

# Regulatory Amendment 3 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic



Discussion Document  
April 2022

## Framework amendment to implement changes to the minimum size limit and recreational retention limits for dolphin

### Background

At the March 2022 meeting, the Dolphin Wahoo Committee (Committee) reviewed an options paper on an amendment that would consider:

- 1) Extending the geographic range of the 20 inch fork length minimum size limit for dolphin that is currently in place off Florida, Georgia, and South Carolina northward,
- 2) Modify retention limits for private and for-hire vessels for dolphin, and
- 3) Removing or reducing captain and crew bag limits for dolphin.

Upon reviewing available information, the Committee provided guidance on the initial range of options to consider in a framework amendment to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP). While potential management changes were previously considered for recreational retention limits of wahoo, the Committee did not want to further consider changes for the species and elected to focus on dolphin.

Of note is the South Atlantic Fishery Management Council's (Council) recent efforts to develop Amendment 10 to the Dolphin Wahoo FMP (Amendment 10) which will go into effect May 2, 2022. Amendment 10 will implement several changes in the Dolphin Wahoo fishery, including revisions to:

- Acceptable biological catch and sector allocations;
- Total annual catch limits (ACL) and sector ACLs;
- Recreational accountability measures; and

Management measures to:

- Allow possession of dolphin or wahoo when specified unauthorized gear types are onboard a vessel;
- Remove the operator card requirement; and
- Reduce the recreational vessel limit for dolphin from 60 fish per vessel to 54 fish per vessel.

The Council is considering changes to the applicable geographic range of the minimum size limit for dolphin and further changing retention limits as a continuation of similar discussions that took place during development of Amendment 10 as well as in response to public comments stating concern over a relative lack of dolphin abundance in recent years, particularly in the South Florida area. Additionally, of note since the approval of Amendment 10 is the recent action by the Florida Fish and Wildlife Conservation Commission that will reduce the bag limit from 10 to 5 dolphin per person in Atlantic state waters, reduce the private recreational vessel limit from 60 to 30 dolphin in Atlantic state waters, and clarify that for-hire captain and crew are prohibited statewide from retaining a bag limit of dolphin. These rule changes will become effective May 1, 2022 and will lead to an inconsistency in dolphin regulations between federal waters and state waters off of Florida. Some measures being considered in this amendment would address this regulatory inconsistency.

## Objectives for this meeting

- Provide input for Council consideration in developing options for Regulatory Amendment 3.

## Tentative amendment timing

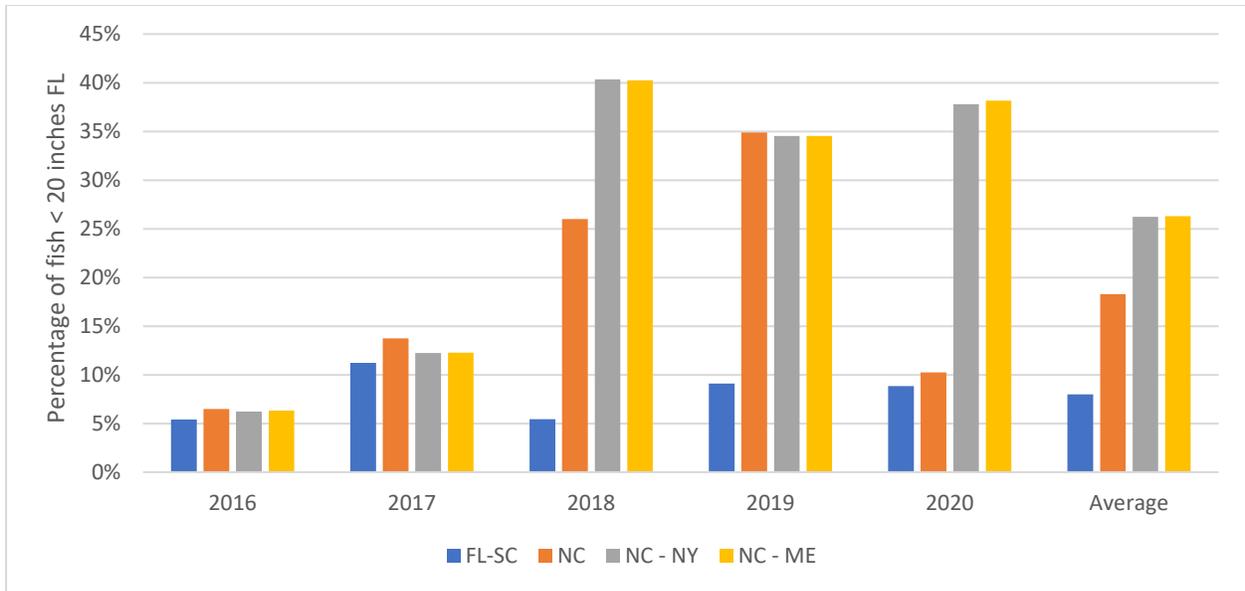
March 2022	Reviewed options paper and approve amendment for scoping.
June 2022	Review revised options paper and provide guidance on timing of scoping.
Summer 2022	Conduct scoping sessions and Dolphin Wahoo Advisory Panel (AP) provides input.
September 2022	Review scoping comments and preliminary analyses.
December 2022	Review modifications to the amendment, select preferred alternatives, and approve for public hearings.
Winter 2023	Conduct public hearings.
March 2023	Review public hearing comments and approve all actions.
June 2023	Review final draft amendment and consider approval for formal review.
Early 2024	Regulation changes effective.

# Options for Proposed Actions

## 1. Modify the applicable geographic range of the minimum size limit for dolphin

### Discussion:

- The current minimum size limit for dolphin is 20 inches fork length and applies off Florida, Georgia, and South Carolina.
  - This size limit applies to both the recreational and commercial sectors.
- There is no minimum size limit for dolphin in waters off North Carolina and states further north in the Mid-Atlantic and New England regions.
- The minimum size limit for dolphin was implemented via the original Dolphin Wahoo FMP (effective 2004) and applied off Florida and Georgia only. This measure was extended to include the waters off South Carolina via Amendment 2 to the Dolphin Wahoo FMP (Amendment 2; effective 2012).
  - The Council conclusion in the original Dolphin Wahoo FMP indicated that “establishing a 20 inch size limit off Georgia and the east coast of Florida for dolphin will prevent the targeting of peanut or chicken dolphin, reduce waste, and increase yield in the fishery...In addition, this action will allow harvest only after most female dolphin are sexually mature and have spawned.”
  - In Amendment 2, extending the size limit to cover the waters off South Carolina was considered “to address concerns, primarily from South Carolina anglers, about the large-scale recreational harvest of “peanut” dolphin. At the time size limits were being discussed for this species in the South Atlantic region (2002), they were not considered off South Carolina because the state had its own measure. That measure has since been challenged in court, however, and overturned.”
- Schwenke and Buckel (2008) indicated that size at 50% maturity was 18.1 inches for female dolphin and 18.7 inches for male dolphin.
  - Non-peer reviewed literature states that spawning first occurs from 17-21 inches.
- **Figure 1** shows the percentage (by number, not weight) of sampled dolphin under 20 inches fork length from trips onboard private and charter vessels. The percentage of dolphin under 20 inches is variable from year to year and by region.



**Figure 1.** Percentage of recreationally sampled dolphin less than 20 inches fork length from 2016-2020. Represents Marine Recreational Information Program (MRIP; i.e. private rec./charter vessels) data only.

**Council’s initial consideration for a range of options:**

- Include a range of options that would extend the applicable geographic range of the 20 inch fork length minimum size limit for dolphin to cover:
  - North Carolina only (i.e. cover the entire South Atlantic region)
  - North Carolina through New York (i.e. include the addition of the Mid-Atlantic region)
  - North Carolina through Maine (i.e. include the addition of the Mid-Atlantic and New England regions)

**Requested AP Discussion:**

- Provide comments and recommendations for the Council when considering whether to extend the applicable geographic range of the minimum size limit for dolphin.
  - 1) Are dolphin less than 20 inches fork length an important part of the recreational catch? Are there seasonal aspects to the importance of these smaller sized dolphin?
  - 2) How might the effects of a size limit vary by sector (private vessels vs for-hire vessels)?
  - 3) How might the effects of a size limit vary geographically (North Carolina vs states further north)?

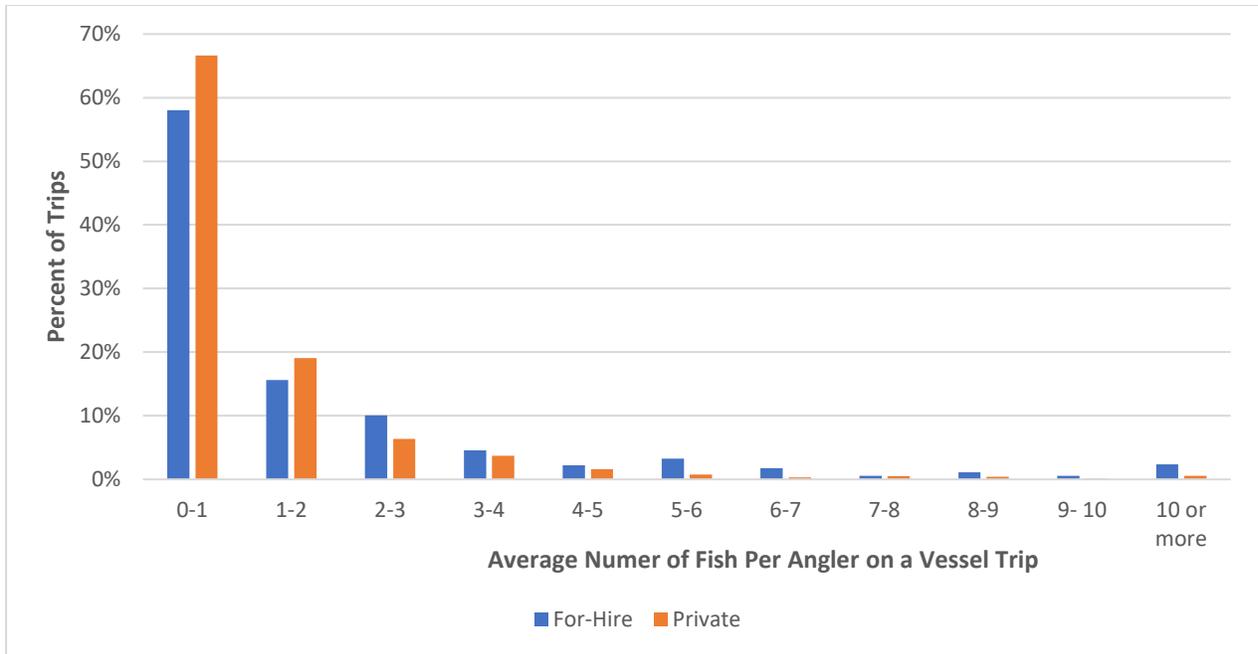
## 2. Modify the daily recreational bag limit for dolphin

### Discussion:

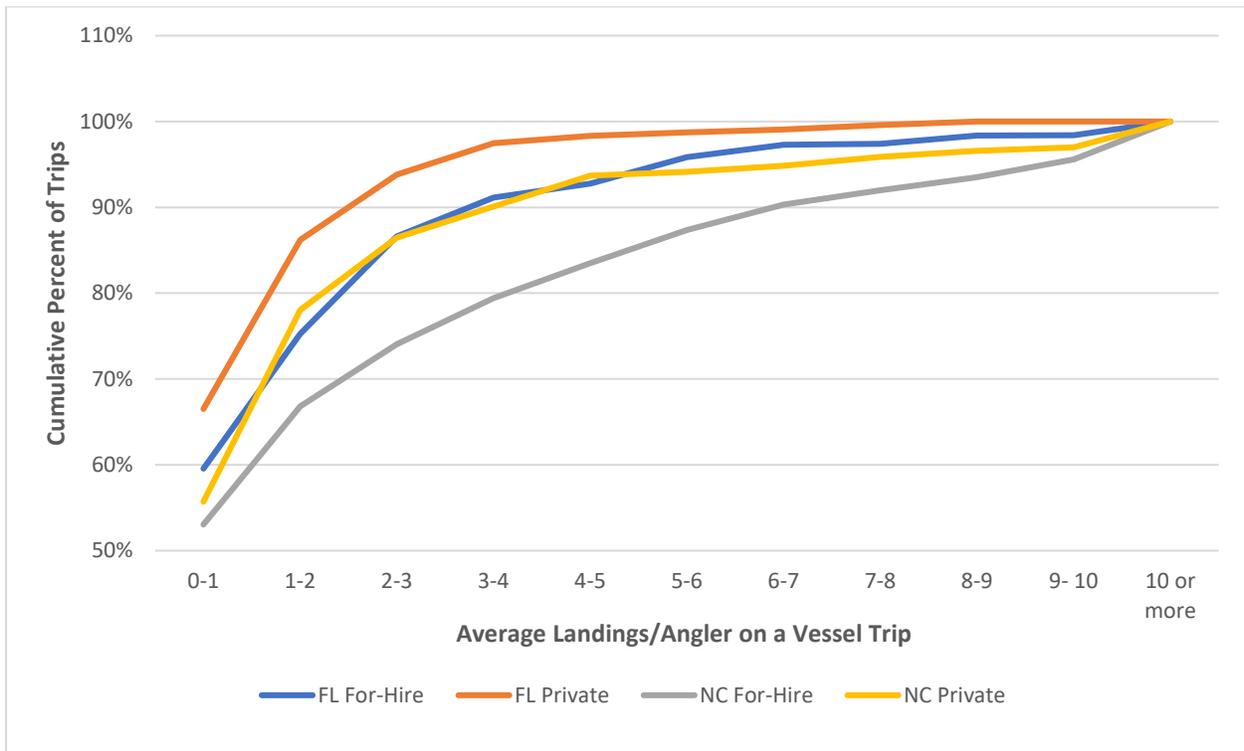
- Currently the recreational daily bag limit is 10 dolphin per person, not to exceed 60 dolphin per vessel, whichever is less, except on board a headboat where the limit is 10 dolphin per paying passenger.
  - This covers the entire jurisdictional range of the Dolphin Wahoo FMP (i.e., Maine through Key West, Florida).
  - The vessel limit will be reduced to 54 dolphin per vessel once Amendment 10 becomes effective on May 2, 2022.
- The majority of dolphin harvest occurs onboard private vessels followed by charter vessels to a lesser extent. On average, these two modes combined account for 95% of total dolphin harvest with the remainder occurring onboard commercial vessels or headboats (**Table 1**).
- Overall, recreational vessels tend to harvest 5 or fewer dolphin per person, however charter vessels have a greater percentage of trips that harvest more than 5 dolphin per person (**Figure 2**).
- When average catch per person is examined by state for Florida and North Carolina, vessels fishing off of North Carolina tend to exhibit higher landings per person than those fishing off of Florida, with charter vessels in North Carolina exhibiting a notably higher average harvest per person (**Figure 3**).

**Table 1.** Percent of overall recreational dolphin harvest and percent of total dolphin harvest (commercial and recreational combined) accounted for by mode for charter and private vessels. Represents dolphin harvest by weight from the Atlantic (Florida through Maine) from 2016-2019.

Year	Percent of Overall Rec. Harvest (Charter)	Percent of Total Harvest (Charter)	Percent of Overall Rec. Harvest (Private)	Percent of Total Harvest (Private)
2016	17%	16%	83%	78%
2017	18%	17%	82%	78%
2018	12%	12%	88%	85%
2019	22%	21%	78%	74%
Average	17%	16%	83%	79%



**Figure 2.** Distribution of dolphin harvest per angler in the Atlantic (Florida through Maine). The data cover landings from 2016 through 2020 and are based on MRIP (private rec./charter vessels) only.



**Figure 3.** Cumulative percentage of trips for dolphin harvest per angler in the Atlantic for Florida and North Carolina only. The data cover landings from 2016 through 2020 and are based on MRIP (private rec./charter vessels) only.

**Council's initial consideration for a range of options:**

- Include a range of options for a bag limit of 2 to 10 dolphin per person.
  - Consider possible different bag limits by mode (private, charter, and headboat vessels).
- Add options that would include a vessel limit or bag limit, whichever is greater instead of whichever is more restrictive.

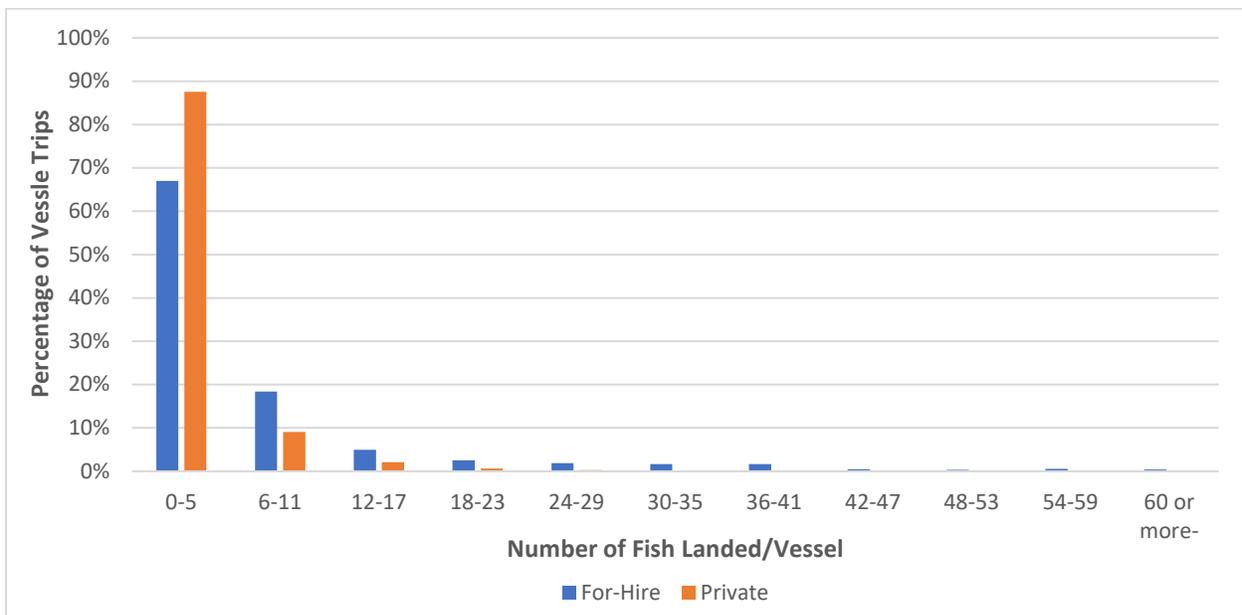
**Requested AP Discussion:**

- Provide comments and recommendations for the Council when considering whether to modify the bag limit for dolphin.
  - 1) How might the effects of reducing the bag limit vary by sector (private vessels vs for-hire vessels)? Should there be different bag limits by sector?
  - 2) How might the effects of a reduced bag limit vary by region? Should there be a regional consideration to reducing bag limits?
  - 3) In your area, how much could the bag limit be reduced before you think that there would be a notable reduction in the number of trips targeting dolphin. In other words is there a bag limit that wouldn't be worth pursuing for most anglers?
  - 4) Currently the bag limit is 10 dolphin per person, not to exceed 60 dolphin per vessel whichever is more restrictive. Would you be in favor of considering a reduced bag and vessel limit but the default would be to whichever limit is greater instead of whichever is more restrictive?

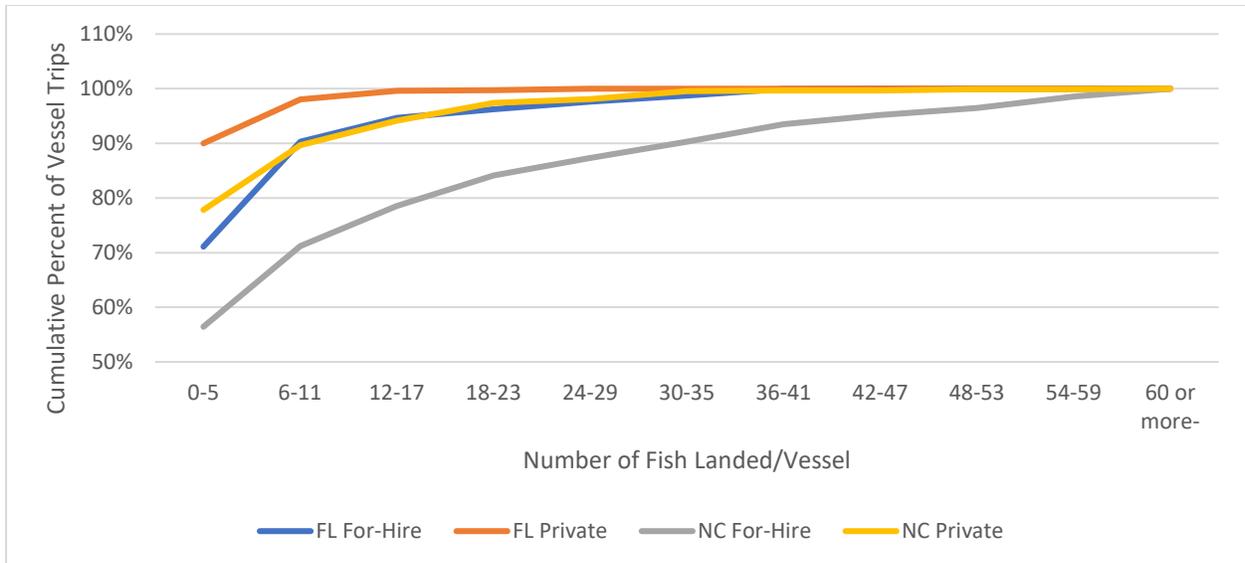
### 3. Modify the recreational vessel limit for dolphin

#### Background:

- Currently 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.
  - This covers the entire jurisdictional range of the Dolphin Wahoo FMP (i.e., Maine through Key West, Florida).
  - The vessel limit will be reduced to 54 dolphin per vessel once Amendment 10 becomes effective May 2, 2022.
- When considering vessel limit reductions in Amendment 10, the Council reviewed alternatives that would reduce the vessel limit to 30, 40, 42, 48, and 54 dolphin.
- Overall, vessels tend to harvest 12 or fewer dolphin per vessel, however charter vessels account for a greater percentage of trips that harvest higher numbers of dolphin per trip (**Figure 4**).
- When catch per vessel is examined by state for Florida and North Carolina, vessels fishing off of North Carolina tend to exhibit higher landings per vessel than those fishing off of Florida, with charter vessels in North Carolina having a notably higher occurrence of higher numbers of dolphin harvested per vessel (**Figure 5**).



**Figure 4.** Percentage of trips for a range of dolphin harvested per vessel in the Atlantic (Florida through Maine). The data cover landings from 2016 through 2020 and are based on MRIP (private rec./charter vessels) only.



**Figure 5.** Cumulative percentage of trips for dolphin harvested per vessel in the Atlantic for Florida and North Carolina only. The data cover landings from 2016 through 2020 and are based on MRIP (private rec./charter vessels) only.

**Council’s initial consideration for a range of options:**

- Consider a range of options for a vessel limit of 12 to 60 dolphin per vessel.
  - Include increments divisible by 6 as well as a bag limit of 30 dolphin.
  - Add an option that would remove vessel limits.
  - Continue consideration of different vessel limits by mode (private, charter, and headboat vessels).
  - Add a regional option for vessel limit changes.
    - Off of Florida only.
    - Ask about other potential regional vessel limits during scoping.
- Add options that would include a vessel limit or bag limit, whichever is greater instead of whichever is more restrictive.

**Requested AP Discussion:**

- Provide comments and recommendations for the Council when considering whether to modify the vessel limit for dolphin.
  - 1) How might the effects of reducing the vessel limit vary by sector (private vessels vs for-hire vessels)? Should there be different vessel limits by sector?
  - 2) How might the effects of reducing the vessel limit vary by region? Should there be a regional consideration to reducing vessel limits?

- 3) In your area, how much could the vessel limit be reduced before you think there would be a notable reduction in the number of trips targeting dolphin. In other words is there a vessel limit that wouldn't be worth pursuing for most anglers?
  
- 4) Currently headboats are exempt from the vessel limit for dolphin, but there is a bag limit of 10 dolphin per paying passenger. Should there be a vessel limit for headboats?

#### **4. Modify captain and crew recreational daily bag limits for dolphin onboard charter vessels**

- Currently captain and crew on for-hire vessels may retain a recreational bag limit of dolphin from a federal regulatory perspective.
  - Provided the recreational vessel limit is not exceeded.
  - There is an exception onboard headboats where the recreational bag limit is 10 dolphin per paying passenger (50 C.F.R. §622.277). In such a case captain and crew of vessels are not able to retain a recreational bag limit of dolphin.
- For-hire captain and crew recreational bag limits are also allowed in the Snapper Grouper and Coastal Migratory Pelagics fisheries.
  - Previously prohibited for some Snapper Grouper species but this prohibition was removed via Amendment 27 to the Snapper Grouper Fishery of the South Atlantic Region (effective January 2014).
  - Provides consistency of regulations across South Atlantic FMPs that require a for-hire permit.

#### **Council's initial consideration for a range of options:**

- Consider removing or reducing captain and crew bag limits for dolphin.
  - Include a range of options for a bag limit of 2 to 10 dolphin per person if the bag limit is reduced.
- Consider a regional option.
  - Off of Florida only.

#### **Requested AP Discussion:**

- Provide comments and recommendations for the Council when considering whether to extend the applicable geographic range of the minimum size limit for dolphin.
  - 1) Is there a benefit to captain and crew bag limits being allowed for dolphin on charter trips? In your experience do these limits often or ever get kept?
  - 2) How might the effects of reducing or removing charter vessel captain and crew bag limits by region? Should there be a regional consideration to this modification?

## **References:**

Schwenke, K. L. and J.A. Buckel. 2008. Age, growth, and reproduction of dolphinfish (*Coryphaena hippurus*) caught off the coast of North Carolina. Fishery Bulletin 106: 82–92.