Alabama Charter Fishing Association

P.O. Box 222

Orange Beach, Alabama 36561

Chair Leann Bosarge
2203 N. Lois Avenue
Suite 1100
Tampa, Florida 33607

January 24,2017

Dear Chair Bosarge and Council Members:

The Alabama Charter Fishing Association recommends that the Gulf of Mexico Fishery Management Council support the amendment to the reef fish fishery management plan that will require all federally permitted vessels to employ mandatory electronic logbooks. The National Academy of Sciences in 2006 and more recently reviewed the programs responsible for collecting marine recreational fishing data: both reviews urged the National Marine Fisheries Service to include electronic logbooks as the preferred method of data collection for the nation's charter for-hire fleets.

Electronic logbooks will modernize the charter for-hire's portion of recreational sector and bring more accurate and timely data collection to the Marine Recreational Information Program. Better data can create more stability in the fishery; build more trust toward the data since it is reported by our fleet; and it can provide better management tools for managers to make more informed decisions that effect our fisheries.

Electronic Logbooks can:

- Consolidate the three data collection programs that currently cover the recreational charter for-hire fleet, streamlining the reporting method.
- Report fishing effort in near real-time, allowing mangers and scientists the ability to study effort and make needed adjustments seasons to maximize the access, the stability, and the health of the fishery
- Possibly reduce the uncertainty that leads to large management and science buffers that limit the maximum benefits of the fishery to the charter for-hire fleet and the coastal communities' economies that rely upon healthy fisheries and robust small fishing businesses

- Provide nimbleness in management decisions in the event of inclement weather events, man-made disasters, or natural disasters

The Alabama Charter Fishing Association urges Council to support the amendment to require all Gulf of Mexico federally permitted charter for-hire boats to carry an agency-approved electronic logbook to report catch. The electronic logbook requirement is a investment in our fisheries, the Gulf's federally permitted charter for-hire fleet, and coastal communities that drive the Gulf of Mexico's coastal economies that can reap huge rewards.

Sincerely,

Tom Steber
President, Alabama Charter Fishing Association

January 24, 2017

Ms. Leann Bosage
Chair, Gulf of Mexico Fishery Management Council
5301 Ladner Avenue
Pascagoula, MS 39581

Dear Ms. Bosage:

In July, 2012 as Mayor of the City of Clearwater, Florida, I expressed the City of Clearwater and its City Council's views on the Gulf of Mexico Fisheries Management Council's (GMFMC) then pending management actions. Since the implementation of the rules, it is my understanding that over 95% of the Clearwater charter/for hire fleet has voluntarily participated in the use of electronic logbooks as part of the pilot study gathering both catch and release data for Gulf Species. They actively do their part to support the GMFMC's decisions for sustainability and access for all fishermen.

The City of Clearwater has been advised that the Gulf Council Meeting in New Orleans January 30 – February 2017 will be reviewing comments and testimony prior to taking final action on several Gulf Fisheries Reporting requirements. These issues include:

- Electronic reporting for "For-Hire" Vessels in the Gulf of Mexico
- South Atlantic Fishery Management Council's modifications to Charter Vessel and Headboat Reporting Requirements

As an active "Coast Guard City" and a significant hub of Florida's West Coast recreational, charter, and headboat fishing activity, the City of Clearwater is pleased by the use given to electronic logbooks (ELB's) to support measures that meet or enhance continued reporting requirements. It is hoped that any revision will not adversely impact these businesses as cooperative efforts by the GMFMC, commercial, and recreational fishermen continue toward species preservation.

Again, thank you for the efforts of the council, and your making this letter a part of the official record is appreciated.

Sincerely,

--george n. cretekos

George N. Cretekos
Mayor, City of Clearwater
727-562-4050
george.cretekos@myclearwater.com

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(please note that under Florida's public record laws, written communications, including e-mails, to and from members of city council regarding official business are public record and will be made available to all members of the Clearwater city council and the press)

January 19, 2017

Ms. Leann Bosarge, Chair
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: For-Hire Electronic Reporting

Dear Chair Bosarge,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of recreational fisheries in the Gulf of Mexico. **We support adoption of the generic amendment to modify charter vessel and headboat reporting requirements ("for-hire electronic logbook amendment") for final approval with the current preferred alternatives at the January 2017 meeting, with one modification to reporting requirements as described below**. By adopting this amendment, the Gulf of Mexico Fishery Management Council (Council) will take a significant step to implement a data collection and fishery monitoring system that has the potential to meet the needs of stakeholders, while promoting sound conservation of the resource.

When implemented, the electronic reporting program should:

- Improve the quality and timing of data for catch monitoring.
- Improve the estimates of discards and release mortality used in stock assessments.
- Allow for responsive, in-season management and timelier decision-making.
- Enable a better understanding of fish spatial distribution and associated fishing activity.
- Increase user confidence in data and management.
- Lead to better accountability and stability in the for-hire fleet, if coupled with properly designed management plans, such as those potentially offered in Amendments 41 and 42.

Approval and implementation of electronic reporting for the entire for-hire fleet with the current preferred alternatives and the minimum data elements listed in the amendment is an important move toward a more accountable management system for this sector. All actions and alternatives in this amendment are consistent with recommendations from the Council's Technical Committee tasked with helping to design the overall structure for electronic reporting. The amendment would require all federally permitted for-hire vessels to submit trip and catch

information electronically for all managed reef fish and coastal migratory pelagic species prior to returning to the dock, via approved devices capable of providing archived vessel position, at a minimum. This program would also require captains to "hail out" and "hail in," which is intended to provide needed accountability and to ensure validation of the reported data.

- **Preferred Alternative 4 in Actions 1 and 2** requires submitting fishing reports prior to returning to the dock. This "trip level" reporting offers the most accurate and timely application of electronic logbooks, as it reduces "recall bias"[1] and provides the means for strong validation of the data.[2]
- **Preferred Alternative 2 in Action 3** requires "hailing out" -- reporting expected return time, location, and the number of anglers on board. Requiring hail out increases efficiency of dockside validation and biological sampling from landed catch, which is important for catch monitoring and stock assessments.[3]
- **Preferred Alternative 3 in Action 3** requires "hailing in", which will also maximize dockside sampling and efficiency while enhancing validation of catch and trip reporting. The minimum variables[4] to report prior to returning to the docks include the number of fish harvested and released by species, the disposition of released fish, and primary depth fished. For the disposition of released fish, the current recommendation is only for HMS species. It is unclear why reef fish and other species are currently not included. W**e recommend that reporting the disposition of <u>all released fish</u> should be included as an option for the program design, as this is critically important for estimating release mortality in stock assessments and discard mortality is a major factor in the determination of annual catch limits for many Council-managed species, not just HMS**.
- **In Action 4, Preferred Alternative 2** requires submitting reports via NMFS-approved devices that provide archived location data, at a minimum. Archiving fishing location can be important for
    - estimating release mortality used in stock assessments,
    - assigning fishing activities to specific jurisdictions (*e.g.*, state or federal waters, Gulf or South Atlantic federal waters),
    - evaluating spatial management and location of fishing activities,
    - monitoring species and fishery distribution under changing environmental conditions, and
    - enhancing safety at sea.[5]

The preferred alternatives of the generic electronic reporting amendment set up an overall framework for a well-designed electronic logbook program. Together with the recommended

[1] Recall bias is the amount of error or uncertainty to an event relative to the gap in time in reporting that event.
[2] Technical Subcommittee Report to the South Atlantic and Gulf of Mexico Fishery Management Councils: Recommendations for Electronic Logbook Reporting. November 2014. Tab E, No. 4 in the January 2015 Gulf Council briefing book, pg. 6.
[3] Summary for the Data Collection Technical Committee (Webinar) Tampa, FL September 29, 2016. Tab F, No.5(a) in the October 2016 Gulf Council briefing book., pg 2.
[4] Ibid, pg. 2-3.
[5] Ibid., Table 1, pg 8.

data elements provided by the Technical Committee, the electronic reporting system should improve the quality and timing of data used for catch monitoring and stock assessments for all federally managed species caught by charter vessels and headboats. Coupled with management strategies under development in Amendments 41 and 42, electronic reporting can also provide maximum flexibility and accountability for the red snapper charter fishery, and any other species that may be included in those amendments.

Once approved, additional steps are necessary to implement the electronic logbook program in the Gulf. Specifically, strong coordination between the Council, the National Oceanic and Atmospheric Administration's Fisheries Service, fishery participants and other stakeholders in designing the specifics of the program is essential. We suggest directly engaging for-hire operators experienced in electronic reporting systems, such as those who were or are participants in past or ongoing pilot electronic reporting programs. This could entail establishing a working group, hosting one or more workshops, or other means to ensure fishery participant input is directly included in the design of the program. We also encourage maintaining maximum flexibility for which data elements to incorporate in the design of the program, recognizing that additional elements could be included over time as data needs change.

Conclusion

We urge the Council to adopt the generic plan amendment requiring electronic logbook reporting for the for-hire industry with the current preferred alternatives with the modification we recommend for Preferred Alternative 3 in Action 3. Once implemented, data generated from this program can have numerous benefits and applications, as briefly described above, and most importantly can help improve management and accounting of the for-hire sector. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,

Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

NAPLES GUIDES ASSOCIATION

January 19. 2017

Chair Leann Bosarge
2203 N Lois Avenue
Suite 1100
Tampa, Florida 33607 USA

Dear Chair Bosarge and Council Members:

The Naples Guides Association supports the Gulf of Mexico Reef Fish Management Plan framework action to require federally permitted charter-for-hire vessels to carry a National Marine Fisheries Service approved electronic logbook. The National Academy of Sciences has reviewed the nation's recreational data programs twice and have recommended the use of electronic logbooks for the charter for-hire fleet in 2006 and recently reaffirmed this decision in a second review.

The Naples Guides Association believes that robust data is the key to better and successful management of our fishery. An electronic logbook can help us achieve this goal by giving managers near real-time data that they can base their decisions on. More timely data will in turn maximize our fisheries' uses and therefore trickle down to protect and maintain the health of the Gulf's coastal communities. Electronic logbooks provide a number of benefits to fishermen, managers, scientists, and the resource.

Some of the benefits of electronic logbooks are:

- Allow near real-time catch data that will hopefully allow managers to adjust buffers and seasons to maximize fishery benefits for coastal economies and the charter fleet
- Streamlines the three recreational monitoring programs in the Gulf of Mexico charter for-hire sector to a single entity, allowing efficiency and standards across the fishery
- Gives managers fleet data on a more timely basis
- Invests fishermen in the data they report, placing accountability and responsibility in the hands of the fleet
- Allows managers to respond to problems like overfishing, weather events, or manmade disasters quickly, therefore eliminating long-term affects on the fishery, the fleet, and the Gulf's coastal economies

The Naples Guides Association strongly urges the Council to vote in support of the framework action to require electronic logbooks in the charter for-hire fleet.

Sincerely,
Captain Will Geraghty
President Naples Guides Association
Grand Slam Charters

106 E. 6th Street
Suite 400
Austin, TX 78701

Ocean Conservancy
Start a Sea Change

512.542.3331 Telephone
512.542.3332 Facsimilie
www.oceanconservancy.org

January 22, 2016

Gulf of Mexico Fisheries Management Council
Attn: Kevin Anson, Chairman
2203 N. Lois Avenue
Suite 1100
Tampa, FL 33607

RE: Modifications to Charter Vessel and Headboat Reporting Requirements Public Hearing Draft

Dear Chairman Anson:

Ocean Conservancy[1] is writing to provide comment on the final draft of the Generic Amendment regarding Modifications to Charter Vessel and Headboat Reporting Requirements.[2] We support the Council's current preferred alternatives for the three actions in this amendment. This amendment is a step forward in both modernizing data collection and improving the timeliness of data delivery to National Marine Fisheries Service (NMFS) from the federally permitted charter vessel and headboat fleets in the Gulf of Mexico. Timely data is a critical need for the Gulf of Mexico Fishery Management Council (Council) to achieve its conservation goals. When approved, the amendment will support the Council in making more informed and timely management decisions for the headboat and for-hire fishery.

While this amendment will improve monitoring of the federally permitted charter vessel and headboat fleet, additional language needs to be added to the final amendment in order to support the robust electronic reporting system the Council envisions. Specifically, we recommend the Council address these three points:

- Specify accountability measures for non-reporting
- Clarify "no-trip" reporting for charter vessels

[1] Ocean Conservancy is a non-profit organization that educates and empowers citizens to take action on behalf of the ocean. From the Arctic to the Gulf of Mexico to the halls of Congress, Ocean Conservancy brings people together to find solutions for our water planet. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations.

[2] GMFMC. 2015. Modifications to Charter Vessel and Headboat Reporting Requirements. Generic Amendment to the Reef Fish Resources of the Gulf of Mexico and the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic: Public Draft. Gulf of Mexico Fishery Management Council, Tampa, Florida.

While not discussed in this amendment, it is clear the NMFS will need to initiate work to develop and design an electronic reporting tool, such as an electronic logbook in order to increase the precision of catch and effort data from the charter for-hire fleet. In order to increase the likelihood of success for this endeavor, the Council should request that the NMFS create a working group composed of stakeholders, specifically charter for-hire and headboat operators, to provide advice in the design of technology-based data collection program used to report and monitor their catch and effort.

- Request the Southeast Fisheries Science Center (SEFSC) convene a working group of representatives from the charter for-hire industry to advise the SEFSC in the development of an electronic reporting program.

Amendment: Accountability and Reporting

- **Accountability measures for failure to report are essential to the success of this amendment.**

The Council should identify and describe accountability measure for vessels that do not report on the timeline specified in Action 1, preferred alternative 4. Accountability is key to the success of this amendment. As has been noted in multiple Council meetings, this electronic monitoring program for charter vessels and headboats is envisioned to be a self-reporting census. Success of this program will rely heavily on permit holders to report of their own volition. As noted in the Marine Recreational Information Program electronic logbook pilot project,[3] the likelihood of non-reporting increases with a lack of immediate consequences. We therefore recommend the Council add language to this amendment similar to language found in the Southeast Regional Headboat Survey electronic logbook reporting requirements,[4] whereby vessels that do not report their data by the specified date are subject to having their fishing permit suspended until all delinquent reports are received by NMFS.[5]

- **Council must decide if charter vessels must provide "no trip" forms when not fishing**

The Council has not definitively stated if they wish for the federally permitted charter for-hire fleet to report to NMFS when they are not fishing. This reporting element is currently required by the Southeast Regional Headboat Survey via the headboat electronic reporting amendment.[6] Reporting non-fishing data is an essential element needed to improve management's understanding of the charter for-hire fleet's effort patterns. Non-fishing, or "no trip", data will

[3] Donaldson, D., G. Bray, B. Sauls, S. Freed, B. Cermack, P. Campbell, A. Best, K. Doyle, A. Strelcheck, and K. Brennan. 2013. For-hire electronic logbook study in the Gulf of Mexico: final report.
[4] GMFMC. 2013. Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. Gulf of Mexico Fishery Management Council, Tampa, Florida.
[5] 50 CFR §§ 622.4(i), 622.5(b), 662.26(b).
[6] GMFMC. 2013. Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. Gulf of Mexico Fishery Management Council, Tampa, Florida.

increase the precision of fishery estimates by removing uncertainty of vessel effort and, therefore, will yield a concomitant increase in catch estimate precision. Ocean Conservancy recommends that "no trip" reporting be added to the amendment.

Working group of stakeholders

It is clear that NMFS will need to design, develop and test the technology and method used to support the provisions of this amendment. As this monitoring plan takes shape, it is critical for stakeholders to be involved in its evolution. The National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan[7] reiterates this point in stating that regional goals should include "improving perceptions and stakeholder buy-in regarding the data collection process…" and "…establishing effective partnerships with stakeholders."[8] Further, the report states as part of Phase I, "Regional [Councils] will also be encouraged to establish EM/ER advisory panels to advise on EM/ER development and implementation."[9]

To ensure a stakeholder inclusion in the development process, the Council should request, through a stand-alone motion, that NMFS create a special working group composed of industry representatives to give guidance and provide expertise in the design and development of reporting technology and program processes associated with this amendment.

Conclusion

Ocean Conservancy offers our support for the Council's proposed Modifications to Charter Vessel and Headboat Reporting Requirements Generic Amendment. This amendment connects to the long-term vision for electronic reporting and monitoring, as noted in the National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan.[10] The amendment is a foundational step toward modernizing data collection to meet today's management needs and is an important milestone for electronic monitoring and reporting of fishery dependent data. It will allow the Council to make more informed and timely decisions regarding the Gulf's fishery resources.

We look forward to seeing how the lessons learned from this new requirement can be applied to other fisheries and other regions. In order to maximize the benefits of this amendment, we recommend that non-reporting accountability measures and reporting of no-fishing days be addressed by the Council at their January meeting in Orange Beach, AL.

We appreciate the opportunity to comment on this amendment and look forward to working with the Council in the future.

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[7] NMFS. 2015. National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan. February 26, 2015. National Marine Fisheries Service. Southeast Regional Office St. Petersburg, Florida.
[8] *Id*. at 4
[9] *Id.* at 6
[10] *Id.*

Sincerely,

Todd Phillips
Fishery Monitoring Specialist
Ocean Conservancy
106 E 6th Street, Suite 400
Austin, TX 78701

cc:
Dr. John Froeschke

Modifications to Charter Vessel and Headboat Reporting Requirements

Telephone Log

Captain Mike Kessler – This is a bad idea. Many can't afford to purchase this equipment. Having to call in catch two hours before arriving at the dock is impractical – what if they need to come in early. No computer access. Don't mind reporting, but these requirements will be a burden and could put him and others out of business.

Don Jones – Grouper regulations have already had a negative impact on the industry. The cost of VMS and electronic logbooks is going to put a lot of Captains out of business. They can't fish in state waters when Federal waters are closed, but there are a lot of State charters fishing in Federal waters illegally (Ft. Meyers). No computer access.

Captain Mike – No computer access or knowledge. Has been operating his boat for 20 years and has no technology abilities. VMS and electronic logbooks would be a burden, both cost-wise and having to operate with no computer knowledge.

Larry Conley – Business was cut by ¾ with the grouper closure. VMS would put him out of business. He has no help on his boat so having to operate equipment while tending to customers and ensuring safety would be a burden. Also concerned about a data breech with the VMS – does not want his fishing spot coordinates to be made public. Has no problem calling in his catch, but not while in transit. No VMS.

Harold Miller – Grouper closure has been a big hit to the industry. No to VMS. Willing to submit a catch report, but cannot affort to purchase equipment.

Capt. John Topicz – Many of the boats are too small to add large antennas. He doesn't see what VMS would help. There are days that fishermen don't harvest anything or only want to keep what they can eat – how would days like that effect his catch history? Having to report, especially since he doesn't have a mate, would be difficult for him. He's busy with clients,

driving, and cleaning so, having to report before landing would be difficult. Reporting electronically would be okay as long as he doesn't have to report more frequently than he already does.

Chris Agin – Does not support the use of VMS on charter boats. It's not necessary for the daily excursion type fishermen to have one. They don't take long trips that last more than a day so the information is not useful. He already sends in a paper logbook of what he catches in weekly intervals. He is open to submitting that weekly report online but daily seems to be too much, especially since he doesn't fish every day. He already has other responsibilities on fishing trip days like hosting customers, driving the boat, etc. so there is no need to add the extra responsibility reporting while he is operating the charter.

WE HAVE ENOUGH REGULATION. I DON'T WANT TO REPORT TO YOU OR ANYBODY WHAT I CATCH.

Gulf of Mexico Fishery Management Council

2203 N. Lois Avenue
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LEAVE REGS. ALONE

Shelly Bell

Charter Fishermans Association

December 15 2015

Dear Chairman Anson and Gulf Council Members:

Thank you for the opportunity to address the council on the modification of reporting requirements for charter vessel and headboats. This is a huge opportunity for these vessels to provide timely, accurate data while increasing accountability.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations and concerns for the Gulf Council's consideration:

Any modifications to reporting requirements for charter vessels and headboats should be paired with and tailored to management measures for these vessels as outlined in Amendment 41 and 42. Management and development of reporting requirements are inherently linked and must be tailored to management measures for of these vessels. Ignoring this in the development will yield a duplicative and fruitless initial effort as management evolves.

The Council should direct NOAA to consider whether the electronic reporting system can be designed so that charter vessels and headboats should have the flexibility and choice to use a variety of electronic reporting devices rather than being specifically limited to a Vessel Monitoring System. There are several available ideas like a smartphone application, or location enabled logbook or transponder that would be sufficient for charter vessels and headboats.

Data should be submitted electronically in any future reporting system prior to reaching the dock to best inform land based validation and enforcement personnel.

We appreciate the opportunity to provide input and look forward to continuing to develop these modifications this January in Orange Beach. Additionally, please feel free to contact me with any questions or to provide any feedback to our organization.

Sincerely,

Shane Cantrell, Executive Director
Charter Fisherman's Association
512-639-9188
shane.Cantrell@iCloud.com

Charter Fishermans Association

October 7 2015

Dear Chairman Anson and Gulf Council members:

We, the Charter Fisherman's Association, thanks the Gulf Council for joining our fishermen in Galveston and hope everyone has enjoyed their time in the great state of Texas. We appreciate many of you joining us at the Fishermen's Social with the Lighthouse Charity Team as well.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations for the Council's consideration:

Amendment 39

The federally permitted charter fleet has made it abundantly clear that **we want to be excluded from Amendment 39 and see it proceed as a vehicle specifically for private anglers**. So Action 2, Alternative 2 is the only path we support moving forward.

Considering the issues between jurisdiction of state and federal waters, there's a law enforcement hurdle. By adding in season closures for federal or state waters it only further complicates the amendment when federally permitted charterboats are included. By removing the CFH fleet, the amendment, Amendment 39 becomes a much simpler and more feasible Amendment. The charter industry has reached out across state lines to develop a Gulf-wide vision for management that would give us more business stability, flexibility for our customers, and accountability for the resource – to lump us into a state based management scheme would make this progress impossible.

Amendments 41 and Amendment 42

We look forward to working with the council in January with the feedback from scoping meetings over the next few weeks to continue developing those Amendments respectfully with the council.

Gag Grouper

We would like to see Gag Grouper season go to a June 1 opening and 24 inch size limit

Gray Triggerfish

Based on on the water professional experience, triggerfish are very abundant and that really conflicts with the current model. We request a new benchmark assessment for gray triggerfish be

a priority. This would allow for an overhaul of the current model to take into account sargassum coverage, year to year recruitment trends and allow for more accurate forecasting when setting the parameters fishermen will be fishing under.

Electronic Logbooks

This tool is a critically important part of providing data for managers and developing more accountable management measures. If properly implemented, and paired with proper management it should lead to reduced management uncertainty and to harvest of fish that are currently held back in the buffer. We are ready to move forward with ELB development and ask the council and NOAA to accelerate this improvement for the federally permitted charter fleet.

Sincerely,

Shane Cantrell, Executive Director
Charter Fisherman's Association
512-639-9188
shane.Cantrell@iCloud.com

October 2, 2015

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: Red Snapper Regional Management, For-Hire Electronic Reporting, Gag Management and Gray Triggerfish Rebuilding

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of key fisheries in the Gulf of Mexico. It's important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the October 2015 meeting, the Council has the opportunity to create management systems suitable to the needs of the red snapper recreational fishery while promoting conservation of the resource. Additionally, important decisions are needed to complete the for-hire electronic reporting requirements and monitoring program. Lastly, it is imperative that the Council set the stage for recovery of gag and gray triggerfish – two of the most important and popular species in the Gulf of Mexico. The main points on these specific issues are summarized below, followed by additional details.

Recreational Management and Accountability

- In Amendment 39, we urge adoption of Alternative 2 in Action 2 to apply the regional management plan to the private recreational component only. Removing the federally permitted for-hire vessels from the plan fosters conservation and maximizes flexibility for each component by providing a means to design tailored management plans that build in data needs and strong accountability measures.
- We encourage moving forward on the electronic reporting amendment for the for-hire fleet, in conjunction with Amendments 41 and 42. However, some key issues remain to be addressed on the electronic logbook amendment, which we detail below.

Sustainability and Recovery of Popular and Important Species

- For final action on gag management, we support **increasing the recreational size limit to 24 inches** (Alternative 2 in Action 1) and **extending the recreational fishing season through December** (Preferred Alternative 2 in Action 3). Additionally, we support **initiating a framework action to evaluate the effect of increasing the commercial minimum size limit for gag**.

- The new gray triggerfish benchmark assessment indicates the population is still severely overfished, and won't meet the 2017 rebuilding target. The Council should **initiate a new rebuilding plan with conservative catch levels** as soon as possible.

Red Snapper Recreational Management and Accountability

Management of the red snapper recreational fishery is once again at a crossroads. The Council is developing programs specific to the for-hire fishery while simultaneously finalizing a regional management plan that also includes the for-hire vessels. The best means to design management to benefit both components of the recreational fishery and the resource is to adopt regional management (Amendment 39) for the private recreational fishery and to continue developing Amendments 41 and 42 for the for-hire component. Implementing strategies for the separate components of the recreational fishery has the potential to effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

The Council's proposed electronic logbook (ELB) program for the Gulf's for-hire fleet will complement Amendments 41 and 42, which are aimed at providing maximum flexibility and also accountability for the for-hire fleet. Similarly, data collection programs under development at the state level should support regional management of the private recreational fishery. Amendment 39 offers more flexible management for the private recreational fishery, while maintaining accountability by ensuring the conservation requirements of the MSA remain in place and taking advantage of these state-based data collection programs. Therefore, to best promote conservation, accountability, and flexibility for both recreational components of the red snapper fishery, we s**trongly urge the Council to remove the federal for-hire vessels from the regional management plan by adopting Alternative 2 in Action 2 of Amendment 39 as the preferred alternative**. Also, working with the industry participants, we **encourage the Council to continue developing Amendments 41 and 42 in conjunction with the ELB amendment**.

Implementing Electronic Logbooks for the For-Hire Fishery

We are pleased with the progress made to date on developing an electronic reporting and monitoring program for federally permitted for-hire vessels in the Gulf of Mexico. Based on our observations and communications, industry leaders and participants strongly support ELB. We support the Council's preferred actions in the electronic reporting amendment on trip level reporting and using "NMFS-approved electronic devices" to track fishing effort and location. To achieve implementation in 2017, the Council must address several key issues.

At the August 2015 meeting, the Council approved a motion that addressed many of these issues and asked the technical subcommittee for details of the program. Hopefully, this process is well under way. However, to facilitate moving this amendment forward, the Council should discuss and resolve the issues listed below at the October meeting:

1. **Specify how data at the trip level for charter and headboats is to be used to determine whether catch estimates for federally managed species should be produced daily, weekly, or within some other time frame.**
2. **Specify what "NMFS approved hardware and software" will be allowed and used in the ELB program.**
3. **Specify what "NMFS approved electronic devices" are to be allowed and used in the ELB program.**
4. **Determine what agency or entity will be the lead on designing and implementing the program and the intended use of the data.**
5. **After resolving the above issues, develop detailed cost estimates and resource needs for implementing the ELB program in the Gulf.**
6. **Determine potential available funding sources according to program needs.**

Addressing these issues should be instructive for development of the ELB program and beneficial to the technical subcommittee as they develop the data protocols and standards reference document. These are also questions that are likely to be asked by the fishermen who would be subject to any new requirements.

While developing the ELB amendment, it's important to recall the importance and benefits of an electronic monitoring and reporting program. A well-designed ELB program coupled with management strategies such as those under development in Amendments 41 and 42 can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by the federal for-hire fleet, not just red snapper. Specifically, the data obtained through the ELB program offers many benefits that will:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded catch in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans.
- Increase user confidence in the data and management.

A successfully designed program requires balancing the tradeoffs of data needs with associated costs and constraints. Additionally, industry support and compliance is crucial for a successful

program. Therefore, it is imperative that the details of the program be addressed and documented as soon as possible and that the Council sends a strong message to the for-hire industry by showing full support for development and expedient adoption of the ELB amendment.

Designing Gag Management for Full Recovery

The 2014 gag stock assessment (SEDAR 33) [1] indicated the population is no longer overfished nor undergoing overfishing. However, more recent data analyzed by the Southeast Fisheries Science Center and reviewed by the Council in June indicates that the population and fishery indicators are trending downward.[2] These trends are consistent with fishermen testimony that the assessment was overly optimistic. In fact, both the commercial and recreational fisheries have not been catching their quotas in recent years, an indication that the population may be in trouble. For these reasons, the Council opted to maintain catch limits at current levels rather than increasing them, an action we support.

With an assessment update scheduled to be available in early 2017, it is likely that the outcome will not be as favorable, given the current indicator trajectories. This in turn could lead to future restrictions. Management measures should be focused on maintaining fishery stability and population sustainability. Substantially increasing the length of the recreational fishing season now may jeopardize the health of the population at a time when there is high uncertainty about the condition of the population. Current catch monitoring programs do not allow rapid management action should the quotas be met or exceeded during the season, which could be exacerbated by substantially extending the recreational fishing season. Thus, we do not believe that alternatives 3 or 4, which would remove the January through June gag seasonal closure, are prudent options at this time.

However, increasing the size limit improves the spawning potential by allowing a higher percentage of larger females to reproduce before they enter the fishery without a significant increase in discard mortality. Therefore, **we support finalizing the gag Framework Action with the Council's current preferred alternatives, which would increase the recreational minimum size limit to 24 inches, and include a modest extension of the end date for the recreational season from December 3 to December 31, when catch rates are low.** Together, these two actions should provide a biological boost for the population while providing some additional fishing opportunity. This is particularly true for anglers in South Florida where gag are more accessible during this time of year. In addition, **we also support initiating a framework action to evaluate increasing the commercial minimum size limit to 24 inches as recommended by the Reef Fish Advisory Panel**.

[1] SEDAR 33. 2014. Gulf of Mexico Gag Stock Assessment Report. SEDAR, North Charleston SC. 609 pp. Available online at: http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=33.

[2] Tab 6, May 2015 SSC meeting briefing book Updated indices of abundance for gag grouper in the Gulf of Mexico. NOAA Fisheries, May 4, 2015.

Gray Triggerfish Rebuilding

The newly completed standard assessment for gray triggerfish (SEDAR 43)[3] indicates that the population is still severely overfished with no sign of recovery. Hence, the rebuilding target of 2017 will not be met. As suggested by the Scientific and Statistical Committee (SSC)[4], the Council should initiate a new rebuilding plan as soon as possible designed to provide biological improvement for the population. Unfortunately, catch level projections produced by the assessment are unreliably high and were rejected by the SSC. In fact, current catch levels haven't allowed full recovery of the population. Thus, new catch levels should be more conservative than current levels, and should be coupled with management measures such as properly timed closed seasons that take the biological needs of the species into account.

Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,

Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

[3] Tab 6, SSC September 2015 Briefing Book. SEDAR 43, Standard Stock Assessment Report for Gulf of Mexico Gray Triggerfish. August 2015. SEDAR, North Charleston, SC.
[4] Tab B - 4, October 2015 Gulf Council Briefing Book. Standing and Special Reef Fish SSC Meeting Summary. Tampa, Florida. September 1-2, 2015.

October 4, 2015

Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2203 North Lois Ave, Suite 1100
Tampa, FL 33607

Dear Chairman Anson,

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance), please accept the following comments on the following issues to be discussed at the Gulf of Mexico Fishery Management Council (Gulf Council) meeting in Galveston, Texas this week.

Amendment 39 (Regional Management)

- **We continue to strongly support Action 2 Alternative 2 - regional management for private anglers.** This alternative is endorsed by a vast majority of the charter/for-hire sector, and is also supported by the Reef Fish Advisory Panel (AP). The charter/for-hire fleet wants to remain under federal management and the protections it affords their businesses.

Gray Triggerfish

- **We support the Reef Fish AP's overwhelming recommendation to untable Amendment 33 and consider gray triggerfish in the document.** Commercial management of gray triggerfish isn't working – biomass and spawning potential are at or near all-time-lows while commercial discarding continues to rise and commercial quota overages have occurred in two of the last three years. Untabling Amendment 33 will give the industry and the Gulf Council the chance to discuss whether an individual fishing quota (IFQ) could effectively solve some of these problems and help rebuild this fishery.

Joint Amendment to Require Electronic Reporting for Charter Vessels and Headboats

- **We support the AP's overwhelming recommendation to proceed with the charter/headboat electronic reporting document *separately* from the South Atlantic.** Splitting this document will allow the Gulf Council to move forward more quickly and effectively to implement this positive program and acknowledges the preference the Gulf fleet has for trip-level reporting (as opposed to the South Atlantic's preference for weekly reporting).

Gag

- **We support the AP's recommendation to increase the recreational gag size limit to 24 inches** in order to help promote conservation of this species.
- **We also support the AP's unanimous recommendation to adjust of the recreational season to include a winter season (January 1-31)** in order to maximize economic opportunities for the charter boats reliant on gag grouper, while continuing to manage this species under federal ACL/ACT requirements.
- **Furthermore, we support the AP's unanimous recommendation to increase the commercial gag size limit to 24 inches if the recreational gag size limit is increased to 24 inches.** This will create parity between the sectors and will help promote conservation of this species.

Hogfish

- **We support the AP's recommendations that define the hogfish management unit, identify maximum sustainable yield proxy and (a conservative) minimum stock size threshold and initiate a plan amendment for hogfish management. We also support the AP's recommendations to create a recreational/commercial split of the hogfish allocation and to increase the minimum size limit from 12 inches to 14 inches.** These measures are necessary to improve hogfish management and conservation.

Coral Habitat Areas of Particular Concern (HAPC)

- **We support the AP's unanimous recommendations to develop a working group where scientists and fishermen collaborate to identify new and existing coral areas in need of protection.** A working partnership like this will help ensure that HAPCs maximize the most critical habitat protections while engaging fishermen to operate their gear in an accountable manner that causes the least amount of habitat damage. We believe that responsible, low-impact commercial fishing can continue to coexist with habitat protection – the two ideas are not mutually exclusive.

Reef Fish Amendment 41 and 42

- **We support moving forward with Amendment 41 and 42 to develop charter/for-hire and headboat red snapper and reef fish management plans.** Doing so will afford these groups the opportunity to develop accountable management plans that work for their businesses and promote sustainable harvesting.

Ad Hoc Private Angler Advisory Panel AP

- **We support the immediate development and implementation of this AP, including a charge, membership, roles and responsibilities, and a timeline for meetings.** The chance for private anglers to come together to discuss fishery solutions is long overdue. Please stop stalling.

Recalibration

- **We support the AP's overwhelming recommendations to improve the use of recalibration in fishery management.**
- First, we support the AP's request to have the Science Center run additional red snapper recalibration projections using a range of assumptions that we believe are reasonable, including

1) that recreational selectivity will change over time (rather than remain constant) and 2) that recreational discard mortality is higher than 10%. We believe these assumptions are just as plausible as the ones used by the Science Center and should be evaluated.

- Second, we support the AP's request that all future Gulf Council decisions that involve recalibration use a more comprehensive analysis than the one recently used in red snapper, which was determined to be a "*preliminary, interim approach*" that "*may not be defensible from a scientific point of view*." Further, the recalibration approach chosen was the simplest of three approaches that were evaluated by the working group, which concluded "*We recommend that investigation continue on the remaining two methods. It is possible that one of them will be determined to be better at some future date.*" All we are asking is that in the future, the full suite of approaches be evaluated and reviewed by the Science and Statistical Committee before being used for management purposes.

Thank you for the opportunity to comment.

Sincerely,

Eric Brazer, Deputy Director
Gulf of Mexico Reef Fish Shareholders' Alliance

Capt. Shelton Bond

Double-O-Seven Charters

831 St Andrews Blvd

Naples, Fl. 34113

239-825-3893

September 24, 2016

Dear Mr. Doug Gregory:

I received your letter about reporting our catch each trip. I fish out of Marco Island. I hold a Federal and Six pack license.

Reporting for me would be a hardship as I do not use a computer.

If anyone would like to come to Marco Island and go fishing with me, I will take you out.

I think the two limit fish limit as in the current regulations is not nearly as good as if we had a four fish limit per person, like 16 or 18" and up. If it was set up this way we wouldn't have to catch 100 or more grouper in order to keep 2 per person. This current regulation is putting a real hardship on the individual charter captain.

Yours truly

Captain Shelton Bond

Double-O-Seven Charters

PHONE
239 825 3893

From: Capt Tom Adams [mailto:4tomadams@gmail.com]
Sent: Tuesday, September 27, 2016 9:49 AM
To: Roy Crabtree (roy.crabtree@noaa.gov) <roy.crabtree@noaa.gov>; martha.bademan@MyFWC.com; Nick Wiley (nick.wiley@myfwc.com) <nick.wiley@myfwc.com>; Kevin Anson (kevin.anson@dcnr.alabama.gov) <kevin.anson@dcnr.alabama.gov>; pam dana <fish@surelurecharters.com>; Douglass Boyd (douglassboyd@yahoo.com) <douglassboyd@yahoo.com>; John R. Greene Jr. (fishorangebeach@gmail.com) <fishorangebeach@gmail.com>; Chris Blankenship (chris.blankenship@dcnr.alabama.gov) <chris.blankenship@dcnr.alabama.gov>; Doug Gregory <doug.gregory@gulfcouncil.org>; john sanchez <Jmsanchez22@aol.com>; Myron Fischer (mfischer@wlf.la.gov) <mfischer@wlf.la.gov>; Robin Riechers <robin.riechers@tpwd.state.tx.us>; Dave Donaldson (ddonaldson@gsmfc.org) <ddonaldson@gsmfc.org>; Dale Diaz <dale.diaz@dmr.ms.gov>; Captaindavidwalker@gmail.com
Subject: VMS for charter boats

I am opposed to any type vms program for the charter for hire. Not only is it a large expense it has the opportunity to cost you several trips per yer due to breakdowmns with our already shortened seasons we cannot afford to lose any days. If you are going to require dockside checks after each trip(also a bad idea) you can just hail out hail in and accomplish the same goals.Waiting for a dockside interdept is fine for up to 10 minutes But if you have another trip going out in the afternoon Time is money! Also when 30 boats all come in at say 5:00 how would you service all them?

In fact hail out hail in with spot checks is the best and most economical way for data collection

--
Capt. Tom Adams
www.MexicoBeachCharters.com
311 Nutmeg st, Port St Joe, Fl 32456
850-381-1313

From: Mike Rowell <mike@captainmikesfishing.com>
Date: Wednesday, August 17, 2016 at 4:04 PM
To: Johnny Green <IntimidatorCharters@yahoo.com>, John Milner <GulfCouncil@gulfcouncil.org>
Subject: My public testimony

Hello
My name is Mike Rowell
I am the owner operator of the charter boat Annie Girl from Orange Beach Alabama. I was at the council meeting Monday Tuesday and Wednesday until noon at which time I had to leave. Unfortunately I was not able to stay and give my public testimony so I am writing this letter as I drive. I know that's is not suggested but I wanted to let you know in case there are misspelled words or incorrect grammar in my message.
The first thing I would like to address is electronic logbooks for the for-hire sector. As you know Alabama for-hire vessels have VMS installed on our vessels. There's a bit of a learning curve but other than that there is no "burden" whatsoever in using this system. We all know we've got to have accountable fisheries and this has been proven in the commercial sector. Why do we have to keep inventing the wheel! People are making excuses that this is a burden for them to use or whatever other excuse that they may come up with. We need the best and the most accurate Fisheries reporting that we possibly can get. I guarantee you every one of those people that are complaining about this being a burden or hard to understand or whatever has got a smartphone in their pocket that they use daily and never let it get out of their sight just like the rest of us and they know how to operate it and it's a lot more sophisticated than this laptop that has been provided to upload our information with.

The second thing I would like to address is what some people call a trophy fish. I'm referring to Red Snapper amberjack and triggerfish seasons. I am in favor of having a triggerfish season in the spring red snapper in the summer like it's been and amberjack in the fall. We need something to fish for all year or at least during our fishing season. Right now having red snapper amberjack and trigger fish closed at the same time is putting a heavy effort shift on other species that need some relief as well. It is also causing a lot of people to go to catch and release fishing. We know that this is not the answer with respect to release mortality.

Thank You

Mike Rowell

PANAMA CITY BOATMEN ASSOCIATION

P.O. Box 4151
Panama City, Florida 32401

August 9, 2016

Gulf of Mexico Fishery Management Council
2203 N Lois Avenue
Suite 1100
Tampa, Florida 33607

By email: gulfcouncil@gulfcouncil.org

Re: Our comments on the proposed data programs for the Fed permitted For-Hire Charter Vessels

To All Council Members:

On behalf of the members of PCBA I wish to provide the following comments on the proposed data programs for federal permitted charter for hire vessels. The proposals you are considering clearly have been developed by people who have absolutely no understanding of the how the charter fishing business operates in most of the Gulf, especially the Panhandle.

Some of the proposals considered require hail out/in with required dockside validation if selected. These proposals also mention a no sail provision if a trip is not reported. Many, if not most, charter boats take multiple trips in a day. As an example, over 75% of my personal business is based on multiple trip days which can include 3 trips back to back. Back to back is much like an airline schedule where when you have a scheduled departure and should you miss your departure time the rest of your trip is completely screwed up. Typically we schedule a trip to depart at 5:30 am to return at 9:30 am or 11:30 am, then have another trip scheduled to depart at 9:30 or 11:30 am to return at 1:30 or 5:30 pm. These times are based on 4 and 6 hour trips. In the case where I run three 4 hour trips the 3rd trip is scheduled to depart at 1:30 pm and return at 5:30. In between these trips turnaround time is usually no more than 15 minutes which is used to off load one party and their fish, carry the fish to the fish house, load the next party and depart. This type of effort is every day, especially during red snapper season. Many vessels operate in a similar fashion.

As you should be able to understand if the current proposals are adopted as is and I would be selected to be validated between trips and may have to wait on an enforcer/validator my schedule would be completely disrupted so that I would either have to cancel a trip and take a loss of money and have customers completely upset or be a violator. USCG regulations require that any USCG licensed Captain can only operate 12 hours in any 24 hour period away from a shore side facility on any vessel carrying passengers for hire. Fishing parties, which include many family trips, schedule their trips around their other activities and I seriously doubt any of them will be happy having to wait on a government representative, no telling how long since you currently do not have near enough personnel to do what you have proposed, and the next party booked will certainly not be happy waiting to go fishing as they normally have plans set after fishing.

Charter fishing is completely different from commercial fishing as what we do and how we do has the key component of the party that pays us for our service. Their enjoyment and satisfaction is primary to the success of our business, not catching fish to sell. We only depart on trips when we are paid to do so by customers who look forward to the trip they book and at the time they book it. Our business is successful because we provide a service to them that is on a fixed schedule where they plan other activities around the trip. Rarely do we have customers sit around after the trip is over to talk about the experience as they have plans for afternoon events, dinner, or other vacation activities. The additional, unnecessary burdens you place on our business have negative impacts on those who hire us. Their satisfaction with the fishing

experience demands serious consideration by the government manipulators who manage and control us.

If any of you happen to go on vacations with your families I am certain events are planned and are scheduled since most working families only have a couple weeks of vacation and generally only take a week at a time. When you have limited time to do whatever you have planned your schedule is very important and any disruption can create hardship and bad experiences for the group. Required dockside intercepts for selected vessels will create this nightmare.

In addition, as I stated above, you do not have the manpower to provide timely dockside validations and I doubt the federal government or state governments have the budget to hire the personnel necessary to do the job properly. Unlike commercial fishing operations that come and go at different times and days and the number of vessels are much fewer, the charter boats operating in the Gulf and elsewhere depart and return to the same slip at the same port on each trip. We operate on a fixed schedule which is only altered during times of adverse weather or mechanical breakdown. We have a small number of days to make a yearlong income and the trips we run are compacted into the short number of days. Unlike the virtual world of computers and the lack of knowledge of the how the industry works that you manipulate, the reality is we work long hours on consecutive days in a short period of time.

Also, at marinas like Capt. Anderson's, there are multiple boats docked there with each running schedules close to the other. At 5:30 am on any day during the season you will see every boat in the marina depart one behind the other. You see many of those boats return at the same time and then turn around and depart again. Does anyone fully believe that a few dockside enforcers/validators will be able to view a majority of the vessels? You should ask those who currently do the dockside validations if they are able to catch every vessel on every trip during the day. I suspect they will tell you it is impossible.

I submitted a proposed data collection plan that will provide the vast majority of the data necessary to track quotas and provide the catch and effort data for stock assessments with very little burden on the industry. The overly elaborate proposals you have come up with are on the verge of ridiculous and will cause economic harm if complied with. They will also cause hardship for the customers who hire us to take them on a fishing experience. It is difficult enough for us to keep people interested in fishing with the overly restrictive regulations without disrupting their entire vacations. The charter boat fleet operates in a way where your proposals are completely unnecessary. As a Council, especially with 2 charter boat owners at the table, you need to seriously consider the burden you are proposing to apply to an industry that works hard to provide a great recreational experience to the public and continues to provide good information to you. The burden you are proposing is completely unnecessary and not warranted.

Thank you,

Capt. Bob Zales, II
President

From: Bob Zales 2 [mailto:bobzales2@gmail.com]
Sent: Sunday, August 07, 2016 12:49 PM
To: Roy Crabtree (roy.crabtree@noaa.gov) <roy.crabtree@noaa.gov>; 'Bademan, Martha' <Martha.bademan@myfwc.com>; Nick Wiley (nick.wiley@myfwc.com) <nick.wiley@myfwc.com>; Jessica McCawley (jessica.mccawley@myfwc.com) <jessica.mccawley@myfwc.com>; Pamella Dana (pamdana@yahoo.com) <pamdana@yahoo.com>; 'john sanchez' <Jmsanchez22@aol.com>; Roy Williams (royowilliams@comcast.net) <royowilliams@comcast.net>; Myron Fischer (mfischer@wlf.la.gov) <mfischer@wlf.la.gov>; 'Robin Riechers' <Robin.Riechers@tpwd.state.tx.us>; Kevin Anson (kevin.anson@dcnr.alabama.gov) <kevin.anson@dcnr.alabama.gov>; dale.diaz@dmr.ms.gov; Douglass Boyd (douglassboyd@yahoo.com) <douglassboyd@yahoo.com>; Doug Gregory <doug.gregory@gulfcouncil.org>; Dave Donaldson (ddonaldson@gsmfc.org) <ddonaldson@gsmfc.org>; 'Johnny Greene' <fishgulfshores@gmail.com>; Leann Bosarge (Leann@Bosargeboats.com) <Leann@Bosargeboats.com>; Campo Matens (cematens@yahoo.com) <cematens@yahoo.com>; Captaindavidwalker@gmail.com; Greg Stunz (greg.stunz@tamucc.edu) <greg.stunz@tamucc.edu>; Chris Blankenship (chris.blankenship@dcnr.alabama.gov) <chris.blankenship@dcnr.alabama.gov>; Kelly Lucas Ph. D. (kelly.lucas@dmr.ms.gov) <kelly.lucas@dmr.ms.gov>; 'Randy Pausina' <rpausina@wlf.louisiana.gov>; Edward W. Swindell (edswindell@aol.com) <edswindell@aol.com>; Mara Levy (mara.levy@noaa.gov) <mara.levy@noaa.gov>; Bonnie Ponwith (bonnie.ponwith@noaa.gov) <bonnie.ponwith@noaa.gov>
Subject: fishery data system

I am sending my suggestion for a recreational fishery data system attached to the email I sent on 7-31. My suggestion for data collection is clearly a voluntary system, which is clearly contrary to nmfs data system beliefs, but could be required much like the current fhs reporting system. My plan has little expense required, 1 pen and 1 date book, since most people have a computer, smart device, or smart phone and if they don't have one of these I suspect the know someone or fish out of a marina who does where someone would gladly help send in the data. The paperwork burden is minimal since on any day it takes less than 5 minutes to write down the info and less than 10 minutes to enter it into a computer. In some cases this data can be reported while returning to the dock.

In all cases, even with the overly burdensome proposals the council/nmfs staff have developed, dockside intercepts are critically necessary to determine weights of species landed and to validate the trips. While I firmly believe that the vast majority of anglers whether for hire owners or pri/rec will be honest in their data provided, once the data is entered and sent the info can be doubled checked by the dockside intercept. Without a dramatic increase in the number of dockside intercepts we still have a major issue in validation and projected weights.

The nmfs can create, or if their staff is limited they can contract with a web designer, a secure web site for the collection of fishing data, both for hire and pri/rec. This wheel does not need reinvention as there are many on the web created by states and private entities that can be mirrored. A unique user name and password can be used by individuals to access their own page on the site. While the user name and password will remain unique the data provided can be collected by the nmfs to determine the total catch, effort, area fished and other data necessary for a good stock assessment.

On the page there should be the major species fished for with spaces for other species caught incidentally. There should be panels to provide the number of each species landed, discarded, number of anglers, the time fished, and if there are multiple trips then the ability to list the data for each trip of the day. By logging in the vessel, owner, and port of call will be automatically listed for each report. In

the design of the site each port in the Gulf where recreational fishing has occurred should be listed and each port should have radial lines provided in 5 or 10 mile increments. I suggest this since the vast majority of daily fishing trips will occur inside a 50 mile radius of the port. Any 50 mile radius around any port should provide enough information for stock assessment purposes since the current precision of stock assessments is nowhere near the need to identify harvest areas smaller than a 50 mile circle.

My suggestion is simple and extremely user friendly and will provide the same, if not more information than what currently is being proposed. It also allows for a simple pri/rec data collection system without any excess burden. Hail out/in notifications are not necessary since the data will be reported for each trip and day fishing and will be validated during dockside intercepts. If a vessel is identified as being in or out on a day reported fishing or not fishing then enforcement can kick in just as it does today. This system can provide daily fishing data, real time, and with computer technology can be collected and calculated daily for the entire Gulf. Since the pri/rec angler can also participate you should be able to determine the total recreational catch daily.

My suggestion requires no new equipment, it requires no tracking devices that like a VHF AIS and nmfs vms tracks the vessel movement from departure to return, which clearly is unnecessary for fishing data reporting of recreational vessels, especially since we depart and return to the same slip/port after each trip. It does not require reporting until the vessel returns eliminating any possible distraction while steering home. The expense of a pen and paper is only necessary if the individual does not want to use an electronic device.

While some I know only collected the fishery data on red snapper some collected the info on other species as well as the interaction with mammals and sharks. Some may have entered their data on their own electronic devices so the will and desire to do so is here. In your discussions I request you consider such a simple system. Such a system can be implemented easily and in much less time that be discussed in the proposals I have seen. If you would like more info please contact me. Thanks,
Bob

From: Bob Zales 2 [mailto:bobzales2@gmail.com]
Sent: Sunday, July 31, 2016 6:42 PM
To: 'Roy Crabtree - NOAA Federal'; 'Bademan, Martha'; 'nick wiley'; 'McCawley, Jessica'; 'pam dana'; 'john sanchez'; 'Roy Williams'; 'Fischer, Myron'; 'Robin Riechers'; 'Kevin Anson'; 'dale.diaz@dmr.ms.gov'; 'Doug Boyd'; 'Doug Gregory'; 'Donaldson, David M.'; 'Johnny Greene'; 'leann@bosargeboats.com'; 'cematens@yahoo.com'; 'Captaindavidwalker@gmail.com'; 'Greg.Stunz@tamucc.edu'; 'chris.blankenship@dcnr.alabama.gov'; 'kelly.lucas@dmr.ms.gov'; 'Randy Pausina'; 'edswindell@aol.com'; 'Mara Levy - NOAA Federal'; 'Bonnie Ponwith - NOAA Federal'
Subject: fed rec data system

I see that a presentation will be made on the nfwf for hire pilot program at the next meeting. It will be interesting to see what that presentation will show.

As most all know I have been involved with the nmfs data system since the late 80's serving on panels, providing advice, and helping to design the current for hire survey. I was also very active in the process that began after the NRC report issued April, 2006, where the Chairman reported that the mrfss rec data system was fatally flawed. As most know there were many reports, workshops, and other meetings where many of the report recommendations were considered and changes made to the data system. Some have provided small improvements but overall the system, in my opinion, is still fatally

flawed. There has been little improvement in effort collection, dockside intercepts, and timely processing.

Here is an example. This year, 2016, during the for hire rec red snapper season I fished 43 of 46 days on my vessel, LEO TOO. This is a multi passenger USCG COI vessel that can carry up to 18 passengers. I missed 2 days due to weather and 1 day due to a no show. In 43 days I averaged 10 hours a day and landed 914 red snapper. I missed my limit on 8 trips, 2 of which I had 18 passengers on and 1 we had 35 red snapper and the other we had only 18 red snapper on a 4 hour trip. I had 1 four hour with only 2 people and had only 2 red snapper. With the exception of 4 trips I fished in a radius of 25 miles off St Andrews pass.

I provide this info as it was accumulated with pen and paper, not an electronic device, no vms, no other kind of tracking device on my vessel, just simply kept my own records. My situation is not unique as several other vessel owners in Panama City landed close to 1200 red snapper and fished 45 of the 46 days. My situation is a little above average but not the top. While I state the above that the current nmfs mrfss mrip data system has improved little in my over 26 years of experience of working with it, during the 43 days I fished I was never once sampled by the fhs phone survey and only had 2 dockside intercepts. Clearly, anyone can agree that without more dockside intercepts no type of effort collection whether by electronic device, vms, call in/out system, or any other system you can dream up will provide more timely and improved data. Frankly, the only thing you will accomplish by requiring any type of reporting system for effort will fail unless the manpower is provided for more dockside sampling. Two days of samples over 46 days at Capt Anderson's Marina is simply "fatally flawed".

Over 26 years I have worked hard providing advice, attending multiple meetings, some at my expense, most at the government expense, and have worked with and heard others do the same. I have seen some improvements but the reality is there has been very little improvement which is why we are in the fix we are. I have suggested in the past and continue to do so that a well designed independent rec data collection system be developed, tested, and implemented to replace the dependent data currently collected using mrfss/mrip. Dr. Shipp has suggested the use of independent data and other stock assessment scientists have also told me that a well designed system could possibly provide the data necessary to better manage recreational fisheries. A system developed to better monitor the true stock status, the actual harvest of fish without restrictions of bag and size limits, the true interaction with marine mammals and sharks, and a system that is used across the Gulf could provide the data necessary and allow the mrfss/mrip system to revert back to the original use of tracking trends.

In your discussions and haste to require more burdensome and costly regulations of the for hire and private recreational anglers you should discuss the possibilities of a well designed independent data system. 26 years of trying to modify a system that was never designed or intended to be used to track quotas, seasons, and other issues has clearly not worked. It is past time to look into something different. In addition, the info I provided about my fishing could very easily, and with no additional expense for me, be provided on a secure nmfs rec data web site where I could provide my info while others provided their info by having my own user name and password to provide and access that data. The key problem will still be the lack of more dockside intercepts which will require more workers and more government funding.

Just some food for thought.

Thanks,

Bob Zales, II

Doug Gregory, please provide this email to the new member from Florida. Thanks

Capt. Bob Zales, II

www.fishpc.com
PH 850-763-7249
Fax 850-763-3558

"Honesty is the first chapter of the book of wisdom."
Thomas Jefferson

From: Bob Zales 2 [mailto:bobzales2@gmail.com]
Sent: Sunday, July 31, 2016 7:42 PM
To: Roy Crabtree (roy.crabtree@noaa.gov) <roy.crabtree@noaa.gov>; 'Bademan, Martha' <Martha.bademan@myfwc.com>; Nick Wiley (nick.wiley@myfwc.com) <nick.wiley@myfwc.com>; Jessica McCawley (jessica.mccawley@myfwc.com) <jessica.mccawley@myfwc.com>; Pamella Dana (pamdana@yahoo.com) <pamdana@yahoo.com>; 'john sanchez' <Jmsanchez22@aol.com>; Roy Williams (royowilliams@comcast.net) <royowilliams@comcast.net>; Myron Fischer (mfischer@wlf.la.gov) <mfischer@wlf.la.gov>; 'Robin Riechers' <Robin.Riechers@tpwd.state.tx.us>; Kevin Anson (kevin.anson@dcnr.alabama.gov) <kevin.anson@dcnr.alabama.gov>; dale.diaz@dmr.ms.gov; Douglass Boyd (douglassboyd@yahoo.com) <douglassboyd@yahoo.com>; Doug Gregory <doug.gregory@gulfcouncil.org>; Dave Donaldson (ddonaldson@gsmfc.org) <ddonaldson@gsmfc.org>; 'Johnny Greene' <fishgulfshores@gmail.com>; Leann Bosarge (Leann@Bosargeboats.com) <Leann@Bosargeboats.com>; Campo Matens (cematens@yahoo.com) <cematens@yahoo.com>; Captaindavidwalker@gmail.com; Greg Stunz (greg.stunz@tamucc.edu) <greg.stunz@tamucc.edu>; Chris Blankenship (chris.blankenship@dcnr.alabama.gov) <chris.blankenship@dcnr.alabama.gov>; Kelly Lucas Ph. D. (kelly.lucas@dmr.ms.gov) <kelly.lucas@dmr.ms.gov>; 'Randy Pausina' <rpausina@wlf.louisiana.gov>; Edward W. Swindell (edswindell@aol.com) <edswindell@aol.com>; Mara Levy (mara.levy@noaa.gov) <mara.levy@noaa.gov>; Bonnie Ponwith (bonnie.ponwith@noaa.gov) <bonnie.ponwith@noaa.gov>
Subject: fed rec data system

I see that a presentation will be made on the nfwf for hire pilot program at the next meeting. It will be interesting to see what that presentation will show.

As most all know I have been involved with the nmfs data system since the late 80's serving on panels, providing advice, and helping to design the current for hire survey. I was also very active in the process that began after the NRC report issued April, 2006, where the Chairman reported that the mrfss rec data system was fatally flawed. As most know there were many reports, workshops, and other meetings where many of the report recommendations were considered and changes made to the data system. Some have provided small improvements but overall the system, in my opinion, is still fatally flawed. There has been little improvement in effort collection, dockside intercepts, and timely processing.

Here is an example. This year, 2016, during the for hire rec red snapper season I fished 43 of 46 days on my vessel, LEO TOO. This is a multi passenger USCG COI vessel that can carry up to 18 passengers. I missed 2 days due to weather and 1 day due to a no show. In 43 days I averaged 10 hours a day and landed 914 red snapper. I missed my limit on 8 trips, 2 of which I had 18 passengers on and 1 we had 35 red snapper and the other we had only 18 red snapper on a 4 hour trip. I had 1 four hour with only 2 people and had only 2 red snapper. With the exception of 4 trips I fished in a radius of 25 miles off St Andrews pass.

I provide this info as it was accumulated with pen and paper, not an electronic device, no vms, no other kind of tracking device on my vessel, just simply kept my own records. My situation is not unique as several other vessel owners in Panama City landed close to 1200 red snapper and fished 45 of the 46 days. My situation is a little above average but not the top. While I state the above that the current nmfs mrfss mrip data system has improved little in my over 26 years of experience of working with it, during the 43 days I fished I was never once sampled by the fhs phone survey and only had 2 dockside intercepts. Clearly, anyone can agree that without more dockside intercepts no type of effort collection

whether by electronic device, vms, call in/out system, or any other system you can dream up will provide more timely and improved data. Frankly, the only thing you will accomplish by requiring any type of reporting system for effort will fail unless the manpower is provided for more dockside sampling. Two days of samples over 46 days at Capt Anderson's Marina is simply "fatally flawed".

Over 26 years I have worked hard providing advice, attending multiple meetings, some at my expense, most at the government expense, and have worked with and heard others do the same. I have seen some improvements but the reality is there has been very little improvement which is why we are in the fix we are. I have suggested in the past and continue to do so that a well designed independent rec data collection system be developed, tested, and implemented to replace the dependent data currently collected using mrfss/mrip. Dr. Shipp has suggested the use of independent data and other stock assessment scientists have also told me that a well designed system could possibly provide the data necessary to better manage recreational fisheries. A system developed to better monitor the true stock status, the actual harvest of fish without restrictions of bag and size limits, the true interaction with marine mammals and sharks, and a system that is used across the Gulf could provide the data necessary and allow the mrfss/mrip system to revert back to the original use of tracking trends.

In your discussions and haste to require more burdensome and costly regulations of the for hire and private recreational anglers you should discuss the possibilities of a well designed independent data system. 26 years of trying to modify a system that was never designed or intended to be used to track quotas, seasons, and other issues has clearly not worked. It is past time to look into something different. In addition, the info I provided about my fishing could very easily, and with no additional expense for me, be provided on a secure nmfs rec data web site where I could provide my info while others provided their info by having my own user name and password to provide and access that data. The key problem will still be the lack of more dockside intercepts which will require more workers and more government funding.

Just some food for thought.

Thanks,

Bob Zales, II

Doug Gregory, please provide this email to the new member from Florida. Thanks

Capt. Bob Zales, II

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"Honesty is the first chapter of the book of wisdom."
Thomas Jefferson

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Start a Sea Change

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www.oceanconservancy.org

January 22, 2016

Gulf of Mexico Fisheries Management Council
Attn: Kevin Anson, Chairman
2203 N. Lois Avenue
Suite 1100
Tampa, FL 33607

RE: Modifications to Charter Vessel and Headboat Reporting Requirements Public Hearing Draft

Dear Chairman Anson:

Ocean Conservancy[1] is writing to provide comment on the final draft of the Generic Amendment regarding Modifications to Charter Vessel and Headboat Reporting Requirements.[2] We support the Council's current preferred alternatives for the three actions in this amendment. This amendment is a step forward in both modernizing data collection and improving the timeliness of data delivery to National Marine Fisheries Service (NMFS) from the federally permitted charter vessel and headboat fleets in the Gulf of Mexico. Timely data is a critical need for the Gulf of Mexico Fishery Management Council (Council) to achieve its conservation goals. When approved, the amendment will support the Council in making more informed and timely management decisions for the headboat and for-hire fishery.

While this amendment will improve monitoring of the federally permitted charter vessel and headboat fleet, additional language needs to be added to the final amendment in order to support the robust electronic reporting system the Council envisions. Specifically, we recommend the Council address these three points:

- Specify accountability measures for non-reporting
- Clarify "no-trip" reporting for charter vessels

[1] Ocean Conservancy is a non-profit organization that educates and empowers citizens to take action on behalf of the ocean. From the Arctic to the Gulf of Mexico to the halls of Congress, Ocean Conservancy brings people together to find solutions for our water planet. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations.

[2] GMFMC. 2015. Modifications to Charter Vessel and Headboat Reporting Requirements. Generic Amendment to the Reef Fish Resources of the Gulf of Mexico and the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic: Public Draft. Gulf of Mexico Fishery Management Council, Tampa, Florida.

While not discussed in this amendment, it is clear the NMFS will need to initiate work to develop and design an electronic reporting tool, such as an electronic logbook in order to increase the precision of catch and effort data from the charter for-hire fleet. In order to increase the likelihood of success for this endeavor, the Council should request that the NMFS create a working group composed of stakeholders, specifically charter for-hire and headboat operators, to provide advice in the design of technology-based data collection program used to report and monitor their catch and effort.

- Request the Southeast Fisheries Science Center (SEFSC) convene a working group of representatives from the charter for-hire industry to advise the SEFSC in the development of an electronic reporting program.

Amendment: Accountability and Reporting

- **Accountability measures for failure to report are essential to the success of this amendment.**

The Council should identify and describe accountability measure for vessels that do not report on the timeline specified in Action 1, preferred alternative 4. Accountability is key to the success of this amendment. As has been noted in multiple Council meetings, this electronic monitoring program for charter vessels and headboats is envisioned to be a self-reporting census. Success of this program will rely heavily on permit holders to report of their own volition. As noted in the Marine Recreational Information Program electronic logbook pilot project,[3] the likelihood of non-reporting increases with a lack of immediate consequences. We therefore recommend the Council add language to this amendment similar to language found in the Southeast Regional Headboat Survey electronic logbook reporting requirements,[4] whereby vessels that do not report their data by the specified date are subject to having their fishing permit suspended until all delinquent reports are received by NMFS.[5]

- **Council must decide if charter vessels must provide "no trip" forms when not fishing**

The Council has not definitively stated if they wish for the federally permitted charter for-hire fleet to report to NMFS when they are not fishing. This reporting element is currently required by the Southeast Regional Headboat Survey via the headboat electronic reporting amendment.[6] Reporting non-fishing data is an essential element needed to improve management's understanding of the charter for-hire fleet's effort patterns. Non-fishing, or "no trip", data will

[3] Donaldson, D., G. Bray, B. Sauls, S. Freed, B. Cermack, P. Campbell, A. Best, K. Doyle, A. Strelcheck, and K. Brennan. 2013. For-hire electronic logbook study in the Gulf of Mexico: final report.
[4] GMFMC. 2013. Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. Gulf of Mexico Fishery Management Council, Tampa, Florida.
[5] 50 CFR §§ 622.4(i), 622.5(b), 662.26(b).
[6] GMFMC. 2013. Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. Gulf of Mexico Fishery Management Council, Tampa, Florida.

increase the precision of fishery estimates by removing uncertainty of vessel effort and, therefore, will yield a concomitant increase in catch estimate precision. Ocean Conservancy recommends that "no trip" reporting be added to the amendment.

Working group of stakeholders

It is clear that NMFS will need to design, develop and test the technology and method used to support the provisions of this amendment. As this monitoring plan takes shape, it is critical for stakeholders to be involved in its evolution. The National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan[7] reiterates this point in stating that regional goals should include "improving perceptions and stakeholder buy-in regarding the data collection process…" and "…establishing effective partnerships with stakeholders."[8] Further, the report states as part of Phase I, "Regional [Councils] will also be encouraged to establish EM/ER advisory panels to advise on EM/ER development and implementation."[9]

To ensure a stakeholder inclusion in the development process, the Council should request, through a stand-alone motion, that NMFS create a special working group composed of industry representatives to give guidance and provide expertise in the design and development of reporting technology and program processes associated with this amendment.

Conclusion

Ocean Conservancy offers our support for the Council's proposed Modifications to Charter Vessel and Headboat Reporting Requirements Generic Amendment. This amendment connects to the long-term vision for electronic reporting and monitoring, as noted in the National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan.[10] The amendment is a foundational step toward modernizing data collection to meet today's management needs and is an important milestone for electronic monitoring and reporting of fishery dependent data. It will allow the Council to make more informed and timely decisions regarding the Gulf's fishery resources.

We look forward to seeing how the lessons learned from this new requirement can be applied to other fisheries and other regions. In order to maximize the benefits of this amendment, we recommend that non-reporting accountability measures and reporting of no-fishing days be addressed by the Council at their January meeting in Orange Beach, AL.

We appreciate the opportunity to comment on this amendment and look forward to working with the Council in the future.

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[7] NMFS. 2015. National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan. February 26, 2015. National Marine Fisheries Service. Southeast Regional Office St. Petersburg, Florida.
[8] *Id*. at 4
[9] *Id.* at 6
[10] *Id.*

Sincerely,

Todd Phillips
Fishery Monitoring Specialist
Ocean Conservancy
106 E 6th Street, Suite 400
Austin, TX 78701

cc:
Dr. John Froeschke

January 14, 2016

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: Red Snapper Recreational Management and For-Hire Electronic Reporting

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of recreational fisheries in the Gulf of Mexico. It is important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the January 2016 meeting, the Gulf Council can take significant steps to implement data collection and management systems that have the potential to more effectively meet the needs of stakeholders, while promoting sound conservation of the resource. With that in mind, we urge the Council to:

- **Remove the charter for-hire sector from Amendment 39 (Regional Management) before taking final action (Action 2, Alternative 2).** We support final approval of Amendment 39 only if this plan applies specifically and solely to the private recreational component of the red snapper fishery. This provides a means to design tailored management plans that address data needs and include strong accountability measures for each sector, which fosters conservation and maximizes flexibility.
    - **Alternative 3 in Action 2, which would give individual states the option to manage the for-hire and private angler sectors separately, is not a workable solution** for the for-hire component. It would make monitoring of the Gulf-wide recreational fishery much more difficult, and could negate plans for an electronic reporting system for the charter for-hire sector.
- **Approve the Generic Charter Electronic Logbook Amendment with the current preferred alternatives.** Requiring electronic reporting of all catch and bycatch by the for-hire fleet is an important part of an overall move towards a more accountable management system for this sector.

- **Continue to move forward with Amendments 41 and 42 to establish new management programs for the for-hire fleets** that have the potential to improve accountability, reduce discards[1], and provide more stability to these businesses.

Red Snapper Recreational Management and Accountability

The Council initiated Amendment 39 in 2012, after several years of discussing the regional management concept, to allow each Gulf state to manage aspects of the red snapper recreational fishery. The amendment may provide some benefits for private anglers, many of whom already work closely with their state managers. State-run programs under development could be specifically designed to collect data from private anglers and monitor that type of fishing. Moreover, the current plan maintains requirements for compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

However, if charter for-hire operators are included in this amendment in any way, it will nullify proposals for new management programs under development for the charter and headboat sectors. Many members of the charter for-hire industries have been working with the Council to create management and data collection plans for their sector through the ad hoc advisory panels established by the Council for this purpose. Amendments 41 and 42 propose management approaches for the charter and headboat industries that, together with a properly implemented electronic logbook program, have the potential to provide improved accountability; better catch monitoring and data on landings and discards; and more stability for these businesses. If Amendment 39 passes with the charter fleet included in any way it will render Amendments 41 and 42 null, and make implementation of the proposed charter electronic logbook amendment overly complex and thus unlikely to succeed. Therefore, **we support final approval of Amendment 39 only if Alternative 2 in Action 2 is selected as the preferred alternative**. This action removes the federally permitted for-hire boats from the amendment, and allows the Council to continue working with stakeholders to develop management strategies and data collection and monitoring programs that suit their specific and unique needs.

Alternative 3 in Action 2 of Amendment 39, which would allow each state to decide whether to manage the for-hire sector, is not a workable solution for the for-hire fleet. Having some, but not all, states manage their for-hire boats separately from the private boats for one out of a suite of reef fish would make monitoring and accountability of the catch from the entire fleet much more difficult. This would likely result in even more uncertainty associated with the catch data. It could also increase the level of management uncertainty that is the basis for the buffer between the annual catch limit and the annual catch target (ACT). In other words, there may be fewer fish available to catch if the Council were to choose Alternative 3, Action 2 as the preferred alternative. This runs counter to the goal of decreasing management uncertainty and the associated buffers.

[1] The Gulf Headboat Collaborative: Preliminary Findings from Year 1. Joshua Abbott. Arizona State University School of Sustainability. March 31, 2015. Agenda item B-5, March 2015 Gulf Council briefing book.

Additionally, this action would prevent the entire for-hire fleet from being included in a Gulf-wide electronic reporting and management system. This strikes counter to achieving one of the few goals upon which nearly all stakeholder agree: improving data. Furthermore, maintaining red snapper under federal management for the entire for-hire fleet sustains continuity of management for the entire reef fish complex. This makes more sense since the for-hire reef fish permit requirements apply to other reef fish species besides red snapper.

If the charter for-hire fleet is included in Amendment 39, we cannot support final approval. If that is the case, we urge the Council to vote it down, and to develop alternative management strategies that can better meet the unique needs of private anglers, in partnership with members of that sector and other stakeholders.

We further encourage the Council to continue developing Amendment 41 for charter vessels and Amendment 42 for headboats with industry input and support. Implementing strategies for the separate components of the recreational fishery has the potential to more effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

Approve Electronic Logbooks for the For-Hire Fishery

We support approval of the generic plan amendment modifying charter and headboat reporting requirements with all of the current preferred alternatives. This action would require all federally permitted for-hire vessels to submit trip and catch information electronically prior to returning to the dock. "Trip level" reporting offers the most accurate and timely application of electronic logbooks, as it reduces "recall bias"[2] and provides for a strong validation component of the data program. Law enforcement officers and biological samplers can effectively check the electronic logbook data for each trip to ensure accuracy. A well-designed electronic logbook program, coupled with management strategies under development in Amendments 41 and 42, can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by charter vessels and headboats, not just red snapper. Specifically, the data obtained through the electronic reporting program may:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded fish in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans offered in Amendments 41 and 42.

[2] Recall bias is the amount of error or uncertainty to an event relative to the gap in time in reporting that event.

- Increase user confidence in the data and management.

However, many practical details remain undefined. We urge the council and staff to continue working with NOAA Fisheries staff and other technical experts, as well as representatives from the for-hire industry and other stakeholders, to develop data elements and protocols that will ensure this system works well to monitor and manage the for-hire fishery.

Conclusion

We urge the Council to remove the charter for-hire sector from Amendment 39 before taking final action, and to continue developing Amendments 41 and 42. In addition, we encourage adoption of the generic plan amendment requiring electronic logbook reporting for the for-hire industry with the current preferred alternatives. Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,

Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

Modifications to Charter Vessel and Headboat Reporting Requirements

Telephone Log

Captain Mike Kessler – This is a bad idea. Many can't afford to purchase this equipment. Having to call in catch two hours before arriving at the dock is impractical – what if they need to come in early. No computer access. Don't mind reporting, but these requirements will be a burden and could put him and others out of business.

Don Jones – Grouper regulations have already had a negative impact on the industry. The cost of VMS and electronic logbooks is going to put a lot of Captains out of business. They can't fish in state waters when Federal waters are closed, but there are a lot of State charters fishing in Federal waters illegally (Ft. Meyers). No computer access.

Captain Mike – No computer access or knowledge. Has been operating his boat for 20 years and has no technology abilities. VMS and electronic logbooks would be a burden, both cost-wise and having to operate with no computer knowledge.

Larry Conley – Business was cut by ¾ with the grouper closure. VMS would put him out of business. He has no help on his boat so having to operate equipment while tending to customers and ensuring safety would be a burden. Also concerned about a data breech with the VMS – does not want his fishing spot coordinates to be made public. Has no problem calling in his catch, but not while in transit. No VMS.

Harold Miller – Grouper closure has been a big hit to the industry. No to VMS. Willing to submit a catch report, but cannot affort to purchase equipment.

Capt. John Topicz – Many of the boats are too small to add large antennas. He doesn't see what VMS would help. There are days that fishermen don't harvest anything or only want to keep what they can eat – how would days like that effect his catch history? Having to report, especially since he doesn't have a mate, would be difficult for him. He's busy with clients,

driving, and cleaning so, having to report before landing would be difficult. Reporting electronically would be okay as long as he doesn't have to report more frequently than he already does.

Chris Agin – Does not support the use of VMS on charter boats. It's not necessary for the daily excursion type fishermen to have one. They don't take long trips that last more than a day so the information is not useful. He already sends in a paper logbook of what he catches in weekly intervals. He is open to submitting that weekly report online but daily seems to be too much, especially since he doesn't fish every day. He already has other responsibilities on fishing trip days like hosting customers, driving the boat, etc. so there is no need to add the extra responsibility reporting while he is operating the charter.

WE HAVE ENOUGH REGULATION. I DON'T WANT TO REPORT TO YOU OR ANYBODY WHAT I CATCH.

Gulf of Mexico Fishery Management Council

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LEAVE REGS. ALONE

Shelly Bell

Charter Fishermans Association

December 15 2015

Dear Chairman Anson and Gulf Council Members:

Thank you for the opportunity to address the council on the modification of reporting requirements for charter vessel and headboats. This is a huge opportunity for these vessels to provide timely, accurate data while increasing accountability.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations and concerns for the Gulf Council's consideration:

Any modifications to reporting requirements for charter vessels and headboats should be paired with and tailored to management measures for these vessels as outlined in Amendment 41 and 42. Management and development of reporting requirements are inherently linked and must be tailored to management measures for of these vessels. Ignoring this in the development will yield a duplicative and fruitless initial effort as management evolves.

The Council should direct NOAA to consider whether the electronic reporting system can be designed so that charter vessels and headboats should have the flexibility and choice to use a variety of electronic reporting devices rather than being specifically limited to a Vessel Monitoring System. There are several available ideas like a smartphone application, or location enabled logbook or transponder that would be sufficient for charter vessels and headboats.

Data should be submitted electronically in any future reporting system prior to reaching the dock to best inform land based validation and enforcement personnel.

We appreciate the opportunity to provide input and look forward to continuing to develop these modifications this January in Orange Beach. Additionally, please feel free to contact me with any questions or to provide any feedback to our organization.

Sincerely,

Shane Cantrell, Executive Director
Charter Fisherman's Association
512-639-9188
shane.Cantrell@iCloud.com

Charter Fishermans Association

October 7 2015

Dear Chairman Anson and Gulf Council members:

We, the Charter Fisherman's Association, thanks the Gulf Council for joining our fishermen in Galveston and hope everyone has enjoyed their time in the great state of Texas. We appreciate many of you joining us at the Fishermen's Social with the Lighthouse Charity Team as well.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations for the Council's consideration:

Amendment 39

The federally permitted charter fleet has made it abundantly clear that **we want to be excluded from Amendment 39 and see it proceed as a vehicle specifically for private anglers**. So Action 2, Alternative 2 is the only path we support moving forward.

Considering the issues between jurisdiction of state and federal waters, there's a law enforcement hurdle. By adding in season closures for federal or state waters it only further complicates the amendment when federally permitted charterboats are included. By removing the CFH fleet, the amendment, Amendment 39 becomes a much simpler and more feasible Amendment. The charter industry has reached out across state lines to develop a Gulf-wide vision for management that would give us more business stability, flexibility for our customers, and accountability for the resource – to lump us into a state based management scheme would make this progress impossible.

Amendments 41 and Amendment 42

We look forward to working with the council in January with the feedback from scoping meetings over the next few weeks to continue developing those Amendments respectfully with the council.

Gag Grouper

We would like to see Gag Grouper season go to a June 1 opening and 24 inch size limit

Gray Triggerfish

Based on on the water professional experience, triggerfish are very abundant and that really conflicts with the current model. We request a new benchmark assessment for gray triggerfish be

a priority. This would allow for an overhaul of the current model to take into account sargassum coverage, year to year recruitment trends and allow for more accurate forecasting when setting the parameters fishermen will be fishing under.

Electronic Logbooks

This tool is a critically important part of providing data for managers and developing more accountable management measures. If properly implemented, and paired with proper management it should lead to reduced management uncertainty and to harvest of fish that are currently held back in the buffer. We are ready to move forward with ELB development and ask the council and NOAA to accelerate this improvement for the federally permitted charter fleet.

Sincerely,

Shane Cantrell, Executive Director
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512-639-9188
shane.Cantrell@iCloud.com

October 2, 2015

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: Red Snapper Regional Management, For-Hire Electronic Reporting, Gag Management and Gray Triggerfish Rebuilding

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of key fisheries in the Gulf of Mexico. It's important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the October 2015 meeting, the Council has the opportunity to create management systems suitable to the needs of the red snapper recreational fishery while promoting conservation of the resource. Additionally, important decisions are needed to complete the for-hire electronic reporting requirements and monitoring program. Lastly, it is imperative that the Council set the stage for recovery of gag and gray triggerfish – two of the most important and popular species in the Gulf of Mexico. The main points on these specific issues are summarized below, followed by additional details.

Recreational Management and Accountability

- In Amendment 39, we urge adoption of Alternative 2 in Action 2 to apply the regional management plan to the private recreational component only. Removing the federally permitted for-hire vessels from the plan fosters conservation and maximizes flexibility for each component by providing a means to design tailored management plans that build in data needs and strong accountability measures.
- We encourage moving forward on the electronic reporting amendment for the for-hire fleet, in conjunction with Amendments 41 and 42. However, some key issues remain to be addressed on the electronic logbook amendment, which we detail below.

Sustainability and Recovery of Popular and Important Species

- For final action on gag management, we support **increasing the recreational size limit to 24 inches** (Alternative 2 in Action 1) and **extending the recreational fishing season through December** (Preferred Alternative 2 in Action 3). Additionally, we support **initiating a framework action to evaluate the effect of increasing the commercial minimum size limit for gag**.

- The new gray triggerfish benchmark assessment indicates the population is still severely overfished, and won't meet the 2017 rebuilding target. The Council should **initiate a new rebuilding plan with conservative catch levels** as soon as possible.

Red Snapper Recreational Management and Accountability

Management of the red snapper recreational fishery is once again at a crossroads. The Council is developing programs specific to the for-hire fishery while simultaneously finalizing a regional management plan that also includes the for-hire vessels. The best means to design management to benefit both components of the recreational fishery and the resource is to adopt regional management (Amendment 39) for the private recreational fishery and to continue developing Amendments 41 and 42 for the for-hire component. Implementing strategies for the separate components of the recreational fishery has the potential to effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

The Council's proposed electronic logbook (ELB) program for the Gulf's for-hire fleet will complement Amendments 41 and 42, which are aimed at providing maximum flexibility and also accountability for the for-hire fleet. Similarly, data collection programs under development at the state level should support regional management of the private recreational fishery. Amendment 39 offers more flexible management for the private recreational fishery, while maintaining accountability by ensuring the conservation requirements of the MSA remain in place and taking advantage of these state-based data collection programs. Therefore, to best promote conservation, accountability, and flexibility for both recreational components of the red snapper fishery, we s**trongly urge the Council to remove the federal for-hire vessels from the regional management plan by adopting Alternative 2 in Action 2 of Amendment 39 as the preferred alternative**. Also, working with the industry participants, we **encourage the Council to continue developing Amendments 41 and 42 in conjunction with the ELB amendment**.

Implementing Electronic Logbooks for the For-Hire Fishery

We are pleased with the progress made to date on developing an electronic reporting and monitoring program for federally permitted for-hire vessels in the Gulf of Mexico. Based on our observations and communications, industry leaders and participants strongly support ELB. We support the Council's preferred actions in the electronic reporting amendment on trip level reporting and using "NMFS-approved electronic devices" to track fishing effort and location. To achieve implementation in 2017, the Council must address several key issues.

At the August 2015 meeting, the Council approved a motion that addressed many of these issues and asked the technical subcommittee for details of the program. Hopefully, this process is well under way. However, to facilitate moving this amendment forward, the Council should discuss and resolve the issues listed below at the October meeting:

1. **Specify how data at the trip level for charter and headboats is to be used to determine whether catch estimates for federally managed species should be produced daily, weekly, or within some other time frame.**
2. **Specify what "NMFS approved hardware and software" will be allowed and used in the ELB program.**
3. **Specify what "NMFS approved electronic devices" are to be allowed and used in the ELB program.**
4. **Determine what agency or entity will be the lead on designing and implementing the program and the intended use of the data.**
5. **After resolving the above issues, develop detailed cost estimates and resource needs for implementing the ELB program in the Gulf.**
6. **Determine potential available funding sources according to program needs.**

Addressing these issues should be instructive for development of the ELB program and beneficial to the technical subcommittee as they develop the data protocols and standards reference document. These are also questions that are likely to be asked by the fishermen who would be subject to any new requirements.

While developing the ELB amendment, it's important to recall the importance and benefits of an electronic monitoring and reporting program. A well-designed ELB program coupled with management strategies such as those under development in Amendments 41 and 42 can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by the federal for-hire fleet, not just red snapper. Specifically, the data obtained through the ELB program offers many benefits that will:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded catch in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans.
- Increase user confidence in the data and management.

A successfully designed program requires balancing the tradeoffs of data needs with associated costs and constraints. Additionally, industry support and compliance is crucial for a successful

program. Therefore, it is imperative that the details of the program be addressed and documented as soon as possible and that the Council sends a strong message to the for-hire industry by showing full support for development and expedient adoption of the ELB amendment.

Designing Gag Management for Full Recovery

The 2014 gag stock assessment (SEDAR 33) [1] indicated the population is no longer overfished nor undergoing overfishing. However, more recent data analyzed by the Southeast Fisheries Science Center and reviewed by the Council in June indicates that the population and fishery indicators are trending downward.[2] These trends are consistent with fishermen testimony that the assessment was overly optimistic. In fact, both the commercial and recreational fisheries have not been catching their quotas in recent years, an indication that the population may be in trouble. For these reasons, the Council opted to maintain catch limits at current levels rather than increasing them, an action we support.

With an assessment update scheduled to be available in early 2017, it is likely that the outcome will not be as favorable, given the current indicator trajectories. This in turn could lead to future restrictions. Management measures should be focused on maintaining fishery stability and population sustainability. Substantially increasing the length of the recreational fishing season now may jeopardize the health of the population at a time when there is high uncertainty about the condition of the population. Current catch monitoring programs do not allow rapid management action should the quotas be met or exceeded during the season, which could be exacerbated by substantially extending the recreational fishing season. Thus, we do not believe that alternatives 3 or 4, which would remove the January through June gag seasonal closure, are prudent options at this time.

However, increasing the size limit improves the spawning potential by allowing a higher percentage of larger females to reproduce before they enter the fishery without a significant increase in discard mortality. Therefore, **we support finalizing the gag Framework Action with the Council's current preferred alternatives, which would increase the recreational minimum size limit to 24 inches, and include a modest extension of the end date for the recreational season from December 3 to December 31, when catch rates are low.** Together, these two actions should provide a biological boost for the population while providing some additional fishing opportunity. This is particularly true for anglers in South Florida where gag are more accessible during this time of year. In addition, **we also support initiating a framework action to evaluate increasing the commercial minimum size limit to 24 inches as recommended by the Reef Fish Advisory Panel**.

[1] SEDAR 33. 2014. Gulf of Mexico Gag Stock Assessment Report. SEDAR, North Charleston SC. 609 pp. Available online at: http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=33.

[2] Tab 6, May 2015 SSC meeting briefing book Updated indices of abundance for gag grouper in the Gulf of Mexico. NOAA Fisheries, May 4, 2015.

Gray Triggerfish Rebuilding

The newly completed standard assessment for gray triggerfish (SEDAR 43)[3] indicates that the population is still severely overfished with no sign of recovery. Hence, the rebuilding target of 2017 will not be met. As suggested by the Scientific and Statistical Committee (SSC)[4], the Council should initiate a new rebuilding plan as soon as possible designed to provide biological improvement for the population. Unfortunately, catch level projections produced by the assessment are unreliably high and were rejected by the SSC. In fact, current catch levels haven't allowed full recovery of the population. Thus, new catch levels should be more conservative than current levels, and should be coupled with management measures such as properly timed closed seasons that take the biological needs of the species into account.

Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,

Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

[3] Tab 6, SSC September 2015 Briefing Book. SEDAR 43, Standard Stock Assessment Report for Gulf of Mexico Gray Triggerfish. August 2015. SEDAR, North Charleston, SC.
[4] Tab B - 4, October 2015 Gulf Council Briefing Book. Standing and Special Reef Fish SSC Meeting Summary. Tampa, Florida. September 1-2, 2015.

October 4, 2015

Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2203 North Lois Ave, Suite 1100
Tampa, FL 33607

Dear Chairman Anson,

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance), please accept the following comments on the following issues to be discussed at the Gulf of Mexico Fishery Management Council (Gulf Council) meeting in Galveston, Texas this week.

Amendment 39 (Regional Management)

- **We continue to strongly support Action 2 Alternative 2 - regional management for private anglers.** This alternative is endorsed by a vast majority of the charter/for-hire sector, and is also supported by the Reef Fish Advisory Panel (AP). The charter/for-hire fleet wants to remain under federal management and the protections it affords their businesses.

Gray Triggerfish

- **We support the Reef Fish AP's overwhelming recommendation to untable Amendment 33 and consider gray triggerfish in the document.** Commercial management of gray triggerfish isn't working – biomass and spawning potential are at or near all-time-lows while commercial discarding continues to rise and commercial quota overages have occurred in two of the last three years. Untabling Amendment 33 will give the industry and the Gulf Council the chance to discuss whether an individual fishing quota (IFQ) could effectively solve some of these problems and help rebuild this fishery.

Joint Amendment to Require Electronic Reporting for Charter Vessels and Headboats

- **We support the AP's overwhelming recommendation to proceed with the charter/headboat electronic reporting document *separately* from the South Atlantic.** Splitting this document will allow the Gulf Council to move forward more quickly and effectively to implement this positive program and acknowledges the preference the Gulf fleet has for trip-level reporting (as opposed to the South Atlantic's preference for weekly reporting).

Gag

- **We support the AP's recommendation to increase the recreational gag size limit to 24 inches** in order to help promote conservation of this species.
- **We also support the AP's unanimous recommendation to adjust of the recreational season to include a winter season (January 1-31)** in order to maximize economic opportunities for the charter boats reliant on gag grouper, while continuing to manage this species under federal ACL/ACT requirements.
- **Furthermore, we support the AP's unanimous recommendation to increase the commercial gag size limit to 24 inches if the recreational gag size limit is increased to 24 inches.** This will create parity between the sectors and will help promote conservation of this species.

Hogfish

- **We support the AP's recommendations that define the hogfish management unit, identify maximum sustainable yield proxy and (a conservative) minimum stock size threshold and initiate a plan amendment for hogfish management. We also support the AP's recommendations to create a recreational/commercial split of the hogfish allocation and to increase the minimum size limit from 12 inches to 14 inches.** These measures are necessary to improve hogfish management and conservation.

Coral Habitat Areas of Particular Concern (HAPC)

- **We support the AP's unanimous recommendations to develop a working group where scientists and fishermen collaborate to identify new and existing coral areas in need of protection.** A working partnership like this will help ensure that HAPCs maximize the most critical habitat protections while engaging fishermen to operate their gear in an accountable manner that causes the least amount of habitat damage. We believe that responsible, low-impact commercial fishing can continue to coexist with habitat protection – the two ideas are not mutually exclusive.

Reef Fish Amendment 41 and 42

- **We support moving forward with Amendment 41 and 42 to develop charter/for-hire and headboat red snapper and reef fish management plans.** Doing so will afford these groups the opportunity to develop accountable management plans that work for their businesses and promote sustainable harvesting.

Ad Hoc Private Angler Advisory Panel AP

- **We support the immediate development and implementation of this AP, including a charge, membership, roles and responsibilities, and a timeline for meetings.** The chance for private anglers to come together to discuss fishery solutions is long overdue. Please stop stalling.

Recalibration

- **We support the AP's overwhelming recommendations to improve the use of recalibration in fishery management.**
- First, we support the AP's request to have the Science Center run additional red snapper recalibration projections using a range of assumptions that we believe are reasonable, including

1) that recreational selectivity will change over time (rather than remain constant) and 2) that recreational discard mortality is higher than 10%. We believe these assumptions are just as plausible as the ones used by the Science Center and should be evaluated.

- Second, we support the AP's request that all future Gulf Council decisions that involve recalibration use a more comprehensive analysis than the one recently used in red snapper, which was determined to be a "*preliminary, interim approach*" that "*may not be defensible from a scientific point of view*." Further, the recalibration approach chosen was the simplest of three approaches that were evaluated by the working group, which concluded "*We recommend that investigation continue on the remaining two methods. It is possible that one of them will be determined to be better at some future date.*" All we are asking is that in the future, the full suite of approaches be evaluated and reviewed by the Science and Statistical Committee before being used for management purposes.

Thank you for the opportunity to comment.

Sincerely,

Eric Brazer, Deputy Director
Gulf of Mexico Reef Fish Shareholders' Alliance