

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. Also, on January 30, 2017, Dolphin Wahoo Framework Amendment 1 went into effect that established a 4,000 lbs ww commercial trip limit for dolphin

once 75% of the commercial sector ACL is reached, with the intention of avoiding an in-season closure for the commercial dolphin fishery. Since 2016, neither the commercial nor the recreational sector has harvested their respective ACLs.

The Council eventually split Dolphin Wahoo Amendment 10 from Snapper Grouper Amendment 44 and continued to develop the amendments. Amendment 10 previously included actions to revise the definition of optimum yield for dolphin, allow adaptive management of sector ACLs, allow possession of dolphin and wahoo when non-authorized gears in the dolphin wahoo fishery are onboard a vessel, and remove the operator card requirement for vessel operators or crew members. Development of the amendment was suspended pending the availability of revised recreational data from the Marine Recreational Information Program (MRIP), per guidance received during the March 2017 Council meeting. With revised recreational data available, the Council directed staff at the December 2018 meeting to start work again on the amendment with the inclusion of additional items that would allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders, modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements, reduce the recreational vessel limit for dolphin, revise ACLs to accommodate new recreational data, and revise sector allocations. In March 2019, the Council reviewed the actions in the amendment and added a potential item to explore the addition of buoy gear as an authorized commercial gear type in the dolphin wahoo fishery.

The actions in the amendment can be grouped according to the objective that they are intended to accomplish. **Actions 1** through **4** accommodate revised MRIP data by implementing a new ACL while also revising sector allocations that may change as result of a 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 for dolphin. **Action 8** would allow adaptive management of sector ACLs. The remaining actions (**Actions 9** through **15**) implement miscellaneous management revisions for the dolphin and wahoo fisheries and are largely independent of one another.

The Council will be receiving an in-depth presentation on considerations for revising sector allocations during the Committee of the Whole. As such, while it is helpful to read through the information provided for **Actions 3** and **4**, it may be beneficial and the most efficient use of time for the Dolphin Wahoo Committee (Committee) to hold off on discussion of these two actions until sometime after the presentation on allocations has been provided.

New catch level recommendations for dolphin and wahoo are not yet available, as the SSC stated several concerns with using revised MRIP data to provide such recommendations at their April 2019 meeting. The SSC is scheduled to discuss and work through these concerns at a workshop in August 2019, potentially paving the way for discussion of new catch level recommendations at their October 2019 meeting. With this being the case, it is unlikely that the Committee will have these recommendations until the December 2019 Council meeting. Based on the Committee's guidance and discussion that was offered at the March 2019 meeting, the Committee may have difficulty deciding how to move forward with **Actions 5** through **8** in the amendment that are reliant on knowing the new ABCs and ACLs for dolphin and wahoo. As such, the Committee may want to consider holding off on discussion of these four actions until a

later date. Progress can be made on **Actions 9** through **15** since they do not directly relate to new catch level recommendations for the most part and the Committee may want to focus on these actions for the majority of the discussion on Amendment 10.

Of particular note is **Action 9**. Recreational accountability measures (AMs) for dolphin and wahoo are currently being examined in the Recreational Accountability Measure Modifications Amendment (Dolphin Wahoo Regulatory Amendment 2) and partially in Dolphin Wahoo Amendment 10 through **Action 9**, which revises the accountability measures for dolphin. The Recreational Accountability Measure Modifications Amendment has two dolphin and wahoo related actions. One action addresses post-season AMs and the other considers announcing the starting and ending dates before a season starts. Currently, **Action 9** would revise the AMs for dolphin only and is intended to accommodate adaptive management of sector ACLs (**Action 8**). **Action 9** also considers allowing a single year of increased commercial landings above that sector's allocation, assuming that ACL rollover is not allowed via the ABC Control Rule Amendment. As part of the discussion of **Action 9**, the Committee will be asked how to address the current scenario where the AMs for dolphin are being examined over two separate amendments and whether or not to consolidate actions addressing AMs for dolphin and wahoo into one amendment (Amendment 10).

Finally, a letter was recently received from the Mid-Atlantic Fishery Management Council (MAFMC) requesting *“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”*. This exemption is intended to apply only to for-hire vessels. Recommended regulations for filleting of dolphin at sea that are provided in the letter include:

- 1) A requirement that a 1 inch by 1 inch piece of skin remain on each fillet.
- 2) Crew must retain the racks (frames) of the fish.
- 3) Crew must be able to present two fillets which are the equivalent to one fish.

This letter will be presented for review at the end of the Amendment 10 discussion to gather guidance on how the Committee would like to address the Mid-Atlantic Council's request.

Actions in this amendment

Actions that accommodate revised MRIP data

- **Action 1.** Revise the total annual catch limit (ACL) for dolphin.
- **Action 2.** Revise the total annual catch limit (ACL) for wahoo.
- **Action 3.** Revise sector allocations and sector annual catch limits (ACLs) for dolphin.
- **Action 4.** Revise sector allocations and sector annual catch limits (ACLs) for wahoo.
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Actions that redefine OY in the dolphin fishery

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

Actions that accommodate adaptive management of sector ACLs

- **Action 8.** Allow adaptive management of sector annual catch limits (ACLs) for dolphin.
- **Action 9.** Revise the accountability measures for dolphin.

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

- **Action 10.** Allow properly permitted commercial vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo.
- **Action 11.** Allow the use of buoy gear in the commercial dolphin wahoo fishery.
- **Action 12.** Remove the requirement of vessel operators or crew to hold an Operator Card in the Dolphin Wahoo Fishery.
- **Action 13.** Allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders.
- **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.

Objectives for this meeting

- Review draft purpose and need statements.
- Review actions and alternatives, particularly focusing on the range of alternatives presented.
- Provide guidance on how to proceed with changes to recreational accountability measures in the Recreational AMs Amendment.
- Provide guidance on how to address the MAFMC's request for an exemption to the regulation prohibiting filleting of dolphin at sea in the waters north of Cape Hatteras.
- Consider approving the amendment for scoping.

Potential amendment timing

December 2018	Council reviewed existing items in Amendment 10 and directed staff begin work again on the amendment.
March 2019	Council reviewed amendment and provided guidance.
June 2019	Council reviews amendment as well as the goals and objectives of the FMP and provides guidance on how to move forward.
Summer 2019	Scoping occurs.
September 2019	Council reviews scoping comments, goals and objectives of the FMP, Purpose and Need statements, and actions and alternatives.

December 2019	Council reviews preliminary effects and provides guidance on actions and alternatives.
March 2020	Council reviews revised effects, provides guidance on actions and alternatives, and finalizes Purpose and Need Statements.
June 2020	Council reviews revised effects, provides guidance on actions and alternatives, and approves for public hearings.
Summer 2020	Public hearings occur.
September 2020	Council reviews public hearing comments and provides guidance on actions and alternatives.
December 2020	Council reviews revised effects and approves amendment for Secretarial review.
Summer/Fall 2021	Dolphin Wahoo Amendment 10 actions are implemented.

Purpose and Need statement

Purpose for Action

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

Need for Action

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

IPT Recommendation:

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

Committee Action:

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

Proposed Actions and Alternatives

Action 1. Revise total annual catch limits (ACLs) for dolphin

Note: This is a new action for the amendment.

Action Alternatives:

Alternative 1 (No Action). The total annual catch limit for dolphin is set equal to the acceptable biological catch. 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.

Discussion:

- At the March 2019 meeting, the Committee voted to remove an action that would have revised the ABCs, ACLs, and annual catch targets (ACTs) for dolphin and wahoo since it was determined that this action may not be necessary.
- The IPT agrees that it is not necessary for the Council to take action to revise the ABCs since these are set by the Council's SSC, but the Council does set ACLs for managed species and changes to the ACL will need to be codified. As such, the IPT recommends that the Committee consider including actions that would revise the ACLs for dolphin and wahoo. The Committee may want to consider separate actions for dolphin and wahoo, particularly if the Council decides to consider different alternatives for the ACLs by species.
- **Alternative 2** would incorporate revised recreational data from MRIP produced by the Fishery Effort Survey as well as updated commercial and headboat data.
- The ABC is set equal to the ACL as specified in Dolphin Wahoo Amendment 5, which accommodated a previous revision of MRIP data. According to this amendment, the rationale for setting ABC equal to the ACL was that:
 - This was the preferred alternative in the Comprehensive ACL Amendment.
 - Monitoring efforts had improved significantly, thereby reducing the likelihood that the commercial ACLs would be exceeded.
 - Dealers were to begin reporting electronically once a week, further enhancing ACL monitoring efforts.
 - Recreational landings had remained well below recreational ACLs since implemented.

- Should the Committee want to consider buffers to the ABC by setting the ACL below ABC, additional alternatives would need to be added to do so.
- The ACL for dolphin is dependent on the ABC which is set based on catch level recommendations from the Council's SSC. New catch level recommendations for dolphin are not yet available, as the SSC stated several concerns with using revised MRIP data to provide such recommendations at their April 2019 meeting. The SSC is scheduled to discuss and work through these concerns at a workshop in August 2019, potentially paving the way for discussion of new catch level recommendations at their October 2019 meeting. With this being the case, it is unlikely that the Committee will have these recommendations until the December 2019 Council meeting.

IPT Recommendations:

- Recommended draft wording and range of alternatives is provided in the action.
- The IPT requests guidance on whether the Committee would like to consider buffers between the ABC and the ACL. (for example ACL= 95% of ABC, ACL= 90% of ABC, etc.)

Committee Action:

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

Action 2. Revise total annual catch limits (ACLs) for wahoo

Note: This is a new action for the amendment.

Action Alternatives:

Alternative 1 (No Action). The total annual catch limit for wahoo is set equal to the acceptable biological catch. 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.

Discussion:

- At the March 2019 meeting the Committee voted to remove an action that would have revised the ABCs, ACLs, and annual catch targets (ACTs) for dolphin and wahoo since it was determined that this action may not be necessary.
- The IPT agrees that it is not necessary for the Council to take action to revise the ABCs since these are set by the Council's SSC, but the Council does set ACLs for managed species and changes to the ACL will need to be codified. As such, the IPT recommends that the Committee consider including actions that would revise the ACLs for dolphin and wahoo.

The Committee may want to consider separate actions for dolphin and wahoo, particularly if the Council decides to consider different alternatives ACLs by species.

- **Alternative 2** would incorporate revised recreational data from MRIP produced by the Fishery Effort Survey as well as updated commercial and headboat data.
- The ABC is set equal to the ACL as specified in Dolphin Wahoo Amendment 5, which accommodated a previous revision of MRIP data. According to this amendment, the rationale for setting ABC equal to the ACL was that:
 - This was the preferred alternative in the Comprehensive ACL Amendment.
 - Monitoring efforts had improved significantly, thereby reducing the likelihood that the commercial ACLs would be exceeded.
 - Dealers were to begin reporting electronically once a week, further enhancing ACL monitoring efforts.
 - Recreational landings had remained well below recreational ACLs since implemented.
- Should the Committee want to consider buffers to the ABC by setting the ACL below ABC, additional alternatives would need to be added to do so.
- The ACL for wahoo is dependent on the ABC which is set based on catch level recommendations from the Council's SSC. New catch level recommendations for wahoo are not yet available, as the SSC stated several concerns with using revised MRIP data to provide such recommendations at their April 2019 meeting. The SSC is scheduled to discuss and work through these concerns at a workshop in August 2019, potentially paving the way for discussion of new catch level recommendations at their October 2019 meeting. With this being the case, it is unlikely that the Committee will have these recommendations until the December 2019 Council meeting.

IPT Recommendations:

- Recommended draft wording and range of alternatives is provided in the action.
- The IPT requests guidance on whether the Committee would like to consider buffers between the ABC and the ACL. (for example ACL= 95% of ABC, ACL= 90% of ABC, etc.)

Committee Action:

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

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

Note: This is a new action for the amendment.

Action Alternatives:

Alternative 1 (No Action). The recreational sector allocation for dolphin is 90% of the total 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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

Alternative 2. Allocate 93% of the total annual catch limit for dolphin to the recreational sector. Allocate 7% 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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

Alternative 3. Allocate 93.6% of the total annual catch limit for dolphin to the recreational sector. Allocate 6.4% 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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

Alternative 4. Allocate 92.9% of the total annual catch limit for dolphin to the recreational sector. Allocate 7.1% 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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

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

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

Sub-alternative 5a. Long-term catch = 1999 through 2008; recent catch = 2006 through 2008. This would result in 94.2% of the annual catch limit to the recreational sector and 5.8% of the 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 94.1% of the annual catch limit to the recreational sector and 5.9% of the 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 93.8% of the annual catch limit to the recreational sector and 6.2% of the annual catch limit to the commercial sector.

Discussion:

- This action is new to the amendment and was added in accordance with guidance received at the December 2018 Council meeting to “add an action to revise sector allocations.” The Committee was not able to discuss this action at the March 2019 meeting.
- For the alternatives presented, potential sector ACLs will be provided in pounds once the SSC has specified an ABC recommendation for dolphin. Percentages of the total ACL for each alternative are provided in **Table 1**. Please note that these calculations are not inclusive of Monroe County recreational landings but will be updated if the SSC includes this data in revised catch level recommendations.
- The alternatives presented are all landings-based and should be considered as an initial starting point. The range of alternatives can be expanded and the Committee may want to provide guidance on other ways that allocations should be considered. With initial guidance, the IPT could help develop such ideas and come back to the Committee with other alternatives that examine other ways to allocate between sectors.
- **Alternative 2** updates sector allocations with new MRIP data using the same baseline years that were selected in Dolphin Wahoo Amendment 8, which was the last amendment in which sector allocations for dolphin were revised.
- **Alternative 3** updates sector allocations with new MRIP data as well as the time series for which sector allocations are calculated. This alternative uses the most recent 5 years of available data.
- **Alternative 4** updates sector allocations with new MRIP data and uses the longest time series of available usable recreational data.
- **Alternative 5** applies the sector allocation formula originally used for wahoo in the Comprehensive ACL amendment. The sub-alternatives of **Alternative 5** use varying time series for baseline years.

Table 1. Sector allocations for **Action 3**.

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

IPT Recommendations:

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

- While not currently available, 2018 data will likely be available in the late spring or early summer. The Committee may want to consider adding 2018 to the time series instead of a terminal year of 2017, however this will cause some delay in when analyses can be available for review.
- If “recent catch” is a concern, the Committee may not want to consider defining “recent catch” as 2006 through 2008, as is the case in **Sub-alternative 5a**.
- Are there other approaches that the Committee would like to consider other than historic landings for setting sector allocations?

Committee Action:

- **APPROVE ACTION 3 AND THE PROPOSED RANGE OF ALTERNATIVES.**
- **DO NOT APPROVE ACTION 3 AND THE PROPOSED RANGE OF ALTERNATIVES (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.

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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

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

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

Alternative 2. Allocate 97.2% of the total annual catch limit for wahoo to the recreational sector. Allocate 2.8% 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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

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

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

Alternative 3. Modify the time series by which allocations for wahoo are specified for the recreational and commercial sectors applying the following formula and using landings data as

reported in 2019 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

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

Sub-alternative 3a. Long-term catch = 2008 through 2017; Recent catch = 2015 through 2017. This would result in 97.3% of the total annual catch limit to the recreational sector and 2.7% 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 97.4% of the total annual catch limit to the recreational sector and 2.6% of the total annual catch limit to the commercial sector.

Alternative 4. Allocate 96.2% of the total annual catch limit for wahoo to the recreational sector. Allocate 3.8% 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 from the commercial accumulated landings system, Southeast Region Headboat Survey, and Marine Recreational Information Program.

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 was not able to discuss this action at the March 2019 meeting.
- For the alternatives presented, sector ACLs will be provided in pounds once the SSC has specified an ABC recommendation for wahoo. Percentages of the total ACL for each alternative is provided in **Table 2**. Please note that these calculations are not inclusive of Monroe County recreational landings but will be updated if the SSC includes this data in revised catch level recommendations.
- The alternatives presented are all landings-based and should be considered as an initial starting point. The range of alternatives can be expanded and the Committee may want to provide guidance on other ways that allocations should be considered. With initial guidance, the IPT could help develop such ideas and come back to the Committee with other alternatives that examine other ways to allocate between sectors.
- **Alternative 2** updates sector allocations with new MRIP data using the same baseline years and sector allocation formula that was originally selected in Comprehensive ACL Amendment.
- **Alternative 3** and its sub-alternatives updates sector allocations with new MRIP data as well as the time series for which sector allocations are calculated in the sector allocation formula.
- **Alternative 4** updates sector allocations with new MRIP data, uses the longest time series of available usable recreational data, and does not use the sector allocation formula.

Table 2. Sector allocations for **Action 4.**

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

IPT Recommendations:

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

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). OY is equal to the total ACL.

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

Alternative 3. OY is equal to 75% MSY.

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

Discussion:

- The Magnuson-Stevens Fishery Conservation and Management Act defines optimum yield (OY) as “the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems; that is prescribed on the basis of the maximum sustainable yield (MSY) from the fishery, as reduced by any relevant economic, social, or

ecological factor; and, in the case of an overfished fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery” (50 C.F.R. §600.310 (i)(A)).

- Defining OY for dolphin can be linked to how the definition affects the access of each user group at the present and in the future.
- For the commercial sector, an OY that allows the commercial fleet to access the maximum proportion of the ACL (**Alternative 1 (No Action)**) would likely be the most beneficial by maximizing the commercial landings. The effects of **Alternatives 2** through **4** would depend on how much of the ACL is available to the commercial fleet.
- For the recreational sector, the effects of OY may be associated with the trade-off between allowing access and retention of dolphin to keep trip satisfaction high, but also leaving enough dolphin in the water to allow a high probability of interaction with the species and continued targeted recreational trips.
- Information on how the alternatives for OY relate to the revised ACL will not be available until the SSC has had the opportunity to provide recommended catch levels.

SSC/Advisory Panel Recommendations:

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

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

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

IPT Recommendations:

- If the Committee would like to keep the action defining OY in the amendment, **Actions 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 be removed as a block.
- Does the Committee want to also include wahoo in this action or a subsequent action pertaining to OY?

Committee Action:

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

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

Action Alternatives:

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

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

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

Alternative 4. The commercial ACT equals the commercial ACL.

Discussion:

- Currently there is not a commercial ACT for dolphin. If the definition of OY is changed to incorporate a commercial ACT, then 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:

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

Committee Action:

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

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

Action Alternatives:

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

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

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

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

Discussion:

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

SSC/Advisory Panel Recommendations:

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

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

9 IN FAVOR; 1 OPPOSED

IPT Recommendations:

- Since the ACT is a “soft target” with no related management items, **Action 7** may not be necessary if not intended for use in the definition of OY.

Committee Action:

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

Action 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 ACL. The current allocation for the commercial sector for dolphin is 10% of the total ACL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditional Quota Transfer (MUST CHOOSE ONE):

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

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

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

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

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

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

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

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

Discussion:

- **Alternative 2** would set aside a portion of the total ACL that can be used by either sector if needed to prevent a closure of harvest in the fishery. Under this scenario, a certain percentage of the total ACL is set aside into a “common pool” allocation for use by either sector. The ACLs for both sectors are then re-set based on the remaining total ACL. The outcome will be reduced ACLs for both the recreational and commercial sectors, but either sector may use the common pool ACL if they exceed their respective sector ACLs and the common pool category ACL has not been exhausted. Should this alternative be pursued by the Council, a revision of the accountability measures (**Action 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:

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

Committee Action:

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

Action 9. Revise the accountability measures for dolphin

Action Alternatives:

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

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

reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

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

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

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

Alternative 4. The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available uncaught sector ACL from the previous fishing year is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Alternative 5. The commercial AM will include a shortening of the commercial season that may be triggered if the commercial ACL is exceeded, but only after commercial landings have been monitored for persistence in increased landings. The length of the commercial season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the commercial season may be reduced and the ACL in the following fishing year will be reduced by the amount of the commercial overage only if the species is overfished and the total ACL is exceeded.

Discussion:

- **Alternative 2** is included to accompany **Alternative 2** in **Action 8** (common pool allocation).

- **Alternative 3** is included to accompany **Alternative 3** in **Action 8** (uncaught commercial ACL carried forward to the next fishing year).
- **Alternative 4** is included to accompany **Alternative 4** in **Action 8** (uncaught recreational ACL carried forward to the next fishing year).
- **Alternative 5** was added to allow for a single year of increased commercial landings above that sector's allocation if ACL rollover is not allowed via the ABC Control Rule Amendment.
- Recreational AMs for dolphin and wahoo are currently being examined in the Recreational Accountability Measure Modifications Amendment and partially in Dolphin Wahoo Amendment 10.
- The Recreational Accountability Measure Modifications Amendment has two actions addressing Dolphin Wahoo, one addressing post-season AMs and one that would announce the starting and ending dates before a season starts (See actions below). These actions are intended to provide an opportunity to standardize recreational AMs across the Dolphin Wahoo and Snapper Grouper FMPs.
- This creates the scenario where the AMs for dolphin are being considered for multiple reasons that include:
 1. Accommodating alternatives in **Action 8**,
 2. Allowing for a single year of increased commercial landings above that sector's allocation if ACL rollover is not allowed via the ABC Control Rule Amendment, and
 3. Standardizing recreational AMs across the Dolphin Wahoo and Snapper Grouper FMPs.
- Would the Committee prefer to move the two actions from the Recreational Accountability Measure Modifications Amendment into Amendment 10 so AMs are being discussed in a single amendment?
- In doing so, does the Committee want to consider the AMs for wahoo since **Action 9** only specifies for dolphin?

The following two actions are from the Recreational Accountability Measure Modifications Amendment and are not currently part of Amendment 10:

“Action 4. Revise post season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the current post season accountability measures for the recreational sector for dolphin and wahoo.

Alternative 2. Do not specify post season accountability measures.

Alternative 3. Only specify post season accountability measures if:

Sub-alternative 3a. 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 3b. *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 3c. *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 3d. *The total (commercial and recreational combined) annual catch limit is exceeded.*

Sub-alternative 3e. *The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress.*

Alternative 4. *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.*

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

Action 5. Announce starting and ending dates before a season starts

Action Alternatives:

Alternative 1 (No Action). *The fishing year for dolphin and wahoo are the same as the calendar year. There are no in-season closures for the recreational sector for dolphin and wahoo.*

Alternative 2. *The National Marine Fisheries Service will annually announce the recreational fishing season start and end dates in the Federal Register and by other methods, as deemed appropriate. The fishing season will start at the beginning of the fishing year and end on the date the National Marine Fisheries Service projects the recreational annual catch limit will be met."*

IPT Recommendations:

- Portions of **Action 9 (Alternatives 2 through 4)** are included in the amendment to accommodate alternatives in **Action 8**. If alternatives are removed from **Action 8**, then the Committee may want to consider removing corresponding alternatives in **Action 9** since they may no longer be necessary.
- Usually recreational and commercial AMs are addressed in separate actions by sector. There may be merit in this case to do so since it would help the IPT perform the analysis and compare alternatives.

Committee Action:

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

- **PROVIDE GUIDANCE ON THE STRUCTURE OF ACTION 9 AND INCORPORATING ACTIONS FROM THE RECREATIONAL ACCOUNTABILITY MEASURES AMENDMENT INTO AMENDMENT 10.**
- **OTHER?**

Action 10. Allow properly permitted commercial fishing vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo

Action Alternatives:

Alternative 1 (No Action). The following are the only authorized commercial gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

Alternative 2. A vessel in the Atlantic EEZ that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and the necessary state and/or federal commercial permits for the following gears (Sub-alternatives 2a-2d) are authorized to retain dolphin and wahoo caught by rod and reel while in possession of such gears. A person aboard a vessel in the Atlantic EEZ that has on board other gear types that are not authorized in the fisheries for dolphin and wahoo may not possess a dolphin or wahoo.

Sub-alternative 2a. American lobster traps

Sub-alternative 2b. spiny lobster pots

Sub-alternative 2c. stone crab pots

Sub-alternative 2d. black sea bass pots

Discussion:

- The Atlantic Offshore Lobstermen's Association requested that the Council modify regulations to allow the historical practice of harvesting dolphin and wahoo while in the possession of lobster pots to continue. Part of the request was as follows:

“Recently, one Association member was notified by NOAA law enforcement, during a dockside inspection, that it is illegal to possess dolphin and lobster during a single trip. No citations were issued in this case. This member holds both a valid dolphin and American offshore lobster permit, but was notified that he violated the above quoted regulation because lobster pot gear is not an authorized or exempted gear type for the dolphin and wahoo fishery. It has been a long standing practice for permitted offshore lobstermen to fish a few lures behind their vessel, between lobster trawls, especially when they encounter the Gulf Stream, and have long transit times between lobster trawls. The targets being a range of pelagic species, mahi are frequently caught during the summer months. During this activity they are usually in possession of Jonah crab, lobster, and lobster traps. Given the distinct nature of the gear and fisheries, i.e., you can't catch dolphin with lobster pots, and you can't catch lobsters with lures, both gear types should be allowed in possession on the same trip. Obviously any such practice should be subject and consistent with the licensing and reporting

provisions of each FMP. Therefore we are requesting that the SAFMC work with NOAA Fisheries to modify the current regulations to provide an exemption for lobster vessels or list lobster gear as an authorized gear type under 622.272.”

- 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).
- The current list of allowable gears in the dolphin wahoo fishery does not include trap or pot gears, therefore dolphin or wahoo may not be harvested when such gear is onboard a vessel (**Alternative 1 No Action**). The intent behind **Alternatives 2** is to allow the possession of dolphin and wahoo on vessels with commercial vessel permits for dolphin and wahoo when trap or pot gears are also onboard.
- Per guidance received at the March 2019 meeting, **Alternative 2** was re-written to accommodate American lobster traps, spiny lobster pots, stone crab pots, and black sea bass pots.

SSC/Advisory Panel Recommendations:

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

MOTION: ALLOW VESSELS WITH POT GEAR ONBOARD TO POSSESS DOLPHIN OR WAHOO AS LONG AS THEY ARE A PERMITTED VESSEL AND FISH ARE CAUGHT BY ROD AND REEL.
9 IN FAVOR; 0 OPPOSED

IPT Recommendations:

- Recommended wording for **Alternative 2** is provided in the text above.
- The Jonah crab fishery appears to be coming under federal management.
- The golden crab fishery is not included in the sub-alternatives.
- Are there other gears that should be considered in the sub-alternatives?

Committee Action:

- **APPROVE THE IPTS SUGGESTED EDITS IN ACTION 10.**
- **DO NOT APPROVE THE IPTS SUGGESTED EDITS IN ACTION 10 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE).**

Action 11. Allow the use of buoy gear in the commercial dolphin wahoo fishery

Note: This is a new action for the amendment.

Action Alternatives:

Alternative 1 (No Action). The following are the only authorized commercial gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a

vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo, including buoy gear.

Alternative 2. Add buoy gear to the list of commercial gears types authorized in the dolphin wahoo fishery.

Discussion:

- This action was added in accordance with discussions at the March 2019 meeting and guidance to “bring back information on adding buoy gear to the list of allowable gears.”
- Public comment was received at the March 2019 meeting requesting that the Council consider adding buoy gear to the list of authorized commercial gears in the dolphin wahoo fishery.
- As seen in **Alternative 1 (No Action)**, buoy gear is not currently an authorized gear in the dolphin wahoo fishery. To add buoy gear the list of authorized gears, an action would be necessary in an amendment to the Dolphin Wahoo FMP (potentially through Amendment 10). Initial language for such action is include in **Action 11**.

IPT Recommendations:

- Recommended wording for the action and alternatives is provided in the text above.
- Does the Committee want to consider adding any other gears as well?

Committee Action:

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

Action 12. 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 12 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 13. Allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders

Action Alternatives:

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

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

Discussion:

- The prohibition on bag limits sales of dolphin from for-hire vessels was implemented as part of the Comprehensive Annual Catch Limit Amendment (Dolphin Wahoo Amendment 2) that became effective April 12, 2012.
- **Alternative 2** would allow bag limit sales of dolphin caught on for-hire trips throughout the management range.
- At the March 2019 meeting, the Committee requested information on Hazard Analysis Critical Control Points (HACCP) training that may be required for for-hire operators or crew if bag limit sales are allowed. The following is provided in response to this request:

Dolphin and wahoo, along with many snapper grouper and mackerel species, are listed by the U.S. Food and Drug Administration (FDA) among the species of finfish associated with scombrototoxin or histamine formation. As such, it is recommended that special care is taken to “rapidly chill scombortoxin-forming fish immediately after death” to prevent the buildup of histamine in the fish. To prevent histamine buildup, the FDA offers the following guidelines that may be applicable to most situations where dolphin or wahoo are landed¹:

“Fish exposed to air or water temperatures above 83°F (28.3°C) should be placed in ice, or in refrigerated seawater, ice slurry, or brine of 40°F (4.4°C) or less, as soon as possible after harvest, but not more than 6 hours from the time of death; or

Fish exposed to air and water temperatures of 83°F (28.3°C) or less should be placed in ice, or in refrigerated seawater, ice slurry, or brine of 40°F (4.4°C) or less, as soon as possible after harvest, but not more than 9 hours from the time of death; or

¹ FDA Fishery Products Hazards and Controls Guidance document is available at: <https://www.fda.gov/media/80637/download>

Fish that are gilled and gutted before chilling should be placed in ice, or in refrigerated seawater, ice slurry, or brine of 40°F (4.4°C) or less, as soon as possible after harvest, but not more than 12 hours from the time of death.”

Provided that fish intended for sale are not processed beyond heading or eviscerating, harvest vessels are exempt from HACCP related regulations and training requirements (21 CFR 123.3(k)). Processors that these vessels may sell to are not exempt from such regulations and harvest vessel records may be requested by these processors as part of their HACCP plan to verify that the fish have been properly handled. Thus operators and crew of harvesting vessels may be required to verify how the fish were caught, how soon fish were placed under temperature control after death, and the temperature that the fish were stored¹.

SSC/Advisory Panel Recommendations:

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

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

8 IN FAVOR; 2 ABSTAIN

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

8 IN FAVOR; 2 OPPOSED

IPT Recommendations:

- If the Committee proceeds with development of **Action 13**, the Committee will likely need to eventually address the reporting requirements that the fish will be covered by and how to avoid double-reporting/counting on commercial trip tickets, commercial logbooks, and for-hire logbooks. Also it will need to be determined which sector's allocation that the fish will be counted against.
- For-hire logbooks could be a potential solution to record bag limit sales. The use of MRIP to account for bag limit sales would be difficult and may result in double counting.

Committee Action:

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

Action 14. Modify 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. Maintain the recreational daily bag limit of 10 fish per person, not to exceed the vessel limit, whichever is less. ~~The recreational daily bag limit is 10 dolphin per person, not to exceed.~~ Modify the recreational vessel limit to:

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 the EEZ north of Florida, 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. In Florida only, maintain the recreational daily bag limit of 10 fish per person, not to exceed the vessel limit, whichever is less. Modify the recreational vessel limit to:

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

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

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

Sub-alternative 3d. 54 dolphin per vessel, 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.
- **Alternative 3** is included for consideration in accordance with the Committees motion in March 2019 to add sub-alternatives for regional management. Other states could be added with guidance from the Committee. This language is intended as a starting point based on the Committee's March 2019 discussion of this action.
- The Council has received varying public comment on reducing the trip limit for dolphin. In general thus far, comments in favor of doing so have come from stakeholders in Florida while comments opposed have come from stakeholders in the Carolinas.

- Upon initial analysis of revised MRIP data, it is possible that the recreational sector may be fully utilizing the potential sector ACL for dolphin in some years and some restrictions may be desired to limit harvest. This will be dependent on the catch levels recommended by the SSC as well as allocations set by the Council. Further information will be available at future meetings.
- Based on initial analysis that can be found in the **Appendix**, the majority of the recreational trips (94% in the Atlantic and 96% in east Florida) typically harvest less than 10 dolphin per vessel on average (**Figure 1** and **Figure 2**). It should be noted that the data for the South Atlantic Region are largely driven by trips from Florida and projected changes to states and regions outside of Florida can be provided in future analyses. These analyses can also attempt to examine landings of dolphin by recreational sub-sector (private vs for-hire).

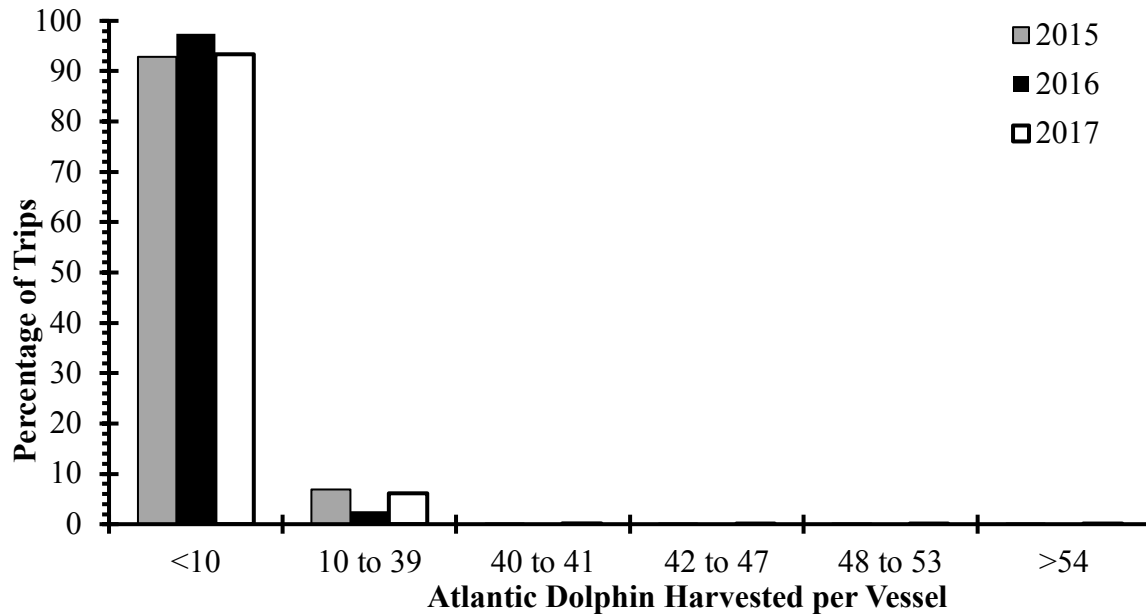


Figure 1. Distribution of Atlantic dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,884,919 vessel trips) and Headboat (2,837 trips) recreational surveys. The results are from Maine to Florida and include Monroe County, Florida.

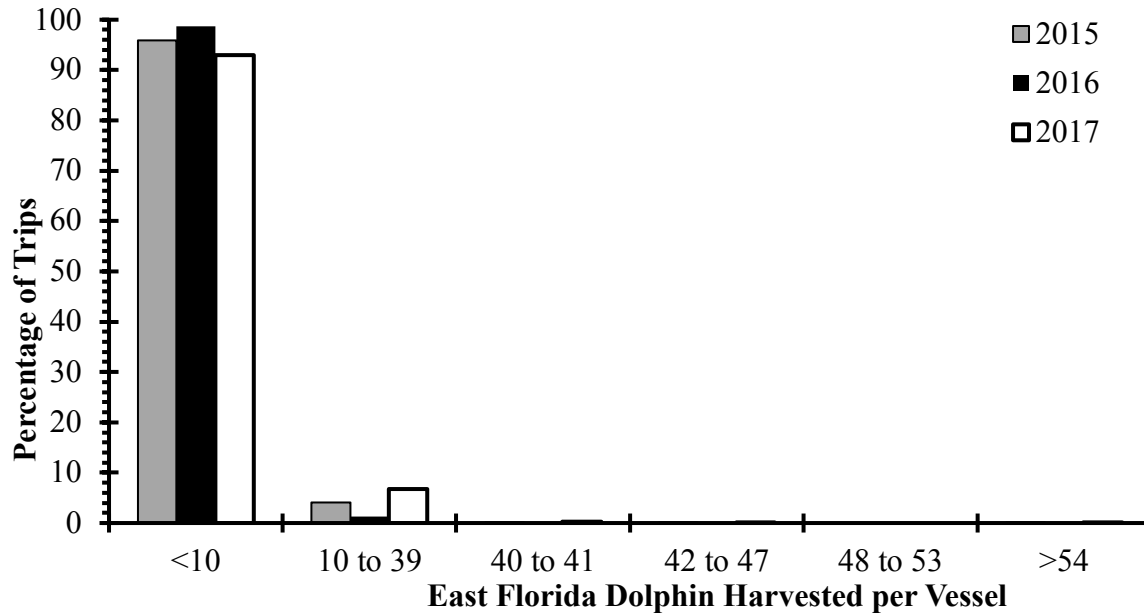


Figure 2. Distribution of east Florida dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,164,106 vessel trips) and Headboat (2,303 trips) recreational surveys. The results are from east Florida and include Monroe County, Florida.

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.

IPT Recommendations:

- Recommended wording for **Alternative 3** that would create regional management is provided in the text above.
- Would the Committee like to consider other options for regional management?
- Is there additional feedback on rationale for implementing a regional difference in bag limits such as distance traveled on a typical recreational fishing trip targeting dolphin?

Committee Action:

- **APPROVE THE IPTS SUGGESTED EDITS IN ACTION 14.**
- **DO NOT APPROVE THE IPTS SUGGESTED EDITS IN ACTION 14 (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 a commercial permit for Atlantic dolphin and wahoo has been issued and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, as specified in 50 C.F.R. §635.21(c)(5)(i) and (ii). There are no protected species handling, release or identification training, circle hook, hook material, or gangion length requirements.

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

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

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

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

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

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

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

Discussion:

- This action 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** 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**), corrodible circle hooks are intended to mitigate injuries to hooked sea turtles (**Sub-alternative 2b**), larger hooks (16/0 and 18/0) are intended to discourage hooking of sea turtles (**Sub-alternative 2c**), whole baits are intended to be easier for sea turtles to pull off of a hook (**Sub-alternative 2d**), 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.

IPT Recommendations:

- The relatively large hook sizes specified in **Sub-alternative 2c** may not be conducive to targeting dolphin.
- The HMS BiOp that the measures in **Alternative 2** 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 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.

Committee Action:

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

Additional Item: Addressing the request from the Mid-Atlantic Fishery Management Council to provide an exemption for the regulation prohibiting filleting of dolphin at sea in the waters North of Cape Hatteras.

Discussion:

- A letter was recently received from the Mid-Atlantic Fishery Management Council (MAFMC) requesting “*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*”.
- This exemption is intended to apply only to for-hire vessels.
- Recommended regulations for filleting of dolphin at sea that are provided in the letter include:
 1. A requirement that a 1 inch by 1 inch piece of skin remain on each fillet.
 2. Crew must retain the racks (frames) of the fish.
 3. Crew must be able to present two fillets which are the equivalent to one fish.
- The letter is intended “*as a formal request from the Mid-Atlantic Fishery Management Council that the South Atlantic Fishery Management Council and the Southeast Regional Office address recommendation as soon as possible.*”
- How would the Committee like to address and respond to the MAFMC’s request?

Committee Action:

- **NONE REQUIRED.**
- **THE COMMITTEE MAY WANT TO DISCUSS AND PROVIDE GUIDANCE ON HOW TO RESPOND TO THE MAFMC'S REQUEST.**

Committee Action:

- **APPROVE ALL ACTIONS IN DOLPHIN WAHOO AMENDMENT 10, AS MODIFIED, FOR SCOPING BEFORE SEPTEMBER 2019.**
- **APPROVE ALL ACTIONS IN DOLPHIN WAHOO AMENDMENT 10, AS MODIFIED, TO BE REVIEWED IN SEPTEMBER 2019.**
- **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, and **Figure 2** provides the distribution of the dolphin harvested per person for east Florida. 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 3** provides the distribution of the dolphin harvested per vessel for Atlantic dolphin, and **Figure 4** provides the distribution of the dolphin harvested per vessel for east Florida. The majority of the trips (94% in the Atlantic and 96% in east Florida) harvested less than 10 dolphin per vessel.

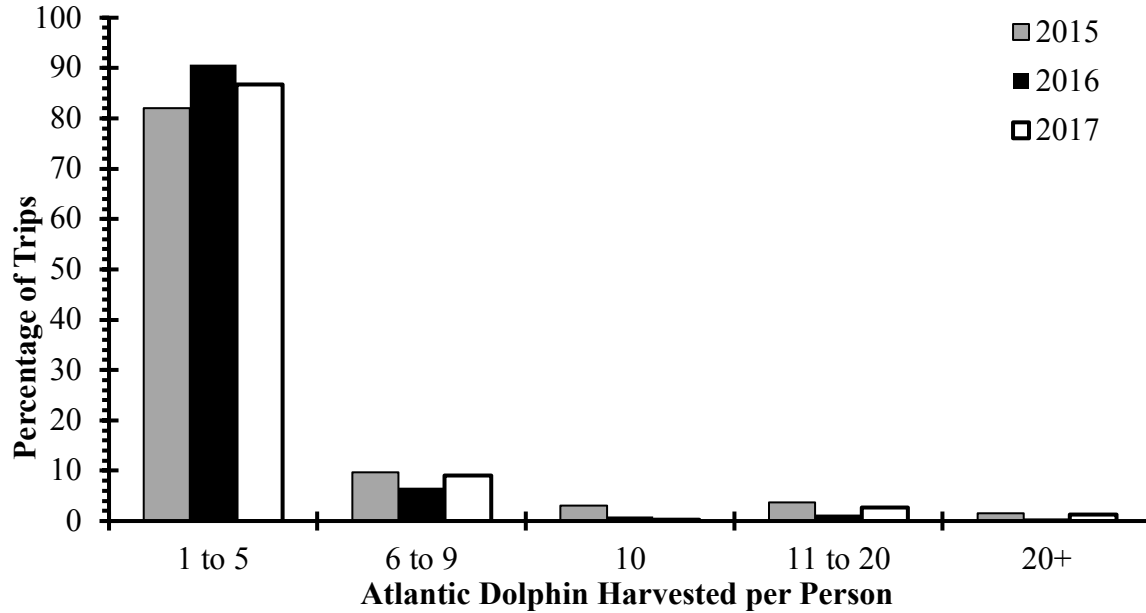


Figure A-1. Distribution of Atlantic dolphin harvested per angler by year for 2015, 2016, and 2017. The data comes from MRIP (2,205,414 angler trips) and Headboat (2,837 trips) recreational surveys. These results are from Maine to Florida and include Monroe County, Florida.

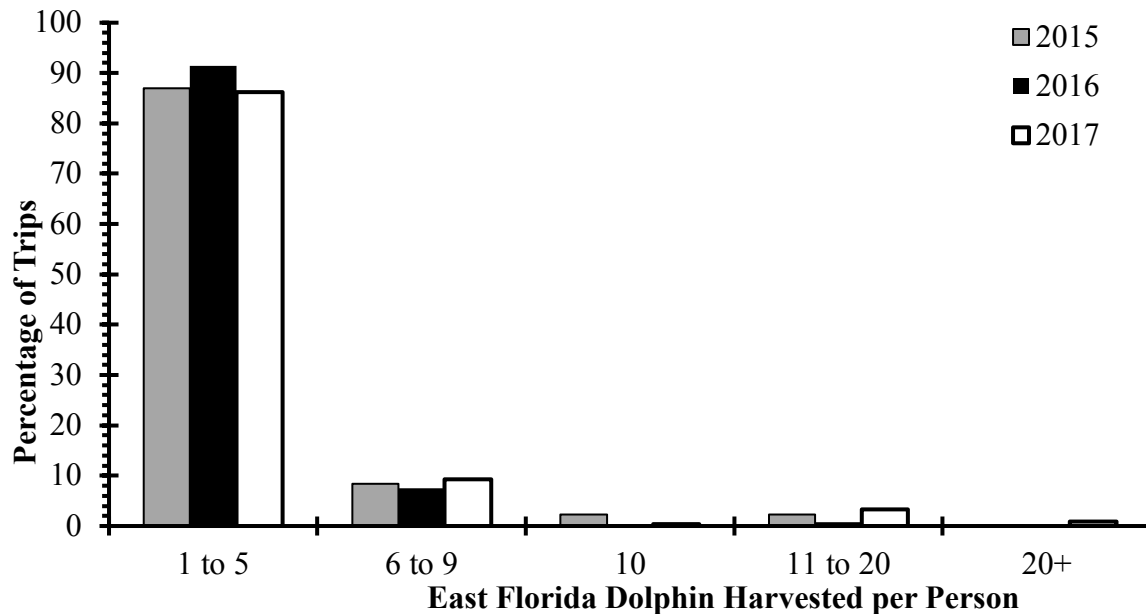


Figure A-2. Distribution of east Florida dolphin harvested per angler by year for 2015, 2016, and 2017. The data comes from MRIP (1,416,795 angler trips) and Headboat (2,303 trips) recreational surveys. These results are from east Florida and include Monroe County, Florida.

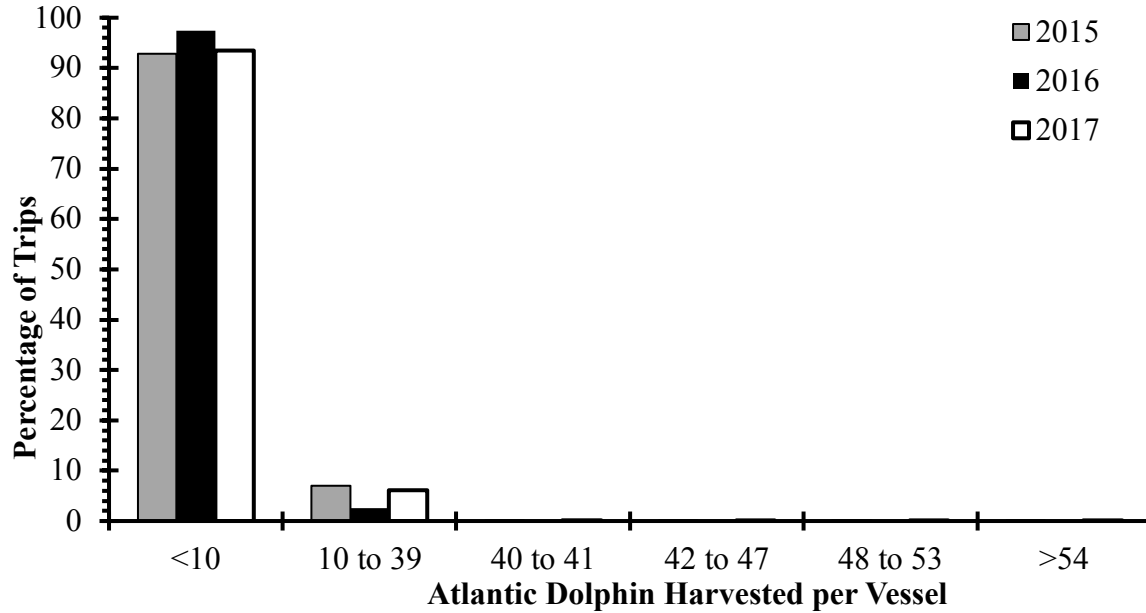


Figure A-3. Distribution of Atlantic dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,884,919 vessel trips) and Headboat (2,837 trips) recreational surveys. The results are from Maine to Florida and include Monroe County, Florida.

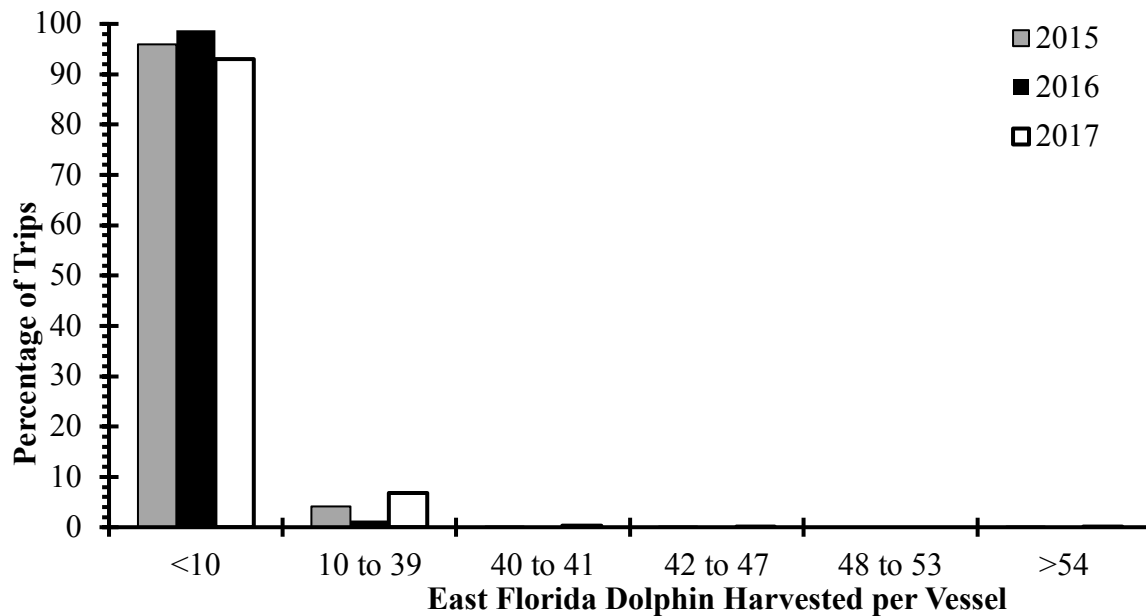


Figure A-4. Distribution of east Florida dolphin harvested per vessel per year for 2015, 2016, and 2017. The data comes from MRIP (1,164,106 vessel trips) and Headboat (2,303 trips) recreational surveys. The results are from east Florida and include Monroe County, Florida.