

Information paper on the minimum size limit for dolphin, retention limits onboard charter and private vessels, and for-hire captain and crew bag limits

South Atlantic Fishery Management Council
Dolphin Wahoo Committee
September 2021

Note: Words that are [underlined and in blue font](#) provide a link to other documents.

Background

At the June 2021 meeting, the Dolphin Wahoo Committee (Committee) directed staff to prepare information on an amendment that would consider:

- 1) Extending the minimum size limit for dolphin that is currently in place off Florida, Georgia, and South Carolina northward,
- 2) Specifying different retention limits for charter and private vessels for both dolphin and wahoo, and
- 3) Removing or reducing captain and crew bag limits.

These three topics were identified as items that the Committee would like to pursue in the near-term, potentially via a framework amendment to the Dolphin Wahoo Fishery Management Plan (FMP). The ability of the Committee to develop a framework amendment versus a plan amendment will depend on the complexity and content of the actions that the Council wants to consider. Guidance from General Counsel will likely be necessary to determine the type of amendment that is needed once the Committee has decided the content. Measures that can be revised via framework procedures for the Dolphin Wahoo FMP are specified in 50 C.F.R. §622.281 (See **Appendix** for the full rule text) and have been summarized below:

- **Biological specifications:** Biomass levels, age-structured analyses, MSY, OY, OFL, TAC, ABC, ABC Control Rule, overfishing definitions and other status determination criteria, and time frame for recovery of Atlantic dolphin or wahoo if overfished.
- **Fishery specifications:** ACLs, ACTs, AMs, and authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available.
- **Time and area related measures:** Seasonal or area closures, sub-zones and their management measures, fishing year (adjustment not to exceed 2 months), definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.
- **Other management measures:** Trip limits, minimum sizes, gear regulations and restrictions, and permit requirements.

The desired content of an amendment will also greatly affect its timing on the Council's workplan. Currently, an amendment focusing on the changes outlined above has been added to

the Council’s workplan to start at September 2021 meeting and tentatively be prepared for a final vote of approval at the March 2023 meeting.

Objectives for this meeting

- Review potential timing of the amendment.
- Provide guidance to staff on initial range of options to develop.

Tentative amendment timing

September 2021	Review information paper and provide guidance to staff.
December 2021	Review options paper and approve for scoping.
Spring 2023	Dolphin Wahoo AP provides input.
June 2022	Review scoping comments and preliminary analyses, provide guidance to staff.
September 2022	Review modifications to the amendment, select preferred alternatives, and approve for public hearings.
Fall 2022	Conduct public hearings.
December 2022	Review public hearing comments and approve all actions.
March 2023	Review final draft amendment and consider approval for formal review.
Late 2023/Early 2024	Regulation changes effective.

Potential options to develop

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

- 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 size limit for dolphin in waters off North Carolina or 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 of South Carolina via Amendment 2 (i.e., the Comprehensive ACL Amendment; effective 2012).
 - The Council conclusion in the 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.
- While not considered in Amendment 10, during [public hearings](#) for that amendment there were many comments on increasing the minimum size limit and/or extending the minimum size limit for dolphin to cover the entire Atlantic region. Those in favor tended to be based in Florida and South Carolina while those opposed tended to be based in North Carolina.
- The Dolphin Wahoo Advisory Panel (AP) discussed the minimum size limit for dolphin at their April 2017 meeting when developing their [Fishery Performance Report](#) for dolphin.
 - AP members felt that the 20-inch size limit off of SC, GA, and FL is sufficient and is working. In South Florida, many fish are released and the size limit is very compatible with charter trips.
 - There were differing opinions on whether the size limit should be expanded to the rest of the management zone, given the fast growth of the species and cap on maximum harvest recreationally via the vessel limit of 60 dolphin per trip.

Committee Action:

- Provide guidance on the initial options to develop for extending the applicable range of the minimum size limit for dolphin.
 - Include an option that would include North Carolina only?
 - Include an option that would include North Carolina through the Mid-Atlantic region (i.e., through New York)?
 - Include an option that would include North Carolina through the New England region (i.e., through Maine)?
 - Do not further consider extending the applicable range of the minimum size limit for dolphin?
 - Other?

2. Establish separate recreational retention limits for dolphin onboard charter vessels and private vessels.

- 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 in 2022.
- When considering vessel limit reductions in Amendment 10, the Committee reviewed alternatives that would set the vessel limit at 30, 40, 42, 48, and 54 dolphin.
- Comments collected during [public hearings](#) for Amendment 10 had a notable regional theme, with many of those in favor of reducing retention limits largely based in Florida or South Carolina while those in favor of maintaining the current retention limits based in North Carolina.
 - There were limited and varying opinions on different retention limits between private and charter vessels. Most commenters were in favor of a higher limit onboard charter vessels.
 - Of the comments in support of a reduced vessel limit for dolphin, many expressed support for a 30 fish vessel limit and, to a lesser extent, a 40 fish limit.
 - There were varying opinions on whether reduced vessel limits should cover the entire Atlantic or only apply to certain states.
- When discussing a potential reduction in the vessel limit for dolphin at their August 2019 and October 2020 meetings, the Dolphin Wahoo AP noted:
 - That reducing retention limits too far could have a notable negative impact on the ability to book charter trips, therefore caution should be exercised if there is a change in the retention limit.
 - If the Council reduces recreational limits for dolphin, consider reducing the vessel limit but do not change the bag limit of 10 fish per person per day.
 - There was support for taking no action on reducing vessel limits, particularly in North Carolina, or to take action just in Florida. It was noted that the 60 fish limit is very important to the for-hire fishery in North Carolina, particularly when small dolphin are abundant.
 - If limits are reduced, maintaining limits divisible by 6 is preferred.
- While not separated by trip type (private vs charter vessel), **Figures 1 and 2** provide a distribution of landings per person and per vessel for dolphin.

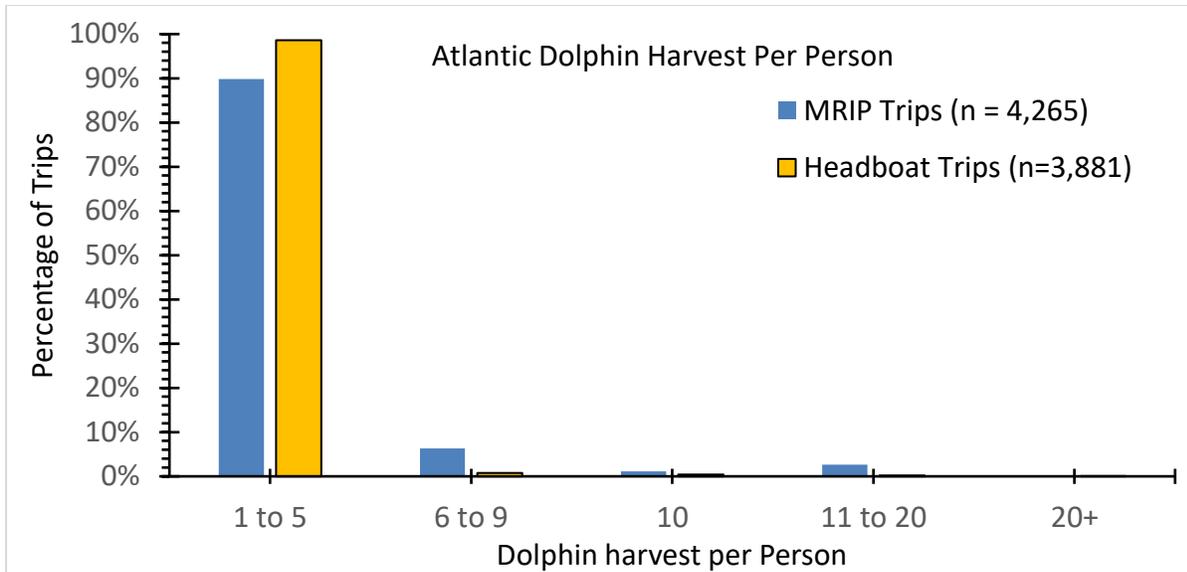


Figure 1. Percentage of trips for dolphin harvested per person. The data are from 2015 through 2019, and data from both MRIP (private rec./charter vessels) and Headboat are provided. The dolphin stock is from Maine to east Florida (including Monroe County, Florida).

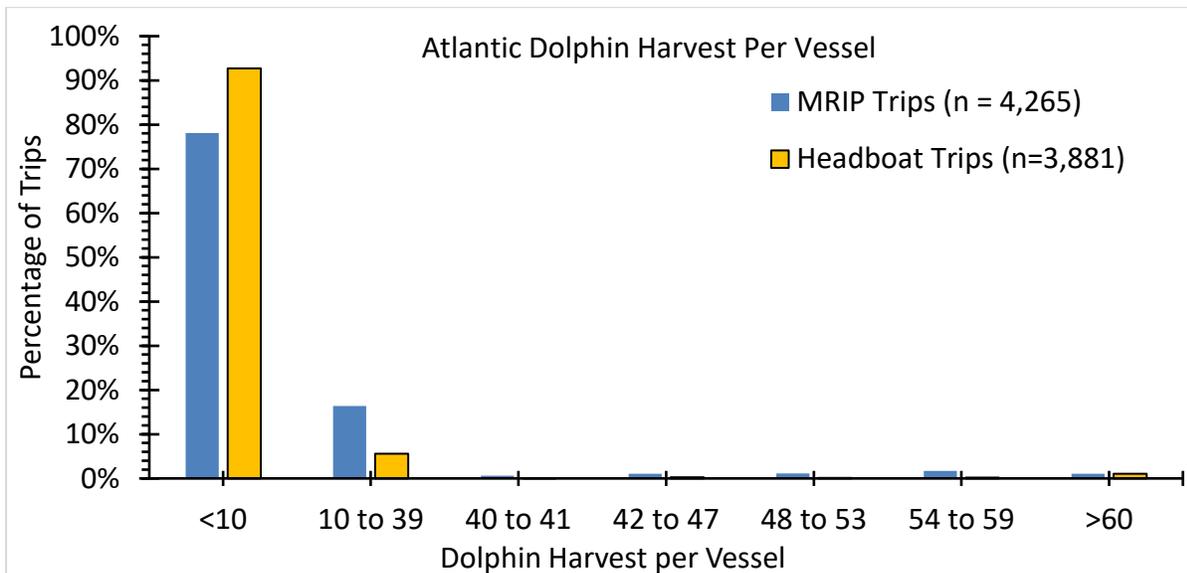


Figure 2. Percentage of trips for a range of dolphin harvested per vessel. The data are from 2015 through 2019, and data from both MRIP (private rec./charter vessels) and the Headboat survey are provided. The dolphin stock is from Maine to east Florida (including Monroe County, Florida).

Committee Action:

- Provide guidance on initial options to develop regarding varying recreational retention limits for dolphin onboard charter vessels and private vessels.
 - **Private Vessels:**
 - Range of bag limit options?
 - Range of vessel limit options?

- **Charter Vessels:**
 - Range of bag limit options?
 - Range of vessel limit options?
- Should these changes to retention limits be applicable to the entire management range (i.e., Florida through Maine)?
- Do not further consider changes to retention limits for dolphin?
- Other?

3. Establish separate recreational retention limits for wahoo onboard charter vessels and private vessels.

- Currently the recreational daily bag limit is 2 wahoo per person and there is no vessel limit.
 - This covers the entire jurisdictional range of the Dolphin Wahoo FMP (i.e., Maine through Key West, Florida).
- When considering a bag limit reduction and implementing a vessel limit in Amendment 10, the Committee reviewed alternatives that would reduce the bag limit to 1 wahoo per person and set a vessel limit between 2 and 8 wahoo.
 - This action was added to Amendment 10 in response to revised recreational sector annual catch limits that could be potentially constraining on the fishery under current retention limits. The action was removed from further consideration after analysis showed a relatively small reduction (-2.9% to -8.2%) in total harvest expected from most measures being considered outside of vessel limits in the range of 2 to 4 fish (-30.3% to -13.2%).
- Comments collected during [public hearings](#) for Amendment 10 had a notable regional theme, with many of those in favor of reducing retention limits largely being based in Florida or South Carolina while those in favor of maintaining the current retention limits being based in North Carolina.
 - There were limited and varying opinions on different retention limits between private and charter vessels. Most that did comment on the topic were in favor of a higher limit onboard charter vessels.
 - Many commenters, particularly those from North Carolina, were not in favor of a vessel limit for wahoo. If a vessel limit were to be implemented, consider a 12 fish vessel limit.
 - Comments in favor of a vessel limit for wahoo ranged from 2 to 8 fish per vessel, with many focusing on 6 or 8 fish per vessel.
 - There were some comments supporting a reduced bag limit and relatively few supporting implementing a size limit for wahoo. Support for a vessel limit on wahoo was most common overall.

- While not separated by trip type (private vessel vs charter vessel), **Figures 3 and 4** provide a distribution of landings per person and per vessel for wahoo.

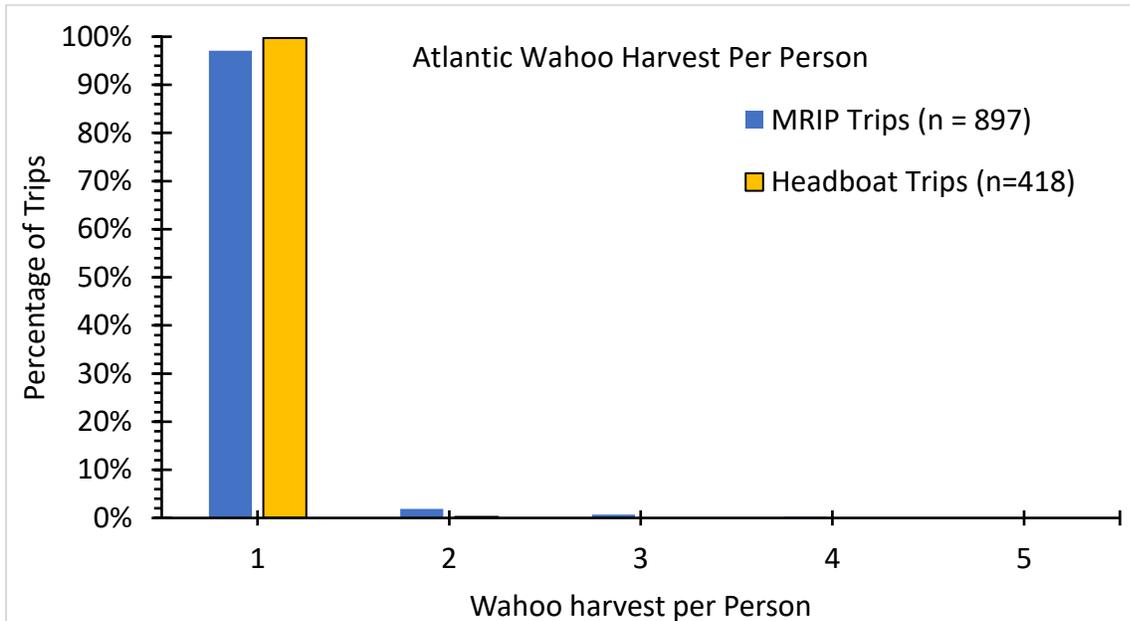


Figure 3. Percentage of trips for a range of Atlantic wahoo harvested per person. The data are from 2015 through 2019, and data from both MRIP and Headboat are provided. The Atlantic wahoo stock is from Maine to east Florida (including Monroe County, Florida).

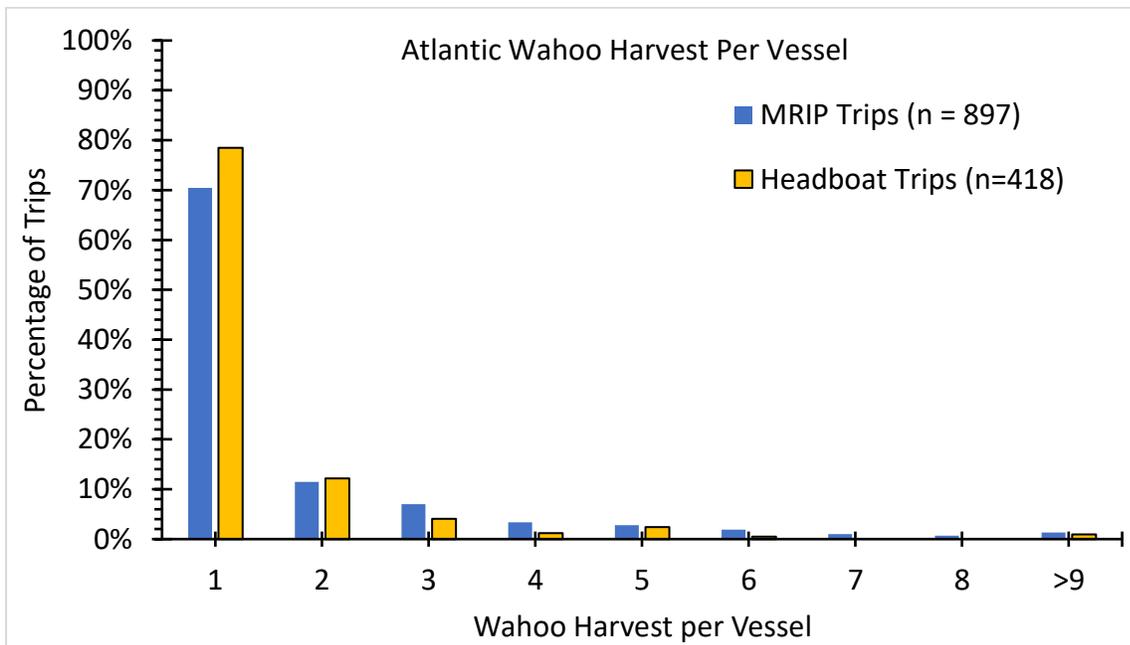


Figure 4. Percentage of trips for a range of Atlantic wahoo harvested per vessel. The data are from 2015 through 2019, and data from both MRIP and Headboat are provided. The Atlantic wahoo stock is from Maine to east Florida (including Monroe County, Florida).

Committee Action:

- Provide guidance on initial options to develop regarding varying recreational retention limits for wahoo onboard charter vessels and private vessels.
 - **Private Vessels:**
 - Range of bag limit options?
 - Range of vessel limit options?
 - **Charter Vessels:**
 - Range of bag limit options?
 - Range of vessel limit options?
 - Should vessel limits apply to headboats as well?
 - Should these changes to retention limits be applicable to the entire management range (i.e., Florida through Maine)?
 - Do not further consider changes to retention limits for wahoo?
 - Other considerations?

4. Reduce or remove for-hire captain and crew bag limits.

- Currently captain and crew on for-hire vessels may retain a bag limit of dolphin and wahoo from a federal regulatory perspective.
 - Provided the vessel limit is not exceeded for dolphin.
 - There is an exception onboard headboats where the bag limit is 10 dolphin per paying passenger (50 C.F.R. §622.277).
- For-hire captain and crew 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 Snapper Grouper Amendment 27 (effective January 2014).
 - Provides consistency of regulations across South Atlantic FMPs that require a for-hire permit.
- While the number of anglers on a recreational trip is recorded in Marine Recreational Information Program (MRIP) intercepts, captain and crew are not included in those angler counts.
 - At times, this can lead to some level of uncertainty in displaying the distribution of the number of fish harvested per angler on a trip and determining the potential effects changes to bag limits.
 - As exhibited in the Committee’s previous discussion of bag limit actions during development of Dolphin Wahoo Amendment 10.

Committee Action:

- Provide guidance on initial options to develop for removing or reducing for-hire captain and crew bag limits.

- Include an option that would remove for-hire captain and crew bag limits?
 - Applies to dolphin?
 - Applies to wahoo?
- Include an option that would reduce for-hire captain and crew bag limits?
 - Applies to dolphin?
 - Range of reduced bag limit?
 - Applies to wahoo?
- Do not further consider reducing or removing for-hire captain and crew bag limits?
- Other option?

Committee Action:

- Provide guidance to staff on development of the next amendment to the Dolphin Wahoo FMP.
 - Are there additional options that the Committee would like to develop?
 - Are there presented options that should not be further developed?
 - Direct staff to prepare an options paper that could be approved for scoping at the December 2022 meeting?

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.

APPENDIX. Full text of 50 C.F.R. §622.281

§622.281 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Dolphin and Wahoo Fishery of the Atlantic, the RA may establish or modify the following items specified in paragraph (a) of this section for Atlantic dolphin and wahoo.

(a) Atlantic dolphin and wahoo. Biomass levels, age-structured analyses, MSY, OY, OFL, TAC, ABC, ABC Control Rule, ACLs, ACTs, AMs, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, overfishing definitions and other status determination criteria, time frame for recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.