

DECISION DOCUMENT

for

Amendment 7 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic and Amendment 33 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region



December 2014

Why is the South Atlantic Council Taking Action?

The South Atlantic Fishery Management Council (South Atlantic Council) was approached by recreational fishermen who requested a change in the regulations that currently make it illegal to bring filleted dolphin and wahoo into the U.S exclusive economic zone (EEZ) from Bahamian waters. Fishermen contend that storing fish safely with head and fins intact is difficult and impractical due to the size of the fish. The purpose of Amendment 7 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo Amendment 7) is to allow fishermen to bring dolphin and wahoo fillets from The Commonwealth of The Bahamas (The Bahamas) into the U.S. EEZ. Regulations at 50 C.F.R. § 622.186 (b) currently allow fillets of snapper grouper species from The Bahamas to be brought into the U.S. EEZ but do not exempt those fish from other U.S. regulations. The need for this action is to increase economic and social benefits to fishermen by removing unnecessary restrictions and implementing regulations for dolphin and wahoo that are consistent with snapper grouper species.

In December 2013, the South Atlantic Council made a motion to add a provision to leave the skin on dolphin and wahoo, and explore a hail-in or Vessel Monitoring System (VMS) provision. The South Atlantic Council also moved to set bag/possession limits for dolphin and wahoo brought into the U.S. EEZ from the Bahamas to allow two fillets per fish, for a maximum of 36 fillets, or 18 fish intact (or any combination). Additionally, the South Atlantic Council made a motion to address the issue of transporting species under the Snapper Grouper Fishery Management Unit (FMU) from The Bahamas into the U.S. EEZ along similar guidelines as is under consideration for dolphin and wahoo.

Note: Committee recommended changes from September 2014 are highlighted.

Purpose and Need for Action

Purpose: The purpose of these management measures is to allow recreational fishermen to bring dolphin and wahoo fillets from The Bahamas into the U.S. EEZ and update regulations that currently allow recreational fishermen to bring snapper grouper fillets from The Bahamas into the U.S. EEZ.

Need: The management measures are needed to increase the social and indirect economic benefits to recreational fishermen by allowing the possession of fish in the U.S. EEZ that were legally harvested in Bahamian waters.

IPT Recommendation: Reword the Need as follows:

Need: The management measures are needed to increase the social and economic benefits to recreational fishermen and aid enforceability by modifying the regulations in the U.S. EEZ regarding the possession of fillets from fish that were legally harvested in Bahamian waters.

The reasons behind the recommendations are:

- 1) Some direct and indirect economic benefits have been identified.
- 2) Recreational fishermen already are allowed to bring fish from The Bahamas into the U.S. EEZ. What is being modified is how fishermen may bring fish back from The Bahamas.
- 3) Enforceability of regulations will increase with the modifications proposed by this amendment.

REQUIRED COMMITTEE ACTION:

Option 1: Accept/modify IPT recommended modification for the need

Option 2: Make other modifications to the purpose and need

Option 3: Do not modify purpose and need

Option 4: Others??

Pros and Cons of Dolphin Wahoo Amendment 7/ Snapper Grouper Amendment 33

Pros

- Fillets take up less room in a cooler, thus easier to transport safely.
- Regulations would be consistent for bringing dolphin, wahoo and snapper grouper species from The Bahamas into the U.S. EEZ, except that the Council is considering exempting dolphin and wahoo from the U.S. bag limit requirements.

Cons

- A vessel with fillets onboard must be in continuous transit within the U.S. EEZ (i.e., cannot stop or fish).
- Vessels could be restricted to U.S. and Bahamian possession limits, and must be in compliance with all other U.S. and Bahamian regulations (i.e. have valid Bahamian cruising and fishing permits and no more than 18 fish total in any combination of king mackerel, tuna, dolphin, or wahoo).

What would Dolphin Wahoo Amendment 7/Snapper Grouper Amendment 33 do?

Action 1: Exempt dolphin and wahoo harvested lawfully in The Bahamas by recreational fishermen from U.S. regulations that require them to be landed with head and fins intact in the U.S. EEZ. This action applies only to the recreational sector as there is no commercial harvest of dolphin and wahoo by U.S. vessels allowed in Bahamian waters.

Alternative 1 (No Action): Dolphin and wahoo in or from the Atlantic EEZ must be maintained with head and fins intact. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

Preferred Alternative 2: Allow dolphin and wahoo lawfully harvested in The Bahamas and brought into the U.S. EEZ from The Bahamas as fillets. The vessel must have stamped and dated passports to prove that the vessel passengers were in The Bahamas, as well as valid current Bahamian cruising and fishing permits onboard the vessel. The vessel must be in continuous transit in the U.S. EEZ when dolphin and/or wahoo fillets are onboard. A vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ. All fishing gear must be appropriately stowed while in transit. Two fillets of dolphin or wahoo, regardless of the size of the fillet will count as one fish towards the possession limit.

Note: This action applies only to the recreational sector as there is no commercial harvest of dolphin and wahoo by U.S. vessels allowed in Bahamian waters. Fishing gear appropriately stowed means--

Terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the downrigger and stowed separately.

Public comments:

Thirteen public comments were received in favor of allowing dolphin and wahoo to be brought back from The Bahamas as fillets. However, 10 commenters were not in favor of requiring rods to be removed from the rod holders as many vessels who participate in this fishery do not have adequate storage for the rods on or below deck. Many feared that requiring rods to be left on deck could lead to damage of the gear or be a safety concern. No one was against removing terminal tackle from the rods. One commenter spoke against having two fillets being equal to one fish because of the size of the fillets sometimes makes it impractical to store a single side of a fish as one fillet.

REQUIRED COMMITTEE ACTION:

Option 1: Reaffirm the Committee's recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 2. Exempt dolphin and wahoo harvested lawfully from The Bahamas from the bag and possession limits in the U.S. EEZ. Vessels may possess onboard 2 wahoo per person and 10 dolphin per person with a maximum of 60 dolphin.

Alternative 1 (No Action): The bag limit for the possession of dolphin and wahoo lawfully harvested from The Bahamas, is 10 dolphin (60 dolphin per boat)/2 wahoo per person per day, in the U.S. EEZ. These limits currently also apply to fish lawfully harvested from The Bahamas.

Alternative 2: Exempt dolphin lawfully harvested in The Bahamas from regulations for bag limits in the U.S. EEZ.

Preferred Alternative 3: Exempt wahoo lawfully harvested in The Bahamas from regulations for bag limits in the U.S. EEZ.

Public Comments:

Two commenters stated that if the fish are legally harvested in The Bahamas, the fishermen ought to be allowed to bring the fish back into the U.S. EEZ.

REQUIRED COMMITTEE ACTION:

Option 1: Reaffirm the Committee's recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 3: Require fillets of dolphin, wahoo, and snapper grouper species brought into the U.S. EEZ lawfully harvested from The Bahamas to have the skin intact.

Alternative 1 (No Action): Snapper grouper fillets possessed in the U.S. EEZ from The Bahamas are currently not required to have skin ~~or~~ scales intact.

Preferred Alternative 2: Snapper grouper fillets brought into the U.S. EEZ from The Bahamas must have the skin intact.

Preferred Alternative 3. Dolphin and wahoo fillets brought into the U.S. EEZ from The Bahamas must have the skin intact.

Public Comments:

Two commenters stated that if the fish are legally harvested in The Bahamas, the fishermen ought to be allowed to bring the fish back into the U.S. EEZ.

REQUIRED COMMITTEE ACTION:

Option 1: Reaffirm the Committee's recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 4: In addition to possessing valid Bahamian cruising and fishing permits, require stamped and dated passports to prove that vessel passengers were in The Bahamas if the vessel is in possession of snapper grouper fillets in the U.S. EEZ.

Alternative 1 (No Action): Vessels bringing snapper grouper fillets into the U.S. EEZ from The Bahamas are required to have valid current Bahamian cruising and fishing permits onboard the vessel.

Preferred Alternative 2: Vessels bringing snapper grouper fillets into the U.S. EEZ from The Bahamas are required to have stamped and dated passports to prove that the vessel passengers were in The Bahamas, as well as valid current Bahamian cruising and fishing permits onboard the vessel. **All fishing gear must be appropriately stowed while in transit.**

REQUIRED COMMITTEE ACTION:

Option 1: Reaffirm the Committee's recommended wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Action 5: **Specify the n**Number of snapper grouper fillets lawfully harvested in The Bahamas that may be brought into the U.S. EEZ.

Alternative 1 (No Action): ~~60 lbs, or 20 fish of snapper grouper species lawfully harvested in The Bahamas may be brought into the U.S. EEZ.~~ Fishermen must abide by both U.S. and Bahamian bag and possession limits, in other words, the more restrictive of the two, when in the U.S. EEZ.

Preferred Alternative 2: Two fillets of snapper grouper species, regardless of the size of the fillet will count as 1 fish towards the possession limit. ~~Up to 40 fillets of snapper grouper species lawfully harvested in The Bahamas may be brought into the U.S. EEZ.~~ Fishermen must abide by both U.S. and Bahamian bag and possession limits, in other words, the more restrictive of the two, when in the U.S. EEZ.

REQUIRED COMMITTEE ACTION:

Option 1: Accept the recommended IPT changes and reaffirm the Committee wording changes

Option 2: Modify action and alternatives

Option 3: Do not modify action and alternatives

Option 4: Others??

Additional Action

REQUIRED COMMITTEE ACTION:

Option 1. Approve DW Amendment 7/SG Amendment 33 for formal secretarial review and deem the codified text as necessary and appropriate.

Option 2. Do not approve DW Amendment 7/SG Amendment 33 for formal secretarial review and do not deem the codified text as necessary and appropriate.

Option 3. Others??

DRAFT MOTION: APPROVE DOLPHIN WAHOO AMENDMENT 7 AND SNAPPER GROUPER AMENDMENT 33 FOR SECRETARIAL REVIEW, AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

Timing for DW Amendment 7/SG Amendment 33

- South Atlantic Council reviews public input, revises document as necessary, and takes final action in December 2014.
- Send DW Amendment 7/SG Amendment 33 for formal review by December 31, 2014.
- Target date for regulations to be in place by Fall 2015.