

**For-Hire Reporting Workshops Summaries  
Saint Petersburg, Florida  
January 24, 2019**

**Staff**

Dr. Roy Crabtree  
Dr. John Froeschke  
Emily Muehlstein

**61 members of the public attended.**

**GPS Location**

- Concern was expressed that the data shows actual location rather than a less specific grid or area fished.
  - Staff mentioned that it was possible for data to be relayed to the databases or only accessed from databases in a more granular fashion. Staff committed to providing captains a more detailed description of how that data would be used.
- Concern was expressed regarding access to the location information. For example, even law enforcement could be tempted to take numbers for their personal use.
  - Staff assured the audience that the data access would be very restricted and data can only be shared to authorized users for official business only. Location data are typically aggregated into grid areas and/or over longer time periods before they're distributed so identification of individual fishing locations is difficult or impractical because it's presented as aggregate information.
  - Other fishermen attested to the proven success of keeping commercial data confidential despite the same concerns when VMS requirements were implemented.
- Concern was expressed that location data would be used against fishermen to close areas that are heavily fished.
  - Other captains responded by citing a recent instance when VMS data was used to modify the boundaries of a proposed closed area to avoid impacting historical fishing grounds and allow fishing to continue.
  - Staff also mentioned that historically, the Council has tried to limit any impacts to fishing activities due to closed areas. For example, shrimp ELB data was recently used in Coral Amendment 9 to fine-tune coral locations so that closed areas could be put in place without impacting many of the gear types and fisheries.

**Equipment Costs**

- Captains wanted to know how much the equipment would cost and what the monthly fees would be.

- Captains in the audience noted that VMS typically costs \$3000 with a \$40-\$60 monthly fee. They said that the new archiving GPS units would be anywhere from \$300-\$600 with a monthly fee of \$20-\$40.
- Captains inquired about cost recovery programs or if there is any way to reduce monthly fees.
  - Staff from NOAA Fisheries mentioned that there is money available in a VMS reimbursement fund that could be used for anglers that select to put VMS on their vessels. Staff committed to providing anglers with information about that reimbursement program.
  - Captains mentioned that Gulf Seafood Institute and CLS had a grant to give units to captains.
  - Staff mentioned that they were facilitating participation from numerous vendors to help create competition and drive down monthly fees.

#### Equipment Logistics

- Captains expressed concern that the GPS device would drain their batteries.
  - A captain in the audience stated that his device draws less than 1.1 amps per hour and that it has not been an issue for the 2 years he had been using his unit.
  - Another captain mentioned that one of the new GPS archival units being tested is solar powered and doesn't hardwire into the vessel at all.

#### Power down Exemptions

- Captains wanted to know what to do if their permit was idle.
  - Staff mentioned that there would be a way to "power down" in cases when a vessel and permit would not be used for an extended period.

#### Devaluation of Permits

- Captains wondered what would happen to inactive permits that did not come into compliance with the new regulations. Would a bunch of permits disappear or hit the market?
  - Staff said that permits are tied to the month of the owner's birthday and if fishing reports are not current, then a permit could not be renewed. However, it's not likely that many permits would go away because owners understand their value and are more likely to sell than allow their permit to lapse.

#### Collection of Economic Data

- Captains didn't understand the value of collecting economic data and didn't feel it was necessary.
  - Staff indicated that economic data would be used to gain a better understanding of the value of the federal for-hire fishery. Staff will consider if it's possible to collect this information on a more incremental basis (e.g. once every 5 trips or once a year before permit renewal).

- Captains were concerned that their individual economic information would be shared.
  - Staff explained that data could not be shared on an individual basis and that it would only be displayed in aggregate. For example, it might be used to estimate the economic impact by port, county, or region.

#### Illegal Charter Fishing

- A majority of captains express incredible frustration and anger with the amount of illegal charter fishing that is occurring in federal waters. They felt that in addition to the cost of permits, the new reporting requirements made it even harder for them to operate; while other fishermen were abusing the system by operating illegally, without the required permits, safety equipment, and fishing reports. Staff committed to bringing the issue up at the next meeting of the Council's Law Enforcement Technical Committee.

## **Orange Beach, Alabama January 28, 2019**

#### Staff

Dr. Roy Crabtree  
Dr. John Froeschke  
Emily Muehlstein

#### **43 members of the public attended.**

#### Equipment cost

- How much does the VMS or GPS archiving unit cost?
  - Staff said that that VMS typically costs \$3000 with a \$40-\$60 monthly fee. They said that the new archiving GPS units would be anywhere from \$300-\$600 with a monthly fee of \$20-\$40.
- Will captains that don't use their vessels for part of the year have to continue to pay service fees?
  - Staff noted that those fees were not paid to NOAA and that the vendors would be their best point of contact to determine if monthly fees are contracted for an entire year or if they can be paid intermittently if the units aren't in use.

#### Hail-Out

- Will vessels need to hail out even when they're simply fueling or headed to dry dock?
  - Staff mentioned that the current language specifies that hail-out declarations need to be made each time the vessel leaves the dock.
  - Commercial anglers in the audience mentioned that they don't typically hail out for short in-shore trips, but that they never head into the Gulf without hailing out and making their declaration.

- Will anglers be required to hail-out in more than one way if they have extra commercial or state snapper-check hail-out requirements?
  - Staff noted that it is working to minimize duplication where possible, however this might be something that vendors need to consider.
- What happens if I hail-out and declare a particular landing time but, due to unforeseen circumstances, I have to land earlier or later than expected? Will there be a time that I have to make notification in a specific timeframe before landing?
  - Staff said that there was no intention to require landings notification to be made in any timeframe before landing, that's why the estimated return time was part of the hail-out requirement. It was also mentioned that occasionally landing at an unexpected time would be okay, as long as the behavior was not habitual. Staff will suggest that the implementation team allow captains to amend their landing time if conditions change during their trip.
- Captains suggested that hail-out options should include maintenance, fueling, and research trips.
  - Staff will present the need to add hail-out options including maintenance, fueling, and research trips.

#### Multiple Reports

- Will anglers who are already reporting to Snapper Check need to report twice?
  - Staff from Alabama Department of Conservation and Natural Resources responded by saying that the intention is that the new reporting system will share data with Snapper Check, so captains will only have to report to one system.

#### Equipment Failure

- Captains expressed concern for cases when they have clients on the boat and their reporting or location tracking mechanisms fail.
  - Staff assured the audience that the intention was to find a work around that would allow captains to take their clients fishing despite equipment failures as long as it does not become a habitual issue. Staff will discuss how to handle reporting/location equipment failures with the implementation team and share the resolution with captains.

#### Power Down/Dormant Permits

- Some vessels only use their federal permits during red snapper season and use state permits the rest of the year. Will there be a way to make that permit and the reporting and location requirements dormant so that the vessel can still operate as a state charter during the rest of the year without having to report?
  - Staff said that currently the only mechanism to put reporting and location requirements on hold is a power down exemption. Under that exemption

the vessel cannot leave the dock. Staff will discuss whether or not it's possible to consider a dormant permit exemption.

#### Landings Locations

- What happens if a vessel lands at different locations?
  - Staff said that captains would need to ensure that each location was on the list of approved landings locations and that new locations would be easy to add to the list. Staff will provide captains with a list of landings locations and provide information on how to add new locations.

### **Kenner, Louisiana February 12, 2019**

#### Staff

Emily Muehlstein  
Richard Malinowski

**40 members of the public attended.**

#### Location Requirements

- What happens if my vessel is in a covered slip that doesn't allow the satellite to ping?
  - Presumably, the last ping will show you at your landings location and the next ping will show you at the same place (immediately outside the enclosure). This should be precise enough. Staff will consider this situation.
- If I keep my vessel in a covered slip, will that restrict the type of hardware?
  - Staff said that the solar units will keep a charge for a few days. A hardwired unit will be more reliable in this situation.
- Why does the hardware need to be affixed to the vessel? If you want to cheat the system you can still manage to leave the GPS unit at the dock.
  - Having a device permanently affixed will increase compliance with the regulation. Using a mobile app alone would not be reliable enough.

#### Illegal Charters

- Federally permitted vessels are not the issue. There are people operating illegal charters in the federal waters and they're not going to report.
  - Staff noted that this is something they've heard at multiple meetings. They've already committed to presenting this issue to the Council's Law Enforcement Technical Committee.

#### Equipment Failure

- What happens if something goes wrong with my equipment and I have a charter scheduled?

- Staff assured the audience that the intention was to find a work around that would allow captains to take their clients fishing despite equipment failures as long as it does not become a habitual issue. Staff will discuss how to handle equipment failures to ensure captains won't be stuck at the dock and share the resolution with captains.

### Hail-Out Requirements

- Can the hail-out be automatic (tied to the GPS)?
  - Staff explained that the hail-out would require the operator to declare what type of trip was being taken. So, it was not possible to automate.
- When does the hail-out need to be completed? Does there need to be advanced notification?
  - Staff said that there was no need for advanced notification, captains only need to hail-out at the time they leave the dock.
- Do I need to hail-out every time I leave the dock? Captains were concerned that if they're running a short distance to a friend's camp or to test a new prop that they would have to hail-out even if they're not going into federal waters.
  - Staff reiterated that hail-out was required each time the vessel left the dock.

### Landings Notifications

- How accurate does landing time need to be? Sometimes clients want to come in early or stay out late, Captains expressed concern that they would get in trouble in these cases.
  - Staff explained that it was not going to be as stringent as the commercial landings notification requirements. Staff will discuss this with the implementation team and determine how accurate the time window will be and discuss the process to modify a notification, if necessary.
- Why do we require landings notification?
  - If an agent wants to validate your catch, then this will allow them to anticipate your return. Right now, there is no mechanism for that so, providing landings notification will give them a better idea of when and where to meet you.

### Landings Locations

- What locations will be approved?
  - Landings locations have to be approved with 24-hour access.
  - The NOAA Law Enforcement Agent noted that if landings locations have gated codes, the agents will have to have access or it can't be considered a landing location. The Agent also noted that he would be responsible for establishing/verifying the locations and he would be happy to work with Captains to accomplish that.

## Hardware

- Are the free CLS America units approved yet?
  - Staff mentioned that the units are not certified to collect the for-hire data elements yet, but they're working on it.

## Economic Information

- What if the tax return doesn't agree with what the economic reporting says?
  - The NOAA Law Enforcement Agent said that the economic data doesn't go anywhere but NMFS. However, agencies like the IRS can request the information via subpoena.

## Data Use

- How many years will it take to validate and use the information collected?
  - Staff answered that it would first see how the landings data compares to the current state and federal systems. It'll take an estimated 2 or 3 years until the new program is validated and other data collection programs can be removed.
- Captains speculated that this data would be used to create an individual catch history in the future. In this case, there was concern that captains should or would inflate their catch histories in anticipation of such a change.
  - Staff explained that the Council recently decided to stop working on Reef Fish Amendments 41 and 42, which consider using allocation-based management for the for-hire fleet. It's likely that in 3-5 years down the road the Council will reconsider, once catch histories are established, however staff assured the captains that any move towards allocation-based fisheries management in the for-hire fleet would require a referendum.
- Will the data be publicly available?
  - Staff explained that you'll be able to get your own trip information back, but the general public won't have access to the information.

## Program Funding

- Does NOAA have funding to do this in 2019? Captains expressed concern that NOAA was asking them to buy hardware without even having money to fund the program.
  - Staff reported that budget requests have been put forth for funding. The program is estimated to cost \$3.5 million a year for both the Gulf and South Atlantic programs. Long term, NOAA will have to solicit congress to find that money.

## Implementation Time

- Captains suggested that NOAA wait until November or December to put these requirements in place. Then, on January 1, 2020, after a few months for adjustment and learning, implement the regulations.

## Biloxi, Mississippi February 13, 2019

### Staff

Emily Muehlstein  
Richard Malinowski

**41 members of the public attended.**

### Economic Information

- The economic impacts of the recreational industry have never been accounted for in Council decisions. Two groups have done studies about the value of the sport fish industry and it's never benefited them. Why is this information any different?
  - Staff explained that the economic studies done by external advocacy groups are not used in Council decisions in part because they extrapolate the value of the recreational industry by including tourism and other indirect indicators. The Council uses ex-vessel price as a direct indicator in the commercial industry, without accounting for all the downstream value (i.e. restaurants). So, collecting charter fee information will allow for a direct, accurate indicator of value in the charter industry. Additionally, during catastrophic events this data can be used to develop loss of income projections and economic affects in a timelier manner.

### State and Federal Reporting Crossover

- What happens if captains already report to Mississippi? Will they have to report twice now?
  - NOAA Staff explained that the intention is not to require anglers to report to multiple agencies.
  - DMR Staff indicated that they need to know more about the federal system. If they were to relinquish federal for-hire data collection, they expressed a desire to have quick turn-around for data requests. NOAA Staff assured them that the data would be collected daily, so the agency won't experience the same delays that it does under the current MRIP program. DMR Staff also indicated that they would like to ensure that the current data fields included in Tails and Scales (TNS) would be part of the federal reporting requirements. NOAA staff indicated that it would schedule a meeting to work with the states to ensure that their needs are met.
- A Captain expressed the desire to have the State continue to be the agency he reports to. He reasoned that he would prefer that the State data collection program, which has proven successful, be the standard.
  - Staff explained that this would only be possible if the state was willing to modify their program to include all the necessary data elements in the federal program, including the GPS archiving portion of the requirement. The TNS collection program is certified by MRIP to be used and could be



approved as a reporting method should the state choose to request approval.

#### Data Use/Sharing

- Will the data be shared with other agencies like the IRS?
  - Staff said that other external agencies would have to subpoena the information.
- Will people be able to login and see the data?
  - NOAA Staff said the public interface will be like the current MRIP data query. Information will be given publicly in low resolution. Also, individual users will be able to log into their own accounts to see their past reports.
- Will each captain need to have their own account or can they share if they operate the same vessel?
  - Staff said that they can either share their login for the same vessel or use their own I.D. if they want their individual catch logs.

#### Power Down Exemptions

- Captains wondered if they would be able to shut down their vessel if they're not using their federal permits.
  - Staff explained that federally permitted vessels are subject to the most restrictive regulations, so they will have to report if they're using their vessel. However, if they won't be using their vessels they can request a power down exemption that will put their reporting requirements on hold as long as the vessel is not in use.

#### Species Included

- Captains expressed concern that they would have to report on all fish even though this was a federal rule. They said it made sense for them to report on federally managed species, but they didn't want to report every trip, year-round, even if they're not fishing for reef fish. Captains also wondered if they would have to report all bait and junk fish.
  - NOAA staff said that the data elements would require them to report all species. Staff will follow-up with the implementation team to determine if they will have to report non-federal species if they are on non-federal for-hire trips.

#### Reporting Non For-Hire Trips

- If I take my kids fishing on a private trip do I have to report?
  - Staff indicated that when a captain hails out and declares that the trip is not a for-hire trip they will not have to fill out a report upon their return.

#### Catch History

- Captains from Venice, Louisiana explained that their local fleet had some self-imposed limits and wondered if this would deflate their catch history and skew the agency's understanding of the stock. For example, the fleet in Venice has self-imposed a 1 yellowfin tuna per boat limit. Although the regulations allow for

3, the captains want to take the extra step to preserve the fishery. Will this negatively impact NOAA's understanding of the fishery and deflate catch histories? Will it skew the agency's understanding of catch per unit effort if they're intentionally avoiding a targetable species?

- Staff explained that yellowfin tuna is a different consideration. If you had a short season for them like you do with red snapper, the self-imposed limit may actually lengthen the season. However, staff will need to find out more about how the perception of the stock health and how catch histories may be affected.

**Key West, Florida  
March 7, 2019**

**Staff**

Emily Muehlstein  
Richard Malinowski

**6 members of the public attended.**

**Power Down Exemptions**

- Is there anything a captain with a dormant permit can do to avoid having to equip a vessel for a permit that isn't being used?
  - NOAA staff explained that in the commercial sector, operators need to have all the necessary equipment working before they can request a power down exemption. Staff will discuss the potential for a dormant permit exemption with the implementation team.

**Electronic Report Validation**

- Will someone need to meet us at the dock after every trip to validate our report? The captains expressed concern that it would be burdensome to have someone check their fish while clients wait.
  - Staff explained that validation coverage would not be complete. The intention of providing a landings location and an estimated landing time is to allow enforcement staff to meet you at the conclusion of a trip if possible however, this won't happen each time you land.

**Data Elements**

- Will captains need to report every species they've caught and discarded even on multi-day trips? The captains emphasized that in their area there was a huge variety of fish landed each trip and they were concerned that they would have to report each specific porgy and minor species harvested.
  - Staff informed the group that the list of species was not finalized. It's likely that bait fish will not be included in the required species to report.

- Why is the economic data necessary?
  - Staff explained that economic data is used in fishery management decisions. Understanding the value of the for-hire fishery will allow for better management decisions to be made for the industry. Further, economic information will help in cases of disaster recovery.
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- Are the Gulf and South Atlantic reporting requirements the same?
  - Staff said that the Gulf requirements were the stricter of the two regions so, operators with both permits would need to comply with the Gulf regulations. The South Atlantic is going to require anglers to report each trip on a weekly basis however, it does not have a vessel location tracking requirement or the Hail-Out requirement like the Gulf.

### Data Use

- Why is this necessary for the for-hire sector? Will you be collecting private angler information as well?
  - Staff explained that collecting landings and location data will improve our understanding of the fish and the fishery. This will allow the Council and NOAA to make management measures that are more accurate and precise. Staff also said that at the moment, numerous state agencies require recreational reporting and are working to improve private anglers data collection. The commercial sector is already accountable and the for-hire sector, which is a known universe of anglers is the next logical place to collect census data on fishing activity.
- How will the information gathered affect stock assessments? Generally, the audience expressed distrust that this information would be used against them.
  - Staff said that better information will allow for better, more precise management. Eventually, this information should be incorporated into assessments to decrease the amount of assumptions that are currently made.

### Hail-Out

- How far can a vessel travel before having to hail-out?
  - Staff reiterated that a hail out was required each time the vessel left the dock.

### Equipment

- Can you transfer GPS units to new vessels if you transfer your permit?
  - Staff said that yes, units can be transferred. In the commercial industry, operators often sell their VMS units along with their permits.
- What happens if your equipment isn't working?
  - Staff emphasized that its intention was not to keep you tied to the dock due to equipment failure. If your equipment is not functioning properly, you would first contact your vendor and if that doesn't work you will contact NOAA. Staff will discuss how to handle these situations and inform captains of the protocols.

## Fort Myers, Florida March 11, 2019

### Staff

Emily Muehlstein  
Richard Malinowski

**38 members of the public attended.**

### Data Elements

- Why is information on discards important? This is especially confusing when anglers have to discard fish due to regulations.
  - Staff indicated that information on discarded species is important because it gives us a better understanding of the health of the fish stocks themselves. It also paints a better picture of the total removals occurring for each species.
- What species will be included? Captains didn't believe it was fair to ask them to report their inshore trips and non-federally managed species.
  - Staff explained that the species included in the report were still being determined. However, species caught in state or federal waters will be required to be reported. The program's Technical Guidance Document will provide a list of species to the public that will be included in the logbook requirements when completed.
- Knowing that this program will establish catch histories, what will stop people from falsifying records?
  - Staff said that the hail-out and landings location information will allow officers to meet captains at the dock and verify catch. If reports don't match then, anglers will be subject to penalties.

### Location Information

- Will this location information be used against us?
  - Staff explained that location information was collected in both the commercial reef fish and shrimp industries. In both fisheries, the Council recently used the location information to make management decisions that preserved historical fishing access while simultaneously protecting deep-water corals.
- Why doesn't the Council track commercial king fishermen? They're all over the place, fishing across the Gulf and in the South Atlantic, why doesn't the Council track them instead of the for-hire fishermen?
  - Staff explained the Council has not selected the king mackerel fishery to report vessel locations using a VMS similar to the reef fish fishery. One reason the Council selected the VMS requirement in the reef fish fishery was to prevent fishing on closed management zones. The management zones are typically in deeper water and these areas are not where king mackerel are typically caught.
- How will the locations data be secured? Anglers expressed concern that their information would be shared.

- Staff assured the audience that the data would be housed and accessed in way the commercial locations data are handled. Commercial anglers expressed the same concerns at the onset of their tracking requirements, however, in hindsight most will tell you that they have confidence in how the data are warehoused and accessed.

### Data Use

- Is this setting the groundwork for an Individual Fishing Quota (IFQ) program for the for-hire industry?
  - Staff said that the Council recently stopped work on Reef Fish Amendments 41 and 42 which considered allocation-based management for federally permitted charter and headboat vessels. The Council's Charter and Headboat Advisory Panels both recommended the Council table the documents and at its January meeting the Council decided to stop working on the Amendments until catch histories are defined for charter vessels. In that case, it will take a number of years to establish catch histories and if the issue is reconsidered, it will require a referendum of the fleet.
- If we're going into this knowing we are establishing our catch histories, will that be used against us? Meaning, if you see that we're catching more fish will you create more limits?
  - Staff explained that information on catch will first be used to regulate seasons more precisely. NOAA will have a better handle on in-season quota monitoring and reduce the likelihood that the season is closed early or late resulting in leftover fish or overfishing. If we learn that captains are catching more than we thought, it'll probably positively influence our stock assessments because it shows that there are more fish available than previously thought. But there is no guarantee that the landings might show a need for different management strategies.

### Permits

- Will this degrade the value of permits like the recent conversion of Historical Captains Permits which will increase the amount of permits in the industry?
  - Staff explained that the Council has chosen to provide the 32 active historical captains to replace their historical captain endorsement with a reef fish or CMP for-hire permit. These endorsement were already accounted for in the for-hire fishery when the permits became a limited access fishery. If fisherman decide that they do not want to participate in the Gulf reporting program they can chose to sell their permits which could lead to a larger number of permits available to the public.
- What happens if you lease your permits to other operators?
  - Staff confirmed that it's your responsibility to ensure the conditions of your permit are met. The operators will need to comply with all reporting requirements if they want to be allowed to retain fish, and all reports will need to be up-to-date for permit renewal.
- Will permit dealers need to comply with all these regulations?

- Staff said that permit dealers are subject to the same requirements. When a permit is transferred the recipient has one year to attach the permit to a vessel or it is XXXX.

#### Charter For-Hire Definitions

- If you're a state guide boat with clients aboard, can you fish in federal waters for non-federal species? Captains without federal permits on for-hire trips shouldn't be able to fish in federal waters.
  - Staff will consult with NOAA General Counsel and respond.
- Can captains consult on private vessels where everyone has their own fishing license and the captains takes them into federal waters to fish? This creates competition for captains on federally permitted vessels. There is concern that as the federal permit restrictions become more burdensome, more and more captains will become consultants rather than run legitimate charter vessels. Also, some captains would like to preserve make a living with this kind of operation
  - Staff will consult with NOAA General Counsel and respond.

#### African Pompano

- Why did the Gulf Council relinquish control of African Pompano and what would captains need to do to get them re-considered as a federal species?
  - Staff will research this history and respond with information on how to participate in the Council process.

#### Red Grouper

- Why are red grouper transitioning from female to male earlier than ever?
- Why do regulations allow us to kill all the female fish?