

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



Decision Document
December 2024

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) discussed potential new management measures for dolphin 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 Dolphin MSE stakeholder workshops ahead of further developing Regulatory Amendment 3, noting that comments received during these workshops as well as during Council meetings would constitute the scoping process.

At the [June 2023](#) meeting, the Committee reviewed [summary feedback](#) received during the Dolphin MSE stakeholder workshops and passed a motion to delay development of the amendment until the Dolphin MSE results are available to review or until the December 2024 Council meeting, whichever is earlier. This guidance was reiterated at the [December 2023](#) meeting.

Recent Dolphin Management Actions

A recent action 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 low 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 in the Atlantic Ocean off Florida. Some measures being considered in this amendment could address this regulatory inconsistency if the Committee decides to move forward with such actions.

Objectives for this meeting (December 2024)

- Review measures in the amendment.
- Provide guidance on the timing of amendment development.

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 and sub-alternatives	A range of 2 to 10 dolphin per person on board private vessels.
Alternative 3 and sub-alternatives	A range of 2 to 10 dolphin per person on board charter vessels.
Alternative 4 and sub-alternatives	A range of 2 to 10 dolphin per person on board headboat 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 and sub-alternatives	A range of 12 to 54 dolphin per vessel on board private vessels. Option to apply in the entire Atlantic region or off Florida only.
Alternative 3 and sub-alternatives	A range of 12 to 54 dolphin per vessel on board charter vessels. Also a sub-alternative to remove the vessel limit. Option to apply in the entire Atlantic region or off Florida only.
Alternative 4 and sub-alternatives	A range of 12 to 54 dolphin per vessel on board headboat vessels. Option to apply in the entire Atlantic region or off Florida only.

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 a charter vessel 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 Florida only .

Previous Committee guidance:

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

Tentative Amendment Timing

Based on the generalized FMP amendment development timeline, this amendment will likely need to be reviewed by the Committee over at least four meetings. This would include meetings to review a draft amendment document, a public hearing document, a revised amendment document, and a final amendment document for the Committee’s approval. If additional measures are added, then at least one extra Council meeting would likely be necessary.

Additionally, the Committee would need to specify in the Council’s workplan when this work would be completed. Currently, time is not allocated to begin work on this amendment again until December 2025, which corresponds with the expected completion of the Dolphin MSE. If the Committee would like to commence work on this amendment sooner, this direction would need to be provided. The following timeline reflects the Council’s workplan as of the September 2024 Council meeting.

March 2022	Reviewed potential measures to include in the amendment and approved for scoping.
June 2022	Reviewed measures in amendment and delayed amendment development until after Dolphin MSE stakeholder workshops were completed.
June 2023	Reviewed feedback received from the Dolphin MSE stakeholder workshops, the amendment, and delayed further work on the amendment until after the MSE results are available or December 2024, which came first.
December 2024	Review amendment and provide guidance on timing of development.
December 2025	Review Dolphin MSE results and draft amendment document.
March 2026	Update amendment.
Spring 2026	Receive input from the AP.
June 2026	Approve for public hearings.
Summer 2026	Conduct public hearings.
September 2026	Review public hearing comments and approve all actions.
December 2026	Consider approval for formal review.
2027/2028	Regulation changes become effective.

Committee Action:

- Provide guidance to staff on timing of amendment development.
 - Specifically, should work start again on the amendment immediately, after the Council has reviewed the results of the Dolphin MSE, or a different timeframe?