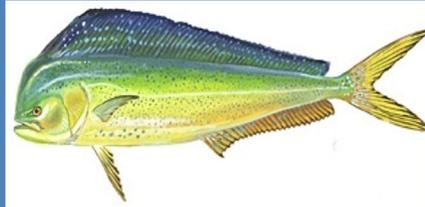


# Regulatory Amendment 3 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic



Decision Document  
June 2023

## **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 potential management measures and provided guidance for Regulatory Amendment 3 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP) that would consider:

- 1) Extending the applicable geographic range for the 20 inch fork length minimum size limit for dolphin that is currently in place off Florida, Georgia, and South Carolina northward,
- 2) Modifying the daily bag limit for dolphin,
- 3) Modifying the vessel limit for dolphin, and
- 4) Removing or reducing captain and crew bag limits for dolphin.

At this meeting the Committee also approved the amendment for scoping but did not specify when scoping should occur.

At the June 2022 meeting, the Committee received a presentation from the NOAA Southeast Fisheries Science Center (SEFSC) on plans to begin work on a management strategy evaluation (MSE) for the Atlantic dolphin fishery. Additionally the Committee received feedback from the Dolphin Wahoo Advisory Panel, refined the potential management actions in the amendment, and directed staff to prioritize assisting with the MSE stakeholder meetings ahead of further

developing Regulatory Amendment 3, noting that comments received during these meetings as well as during Council meetings would constitute the scoping process.

Of note is the South Atlantic Fishery Management Council's (Council) development of Amendment 10 to the Dolphin Wahoo FMP (Amendment 10) which went into effect May 2, 2022. Amendment 10 implemented several changes in the Dolphin Wahoo fishery, including:

- Revising the acceptable biological catch, sector allocations, total annual catch limit (ACL), sector ACLs, and recreational accountability measures;
- Allowing possession of dolphin or wahoo when specified unauthorized gear types are onboard a vessel;
- Removing the operator card requirement; and
- Reducing the recreational vessel limit for dolphin from 60 fish 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 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 became effective May 1, 2022 to 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 have led to an inconsistency in dolphin regulations between federal waters and state waters off of Florida. Some measures being considered in this amendment could address this regulatory inconsistency if the Committee decides to move forward with such actions.

At the June 2023 meeting, the Committee will:

- Review summary input received during the Dolphin MSE Stakeholder Workshops that were held in locations from Narragansett, Rhode Island, through Islamorada, Florida;
- Receive an update on recent management actions taken by the Caribbean Fishery Management Council (Caribbean Council) to limit harvest in the dolphin fishery in that region; and
- Review a summary of the current contents in Regulatory Amendment 3.

The Committee will be asked to provide guidance to staff on the timing of development for the amendment and when the Committee would next like to review the amendment.

## Draft Purpose and Need Statements

The *purpose* of this amendment is to extend the applicable geographic range of the minimum size limit and modify the recreational retention limits for dolphin.

The *need* for this amendment is to provide increased conservation benefits to the dolphin fishery in the Atlantic region.

## Draft Actions in Regulatory Amendment 3

### DRAFT Action 1. Modify the applicable geographic range of the 20 inch fork length commercial and recreational minimum size limit for dolphin.

Alternative	The commercial and recreational size limit for dolphin is 20 inches fork length and applies to dolphin in federal waters off:
Alternative 1 (No Action)	Florida, Georgia, and South Carolina.
Alternative 2	Florida through North Carolina.
Alternative 3	Florida through New York.
Alternative 4	Florida through Maine.

#### Previous Committee guidance:

- 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
  - North Carolina through New York
  - North Carolina through Maine
- This action is intended to apply to both the commercial and recreational sectors.

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

Alternative	The daily recreational bag limit is:
Alternative 1 (No Action)	10 dolphin per person onboard private, charter, and headboat vessels.
Alternative 2	A range of 2 to 10 dolphin per vessel on board <b>private</b> vessels.
Alternative 3	A range of 2 to 10 dolphin per vessel on board <b>charter</b> vessels.
Alternative 4	A range of 2 to 10 dolphin per vessel on board <b>headboat</b> vessels.

#### Previous Committee guidance:

- Include a range of options for a bag limit of 2 to 10 dolphin per person.
  - Consider different bag limits by mode (private, charter, and headboat vessels).

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

Alternative	The recreational vessel limit is:
Alternative 1 (No Action)	54 dolphin per vessel onboard private and charter vessels. The vessel limit is 10 dolphin per paying passenger on board headboats.
Alternative 2	A range of 12 to 54 dolphin per vessel on board <b>private</b> vessels. Option to apply in the entire Atlantic region or off Florida.
Alternative 3	A range of 12 to 54 dolphin per vessel on board <b>charter</b> vessels. Also a sub-alternative to remove the vessel limit. Option to apply in the entire Atlantic region or off Florida only.

Alternative 4	A range of 12 to 54 dolphin per vessel on board <b>headboat</b> vessels. Option to apply in the entire Atlantic region or off Florida only.
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Previous Committee guidance:

- Include a range of options for a vessel limit of 12 to 54 dolphin per vessel.
  - Include increments divisible by 6.
    - Sub-alternatives for 12, 18, 24, 30, 36, 42, 48, 54 dolphin per vessel.
  - Consider different vessel limits by mode (private, charter, and headboat vessels).
    - Add a regional option for vessel limit changes.
      - Off Florida only.
      - Ask about other potential regional vessel limits during scoping.
- Include an option that would remove vessel limits onboard charter vessels only.

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

Alternative	Captain and crew onboard charter vessels may:
Alternative 1 (No Action)	Retain a daily recreational bag limit of dolphin if the vessel limit is not exceeded.
Alternative 2	Not retain a daily recreational bag limit.
Alternative 3	Not retain a daily recreational bag limit off <b>Florida only</b> .

Previous Committee guidance:

- Include options for removing captain and crew bag limits for dolphin.
  - Consider a regional option.
    - Off of Florida only.

**Committee Action:**

Based on comments received during the Dolphin MSE Stakeholder Workshops, recent actions taken by the Caribbean Council, and review of draft actions in Regulatory Amendment 3, how does the Committee want to proceed with timing for the development of the amendment?

- Continue development of Regulatory Amendment 3 with review of the amendment at the September 2023 meeting?
- Continue development of Regulatory Amendment 3 with review of the amendment at a different upcoming meeting?
- Postpone further development of Regulatory Amendment 3 until after the Dolphin MSE has been developed and the final report is available (likely in mid to late 2024)?
- Postpone further development of Regulatory Amendment 3 until after the Dolphin MSE has been reviewed by the Scientific and Statistical Committee (likely in mid to late 2026)?
- Other timing?