



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702

## FOR INFORMATION CONTACT:

Steve Branstetter or Steve.Branstetter@noaa.gov  
727-570-5305, FAX 727-570-5583  
<http://caldera.sero.nmfs.gov>

## FOR IMMEDIATE RELEASE:

November 5, 2003  
NR03-050

## *Proposed Rule for the Dolphin and Wahoo Fishery of the Atlantic Available for Public Review and Comment*

The National Marine Fisheries Service (NOAA Fisheries) has published a proposed rule in the *Federal Register* that, if approved, would implement the regulatory actions proposed in the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (FMP). The South Atlantic Fishery Management Council (SAFMC), in cooperation with the Mid-Atlantic and New England Fishery Management Councils, has submitted the FMP for review, approval, and implementation. NOAA Fisheries announced the availability of the FMP for public comment on September 26, 2003.

NOAA Fisheries is now requesting comments from the public regarding the proposed rule. The regulatory actions described in the proposed rule include permitting and reporting requirements, harvesting restrictions, and a regulatory framework procedure. Written comments on the proposed rule must be received on or before **December 18, 2003**. See the **Addresses** section at the end of this bulletin for information on where and how to submit comments.

### **Summary of Proposed Rule**

In developing this FMP, the SAFMC has specific goals to adopt a precautionary and risk-adverse approach to management. Neither the dolphin or wahoo stock is overfished nor approaching an overfished condition because of overfishing. The objectives are to address social and economic issues in the dolphin and wahoo fisheries along the Atlantic coast by stabilizing the fisheries at their current levels.

To accomplish these objectives, the SAFMC proposes to implement the following regulatory actions.

Dealer, Vessel, and Operator Permits: Dealers and owners of commercial and for-hire vessels would be required to obtain federal permits from NOAA Fisheries to participate in the fishery, and to report their landing transactions. The qualifying criteria to obtain a vessel permit would establish a limited access system. Operators of a commercial or for-hire vessel would be required to obtain a federal operator permit from NOAA Fisheries to participate in the fishery. These actions are intended to develop more accurate counts of the number of participants and vessels in the fishery, their catch, and their landings.

Harvesting Restrictions: To maintain a healthy stock the proposed rule would establish numerous harvesting restrictions, including: (1) no sale provisions for the recreational fishery; (2) recreational bag limits; (3) commercial trip limits; (4) minimum size limits for dolphin; and (5) allowable gears and restrictions on the use specific gears. Please refer to the FMP for specific information regarding these harvesting restrictions.

Framework Procedures: The proposed rule would establish a framework procedure by which the SAFMC could adjust certain management measures, such as stock status determination criteria, harvesting restrictions, and permit requirements, through an abbreviated rulemaking process.

## Addresses

The FMP, which includes an Environmental Impact Statement, an Initial Regulatory Flexibility Analysis (IRFA), a Regulatory Impact Review (RIR), a Social Impact Assessment, and a Fishery Impact Statement, is available from:

South Atlantic Fishery Management Council  
One Southpark Circle, Suite 306  
Charleston, SC 29407-4699  
Phone: 843-571-4366; fax: 843-769-4520  
e-mail: [safmc@safmc.net](mailto:safmc@safmc.net)

NOAA Fisheries prepared a "Supplemental Economic Analysis, Regulatory Impact Review and Regulatory Flexibility Act Analysis" that augments the findings of the FMP's IRFA/RIR. This supplemental analysis is available from the Fisheries Economics Office, NOAA Fisheries Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Written copies of the proposed rule may be obtained from the NOAA Fisheries Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Electronic copies of the proposed rule may be obtained from the *Federal Register* website at <http://www.gpoaccess.gov/fr/index.html>.

Comments regarding the proposed rule should be sent to Dr. Steve Branstetter at NOAA Fisheries Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may be submitted via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or Internet.

All comments on the proposed rule must be received before 4:30 PM eastern time, on **December 18, 2003**. Comments on non-regulatory actions in the FMP are being accepted through November 25, 2003. All comments received by NOAA Fisheries on the FMP or the proposed rule will be addressed in any final rule that is published to implement the actions proposed in the FMP.

This and other news releases are available on the Southeast Regional Office homepage at <http://caldera.sero.nmfs.gov/>. NOAA Fisheries is an agency of the Department of Commerce.