Ad hoc Charter-For-hire Data Collection Advisory Panel
Meeting Summary
January 10-11, 2024

The meeting of the Gulf of Mexico (Gulf) Fishery Management Council's (Council) Ad hoc Charter-For-hire Data Collection Advisory Panel (AP) was convened at 9:00 AM EDT on January 10, 2024. The AP received an introductory presentation from Council staff outlining the Council process and responsibilities of the AP. The meeting agenda was approved as written.

Election of the Chair and Vice Chair

Capt. Jim Green III was elected chair and Capt. Michael Jennings was elected vice chair.

Charge of the Advisory Panel and Overview of Meeting Scope

The AP reviewed the Council's charge to group. The group was directed to consider lessons learned from the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program and work collaboratively to discuss strategies that would enhance the timeliness, accuracy, and quality of data for the federal for-hire fleet. Additionally, the AP was tasked to consider balancing the anticipated reporting and economic burdens associated with their recommended program requirements. After the review, AP members indicated they understood the charge as presented and had no further questions.

Review of Past Discussions on Charter For-hire Data Collection

Council staff provided the AP a presentation highlighting previous work on developing a data collection program for the charter for-hire sector in Gulf of Mexico (Gulf). The presentation included outcomes from the initial 2010 pilot study, recommendations from a 2014 technical report, a review of the Council amendment establishing a data collection program that was approved by the Council in 2017, and recent, primarily administrative program modifications, that were completed in early 2023 to address several issues with the Southeast For-hire Integrated Electronic Reporting (SEFHIER) program.

AP Discussion of New Charter-For-Hire Data Collection Program Goals and Objectives

The AP discussed what worked and what did not with the previous SEFHIER program and worked on developing a list of new program objectives and components. Several AP members reported past hardships for the industry when the red snapper season was only a few days in duration. Those AP members indicated that recent improvements in the red snapper stock abundance, in addition to data collection and monitoring of the for-hire sector, had generated longer and more consistent fishing seasons. They contended that a dedicated data collection program could help avoid those past industry hardships by reducing management and scientific uncertainty and open the possibility of sector separation for other federally managed species.

While the AP was generally in favor of a data collection program, the group expressed several frustrations with the previous SEFHIER program. Broadly, the issues identified by the AP included the complicated reporting requirements of the previous program, the 24-hours-a-day /7-days-a-week vessel locational position monitoring, approaches to validation, and the economic question survey that was required for every trip. There was agreement among the group that any new data collection program needed to be as simple as possible and reporting should be limited to fishing trip effort and catch information. The AP discussed its dislike of the continuous tracking of the Vessel Monitoring System (VMS), and cited the appellate court ruling as rationale for not including something that was perceived as overreaching by the AP for any new program. Several AP members stated that validation was necessary for the new program so that the catch and effort data would be approved for use in stock assessment and management analyses; however, they were interested in exploring validation methods other than those used in the original SEFHIER program.

Several AP members asked why any economic information needed to be supplied as part of a fisheries data collection program. Council staff informed the group that economic assessments of the fishery are mandated by the Magnuson-Stevens Fishery Conservation and Management Act. He further stated that to assess a given market, information on the price of the commodity in question is needed. He explained that, in the case of the charter for-hire industry, that trips are the commodity being sold to costumers. Therefore, the revenue being collected by operators along with costs estimates are needed to inform comparison analyses for fisheries management alternatives being considered by the Council in their policy documents. Without those data, economists cannot fully evaluate economic effects expected to result from potential management alternatives. He suggested that approaches other than census trip-level reporting of economic information could be used but stated that these data have to be collected in some systematic manner. Additionally, an AP member stated that these economic reports are valuable when assessing disaster relief (e.g., hurricanes, Bonnet Carré Spillway, red tides) funding and sector allocations.

The AP Chair then requested each AP member identify data components they would like to see in another iteration of a data collection program. The AP compiled a list of components which was recorded by staff. The AP decided to wait on discussing the list further until after hearing presentations from Southeast Regional Office (SERO) staff.

Summary of SEFHIER Program Data

Dr. Michelle Masi (SERO) presented summary information collected in 2022 through the SEFHIER program. The presentation included information on number of targeted trips, species-specific catch numbers, spatial movement behavior of the fleet, and regional compliance estimates. An AP member asked what other than VMS would be a minimal approach to achieving trip effort estimation. Dr. Jessica Stephen (SERO) stated that it would depend on what needed to be validated. The agency needs to have some estimate of those who took a trip but simply forgot to report a logbook along with an estimate of those who may never report. She continued that "Did Not Fish" (DNF) reports could help elucidate those behaviors and achieve those types of estimates in lieu of constant VMS monitoring.

An AP member inquired why there was considerably less compliance in the South Atlantic relative to the Gulf. Dr. Masi replied that the, in the Gulf, the for-hire industry is a limited access fishery and having SEFHIER compliance tied to permit renewal likely increased program compliance. This increased incentive does not exist in the South Atlantic. She also indicated that daily reporting, as required in the Gulf, versus the weekly reporting in the South Atlantic likely contributes to increased compliance and reporting accuracy. It is probable that reporting a trip at the end of each day is easier than attempting to tabulate a catch logbook for the week, especially during the busy times of the for-hire season. An AP member asked if the agency could provide any estimate of latent for-hire permits and Dr. Masi replied that latency is difficult to quantify as a participant only had to report once to be considered active.

Considerations for a Data Collection Program

Dr. Stephen presented an overview of scientific survey design techniques, approaches to data validation, and potential uses for fisheries data. An AP member asked if the Gulf's SEFHIER program was more robust than the South Atlantic design and if that translated to the program's data being more usable for informing fisheries analyses. Dr. Stephen replied that the Gulf program allowed for more uses than the South Atlantic's program and that they observed much higher program compliance in the Gulf. The AP again asked what could be used to validate trip effort rather than continuous VMS tracking and inquired why the hail out/in was not considered sufficient as a validation method. Dr. Stephen answered that if a captain forgets to declare that the agency needs to have some way to note and correct that observation. She continued that a dockside intercept could help address this issue but there is only an approximate 5% intercept estimate which is not enough to satisfy the requirements for statistical validation. So, the VMS validation component of the program could be replaced by several other reporting steps (i.e Did not Fish reports) but there would need to be a balance to avoid burdensome requirements. She stated that there also needs to be some estimate of compliance and the ability to quantify which percentage of the industry does not comply at all. She contended that a new charter for-hire data collection program could be used for in-season monitoring which could be timelier than the Marine Recreational Information Program. However, to reduce scientific uncertainty enough to be confident to use those data for that purpose, the estimate of fishing effort needs to be as robust as possible. Having a high level of reporting compliance can help improve program estimates.

The AP offered some suggestions for validating fishing effort. Several AP members indicated that live-streaming marinas cameras and photos of catch at the dock could be provided. Dr. Stephen agreed that many marinas do have cameras but those marinas are private and are not under any obligation to share those feeds. She also stated that artificial intelligence advancements have allowed for some identification of catch and are being explored in various fisheries. However, those photos could help validate catch information but could not be used to validate the effort portion of the survey design.

The AP asked if a geofencing[1] approach could be used to validate trip effort such that a trip could be validated when the vessel moved offshore. Dr. Stephen indicated that a geofence[1] approach could be explored as an alternative to VMS. She then stated to the AP that if there are program components that they feel strongly should be included it is best to identify those early in the developmental stage as adding those components later can be difficult.

AP Discussions on Recommendations for New For-hire Data Collection Program

The AP reviewed the charter for-hire data collection program recommendations from the 2014 technical report and discussed its recommendations for objectives for the new data collection program. The AP generally agreed with those reported from the technical group but did not want to recommend that the data be used to establish any type of catch share program.

> **MOTION:** To adopt the following objectives for a new charter-for-hire data collection program:

- Increasing the timeliness of catch estimates for in-season monitoring;

- Increasing the temporal (and/or spatial) precision of catch estimates for monitoring;

- Reducing biases associated with collection of catch and effort; and,

- Increasing stakeholder trust and buy-in associated with data collection.

> *Motion carried with no opposition.*

The AP then discussed its recommendations for program components. The group reiterated the lessons learned from the previous SEFHIER program and the appellate court determination for setting aside the program. The AP strongly agreed that continuous VMS tracking would not be defensible for any future charter/for-hire data collection program.

> **MOTION:** To recommend the Council not require 24-hour tracking.

> *Motion carried with no opposition.*

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[1] A geofence is a virtual boundary defined by geographical coordinates, such as latitude and longitude, that allows for the monitoring of a specific geographic area. Geofencing technology is often used where location-based services can trigger actions or notifications when a device enters or exits a predefined area.

The AP then focused on aspects of the previous SEFHIER program they felt would be advantageous to retain for a future data collection program. The AP was in general agreement that the trip declaration data fields were appropriate. The AP contented that this information was necessary for quantifying fishing effort and is feasible for program participants to report.

> **MOTION:** To recommend to the Council that Trip Declarations include the following components:

- Vessel Registration Number
- Captain's Name
- Departure Date and Time
- Estimated Return Date and Time
- Location
- Trip Type

> *Motion carried with no opposition.*

In discussing lessons learned from SEFHIER, several AP members stated that remedying definition of a trip to initiate a hail out was needed. The previous requirement to hail out any time a vessel moved from a dock caused for an arduous situation for program participants and greatly affected program buy-in. To avoid this issue in a revised version of data collection program, the AP recommended that the hail out requirement only be implemented when initiating a trip involving for-hire fishing activity.

> **MOTION:** To recommend to the Council that Trip Declarations are only required for for-hire fishing trips before departure.

> *Motion carried with no opposition.*

The AP discussed its desire to keep the data collection program requirements as streamlined and simple as practicable. The AP recognized that duplicative reporting can be quite burdensome for dually permitted vessel captains. SERO staff also expressed a shared desire with the AP to implement "one-stop level" reporting to better standardize fishery data collection programs.

> **MOTION:** To recommend to the Council that one mechanism be used to report all fishing activity across sectors and regions.

> *Motion carried with no opposition.*

The AP then discussed its recommendations for data fields to be included in the logbook portion of the program to assess catch. Largely, the AP was amenable to the data fields included in SEFHIER. The AP discussed the merits of including reporting of depredation information. The AP was mixed with some members advocating for inclusion of depredation data while others contented it was not necessary to inform the program's objectives. The AP decided to table the discussion of the including depredation data fields until later in the meeting and agreed to the following logbook components:

MOTION: To recommend to the Council that a trip report include the following components:

- Vessel Registration Number
- Captain's Name
- Departure Date and Time
- Actual Return Date and Time
- Location
- Trip Type
- Angler Count
- Passenger Count
- Crew Count
- Average Depth Fished
- General Area Fished (GPS Format)
- Individual Species Data
  o Kept
  o Discarded
- Fishing Occurred (y/n)
- Primary Gear Used
- Primary Target Species

Motion carried with no opposition.

Public Comment (Day one)

Dylan Hubbard commented that we have a sustainable fishery and the sector should have the most possible access. We can decrease scientific and management uncertainty. We can agree having more access and healthy fishery is a good thing. Red grouper showed really big uncertainty in landings estimates and we need to fix these things. We can move away from the Marine Recreational Information Program-Fishing Effort Survey program by standing up a specific charter for-hire program that can get past a peer review. This information should be used. We have to do this with some type validation that passes peer review and make difficult compromises.

Troy Frady has been involved in the for-hire industry for about 13 years now. He stated that a goal for SEFHIER is to give the sector some accountability. He stated that the AP has the opportunity to lay out something simple that can work. He spoke to the need for sustainable fisheries in the face of environmental and climate challenges. He commented that the AP had done a good job putting difference aside to work for the fisheries. He stated he did not want history to repeat itself where the sector was back down to 9-day fishing seasons for recreational red snapper. The Council is made up of experiences different than that of the APs. He wants to see people stand up to people that may be in their organizations where you see things that can be successful. He commented that he appreciated AP members taking the time away from their businesses and families to better design this program for the benefit of everyone's lives.

Mike Colby had two observations: 1) on economic data disaster assistance. He commented that, as a young fisherman, when you go to get a loan from a bank you may get asked where you keep your boat. There are 48,000 fishermen that fish on his boats and so you're more likely to get that loan when they know how many people are using it. 2) As far as tracking, he stated without some kind of validation that there needs to be some required location tracking. He stated he didn't want something like what they have in the South Atlantic. He thought the agency would need a lot more dock intercepts, along the lines of 50%, to get the same validation. He commented that he thought the AP could sell something more like tracking only when you are fishing. He stated he would like to get this program up and running as quick as possible so something like NEMO would help get that running fast.

The AP completed the first day a 5:00 pm and reconvened January 11th at 9:00 am eastern time to continue the discussion of program recommendations.

Continued AP discussions on Recommendations for New For-hire Data Collection Program

Council staff again reviewed the Council's charge to the AP and the began deliberations on whether to include depredation data fields to the program reporting requirements. Ms. Karyl Brewster-Geisz from NOAA's office of Atlantic Highly Migratory Species (HMS) office was available online to answer questions from the group. Several AP members inquired what type of information HMS was looking for regarding shark depredation. Ms. Brewster-Geisz replied that any information provided, such as shark species involved, area fished, or date/time would be beneficial. She indicated that, to date, most of the depredation reports HMS has received have been scattered and difficult to identify patterns in depredation. She continued that information received from the program would likely not be used to inform management. Rather, high-level information could then be communicated to fishermen if spatial or temporal patterns in depredation are observed in particular areas. So, any depredation data collected would be more for exploratory purposes. She stated that many shark species are undergoing rebuilding plans and methods to quantify those trends are being explored by HMS. For example, she spoke to recent management measures, still in the developmental stages, to allow for electronic reporting of HMS species.

The AP discussed the possibility of having voluntary data fields for reporting depredation. An AP member asked if having some percentage of voluntary information which could be extrapolated would be valid. Council staff replied that would not be desirable as the component volunteering the information would have to representative of the entire fishing fleet and that assumption is likely to be violated relative to a random sampling of program participants who would be required to report. SERO staff indicated that having a systematic reporting approach would provide more robust information than a strictly voluntary reporting design.

The AP level of support for including depredation data fields was highly varied. Several AP members reported to the group that shark and dolphin depredation had been brought up several times during Council public testimony. They contended that starting the process to get some data collection on depredation was an important first step towards addressing the issue. Other

AP members expressed a different viewpoint. They stated that HMS had not explicitly asked for this information from SEFHIER, that HMS did not appear to have any plans for the data's use, and were tasked with increasing HMS species abundances which is not a purview of the Council. These members contended that depredation data collection was not necessary for the charter for-hire data collection program and was counter to goal of simplifying the reporting requirements. Several AP members replied that the depredation information would be optional so that those that wished to supply that information had the opportunity but no one would be required to do so.

> **MOTION:** To recommend the Council add an optional depredation data section to the data reporting to include a selection list of predatory species and marine mammals.

> *Motion carried with no opposition.*

The AP then discussed the merits of collecting economic data about the for-hire sector. Several AP members expressed interest in the ability to monetarily assess the fishery when considering various management alternatives such as allocation. An AP member asked if it was possible to identify an individual by reported economic information. Council staff replied that it was illegal to report any economic information which has the possibility of violating a person's confidentiality. The AP asked for clarification on how charter for-hire economic data is quantified relative to the other sectors. Council staff replied that that commercial fishery provides direct estimates of fish value when they sell their catch to a dealer. Similarly, the charter for-hire sector sells customers trips which allows for an indirect assessment of fish value by what the public is willing to pay for a trip. He continued that analyzing the private recreational sector is a bit different since that sector does not sell any fish and instead economists measure satisfaction through a consumer surplus metric. The AP was in general agreement that collection of economic data has benefits but also agreed that the techniques used to collect that information in the SEFHIER program were overly burdensome to the industry and recommended other approaches be explored.

> **MOTION:** To recommend the Council remove the economic information data from the daily reporting requirements and explore other methods for collecting economic data in the for-hire industry.

> *Motion carried with no opposition.*

The AP discussed frequency of reporting requirements for the new program. A few AP members had asked to discuss a potential move from daily reporting, as required by SEFHIER, to weekly reporting as implemented in the South Atlantic. Many AP members commented that it was more feasible and accurate for them to report on a daily basis rather than weekly. One AP member noted that, especially during the very busy portions of the season, it would be difficult to retain catch information each week when long days on the water and multiple trips make memory retention arduous. Several AP members agreed and noted that weekly reporting was likely a contributing factor for less program compliance observed in the South Atlantic. Additionally, weekly reporting would affect validation which is already being modified by having a new program move away from continuous VMS tracking. The AP agreed that daily reporting was a reasonable requirement for the new data collection program.

An AP member expressed concern for linking program compliance with permit renewal. The member stated that, in the Gulf, for-hire permits can cost tens of thousands of dollars and that no monetary equivalent exists for an egregious fishing violation which, could be argued, has a larger determinantal effect to conservation efforts than a missed logbook report. Several AP members generally agreed with the sentiment but contended that some form of regulatory "teeth" has to be implemented to dissuade non-compliance. Andy Strelcheck (NOAA Regional Administrator) stated that NOAA works with fishermen to clear up any potential issues so that rescinding of a permit does not occur without due cause. He continued that having the AP request the Council to explore some options would help spur discussions on approaches that would work to balance program participants' concerns and program needs.

> **MOTION:** To ask NOAA Fisheries and the Council to explore some options to address permit renewal issues that maintains the integrity of the for-hire data collection program and provides some flexibility for program participants.

> *Motion carried with no opposition.*

An AP member voiced frustration of the handling of the VMS reimbursement portion of the SEFHIER program and asked if any another could be done for a future data collection program to avoid this issue. Dr. Stephen responded that hardware reimbursements are only funded for mandatory aspects of the program. In the case of those SEFHIER participants that bought VMS units but missed the deadline for reimbursement, they would not have the possibility of receiving any reimbursement funds if the new data collection program has no VMS requirement.

Then AP discussed the need for an outreach plan when instituting a new data collection program. Several AP members spoke to the merits of the port ambassador approach that had been used for SEFHIER and advocated for small in-person group meetings to communicate the program to charter for-hire participants. An AP member stated that the best way to engage fishermen was to go out to the docks to speak with people, in-person and that would be beneficial for industry buy-in.

> **MOTION:** To recommend the Council use industry outreach and be part of the development and implementation plan such as the port ambassador program.

> *Motion carried with no opposition.*

The AP discussed the importance of safety-at-sea considerations for the new program. Everyone agreed that the safety of people on aboard and the vessel is the main responsibility of a charter for-hire captain. The AP was interested in retaining the aspect of the SEFHIER program that allowed a vessel operator to report catch at the dock before offload when marine conditions are not conducive to filling out logbooks safely when returning to shore.

> **MOTION:** To recommend the Council maintain the component of the SEFHIER program that allowed safe dockage before submitting report and off-loading fish.

> *Motion carried with no opposition.*

The AP discussed possible validation approaches. The AP agreed that continuous VMS tracking was not legally defensible but recognized the need for NOAA Fisheries to have data validation resulting in estimates that could be used to inform fisheries management in a meaningful way. An AP member asked who was responsible for making the final determination of whether a data collection program was suitable to inform stock assessments and/or management measures. Dr. Stephen replied that SERO would work with NOAA's Southeast Fisheries Science Center and Office of Science and Technology to consult on an ultimate determination for use of the program. For catch validation, the AP recommended retaining the dock side intercept approach used in SEFHIER. For effort validation, the AP recommended a number of possible options for exploration in lieu of the VMS tracking. For example, a validation button that is engaged by the user when offshore and returning to dock, a passive geofence application, DNF reports, or combination of such methods were discussed by the group. The AP recognized that some of these more novel approaches may require some research by staff as well as consultation with software vendors to assess their potential application and determine their appropriateness as effort validation tools.

> **MOTION:** To recommend to Council that we explore the following validation efforts to ensure our data can be used to reduce scientific uncertainty and management uncertainty and be used in a stock assessment passing peer review with the following tools:

1. hail out (trip declaration)
2. log book
3. dockside intercepts
4. Explore trip validation options such as effort validation button, which would capture GPS coordinates of the device (phone) and this would be required to be hit by captain after declaration, before trip report, while seaward of demarcation line or geofences options
5. No fish reports required, only weekly like currently required in SRHS - meaning if you do not fish at all in a week you'd have to do a no fish report... if you fish one day during that week you wouldn't be required a no fish report

> *Motion carried with no opposition.*

An AP member expressed an interest in maintaining some level of for-hire reporting while developing the new data collection program. The member suggested reporting of logbooks in the interim would serve as a valuable initial step to getting a data collection program back up and running. The AP was amenable to the member's recommendation as along as there was no possibility for requiring the continuous VMS tracking.

> **MOTION:** To recommend the Council move forward with reimplementing the SEFHIER program as soon as possible with current available options excluding vessel tracking and economic data requirements while continuing to explore AP recommendations to improve data integrity and usability.

> *Motion carried with no opposition.*

An AP member stated that it would be ideal if the group would support a recommendation that the data collected from the new program not be used to inform a catch share program. They also stated the possibility of developing a catch share program could result in a derby style fishing to bolster catch histories and affect safety-at-sea. Several AP members agreed with the sentiment of not wanting to develop a catch share program for the industry but acknowledged that the AP could not dictate to NOAA Fisheries how they may use the data in the future. Other members stated, in the face of a fisheries collapse, they would not want to limit NOAA Fisheries' ability to manage as needed. An AP member clarified that the purpose of the discussion was not to dictate anything to the agency but rather establish documentation of intent that the charter for-hire data collection program be used only to inform estimates of catch and effort for assessment and monitoring purposes only.

> **MOTION:** To recommend the Council not move forward with a for-hire IFQ program.
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> *Motion carried with no opposition.*

The AP discussed the remaining items on the data collection program components list. The AP decided to postpone discussions on dually permitted vessel considerations until later in the process. They also briefly discussed the concerns about continuing fishing trips in the event of an unforeseen reporting application failure. SERO staff indicated that customer service requirements would be implemented for vendors to address any equipment issues. No members of the public spoke during the second public comment portion and the AP was adjourned at 1:30pm eastern time on January 11, 2024.

AP members present

Joshua Ellender
Richard Fischer
Jim Green III, *Chair*
Michael Jennings, *Vice chair*
Bo Johnson
Steve Papen
Clarence Seymour Jr.
Clay Shidler
Thad Stewart
Josh Swinford
Abby Webster

Council Representative

Ed Walker