under this section is required to have an operator permit.

(2) A person required to have an operator permit under paragraph (c)(1) of this section must carry on board such permit and one other form of personal identification that includes a picture (driver's license, passport, etc.).

(3) An owner of a vessel that is required to have a permitted operator under paragraph (c)(1) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.

(4) An owner of a vessel that is required to have a permitted operator under paragraph (c)(1) of this section and the operator of such vessel are responsible for ensuring that a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

- The intent of including operator cards in the Dolphin Wahoo FMP was to improve enforcement and aid in data collection. It was also intended to decrease costs to vessel owners from fisheries violations and make vessel captains more accountable for damaging habitat or violating regulations intended to protect the long-term viability of the stock.
- At the March 2016 Council meeting, NMFS Office of Law Enforcement gave a presentation on operator cards, mentioning that currently the operator cards are not used for gathering data, distributing information, or enforcement to a large extent.
- **Alternative 2** would remove the requirement for the vessel operator or crew member to hold an operator card for an Atlantic Charter/Headboat for Dolphin/Wahoo Permit to be valid. It would still require Atlantic Dolphin/Wahoo Commercial Permit holders to have an operator card.
- **Alternative 3** have the same outcome as **Alternative 2**, but for the commercial sector.

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 13 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 14. Modify **Reduce** the recreational vessel limit for dolphin

Action Alternatives:

Alternative 1 (No Action). The recreational daily bag limit is 10 dolphin per person, not to exceed 60 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Alternative 2. The recreational daily bag limit is 10 dolphin per person, not to exceed:

Sub-alternative 2a. 40 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 2b. 42 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 2c. 48 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 2d. 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Alternative 3. In Florida only, the recreational daily bag limit is 10 dolphin per person, not to exceed:

Sub-alternative 3a. 40 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 3b. 42 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 3c. 48 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Sub-alternative 3d. 54 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.

Discussion:

- The sub-alternatives are based on the Committees guidance from December 2018 to consider alternatives that focuses on vessel limits divisible by 6 but are not below 40 fish.
- Upon initial analysis of revised MRIP data, it is possible that the recreational sector may be fully utilizing the potential sector ACL for dolphin in some years and additional restrictions may be desired to limit harvest. This will be dependent on the ACL as well as allocations set by the Council. Further information will be available at future meetings.
- Based on initial analysis that can be found in the **Appendix**, the majority of the recreational trips (more than 90% on average) typically harvest less than 10 dolphin per vessel on average (**Figure 1** through **Figure 3**).

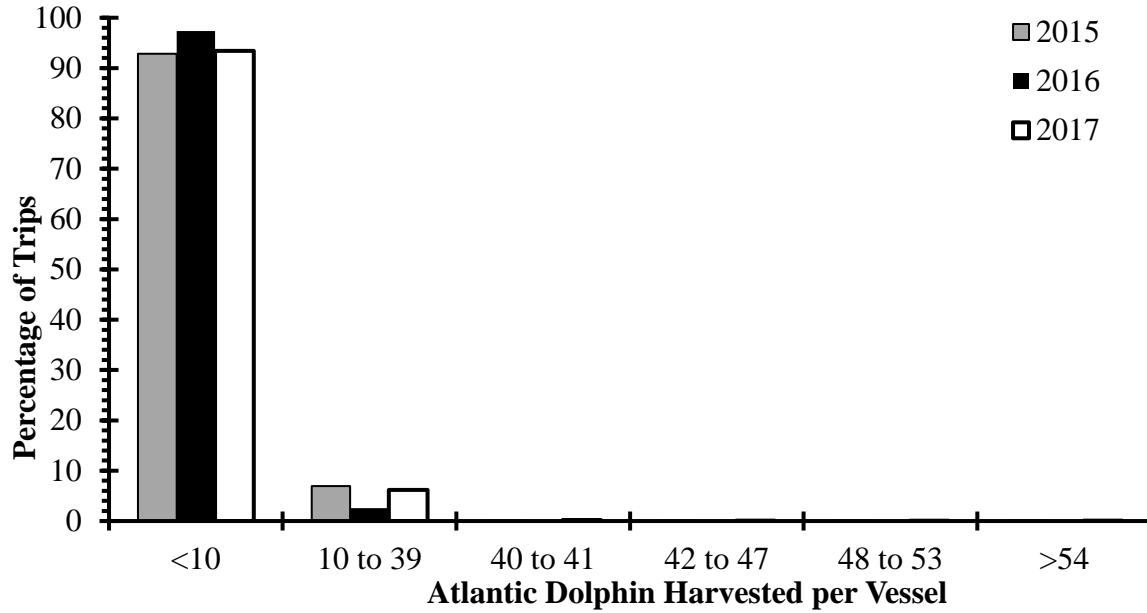


Figure 1. Distribution of Atlantic dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,884,919 vessel trips) and Headboat (2,837 trips) recreational surveys. The results are from Maine to Florida and include Monroe County, Florida.

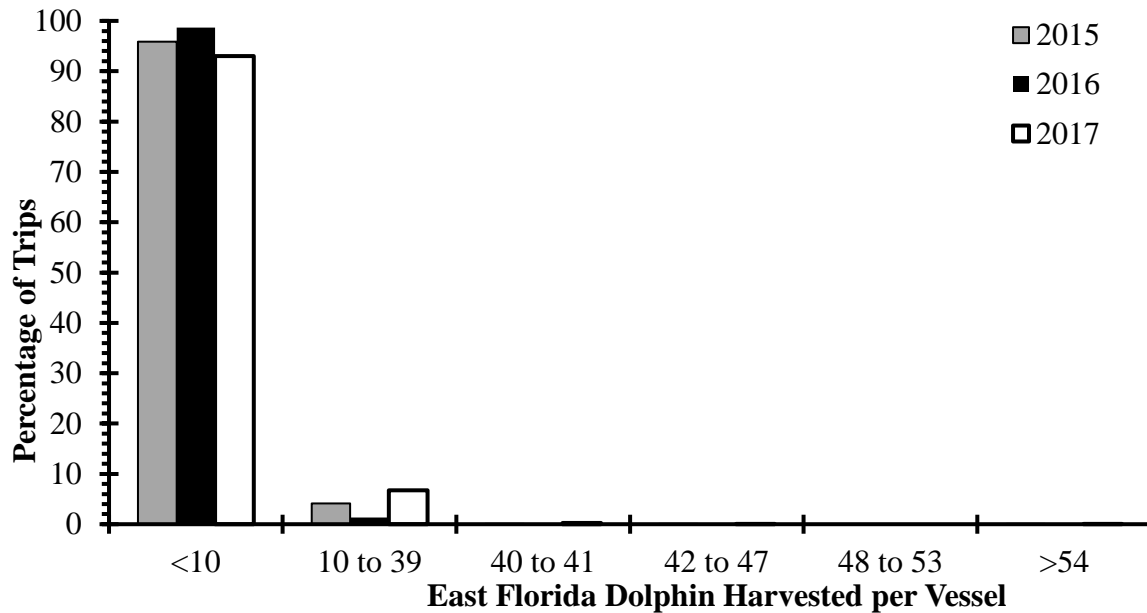


Figure 2. Distribution of east Florida dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,164,106 vessel trips) and Headboat (2,303 trips) recreational surveys. The results are from east Florida and include Monroe County, Florida.

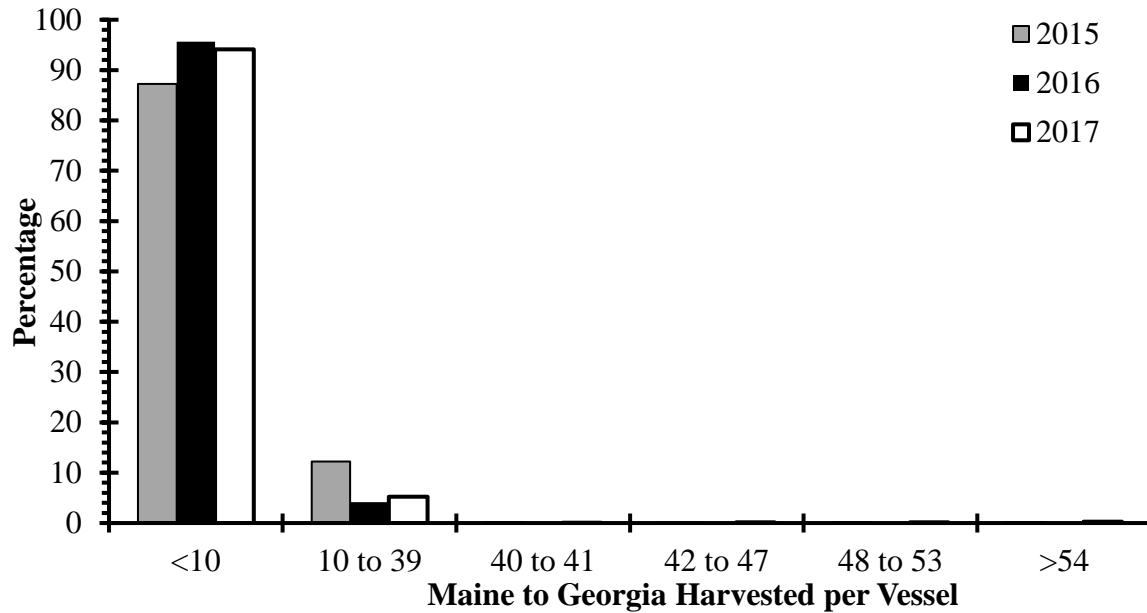


Figure 3. Distribution of Maine to Georgia dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (720,813 vessel trips) and Headboat (534 trips) recreational surveys.

SSC/Advisory Panel Recommendations:

- As mentioned in **Action 7**, there was initial support by the Dolphin Wahoo AP for a 40 fish vessel limit for dolphin if added as a step down once the recreational ACT has been landed.
- During the August 22, 2019 Dolphin Wahoo AP webinar, there was discussion on lowering the retention limit for dolphin, with some AP members noting that this may be acceptable while others felt that this may not be necessary and offering caution in reducing bag limits as “once you give it up, you may never get it back.” Additionally, it was noted that reducing retention limits too far could have a notable negative impact on the ability to book charter trips, therefore caution should be exercised if there is a change in the retention limit. While some members noted that a retention limit reduction may be acceptable in the South Florida area, others felt that any changes should be region-wide. There seemed to be general consensus that if the Council reduces recreational limits for dolphin, consider reducing the vessel limit but do not change the bag limit of 10 fish per person per day.

Committee Action:

- APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 14 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT’S SUGGESTED EDITS TO ACTION 14 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 15. Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements

Action Alternatives:

Alternative 1 (No Action). The owner or operator of a vessel for which an Atlantic Dolphin/Wahoo Commercial Permit has been issued and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines. 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 **an Atlantic Dolphin/Wahoo Commercial Permit** ~~a commercial dolphin wahoo permit~~ when using pelagic longlines:

Sub-alternative 2a. Must possess valid Safe Handling, Release, and Identification Workshop certificate on board 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.

Alternative 3. Require that a valid Safe Handling, Release, and Identification Workshop certificate be supplied when renewing an Atlantic Dolphin/Wahoo Commercial Permit if the permitted vessel intends to land dolphin with pelagic longline gear.

Alternative 4. Require the following for vessels with **an Atlantic Dolphin/Wahoo Commercial Permit** ~~a commercial dolphin wahoo permit~~ when using pelagic longlines that do not have an HMS permit that allows the use of pelagic longline gear (tri-pack):

Sub-alternative 4a. Must possess valid Safe Handling, Release, and Identification Workshop certificate on board for both the owner and operator.

Sub-alternative 4b. Must use only corrodible (i.e., non-stainless steel) 12/0 or larger non-offset circle hooks.

Sub-alternative 4c. Must use only corrodible (i.e., non-stainless steel) 14/0 or larger non-offset circle hooks.

Sub-alternative 4d. Must use only corrodible (i.e., non-stainless steel) 16/0 or larger non-offset circle hooks.

Sub-alternative 4e. Must use whole finfish and/or squid as bait.

Alternative 5. Require a longline endorsement on the **Atlantic Dolphin/Wahoo Commercial Permit** ~~commercial dolphin wahoo permit~~ to use longline gear to land dolphin or wahoo

IPT suggested rewording of Action 15:

Action 15. Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements.

Alternative 1 (No Action). The owner or operator of a vessel for which an Atlantic Dolphin/Wahoo Commercial Permit has been issued and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines. 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.

In addition to other Highly Migratory Species-specific requirements, vessels and responsible parties issued Highly Migratory Species permits that allow the use of pelagic longline gear must:

- 1) Possess a valid Safe Handling, Release, and Identification Workshop certificate on board for both the owner and operator;
- 2) Provide a valid Safe Handling, Release, and Identification Workshop certificate when renewing Highly Migratory Species permits;
- 3) Abide by gangion length restrictions;
- 4) Cannot deploy a pelagic longline that exceeds 20 nautical miles in length in the Mid-Atlantic Bight;
- 4) Possess and/or use only 18/0 or larger corrodible (i.e., non-stainless steel) circle hooks with an offset not to exceed 10 degrees, and/or 16/0 or larger non-offset corrodible circle hooks when using pelagic longline gear; and
- 5) Must se whole finfish and/or squid as bait.

Sub-action 15A: Permit endorsement and protected species handling and release training requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1A (No Action). Do not establish permit endorsement or protected species handling and release training requirements for vessels issued an Atlantic Dolphin/Wahoo Commercial Permit to use pelagic longline gear.

Alternative 2A. In order to use pelagic longline gear on board a vessel, require a longline endorsement on the Atlantic Dolphin/Wahoo Commercial Permit.

Alternative 3A. In order to use pelagic longline gear on board a vessel, require a valid Safe Handling, Release, and Identification Workshop certificate on board for both the owner and operator a vessel issued an Atlantic Dolphin/Wahoo Commercial Permit.

Alternative 4A. In order to use pelagic longline gear on board a vessel, require a valid Safe Handling, Release, and Identification Workshop certificate be supplied when renewing an Atlantic Dolphin/Wahoo Commercial Permit.

Sub-action 15B: Rigging and deployment requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1B (No Action). Do not establish requirements for rigging and deployment of pelagic longline gear on board vessels issued an Atlantic Dolphin/Wahoo Commercial Permit.

Alternative 2B. 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 on board vessels issued an Atlantic Dolphin/Wahoo Commercial Permit.

Alternative 3B. Cannot deploy a pelagic longline that exceeds 20 nautical miles in length in the Mid-Atlantic Bight as defined at 50 CFR §635.2 on board vessels issued an Atlantic Dolphin/Wahoo Commercial Permit.

Sub-action 15C: Hook size and bait requirements for dolphin and wahoo when using pelagic longline gear.

Alternative 1C (No Action). Do not establish hook size and bait requirements on board vessels with an Atlantic Dolphin/Wahoo Commercial Permit when using pelagic longline gear.

Alternative 2C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit must possess and/or use only corrodible (i.e., non-stainless steel) circle hooks when using pelagic longline gear.

Alternative 3C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit must possess and/or use only 18/0 or larger corrodible (i.e., non-stainless steel) circle hooks with an offset not to exceed 10 degrees, and/or 16/0 or larger non-offset corrodible circle hooks when using pelagic longline gear.

Alternative 4C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit must possess and/or use only 12/0 or larger non-offset circle hooks when using pelagic longline gear.

Alternative 5C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit must possess and/or use only 14/0 or larger non-offset circle hooks when using pelagic longline gear.

Alternative 6C. Vessels with an Atlantic Dolphin/Wahoo Commercial Permit must possess and/or use only 16/0 or larger non-offset circle hooks when using pelagic longline gear.

Alternative 7C. Must use whole finfish and/or squid as bait on board vessels that are issued an Atlantic Dolphin/Wahoo Commercial Permit when using pelagic longline gear.

Discussion:

- This action 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 Highly Migratory Species (HMS) sea turtle-related gear and release requirements and not training.
- The items listed in **Alternative 2**, **Alternative 3** and portions of **Alternative 4** came about as a result of a Biological Opinion (BiOp) issued by the NOAA Office of Protected Resources

(OPR) for the HMS pelagic longline fishery (PLL) 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, Alternative 3, Sub-alternative 4a**), corrodible circle hooks are intended to mitigate injuries to hooked sea turtles (**Sub-alternative 2b, Sub-alternative 4a, Sub-alternative 4b, Sub-alternative 4c, Sub-alternative 4d**), larger hooks (16/0 and 18/0) are intended to discourage hooking of sea turtles (**Sub-alternative 2c, Sub-alternative 4d**), whole baits are intended to be easier for sea turtles to pull off of a hook (**Sub-alternative 2d, Sub-alternative 4e**), the specified length of a 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**).

- The last BiOp for the Dolphin Wahoo fishery was issued in 2003, with the development of the initial Dolphin Wahoo FMP.
- Coinciding with the development of Amendment 10, OPR will be developing and issuing a new BiOp for the Dolphin Wahoo fishery.
- **Alternative 5** would require a longline endorsement on the commercial dolphin wahoo permit in order to fish pelagic longline gear in the dolphin wahoo fishery.

IPT Recommendations/Comments:

- The relatively large hook sizes specified in **Sub-alternative 2c** and **Sub-alternative 4b, 4c, and 4d** may not be conducive to targeting dolphin at times.
- The HMS BiOp that the measures in **Alternative 2, Alternative 3** and portions of **Alternative 4** are based upon were addressing a jeopardy designation, which may not be the case for the Dolphin Wahoo fishery. The new BiOp for Dolphin Wahoo may have new or different requirements, and the current sub-alternatives may be too prescriptive or not properly calibrated. Also, the Council may not get “credit” for actions taken before the BiOp is issued.
- HMS has a number of required workshops for training and what is in the HMS regulations may be a good start for changing the PLL regulations for Dolphin Wahoo, but may need to see how the updated Dolphin Wahoo BiOp differs from HMS BiOp. Depending on the timing of the updated Dolphin Wahoo BiOp and Amendment 10, the regulations for the PLL Dolphin Wahoo fishery may need to be amended multiple times if they do not occur simultaneously.

SSC/Advisory Panel Recommendations:

- During the August 22, 2019 Dolphin Wahoo AP webinar, there was discussion on pelagic longline landings of dolphin. Concerns were raised over the targeting of fish that may be spawning off of the Carolinas, PLL trips that had particularly high landings of dolphin (30,000 pounds was mentioned), and the relatively small size of fish that were observed being landed in some circumstances.

To address some of these concerns, the AP offered a motion to support Action 15, Alternative 2 in Amendment 10, noting that increasing the hook size when using PLL gear for dolphin would help address some of the AP’s size-related concerns by discouraging

landing smaller sized fish in the PLL fishery as well as bringing parody in gear and training requirements amongst vessels fishing PLL gear in the HMS and Dolphin Wahoo fisheries.

Committee Action:

- APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 15 IN AMENDMENT 10.
- APPROVE THE IPT'S SUGGESTED ENTIRE REWORDING OF ACTION 15 IN AMENDMENT 10.
- DO NOT APPROVE THE IPT'S SUGGESTED EDITS TO ACTION 15 IN AMENDMENT 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).
- OTHER?

Action 16. Allow filleting of dolphin at sea on board charter or headboat vessels in the Atlantic Exclusive Economic Zone north of the Virginia/North Carolina border.

Alternative 1 (No Action). Dolphin possessed in the Atlantic Exclusive Economic Zone must be maintained with head and fins intact, with specific exceptions for fish lawfully harvested in the Bahamas. Such fish harvested from the Atlantic Exclusive Economic Zone may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

Alternative 2. Exempt dolphin from regulations requiring head and fins be intact on board properly permitted charter and headboat vessels in the Atlantic Exclusive Economic Zone north of the Virginia/North Carolina border where dolphin may be filleted under the following requirements:

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 per guidance received at the June 2019 Council meeting in response to a request from the Mid-Atlantic 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 Committee stated that the action should include options to require that the skin remains on the entire fillet and that two fillets would equal one fish for enforcement purposes. No frames would need to be retained.

IPT Recommendations/Comments:

- The recreational ACL for dolphin is tracked in weight. Allowing filleting at sea in the Mid-Atlantic and New England regions will reduce size and weight measurements from recreational catches due to fewer measurements being collected dockside by creel surveyors.
- Filleting at sea is allowed for many federally regulated groundfish and flounder species in the Mid-Atlantic and New England regions. It is not allowed for golden tilefish, blueline tilefish, or HMS species such as federally regulated tunas, sharks, and swordfish.

- Analysis on catch composition of dolphin trips based on vessel trip reports (VTRs) from for-hire trips in the Mid-Atlantic and New England regions will be provided at a future meeting.

Committee Action:

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

Committee Action:

- APPROVE ALL ACTIONS IN DOLPHIN WAHOO AMENDMENT 10, AS MODIFIED, FOR SCOPING BEFORE MARCH 2020.
- OTHERS?

APPENDIX

Atlantic Dolphin Bag Limit Analysis

The South Atlantic Fishery Management Council is drafting Amendment 10 to the dolphin and wahoo fishery management plan. This Amendment is considering changes to the dolphin bag limit per person and changes to the dolphin vessel limit for the recreational sector. The current bag limit is 10 dolphin per person and the current vessel limit is 60 dolphin per vessel. To analyze these potential changes South Atlantic recreational datasets from Marine Recreational Information Program (MRIP) and Headboat were explored to determine the numbers of dolphin harvested per person and per vessel. Data from the most recent years of complete data (2015-2017) were used. The effort component of MRIP was changed from a phone survey to mail survey in 2018, the new MRIP mail survey (MRIP FES) data was used. MRIP data before 2018 were converted with calibration factors to equivalent MRIP FES data. MRIP trip, catch, and size datasets were downloaded from the NOAA recreational landings website (www.fisheries.noaa.gov) on April 25, 2019. There were 2,932 intercepts that recorded dolphin harvested from 2015-2017 for the Atlantic (Maine through east Florida, including Monroe County, Florida) and 1,083 intercepts were available from East Florida (Georgia/Florida border through Monroe County, Florida). The trips were expanded based on sample weight to account for the effort component of MRIP FES. Headboat data were provided from the science center on June 22, 2018, and had 2,837 Headboat trips in the Atlantic and 2,303 Headboat trips in east Florida that had dolphin harvest. Since Amendment 10 is considering changes to the bag/vessel limit for both Atlantic dolphin (Maine to east Florida) and also just for east Florida the distribution of dolphin harvested per person and per vessel for both Atlantic and east Florida were provided. In both cases Monroe County, Florida is included in east Florida. Figure 1 provides the distribution of the dolphin harvested per person for Atlantic dolphin, Figure 2 provides the distribution of the dolphin harvested per person for east Florida, and Figure 3 provides the distribution of the dolphin harvested per person from Maine to Georgia. The majority of the trips (86% in the Atlantic and 87% in east Florida) harvested 5 or less dolphin per person. Dolphin harvested per vessel was explored in MRIP by adding the dolphin harvest from different people interviewed on the same trip into one overall boat harvest for a vessel trip. Dolphin harvest per vessel for Headboat was determined by the number of dolphin harvested on a trip and ignored the number of people. Figure 4 provides the distribution of the dolphin harvested per vessel for Atlantic dolphin, Figure 5 provides the distribution of the dolphin harvested per vessel for east Florida, Figure 6 provides the distribution of the dolphin harvested per vessel from Maine to Georgia. The majority of the trips (94% in the Atlantic and 96% in east Florida) harvested less than 10 dolphin per vessel.

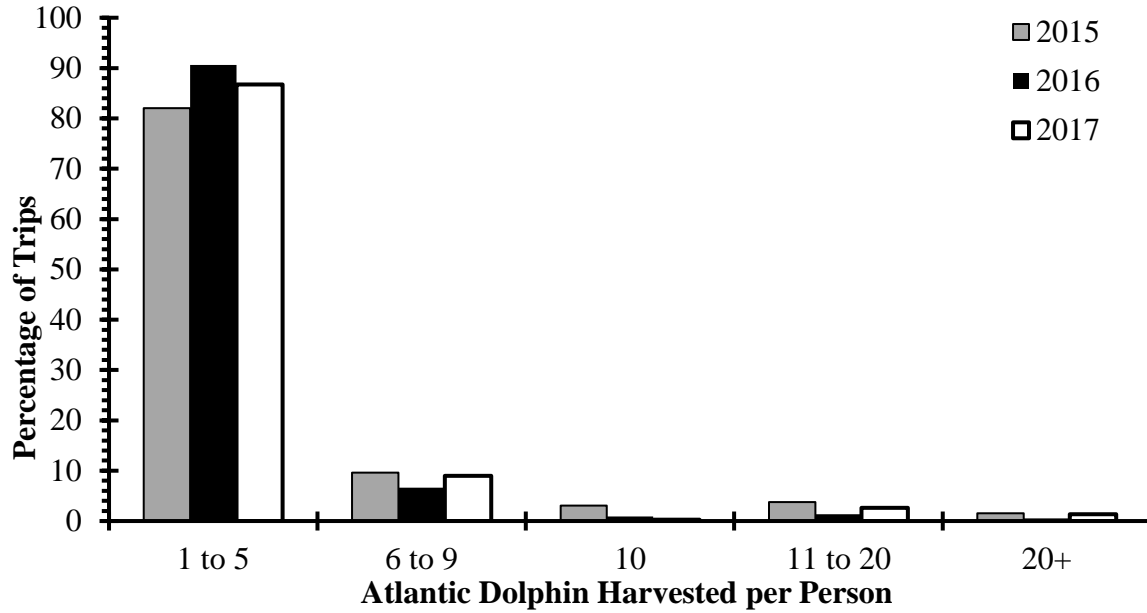


Figure A-1. Distribution of Atlantic dolphin harvested per angler by year for 2015, 2016, and 2017. The data comes from MRIP (2,205,414 angler trips) and Headboat (2,837 trips) recreational surveys. These results are from Maine to Florida and include Monroe County, Florida.

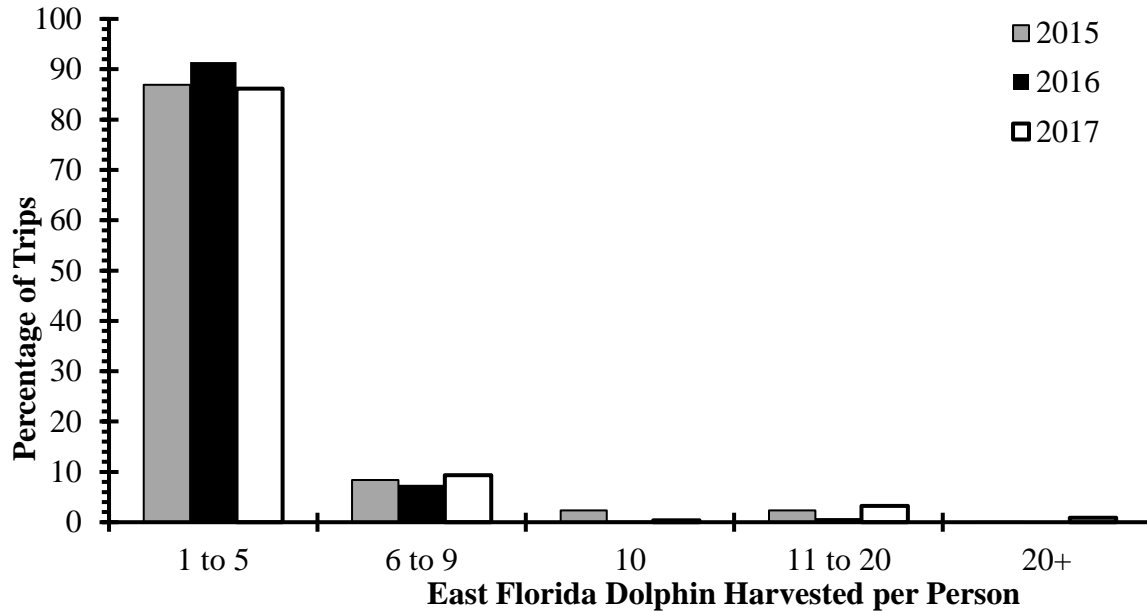


Figure A-2. Distribution of east Florida dolphin harvested per angler by year for 2015, 2016, and 2017. The data comes from MRIP (1,416,795 angler trips) and Headboat (2,303 trips) recreational surveys. These results are from east Florida and include Monroe County.

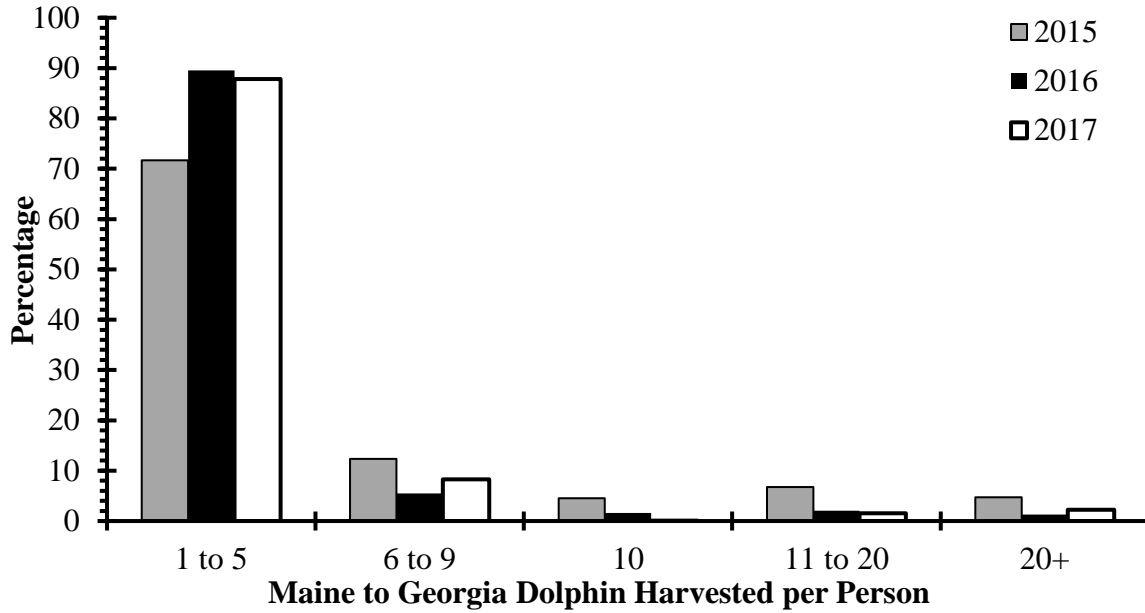


Figure A-3. Distribution of Maine to Georgia dolphin harvested per angler by year for 2015, 2016, and 2017. The data comes from MRIP (788,619 angler trips) and Headboat (534 trips) recreational surveys.

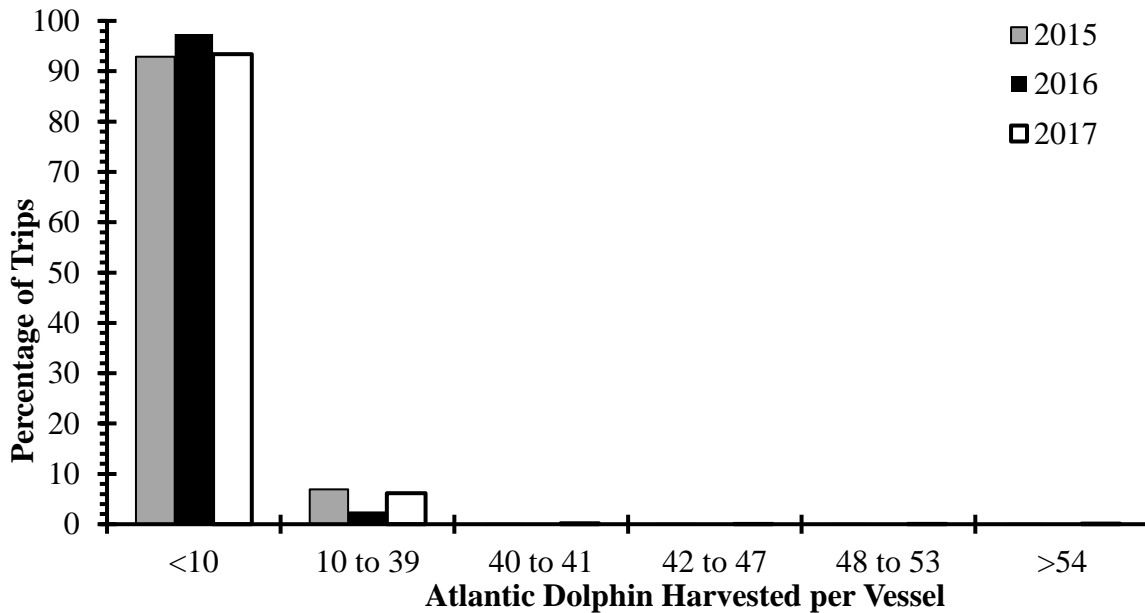


Figure A-4. Distribution of Atlantic dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,884,919 vessel trips) and Headboat (2,837 trips) recreational surveys. The results are from Maine to Florida and include Monroe County, Florida.

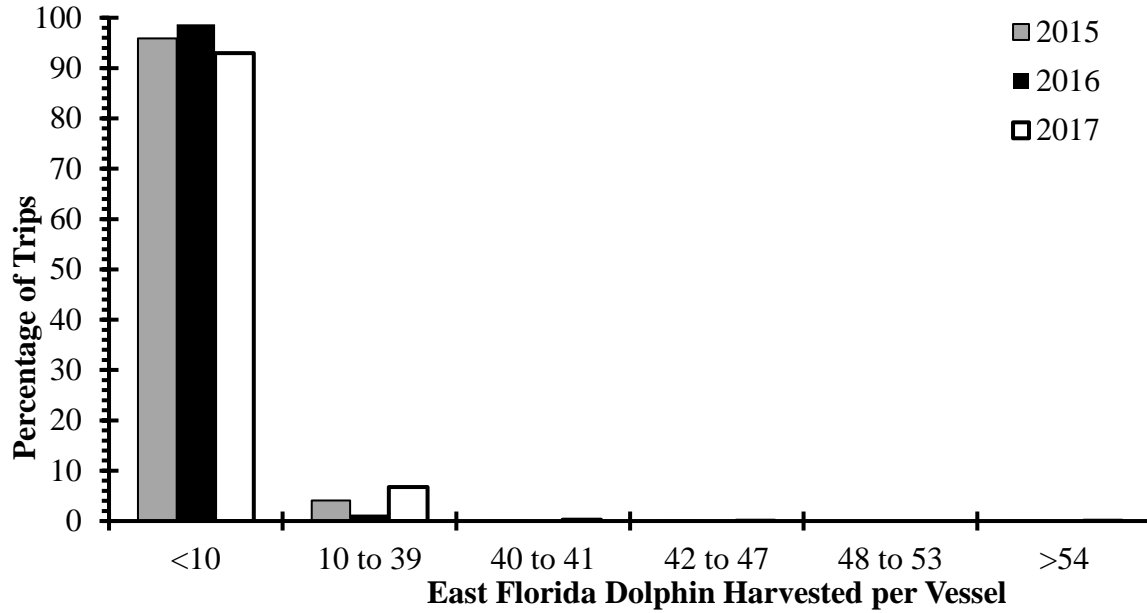


Figure A-5. Distribution of east Florida dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,164,106 vessel trips) and Headboat (2,303 trips) recreational surveys. The results are from east Florida and include Monroe County, Florida.

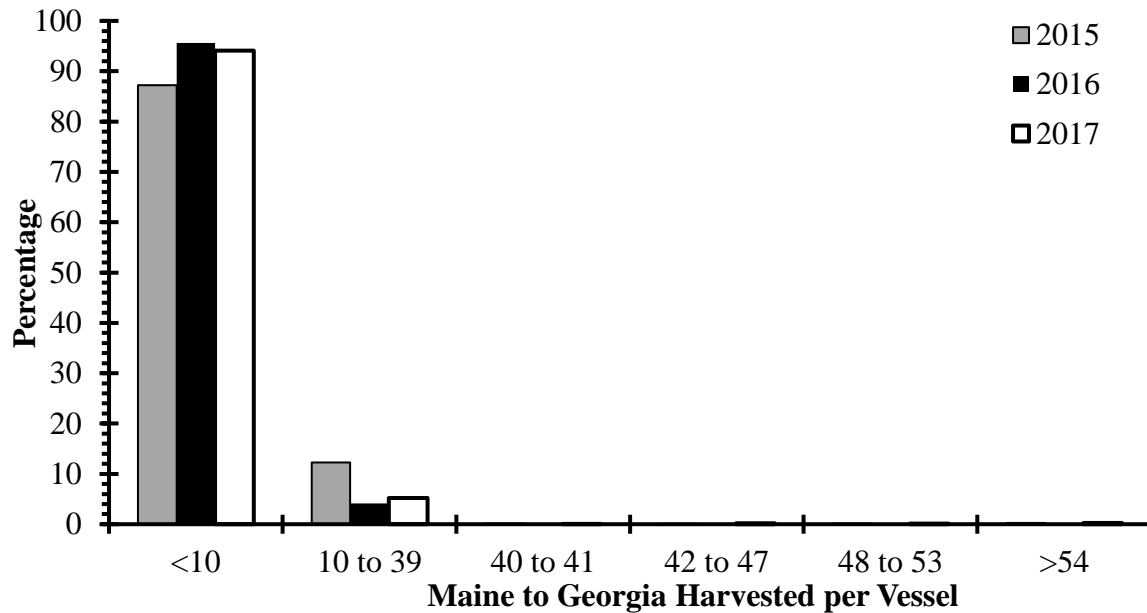


Figure A-6. Distribution of Maine to Georgia dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (720,813 vessel trips) and Headboat (534 trips) recreational surveys.