

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

DATA COLLECTION COMMITTEE

Hilton Baton Rouge Baton Rouge, Louisiana

February 1, 2023

**VOTING MEMBERS**

- 10 Susan Boggs.....Alabama
- 11 Dave Donaldson.....GSMFC
- 12 Jonathan Dugas.....Louisiana
- 13 Dakus Geeslin (designee for Robin Riechers).....Texas
- 14 Bob Gill.....Florida
- 15 Michael McDermott.....Mississippi
- 16 Chris Schieble (designee for Patrick Banks).....Louisiana
- 17 Andy Strelcheck.....NMFS
- 18 Greg Stunz.....Texas
- 19 C.J. Sweetman (designee for Jessica McCawley).....Florida
- 20 Troy Williamson.....Texas

**NON-VOTING MEMBERS**

- 23 Kevin Anson (designee for Scott Bannon).....Alabama
- 24 Billy Broussard.....Louisiana
- 25 Dale Diaz.....Mississippi
- 26 Phil Dyskow.....Florida
- 27 Tom Frazer.....Florida
- 28 LCDR Lisa Motoi.....USCG
- 29 Bob Shipp.....Alabama
- 30 Joe Spraggins.....Mississippi

**STAFF**

- 33 Assane Diagne.....Economist
- 34 Zeenatul Basher.....Coral and Habitat Biologist
- 35 John Froeschke.....Deputy Director
- 36 Beth Hager.....Administrative Officer
- 37 Lisa Hollensead.....Fishery Biologist
- 38 Ava Lasseter.....Anthropologist
- 39 Mary Levy.....NOAA General Counsel
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Charlotte Schiaffo.....Administrative & Human Resources Assistant
- 45 Carrie Simmons.....Executive Director
- 46 Carly Somerset.....Fisheries Outreach Specialist

**OTHER PARTICIPANTS**

- 49 Richard Cody.....NOAA

1 Kerry Marhefka.....SAFMC  
2 Clay Porch.....SEFSC  
3  
4 - - -  
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TABLE OF CONTENTS

1  
2  
3 Table of Contents.....3  
4  
5 Table of Motions.....4  
6  
7 Adoption of Agenda and Approval of Minutes and Action Guide and  
8 Next Steps.....5  
9  
10 Abbreviated Framework Action to Modify For-Hire Trip Declaration  
11 Requirements.....5  
12  
13 Modification To Commercial Coastal Logbook Reporting  
14 Requirements and Advisory Panel Recommendations.....12  
15  
16 Overview Presentation of State-Specific Private Angler Licensing  
17 and Reporting Requirements Currently Used to Define Offshore  
18 Anglers in Each State.....16  
19  
20 Other Business.....35  
21 VMS Units.....35  
22  
23 Adjournment.....40  
24

- - -

TABLE OF MOTIONS

1  
2  
3 [PAGE 12](#): Motion to recommend the council approve Abbreviated  
4 Framework Action: Modification of For-Hire Vessel Trip  
5 Declaration Requirements and that it be forwarded to the  
6 Secretary of Commerce for review and implementation, and deem  
7 the codified text as necessary and appropriate, giving staff  
8 editorial license to make the necessary changes in the document.  
9 The Council Chair is given the authority to deem any changes to  
10 the codified text as necessary and appropriate. [The motion](#)  
11 [carried on page 12](#).

12  
13 - - -  
14

1 The Data Collection Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Hilton Baton Rouge, Baton  
3 Rouge, Louisiana on Wednesday morning, February 1, 2023, and was  
4 called to order by Chairman Susan Boggs.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN SUSAN BOGGS:** Good morning. I would like to call the  
11 Data Collection Committee to order. The committee members are  
12 myself, Susan Boggs, as chair. Dr. Greg Stunz is vice chair.  
13 Chris Schieble, Dave Donaldson, J.D. Dugas, Bob Gill, Dr. C.J.  
14 Sweetman, Michael McDermott, Dakus Geeslin, Mr. Strelcheck, and  
15 Troy Williamson.

16  
17 The first item on our agenda today is the Adoption of the  
18 Agenda. I do have one item that I would like to add under Other  
19 Business, and it would be the VMS units. Does anyone else have  
20 any additions or changes to the agenda? Seeing none, the agenda  
21 is approved.

22  
23 The second item on our agenda today is the Approval of the  
24 October 2022 Minutes. Does anyone have any additions or changes  
25 to those minutes? Seeing none, the minutes are approved. The  
26 next item is the Action Guide and Next Steps, and Dr. Lisa  
27 Hollensead will take us through that, please.

28  
29 **FINAL ACTION: ABBREVIATED FRAMEWORK ACTION TO MODIFY FOR-HIRE**  
30 **TRIP DECLARATION REQUIREMENTS**  
31

32 **DR. LISA HOLLENSHAD:** Thank you, Madam Chair, and so, for the  
33 first agenda item we have today, it's a final action on the  
34 abbreviated framework to modify the for-hire declaration  
35 requirements in the SEFHIER program, and so those participants  
36 have described the hail-out provision as overly burdensome,  
37 because the requirement stipulates that the captain must hail-  
38 out whenever the vessel leaves the dock, even for short non-  
39 fishing activities, and so, so far, the committee has selected,  
40 as a preferred option, to only require federally-permitted for-  
41 hire vessel owners and/or operators to submit a trip declaration  
42 for those trips that engage in fishing or chartered activity.

43  
44 Staff has put together that document, and the codified text is  
45 also there, and we've also received some public comment, and so,  
46 Madam Chair, I might recommend having Emily go through those  
47 public comments first, and then we'll go over to Ms. Somerset,  
48 who will then review the document. Then the committee should

1 review the provided materials, ask questions of staff, and  
2 consider potential final action for the document.

3  
4 **CHAIRMAN BOGGS:** All right. Ms. Muehlstein, are you ready for  
5 public comments?

6  
7 **MS. EMILY MUEHLSTEIN:** I am certainly ready. Okay. We did  
8 publish a public hearing video on this document, like normal for  
9 a framework action, and we had 151 views of that video, and we  
10 received seven comments.

11  
12 We did hear some support for no action, and the rationale  
13 provided was that the system works great and that we should  
14 leave it the way it is. We also heard support for Preferred  
15 Option 4, which would require federally-permitted for-hire  
16 vessel owners and operators to submit a trip declaration for  
17 trips that would be engaging in any type of fishing or chartered  
18 activity.

19  
20 The rationale provided for support of this option was that it is  
21 very burdensome to have to hail-out just to move a boat to a  
22 different location for some sort of personal use, that it's  
23 burdensome to hail-out to get fuel on the other side of the  
24 marina or move a boat for maintenance, that hailing-out for non-  
25 fishing trips does not provide a law enforcement benefit, and  
26 that it's burdensome to have a hail-out for scuba trips that do  
27 not involve fishing activities, and that concludes my report.

28  
29 **CHAIRMAN BOGGS:** Thank you, Ms. Muehlstein. Okay. Ms. Carly  
30 Somerset, would you like to take us through the document?

31  
32 **MS. CARLY SOMERSET:** Yes, ma'am. Thank you, Madam Chair, and so  
33 I will let Bernie bring up the document, and, while she's doing  
34 that, I think the information that Lisa provided in the action  
35 guide, and Emily, through the comments, was a great segue into  
36 the explanation of the document, because that covered most of  
37 the background.

38  
39 This is an abbreviated framework action up for final action,  
40 and, just as a reminder of what you've seen already,  
41 essentially, the current requirements are that anytime a vessel,  
42 a for-hire -- A federally-permitted for-hire vessel departs from  
43 a dock, berth, beach, seawall, or ramp, you have to do a trip  
44 declaration, and so we've heard comments that that's unduly  
45 burdensome, and so this framework seeks to reduce some of that  
46 burden, through an exemption of lessening the number of times  
47 that you have to do a trip declaration.

48

1 If we go to Table 1.1.1, I will just quickly go through some of  
2 the additions to the document since the last time that you saw  
3 it, and so we did beef it up a little bit. We were able to put  
4 this table in there that shows the trip type, as well as the  
5 number of intended trips versus non-intended fishing trips, and  
6 so I believe that Dr. Stephen and Dr. Masi are online, if, at  
7 the end, when I'm done going through this, if there's any  
8 questions or concerns, and I just wanted to point this out, that  
9 Dr. Masi and Dr. Stephen were able to grab this data to include  
10 in this version of the document.

11  
12 There was some issues that were trying to work through to get  
13 all of this information to you the last time you saw the  
14 document, and so this is now complete, and so I just wanted to  
15 point that out, and then, Bernie, if you could go to Table  
16 1.1.2, please.

17  
18 I just wanted to point this out, and I think, the last time you  
19 saw the document, or maybe the meeting prior to that, we had  
20 examples of fishing activity versus non-fishing activity, and,  
21 because of the preferred option being fishing or chartered  
22 activity, we revamped this table to include examples of fishing  
23 trip or chartered activity and then non-fishing trip or non-  
24 chartered activity.

25  
26 For example, on the column to the left, you have examples of  
27 when for-hire captains are going fishing, but, also, you know,  
28 chartered activity includes an ecotour cruise, or a dolphin  
29 cruise, and then examples of non-fishing activity would be  
30 traveling to purchase bait, ice, refreshments, et cetera, or  
31 traveling to pick up clients, and so this should be more  
32 comprehensive and point to the preferred option in the document.

33  
34 Then, Bernie, if you could go to 1.2, the purpose and need, and  
35 so I will just reiterate this here, for the record, and so the  
36 purpose of this action is to reduce the number of trip  
37 declarations required to be submitted by Gulf reef fish and CMP-  
38 permitted for-hire vessels while conducting on-the-water  
39 activities in a manner that maintains the data integrity of the  
40 for-hire electronic reporting program in the Gulf.

41  
42 The need for this action is to reduce the burden associated with  
43 submitting trip declarations outside of fishing or charter trip  
44 activity without negatively impacting data needed to manage  
45 these fisheries. Bernie, if you could scroll to the first  
46 option, and I believe it's -- My apologies. Because it's an  
47 abbreviated framework, it's still within Chapter 1. It's page  
48 6. There we go. Thank you.

1  
2 All right, and I will just go through these quickly, and so we  
3 have the first three options, and, essentially, the exemption  
4 from the trip declaration requirement would apply to non-fishing  
5 trips within a timeframe, and so Option 1 was that they would be  
6 completed in sixty minutes or less, and Option 2 was the same,  
7 but within ninety minutes or less, and Option 3 is within 120  
8 minutes or less.

9  
10 Then, if we could scroll to Option 4, this is the preferred  
11 option that you all picked at the last meeting, to require  
12 federally-permitted for-hire vessel owners and/or operators to  
13 submit a trip declaration for trips that will be engaging in any  
14 type of fishing or chartered activity. I went through that in  
15 that 1.1.2 table that we just looked at, and, essentially, this  
16 does not put a time limit on the non-fishing activity, and so  
17 that's the difference between the first options, 1 through 3,  
18 and your Preferred Option 4.

19  
20 Then just to note that now we have included the Chapter 2, which  
21 is the regulatory impact review, and the economic information is  
22 included within that as well, and then the analysis of the  
23 impact to all of that, based on the options and the preferred  
24 option, and so I will stop there for the document, to see if  
25 there is any questions, and then we can move on to codified  
26 text.

27  
28 **CHAIRMAN BOGGS:** Does anyone have any questions or comments for  
29 Ms. Carly? Seeing none -- Andy, I'm sorry.

30  
31 **MR. ANDY STRELCHECK:** Thanks, Susan, and you and I have talked  
32 about this, but, for the rest of the council, you know, I was  
33 ready to come in and potentially request that the council delay  
34 action. We have a pending lawsuit decision that we're waiting  
35 on for the vessel monitoring systems, and my concern, with the  
36 program as it stands now, is potentially erosion of some of the  
37 data integrity, and we, obviously, don't know whether we're  
38 going to win or lose that lawsuit, but that has implications,  
39 obviously, on dockside validation. We've had erosion of funding  
40 already from Congress that is limiting our ability to validate  
41 the data at the dockside.

42  
43 This is certainly alleviating an administrative burden on the  
44 fishermen, but, kind of putting those in combination, if we  
45 potentially lose the lawsuit, and we aren't able to secure  
46 additional funding for dockside validation, you know, it's going  
47 to be really important that we rely on the hail-in and hail-out  
48 components and when boats are moving or not moving, right, and



1 so I just wanted to acknowledge that upfront, that this is  
2 becoming a substantial challenge, in terms of maintaining the  
3 data integrity for the program.

4  
5 We all had the goal, when we started down this path of requiring  
6 logbooks from the industry, that this would be a game-changer  
7 that we could use for management, and that's my goal, and that  
8 continues to be my goal, and that should continue to be our  
9 goal, but I do want to acknowledge that this could have,  
10 obviously, further downstream implications, based on the  
11 decision we make today and any other decisions that are made  
12 through the lawsuit. Thanks.

13  
14 **CHAIRMAN BOGGS:** Thank you for those comments, Andy. Anything  
15 else from the committee? Carly, do you want to proceed?

16  
17 **MS. SOMERSET:** Thank you, Madam Chair. All right, and so we can  
18 move to the codified text. I will just make a note here, before  
19 I kind of pause for any comments or concerns, that the codified  
20 text includes the text that is necessary for the framework  
21 action, the abbreviated framework action that we just saw, and  
22 the council -- You all saw, at the last meeting, two  
23 administrative changes that would be included, and so they are  
24 not in the document, and that was discussed at the last meeting,  
25 but they would be included as the document is sent for final  
26 action.

27  
28 Those two changes, the first one was to allow only a twenty-  
29 four-hour time window for trip declarations to be done prior to  
30 a trip, and the other was to change the way that any dual-  
31 permitted captains report, because, currently, they're having to  
32 do one for commercial and one for for-hire, and so making that  
33 more efficient than the current system and a way that they could  
34 possibly do less, or do one, that would count for both, and so  
35 those are not in the codified text, and so I will stop there, if  
36 there's anything that needs to be added to that.

37  
38 **CHAIRMAN BOGGS:** Thank you for that, and so does everyone  
39 understand what Ms. Carly just discussed and what's not in the  
40 text, but will be in the text once it is sent to the Secretary,  
41 and, if there's any questions now, please let us know. Ms.  
42 Levy.

43  
44 **MS. MARA LEVY:** I think it will be in the rulemaking, right, and  
45 so it's not included in the council action, because they're just  
46 administrative changes that NMFS is making, but it will be  
47 included in the proposed rule that goes with this.

1 **CHAIRMAN BOGGS:** Thank you for that, and so any questions? Mr.  
2 Diaz.

3  
4 **MR. DALE DIAZ:** This is for Mr. Strelcheck. I am just thinking  
5 about your comments about data integrity, and are you kind of --  
6 You didn't say this, but I'm trying to just think of where  
7 you're going, but was you kind of suggesting that we postpone  
8 taking action on this until maybe the next meeting, or does the  
9 data integrity of this action warrant maybe looking at one of  
10 the other options?

11  
12 I mean, I am just trying to think of your line of thinking,  
13 because, in my way of thinking, the lawsuit is basically about  
14 the burden that is borne by the charter fishermen, right, and  
15 this document alleviates some burden, and so, I mean, I'm just  
16 trying to figure out -- You know, is it best to try to move this  
17 forward and alleviate some burden at a quicker pace, or postpone  
18 it, or could you elaborate on your thinking a little bit more,  
19 please?

20  
21 **MR. STRELCHECK:** Thanks, Dale, and certainly Mara can speak more  
22 to the lawsuit, but, you know, the lawsuit is really pertaining  
23 to whether or not VMS is considered unreasonable search and  
24 seizure under the Constitution, right, and so, with that said,  
25 you know, we have potentially a lawsuit before us where we could  
26 lose, and VMS requirements might go away and, you know, the  
27 regulatory authority to require VMS in this fishery.

28  
29 That, obviously, is a huge tool for not only enforcement, but,  
30 more importantly, for data validation, because we know when  
31 trips went offshore and came back to shore, and we can see and  
32 link that to when logbooks were or were not reported, right, and  
33 so there's that kind of one-to-one match that we're always  
34 looking for in the data to validate that the logbook was  
35 submitted.

36  
37 If we lose the lawsuit, and ultimately can't use VMS, right, and  
38 I don't want to assume that we're going to lose the lawsuit, but  
39 if, right, then we have the declaration requirements of hailing-  
40 in and hailing-out, and we have to rely then on people reporting  
41 the hail-in and hail-out correctly, but then you have to  
42 validate that through dockside validation, port agents and law  
43 enforcement.

44  
45 The challenge with what we're doing today is we're alleviating  
46 the burden of not having to report every time you move the  
47 vessel, which could be an important component to enforcement if  
48 we don't have VMS, right, and so that was all I was saying. I'm

1 not recommending, at this point, to delay action, but it  
2 certainly could be a consideration. If we wanted to wait to  
3 hear what the outcome of that VMS lawsuit is, then we could come  
4 back in April and discuss that, at that time, and what the  
5 implications are, from an enforcement and data validation  
6 standpoint.

7

8 **MR. DIAZ:** Thank you.

9

10 **CHAIRMAN BOGGS:** So, to your comments, Andy, and you and I have  
11 discussed this, if we delay this, and the lawsuit -- If the  
12 agency prevails, then we delay this for the fishermen, and so my  
13 attitude is we move forward with this, so that, if the agency  
14 prevails, the fishermen are not yet waiting another meeting for  
15 us to discuss this and to approve this to move forward to the  
16 Secretary of Commerce. Mr. Dugas.

17

18 **MR. J.D. DUGAS:** Thank you, Ms. Chair. That was exactly my  
19 concern and question, was how long do we delay? I guess maybe  
20 that's Ms. Levy, or Mr. Strelcheck, but what timeframe are we  
21 talking about, Andy?

22

23 **CHAIRMAN BOGGS:** Ms. Levy and then Mr. Gill.

24

25 **MS. LEVY:** Well, it's really an unknown, right, and there's  
26 nothing that says when an appellate court is going to issue a  
27 ruling, and so, I mean, I can't really tell you.

28

29 **CHAIRMAN BOGGS:** Mr. Gill.

30

31 **MR. BOB GILL:** Thank you, Madam Chair, and so it seems, to me,  
32 that this discussion now flies in the face of the repeated, at  
33 least in my memory, repeated advice from the agency that we  
34 don't change what we're doing in the face of pending litigation,  
35 and we proceed and do what we think is right and best, and the  
36 litigation falls out how it is. This seems to be saying exactly  
37 the opposite, and so my advice is that, if I'm correct, that we  
38 proceed, and whatever happens happens, and we deal with it  
39 either way it falls.

40

41 **CHAIRMAN BOGGS:** Any additional comments or questions from the  
42 committee? Okay. Ms. Somerset.

43

44 **MS. SOMERSET:** Thank you, Madam Chair. If there was no other  
45 concerns or additions or questions on the document or the  
46 codified text, then do we want to proceed with final action or  
47 not?

48

1 **CHAIRMAN BOGGS:** All right, and so would anyone like to make a  
2 motion to take this to final action at Full Council? Mr. Gill.

3  
4 **MR. GILL:** Thank you, Madam Chair. I move that we recommend  
5 approval of the Abbreviated Framework Action to Modify For-Hire  
6 Trip Declarations for further transmittal to the Secretary and  
7 then the deeming stuff.

8  
9 **CHAIRMAN BOGGS:** Is there a second? Dr. Stunz. Mr. Williamson,  
10 did you have a question, or were you seconding? All right, and  
11 so the motion is to recommend the council approve Abbreviated  
12 Framework Action: Modification of For-Hire Vessel Trip  
13 Declaration Requirements and that it be forwarded to the  
14 Secretary of Commerce for review and implementation and deem the  
15 codified text as necessary and appropriate, giving staff  
16 editorial license to make the necessary changes in the document.  
17 The Council Chair is given the authority to deem any changes to  
18 the codified text as necessary and appropriate. Is there any  
19 opposition to this motion? Seeing none, the motion passes. All  
20 right, Dr. Hollensead.

21  
22 **MODIFICATION TO COMMERCIAL COASTAL LOGBOOK REPORTING**  
23 **REQUIREMENTS AND ADVISORY PANEL RECOMMENDATIONS**

24  
25 **DR. HOLLENSEAD:** Yes, ma'am. The next agenda item is to  
26 consider modifications to the commercial coastal logbook  
27 reporting requirements and some advisory panel recommendations,  
28 and so this is going to be a verbal update, for now. I do have  
29 a copy of the document, which I will touch on briefly.

30  
31 As many of you are aware, the Southeast Fisheries Science Center  
32 is interested in moving over from paper logbooks to electronic  
33 submission for the commercial coastal logbook program, and, when  
34 this idea originally came up at previous council meetings, it  
35 was discussed that we could perhaps get some advisory panel  
36 feedback on how this would affects folks and recommendations to  
37 the council.

38  
39 You've heard the Reef Fish AP's recommendations, and they  
40 recommended to move forward with it. They received a  
41 presentation by the Southeast Fisheries Science Center, giving a  
42 little demonstration of how the application would work, how it  
43 translates from the paper logbooks into that electronic format,  
44 some of the time-saving features that are available, some of the  
45 things where it allows some auto-population, so, you know, to  
46 try to cut down on errors and folks from the Science Center  
47 having to call fishermen and ask them about those questions and  
48 those sorts of things, to sort of streamline the processes as

1 best as possible.

2  
3 That same presentation was also given to the Coastal Migratory  
4 Pelagic AP, at their fall meeting, and they had a very similar  
5 motion to the Reef Fish AP, which asked for movement on this to  
6 be done post-haste, and not "post-hate", which is currently in  
7 the summary, and so I'll make sure that we change that. Thank  
8 you to Bob Gill for bringing that to my attention.

9  
10 They were interested in moving forward with that, and to let you  
11 all know too, we will be having the Data Collection AP meet on  
12 February 13, and they will get the same presentation, and then  
13 we will report back their recommendations to the committee.

14  
15 In terms of the document, we are working -- Again, I will remind  
16 everyone that this is a collaborative effort with the South  
17 Atlantic, because it also includes the Coastal Migratory Pelagic  
18 FMP, and so we're working with our partners in the South  
19 Atlantic to get this done.

20  
21 The document that is currently in your briefing book is what  
22 they received in December, and it's got, you know, some good  
23 information on where the program was, through the evolution of  
24 the program, what it looks like now, that sort of thing, but  
25 this is a considerable socioeconomic lift, because there are --  
26 There is four FMPs involved, and so that was mostly done over  
27 the holiday, Christmas holidays and things like that, in  
28 December, and so they didn't have it quite in time for the South  
29 Atlantic meeting, and they have been working on it since, and so  
30 it will be ready -- The document will be -- All of those  
31 sections that you might see right now that just have headers,  
32 those will all be filled in and ready for the South Atlantic  
33 meeting, which their next meeting is March 6 through 10, and so  
34 they will see that.

35  
36 I put the document in there, just because it's -- From the South  
37 Atlantic meeting, it's a little different, and so just so you  
38 can see what sections are to be filled in, and sort of you can  
39 anticipate what the document will look like filled out, because  
40 we would like to, perhaps, you know, consider it for, you know,  
41 final action in June, and so I didn't want you all to see it in  
42 April and that's the first time you've seen the document, and so  
43 that's why we decided to put it in there.

44  
45 Also, that's what the South Atlantic saw, and so we're a little  
46 thunder to their lightning, right, and they're the  
47 administrative lead, and so I want to make sure that we're all  
48 sort of on the same wavelength there.

1  
2 In terms of thinking into the future a little bit, if we do  
3 decide to go final in June, and the timeline -- You know, we've  
4 gotten a lot of great feedback from our APs, and so, when we  
5 think about taking it out for public hearings, as an IPT, and  
6 the South Atlantic staff and I have talked about this, and we  
7 talked about perhaps having the public hearings be virtual.

8  
9 This would allow, perhaps, and I might tap some of the Science  
10 Center folks, who have given some really great presentations and  
11 feedback, and if they could also participate in those virtual  
12 public hearings, and that would allow direct questions from any  
13 stakeholders to go straight to the Science Center, the Science  
14 Center staff, and participants in the program know that program  
15 better than anybody, and so to interact directly I think would  
16 be a nice way to have any questions that the public might have  
17 get answered and allow that communication, and so that was our  
18 thoughts.

19  
20 Additionally, Carrie and I have talked about sending out a  
21 mailout to those permit holders, explaining the changes to the  
22 program and allowing, you know, any feedback that way, and so  
23 those were our thoughts, and potentially doing that in May, and  
24 May is a little busy for council staff, with the CCC meeting,  
25 and that was also perhaps one of the pros of going virtual that  
26 way, to allow not only the Science Center staff to participate,  
27 but also to get it done as effectively as possible, so that we  
28 could go final in June.

29  
30 **CHAIRMAN BOGGS:** Thank you. Any questions? Mr. Gill.

31  
32 **MR. GILL:** Thank you, Madam Chair. Dr. Hollensead, do you see,  
33 on this document, any storm clouds on the horizon, or does it  
34 look like fair sailing?

35  
36 **DR. HOLLENSEAD:** So far, here in the Gulf, it's been pretty  
37 enthusiastic to, you know, move forward with it. As you might  
38 imagine, folks having to sit down and write something by paper,  
39 and put it in the mail, and perhaps get a call that they've  
40 entered something incorrectly, and there has been some interest  
41 in perhaps testing the program, just to try it virtually, and I  
42 think the Science Center is working on -- I might ask a  
43 representative from their group to fill in, if that would be  
44 possible, and then the timeline as well, and I've heard that  
45 perhaps there would be sort of a year, for lack of a better  
46 term, sort of a burn-in period, where people could practice and,  
47 you know, get used to it, and the Science Center could also get  
48 used to it, and so before it went live, but I would certainly

1 allow them to speak to that, and they're more knowledgeable  
2 about that.

3

4 **CHAIRMAN BOGGS:** Mr. Gill.

5

6 **MR. GILL:** Thank you, Madam Chair. As a follow-up, so there  
7 isn't any possibility of differences between, for example, the  
8 South Atlantic desires, and approach, and the Gulf, and that's  
9 not a problem that is foreseeable at this point in time?

10

11 **DR. HOLLENSHAD:** I don't believe so, but it's certainly  
12 something might be something the South Atlantic representative  
13 would like to speak on.

14

15 **CHAIRMAN BOGGS:** Kerry.

16

17 **MS. KERRY MARHEFKA:** Thank you, and, no, our fishermen are  
18 wholly enthusiastic about this as well, and I have not seen  
19 anyone express concerns about differences. There might have  
20 been one thing with regard to a specific area, and I think maybe  
21 that might have been the for-hire logbook though, and so forgive  
22 me, but what I did want to say though was, for our guys, any of  
23 them that also hold a Northeast GARFO permit, they're already  
24 reporting electronically, and I believe they're allowed, right  
25 now, to be in a pilot program where they can report their  
26 Southeast catch through the GARFO system, and they're very  
27 enthusiastic about it.

28

29 We also have a very high amount of fishermen who are dealers as  
30 well, and so they're already well-versed in SAFIS and, you know,  
31 electronic reporting, and so our fishermen also want this to  
32 happen post-haste as well.

33

34 **CHAIRMAN BOGGS:** So, Clay, does the Science Center have a plan  
35 for rolling this out or any insights you can give us there?

36

37 **DR. CLAY PORCH:** I am not sure what you mean by rolling it out  
38 at this point, but, yes, we're putting all the wheels in motion  
39 to be able to use the system and so that we can explain it to  
40 everyone.

41

42 **CHAIRMAN BOGGS:** Okay, and so there won't be like a big lag or  
43 time, once the council has passed this, that the Science Center  
44 has to get ready to start implementing the program?

45

46 **DR. PORCH:** There shouldn't be, as I understand it. We're  
47 pretty close to ready to roll.

48

1 **CHAIRMAN BOGGS:** Fantastic. Thank you. Anything else on this  
2 item? Dr. Simmons.

3  
4 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Madam Chair, and  
5 so I guess is the committee in support of doing the federal  
6 mailout with the notice of when those virtual hearings would be,  
7 so that we can keep on track with this document? I don't know  
8 that we need a motion, but we just want to make sure that  
9 everybody understands that's the plan.

10  
11 **CHAIRMAN BOGGS:** Okay, and so does anybody have any questions  
12 about that? Are we all good that we can stay on track with the  
13 mailout? All right. Thank you. All right, Dr. Hollensead.

14  
15 **OVERVIEW PRESENTATION OF STATE-SPECIFIC PRIVATE ANGLER LICENSING**  
16 **AND REPORTING REQUIREMENTS CURRENTLY USED TO DEFINE OFFSHORE**  
17 **ANGLERS IN EACH STATE**

18  
19 **DR. HOLLENSEAD:** Thank you, Madam Chair. Okay. We're rolling  
20 right through here. The last agenda item is going to be an  
21 overview of state-specific private angling license and reporting  
22 requirements. You recall this has come up in previous meetings,  
23 and Ms. Somerset has come up with a presentation to give some  
24 information to the committee, as well as spark some discussion.

25  
26 A recommendation provided by the Joint Council Workgroup on the  
27 Section 102 of the Modern Fishing Act has prompted discussion of  
28 this issue, of a recreational federal permit to identify the  
29 universe of private snapper grouper fishermen in the South  
30 Atlantic with subsequent reporting approaches that would provide  
31 private recreational catch and effort estimates.

32  
33 The workgroup has also discussed the merits of federal versus  
34 state permit approaches, and so Ms. Somerset, in her  
35 presentation, will give an overview of those state permit  
36 approaches, and so, based on this discussion, the workgroup  
37 recommended that the Gulf Council consider a federal  
38 recreational permit, concurrently with ongoing efforts in the  
39 Gulf states, to define the universe of recreational anglers and  
40 consider whether this permit should be for all offshore species  
41 or just focus on reef fish species, but the committee should  
42 review the information provided in the presentation, ask  
43 questions of staff, and provide any feedback at this time.

44  
45 **CHAIRMAN BOGGS:** Okay. Ms. Carly, are you ready?

46  
47 **MS. SOMERSET:** Yes, ma'am. Thank you, Madam Chair. The  
48 presentation is a general overview on the state-specific private



1 angler licensing and reporting requirements. Just an outline of  
2 what I'm going to be going through is I will provide some  
3 background and then provide some information on the programs in  
4 each Gulf state and then a general -- This will facilitate  
5 discussion of just some possible next steps for you all to  
6 consider as I go through this, and I just want to say thank you  
7 to all the states for checking my information on each program,  
8 to make sure that it was correct, and so I really appreciate the  
9 help that everyone has provided me in putting this together.

10  
11 Dr. Hollensead went through some of this in the action guide and  
12 next steps, but general background, and so there was a recent  
13 discussion, you know, regarding finding ways to better identify  
14 the population of private recreational anglers who fish in  
15 federal waters, offshore federal waters, and so would that  
16 possibly entail creation of a federal reef fish permit, Gulf-  
17 wide, and then possible concurrent reporting, to get at -- You  
18 would have the universe of anglers, through the reef fish  
19 permit, and then the reporting could provide information on what  
20 they're catching, catch and effort.

21  
22 This topic was discussed at the last joint council workgroup  
23 meeting, and that was in October of 2022, and then the council  
24 made a motion, based on that discussion, and so that motion was  
25 made at your last meeting, in Full Council, after reviewing the  
26 recommendations from the joint council workgroup on Section 102.

27  
28 That joint council workgroup recommendation was that the Gulf  
29 Council consider a federal recreational permit concurrently with  
30 ongoing efforts with the Gulf states to define the universe of  
31 recreational anglers and consider whether this permit should be  
32 for all offshore species or focus on reef fish species, and then  
33 your motion, at the last meeting, based on that, was to direct  
34 council staff to initiate a document that would first review the  
35 state-specific private angling licensing and reporting  
36 requirements, which is what we're doing here, that are currently  
37 used to define the universe of offshore anglers in each state.

38  
39 Some background on this, and the motion stems -- The joint  
40 council workgroup recommendation stems from information that was  
41 provided at that meeting from the South Atlantic Council's  
42 working group on the same topic, and they're looking at  
43 permitting and reporting for the private recreational component  
44 of their snapper grouper fishery, and so they convened a working  
45 group to develop recommendations for using permits and reporting  
46 for snapper grouper species, and they reviewed programs used by  
47 state and federal agencies, and so they did something similar to  
48 what we're doing here, in providing information on each state's

1 licensing and reporting requirements.

2  
3 Getting into each state's licensing and reporting requirements,  
4 and just a note that this is general, and, when I finish, there  
5 can be discussion, if you all would like, on, you know, more  
6 specifics for each state program, but I won't speak for each  
7 state on those, but I just want to, you know, give an overview  
8 of the requirements in each one.

9  
10 We'll start with Florida, and a saltwater license is required,  
11 plus a no-cost reef fish designation that is also required when  
12 targeting or harvesting thirteen reef fish species from a  
13 private vessel, and so, quickly, those are mutton snapper,  
14 yellowtail snapper, hogfish, red snapper, vermilion snapper,  
15 gag, red grouper, black grouper, greater amberjack, lesser  
16 amberjack, banded rudderfish, almaco jack, and gray triggerfish.

17  
18 Individuals with the reef fish designation are eligible for  
19 selection to receive the mail survey component of the State Reef  
20 Fish Survey, and there are two survey components. That mail  
21 survey is to get at monthly effort, and then dockside intercepts  
22 provide data on monthly -- To get at monthly catch per unit  
23 effort, and the SRFS is conducted year-round, concurrently with  
24 MRIP. I will state, before I go through all of these, that  
25 there are exemptions to these.

26  
27 **CHAIRMAN BOGGS:** Mr. Dyskow.

28  
29 **MR. PHIL DYSKOW:** Thank you. I didn't know if this was the  
30 right time, but there is one unique component of this state  
31 licensing process, at least in Florida, in that anglers over  
32 sixty-five are exempt from the licensing requirements, and,  
33 since a lot of these boats that go offshore are expensive, you  
34 tend to get skewed towards those more seasoned anglers that have  
35 the financial wherewithal to buy those boats, and so is that  
36 going to cause a problem, as far as data collection? The man  
37 next to me is very qualified to answer that.

38  
39 **DR. C.J. SWEETMAN:** While the people over sixty-five are exempt  
40 from the fishing license, they are not exempt from the State  
41 Reef Fish Survey.

42  
43 **CHAIRMAN BOGGS:** Ms. Somerset.

44  
45 **MS. SOMERSET:** Thank you, and so you took the words out of my  
46 mouth, and I really appreciate you adding that, and so I was  
47 going, before I went into the other states, to just make a note  
48 that there are exemptions for each state. Generally speaking,

1 they are for resident seniors, and, C.J., you said this, that  
2 the saltwater license -- Youth and resident seniors are exempt,  
3 but the designation requires them to have that, but youth are  
4 exempt from the designation, and not resident seniors, and so I  
5 say that, and all the states have exemptions, and usually there  
6 are age exemptions, above a certain age and below a certain age,  
7 but there may also be others, and each state differs, and so I  
8 am saying that generally for each state, and then, if there are  
9 questions to each state's other exemptions, then we can go into  
10 that, if necessary.

11  
12 Moving on to Alabama, a saltwater license is required, plus a  
13 reef fish endorsement, and the reef fish endorsement is annual,  
14 and that's ten-dollars, and, again, there are exemptions that we  
15 can go through if there's any questions to that, but, generally,  
16 these are the two requirements.

17  
18 The reef fish endorsement is required for anglers possessing,  
19 taking, or attempting to take any Gulf reef fish species, and  
20 that's thirty-one species that are included in that requirement.  
21 There is mandatory reporting of Alabama landings with red  
22 snapper, gray triggerfish, and greater amberjack, through  
23 Snapper Check. Red snapper reporting began in 2014, and the  
24 gray triggerfish and greater amberjack reporting began in 2021.

25  
26 The dockside angler intercept surveys for biological data and  
27 reporting, validating of the reporting, are voluntary, and  
28 Snapper Check is a supplemental program to MRIP, and so MRIP is  
29 still occurring in the State of Alabama. Moving on to  
30 Mississippi --

31  
32 **CHAIRMAN BOGGS:** Andy.

33  
34 **MR. STRELCHECK:** Just a question, I guess going back to C.J.  
35 first, and then Kevin, and what proportion of your intercepts do  
36 you find anglers don't have the reef fish endorsement, or  
37 permit, that you require, just ballpark, if you know off the top  
38 of your head.

39  
40 **CHAIRMAN BOGGS:** Dr. Sweetman.

41  
42 **DR. SWEETMAN:** I would have to check with our staff. I don't  
43 know that off the top of my head, Andy.

44  
45 **CHAIRMAN BOGGS:** Mr. Anson.

46  
47 **MR. ANSON:** We don't -- While we're conducting the Snapper Check  
48 dockside surveys, we don't inquire, or get any information,

1 relative to possession of a reef fish endorsement or license,  
2 but, through enforcement, it's generally less than 1 percent,  
3 and I think I provided that information at the October meeting,  
4 some information about general compliance.

5

6 **CHAIRMAN BOGGS:** Ms. Somerset.

7

8 **MS. SOMERSET:** Thank you, Madam Chair, and apologies, and I will  
9 try and look around the room, and please stop me if there's any  
10 questions on each state. All right, and so, for Mississippi,  
11 again, there are some general exemptions, but the saltwater  
12 license is required for anyone to harvest fish in coastal marine  
13 waters in Mississippi, and there is no additional license  
14 requirement for reef fish, and so, as you can see from Florida  
15 and Alabama, I've been trying to point out the general licensing  
16 requirements as well as if there's any additional that get at  
17 trying to define the universe of offshore anglers, through a  
18 reef fish designation or a permit, and so I'm just pointing  
19 those out.

20

21 However, there is mandatory reporting for red snapper through  
22 Tails 'n Scales in Mississippi, and there is currently voluntary  
23 reporting for gray triggerfish and greater amberjack. There is  
24 electronic self-reporting, through Tails 'n Scales, and then  
25 dockside angler intercepts for validation, and, again, Tails 'n  
26 Scales is a supplemental program to MRIP, which is still  
27 occurring in the state for every species.

28

29 We'll move on to Louisiana, and, again, a saltwater license is  
30 required. In Louisiana, there's a recreational offshore landing  
31 permit, an ROLP, which is annual, and that's no-cost. The ROLP  
32 is mandatory when in possession of certain offshore fish  
33 species, and those are tunas, billfish, swordfish, amberjack,  
34 snappers, groupers, hinds, cobia, wahoo, dolphinfish, and gray  
35 trigger.

36

37 The reporting, through LA Creel, is on several species, and  
38 that's voluntary, and the reporting components -- There's a  
39 weekly phone and email survey that are used to estimate effort,  
40 and there are dockside angler intercepts for harvest, and  
41 fishermen with the ROLP are contacted more often during red  
42 snapper season.

43

44 Moving on to Texas, Texas requires a fishing license plus a  
45 saltwater endorsement, and that's annual, and it's fee-based.  
46 The effort and harvest information are collected through Texas  
47 creel surveys and then through a supplemental iSnapper app, and  
48 it's been used with for-hire fishermen on reef fish species, and

1 there are voluntary angler intercept surveys conducted coast-  
2 wide, at boat access sites, and, generally speaking, for the  
3 Texas creel surveys, anglers are asked questions on catch and  
4 effort.

5  
6 Seasonal sampling is done, and iSnapper has collected data on  
7 several reef fish species, including red snapper, through angler  
8 self-reporting, and so anglers can do that on an app, and MRIP  
9 is not used for estimates in Texas, and I should have stated, in  
10 Louisiana, that MRIP is also not done. Louisiana and Texas are  
11 the two states that do not have MRIP.

12  
13 Moving on, this is a table that provides just kind of a broad  
14 overview of the state requirements, and so we based it on  
15 criteria of saltwater license and types of reef fish license,  
16 and so, if you look, there are some caveats to this. Again,  
17 each state has exceptions, generally over a certain age and  
18 under, but there are also other exceptions for each state, and  
19 then I will just reiterate that Florida has a reef fish  
20 designation, Alabama has a reef fish endorsement, Louisiana has  
21 a recreational offshore landing permit. We just placed an X in  
22 each state of the requirements.

23  
24 Then, for the reporting, we broke it down into a general  
25 reporting, reef fish specific, and then whether that reporting  
26 is by vessel or by angler, with the caveat that Florida,  
27 Alabama, and Mississippi do use MRIP to estimate landings of  
28 several species that Louisiana and Texas do not. Then the  
29 reporting by vessel is in Alabama and Mississippi and Texas and  
30 by angler in Florida and Louisiana.

31  
32 I am not going to go through all of this, and I just provided  
33 this as additional information, if you wanted more specifics on  
34 each state's program, and I also included -- The Gulf Council  
35 website has infographic on data collection programs that take  
36 all of this information and put it in one specific place, and  
37 then I have also provided a link to the South Atlantic Fishery  
38 Management Council, and they are currently working on an  
39 amendment -- They're looking at recreational federal permits,  
40 and so you can look at this on your own time, if you so choose.

41  
42 All right, and so just a few points, before I stop for  
43 discussion or questions, for some consideration as to next  
44 steps, and so we recognize that, in the Gulf, additional work is  
45 needed to explore a federal recreational angler vessel permit  
46 that aims to better refine the purpose of this effort. Is the  
47 aim to refine the universe of offshore private anglers to  
48 ultimately improve reporting, and so, through a permit, you

1 could get at a better idea of the universe, but should that be -  
2 - Would that help with catch and effort, or would you have to  
3 include some sort of reporting?  
4

5 Then is there an appetite for delving into the nuances required  
6 for this? It is complex. Are the resources available for a  
7 federal private angler permit program, or is the information  
8 collected currently by the Gulf states' programs able to achieve  
9 this goal? The possibility would be to, you know, work with the  
10 Gulf States Commission, and all the states, to find a solution,  
11 because there is a lot of information that's readily available  
12 already, and can the requirements be tailored to better identify  
13 the private angling universe, or does an entirely new permit, or  
14 program, need to be explored? I believe that's the last slide.  
15 Yes, and so I'm happy to take any questions or concerns. Thank  
16 you.  
17

18 **CHAIRMAN BOGGS:** Any questions from the committee for Ms.  
19 Somerset? Carly, on Slide 12, and I believe that's where you  
20 have the -- I mean 10. Excuse me. It's 10, where you have the  
21 table, and this may not be a question for you so much as it may  
22 be a question for the states, and so the by vessel versus by  
23 angler, and so, when you say by vessel, if a vessel comes in  
24 with eight people on it, you're just reporting what -- I am  
25 looking at Kevin, and are you just reporting what that vessel  
26 caught, and then I would go to Florida and say that you're  
27 looking at per angler, and so you survey each angler, and I'm  
28 trying to figure out what the difference is there. Mr. Anson.  
29

30 **MR. ANSON:** Yes, that is correct, and so we have -- The  
31 mandatory reporting requirement is to the vessel level, and so  
32 one representative from that particular trip is required to  
33 report, and then, also, for our sampling, we gather information  
34 at the vessel level, and not at the individual angler level, and  
35 so we'll just get a collective inventory of all the fish that  
36 were caught on that trip, for all the anglers, with the total  
37 number of anglers, and we don't go to a specific angler and say,  
38 what did you catch, you know, and just get it down to that  
39 level.  
40

41 **CHAIRMAN BOGGS:** Does each angler on that vessel though -- Are  
42 they required to have the reef fish endorsement?  
43

44 **MR. ANSON:** That's correct, yes. If they're included in the  
45 catch -- You know, if there were eight fish, red snapper, that  
46 were caught, and there's four people onboard, all four of them  
47 should have the reef fish endorsement, yes.  
48

1 **CHAIRMAN BOGGS:** Thank you. Dr. Sweetman.  
2

3 **DR. SWEETMAN:** I've got kind of an answer for Andy here, for his  
4 question, and so we apply a correction factor of approximately  
5 2.0, and it doesn't necessarily mean that people are fishing  
6 illegally, but kind of the reason why we do that is because it  
7 includes youth, and, you know, as Carly mentioned, those people  
8 aren't required to have a State Reef Fish Survey endorsement, as  
9 well as anyone that is in the field that releases a reef fish,  
10 whether they're intending to target them for harvest or not.  
11

12 We don't necessarily have a direct measure of how many people  
13 should have the permit when they're intercepted, but it's kind  
14 of a nuance of how the survey was designed, to not just address  
15 landings, but also how to measure for discards that could be  
16 used in stock assessments.  
17

18 **CHAIRMAN BOGGS:** You survey each angler on the vessel?  
19

20 **DR. SWEETMAN:** That's correct.  
21

22 **CHAIRMAN BOGGS:** So, if you have eight people on the vessel, and  
23 they're intercepted, each one will be interviewed, or just a  
24 portion of them?  
25

26 **DR. SWEETMAN:** Each individual person.  
27

28 **CHAIRMAN BOGGS:** So I've given this a lot of thought, and I  
29 understand -- I was on the working group, and I support what the  
30 working group did, and I support the motion that the council  
31 did, but it seems like we already have, and you addressed this  
32 in your questions, and a lot of this information is already  
33 available, and you have three states with the endorsements, and  
34 two with not, and it just seems like it would be easier --  
35

36 I mean, this is simple, in my world, and I'm sure it's not in  
37 the world of permitting for the states and NMFS, but it seems  
38 like we have the information available to us, but it's just how  
39 can the states share that with NMFS, instead of trying to  
40 reinvent the wheel, and just see if we can get the other two  
41 states to come onboard with a reef fish endorsement or  
42 something. It just seems like there's a lot of information that  
43 we already have, that maybe we could use, instead of creating  
44 this from the ground up. Any other questions or comments?  
45 Andy.  
46

47 **MR. STRELCHECK:** Thanks for that, Susan. You know, the South  
48 Atlantic Council essentially developed an options paper for

1 this, and they're going out -- Or a scoping paper, and they're  
2 going out for public comment now.

3

4 I am going to channel a little bit of Bob Gill from the IFQ  
5 discussion, which is it's not clear, at this point, if we really  
6 know what we're trying to accomplish with this, and, you know,  
7 what are our objectives, and what are our goals for this, and I  
8 see multiple different prongs there, one of which is just to  
9 quantify the universe of anglers, whether we do anything with it  
10 or not at this point, but just to know that universe, right, and  
11 a second would be to use that data for enhancing and improving  
12 data collection, right, and that's what the states have largely  
13 done to better target offshore anglers and those harvesting reef  
14 fish, to tailor their surveys to meet the needs of red snapper  
15 and some other species.

16

17 A third is the management component of this, and, you know, how  
18 do we use this then in the future, potentially, to manage our  
19 fisheries differently, and so, with that said, I mean, I agree  
20 with your comments generally, in terms of why reinvent the  
21 wheel, and build on economies of scale, and the states have  
22 already kind of put in place some of the mechanisms here.

23

24 My concern is that there's, obviously, some nuances and  
25 differences between how the states implement these programs, and  
26 so if, for example, the goal is to further improve data  
27 collection and somehow integrate this into MRIP, or some of our  
28 other survey programs, you know, how do we do that without, you  
29 know, greater consistency and standardization across the states,  
30 and how do we deal with exemptions, and so I think the nuances  
31 there are really critical here, as to how we want to proceed  
32 with this, without, obviously, creating a federal program.

33

34 Then the other comment I will make, and it was a question early  
35 on in the presentation, is, you know, the ability to actually  
36 fund and support a program like this, and so, you know, the  
37 council can make a recommendation to the agency to institute a  
38 federal permit, but, without any funding, you know, that would  
39 fall under the Antideficiency Act, unless Congress ultimately  
40 provided funding to support our work on that, but, right now,  
41 the way that Magnuson is set up, unless it's a limited access  
42 program, we would not be able to receive any funding directly  
43 from that permit, with the exception of just the cost to  
44 administer it, and that goes back to the General Treasury,  
45 whereas the states are able to benefit, from what I have  
46 gathered directly, by taking those funds and reinserting them  
47 into data collection improvements.

48



1 **CHAIRMAN BOGGS:** Dr. Stunz.

2  
3 **DR. GREG STUNZ:** Thank you, Susan. I just wanted to comment,  
4 kind of a little along the lines of Andy, and, I mean,  
5 certainly, as a scientist, I am not opposed to better and more  
6 efficient data collection and having more information, and I  
7 just wanted to sort of be a little bit cautious about we want to  
8 be really clear going in, because of all the nuances, just  
9 little things like Kevin just pointed out, or you did, Susan,  
10 about whether it's by vessel or angler, and that matters, you  
11 know, and that consistency really matters.

12  
13 What I wanted to bring up here was that, you know, it's already  
14 confusing enough, and many of these anglers fish in multiple  
15 states, and what do you need, and so, for example, if we were,  
16 theoretically, to pass a motion to do this, and we had maybe a  
17 Gulf-wide permit, let's just say, for example, do the states  
18 then go away, or then, all of a sudden, do they have to do two  
19 additional things, and, you know, those are just the little --  
20 Like the devil-in-the-details kinds of things that come up.

21  
22 I mean, I would probably be very supportive of an overall permit  
23 that really defines that universe, having, you know, done this  
24 career, and that's much-needed data, but I just think we need to  
25 be real deliberate, and real careful, as we move forward, about  
26 what is the goals, and Andy points out what are we trying to  
27 get, and design it that way, working with the states.

28  
29 Earlier in the presentation, it talked about Gulf States maybe  
30 being a facilitator here, and I don't want to speak for Dave  
31 Donaldson, but that might be an option to really coordinate  
32 things, but we just need to really define what we're after,  
33 before we just sort of move forward, would be my suggestion.

34  
35 **CHAIRMAN BOGGS:** Thank you, Dr. Stunz. Those are all really  
36 great comments. Carly, do you think, at the next meeting, we  
37 could see the paper that the South Atlantic has put together,  
38 and, Kerry, do you know when you all are taking this out for  
39 public comment?

40  
41 **MS. MARHEFKA:** We just finished, I think, our last one on Monday  
42 night, I want to say, and I must say that we have almost  
43 unanimous support. It's very, very popular. One of the things  
44 that we have done, and it is much more confusing -- Not  
45 confusing, but much more complicated than I had hoped it would  
46 be when we started this, but one of the things that we've done  
47 that I think has worked well so far is our advisory  
48 committee/workgroup is really a technical group of people from

1 the state, and from the center, and others who are able to say,  
2 you know, this is what happens if you do it at the vessel level,  
3 and this is what happens if you do it at the individual level.  
4

5 We only have one state that collects that information, just  
6 Florida now, and so they're able to say, you know, this is what  
7 happens to the rest of our states, if you follow what Florida  
8 does, and so they're just -- It's just really much more  
9 technical, and they're able to guide us through that, but, I  
10 mean, I agree with Andy, and I think there's a lot of -- We're  
11 finding more stumbling blocks than I expected, despite the fact  
12 that we have overwhelmingly public support for it.  
13

14 **CHAIRMAN BOGGS:** Mr. Anson.  
15

16 **MR. KEVIN ANSON:** I'm not on your committee, and thank you,  
17 Madam Chair, and I would just add, for potential discussion in  
18 your committee, as far as the next document that the council  
19 could see, is that an addition is to provide some background on  
20 the process that the states went through, the Gulf states went  
21 through, for the angler registry that was created, and that was  
22 a national saltwater fishing licensing, and most, or a good  
23 portion, of that drive was to get at the universe of anglers,  
24 and to get better information, and so I would add that it might  
25 be good to also, in that description of that process, to provide  
26 some information as to, you know, what the -- On the data side  
27 of the process, what the purpose and intent was and what that  
28 data is being used for currently in estimation, or for data  
29 collection. Thank you.  
30

31 **CHAIRMAN BOGGS:** Ms. Somerset.  
32

33 **MS. SOMERSET:** Thank you, Madam Chair. Kevin, you brought up a  
34 good point, and I am happy to provide anything that you all  
35 would like to see at the next meeting, and, to your point on the  
36 angler registry, I did talk to Dr. Cody a bit yesterday, and I  
37 don't know if he's in the audience, and so he gave me some great  
38 information, and I don't know if you would like to have him  
39 provide more information on this, but how each state provides  
40 their licensing information and to establish the registry and  
41 how they use that in the MRIP survey to gather the universe of  
42 anglers, and so there is some weighting involved, and some use  
43 of other data, to hone-in on the anglers that need to be sent  
44 the mail survey for effort.  
45

46 **CHAIRMAN BOGGS:** Yes, and I agree about the saltwater angler  
47 registry, and I had talked to Dr. Cody a little bit about that  
48 yesterday myself, but the other thing too, and I don't know if

1 this is appropriate, but we do have a Data Collection Committee  
2 meeting coming up on February 13, and we could put that on their  
3 agenda, and maybe they could help define some of the goals and  
4 objectives that could be brought back to the council at our  
5 April meeting, if that's possible, and I'm not sure. Dr.  
6 Hollensead.

7  
8 **DR. HOLLENSEAD:** Yes, ma'am. We have that on there, and some of  
9 the things that you've mentioned we can include as well into  
10 that agenda item.

11  
12 **CHAIRMAN BOGGS:** I think Andy gave us a good starting list of  
13 goals and objectives. Dr. Porch.

14  
15 **DR. PORCH:** Thank you. Actually, Dr. Richard Cody is here, and  
16 I think he has some thoughts on this that would be relevant to  
17 the council.

18  
19 **CHAIRMAN BOGGS:** Dr. Cody.

20  
21 **DR. RICHARD CODY:** Thank you. I just wanted to comment on the  
22 use of state license information reporting for our purposes. We  
23 don't use it to produce an estimate of participation, in other  
24 words a list of anglers or an estimate of the universe of  
25 anglers. We do use it to improve the efficiency of our sampling  
26 efforts, and so, for instance, with the FES, we have basically  
27 an address-based sample frame, and so it's based on the delivery  
28 sequence files for the U.S. Postal Service, and so it has,  
29 technically, every known address in the U.S., and we restrict it  
30 to certain states.

31  
32 What we use the license information, and it varies in quality  
33 and in, I would say, the formats that we get it from the  
34 different states, and what we use that for is really to improve  
35 the efficiency of the sampling efforts, and so, for instance, we  
36 can select -- We can match the license information to the  
37 households and then select those at a higher rate than the non-  
38 fishing households, and you weight it to reflect the actual  
39 proportions in the population, and so it's used, really, as a  
40 way to improve efficiency.

41  
42 In the discussions with Carly yesterday, I did make the point  
43 that, you know, the National Saltwater Registry Program isn't so  
44 much a federal registry, but it's more of an understanding with  
45 the states, and each state has different exemptions from  
46 reporting to the National Saltwater Registry, and it's based on  
47 their intent to provide information to us, and so we get  
48 information from the states at a wave-level basis, and they're

1 not really technically required to provide it at that level, but  
2 they generally do. Most states provide it at least at an annual  
3 level, and so there are challenges there with integrating that  
4 data, in that there are expiration dates, and establishment  
5 dates, for licensing that have to be taken into consideration,  
6 those kinds of things.

7  
8 From my perspective, for the discussion of vessel or angler-  
9 based permitting to identify the universe of anglers, there are  
10 some advantages to us to using a vessel-based system rather than  
11 an angler-based system, and it largely has to do with aligning a  
12 vessel-based permit with a household, and then, also, there are  
13 some precision gains that would come along with that as well,  
14 and so hopefully that kind of helps with the discussion, in  
15 terms of what we get from license information already. We don't  
16 estimate participation at all, and so we don't know the number  
17 of participants, and that's not something that we plan to do.

18  
19 The U.S. Fish and Wildlife Service, through their fishing and  
20 hunting survey, will be introducing new methodology, I think  
21 this year, that will get at that question, hopefully.

22  
23 **CHAIRMAN BOGGS:** Any questions for Dr. Cody? Dr. Porch.

24  
25 **DR. PORCH:** Dr. Cody, I'm looking at the questions here for next  
26 steps in the Gulf, and are there any refinements that you can  
27 envision that would substantially change the estimation, improve  
28 the estimation, process related to this?

29  
30 **DR. CODY:** Well, it's hard for us to say how much of an  
31 improvement it would make for the FES, for instance, in terms of  
32 the estimates that we produce there, and I would imagine, and,  
33 you know, it would take a bit of evaluation, I guess, that we  
34 would see an improvement in precision if we went more towards  
35 the vessel-based reporting, and we could hit those at a higher  
36 rate and improve the precision of the effort estimate.

37  
38 Beyond that, I don't -- You know, it's difficult to say how much  
39 of an improvement we would see overall to what we have for our  
40 current effort estimates, and I think there are other things  
41 that might be more beneficial, such as increasing sample size  
42 overall.

43  
44 **CHAIRMAN BOGGS:** Dr. Porch.

45  
46 **DR. PORCH:** Just if I could follow-up, and I'm just trying to  
47 figure out whether this is something that the council needs to  
48 invest much time then or not, or whether there is other things

1 that are more important, and so, when you talk about the  
2 improvement in precision, I don't know if you can come up with a  
3 ballpark number, and are we talking about, at best, fairly  
4 modest improvements of precision, you know, 10 percent better,  
5 or, you know, twice as good, or is there any way to ballpark it?  
6

7 **DR. CODY:** That would depend, because we couple that with the  
8 APAIS survey, and the APAIS survey has the ability to target,  
9 we'll say, offshore sites, and we produce a stratum in the  
10 design, the survey design, that does that, in Florida at least,  
11 and so there is the potential there that we could couple the  
12 improvements with the effort survey with that and come up with a  
13 more precise estimate.  
14

15 I can't say, overall, how much of an improvement that would be.  
16 I mean, generally, what we do for our effort survey is we try to  
17 achieve, given the level of funding we have for sampling, an  
18 overall level of precision, at the state level or at the  
19 regional level, and it's sort of a non-answer.  
20

21 **CHAIRMAN BOGGS:** Mr. Anson.  
22

23 **MR. ANSON:** Dr. Cody, thanks for coming up and providing some  
24 additional information. I guess one thing that, during the  
25 discussions we had during the Section 102 workgroup, and  
26 subsequent to those meetings, I guess I still have a question,  
27 you know, going back to what Andy was kind of generally asking  
28 about what's the purpose and need, and how are we going to get  
29 there, and, you know, so, as you described, the MRIP survey, you  
30 know, kind of uses the state-provided saltwater license  
31 information to kind of just help target some of those  
32 households, those addresses, that probably have, you know,  
33 fishermen in it, or definitely have fishermen in it, but maybe  
34 have fishing activity as well, and so I'm just wondering, you  
35 know, if we have that information, and have had that information  
36 in the Gulf, across all of the states, you know, the discussion  
37 that may have been had, or questions that may have been had,  
38 about using specifically that database as your sole source of  
39 mailings and surveys, and I'm just wondering if you have some  
40 information, or can answer that question, because I think that's  
41 what we're trying to get to, is that that would be the sole  
42 source that you would send your surveys to.  
43

44 Then, yes, you might send off to, you know, randomly some -- You  
45 know, random residential addresses that would be outside of that  
46 universe, to help kind of, you know, adjust for under-coverage,  
47 or people that don't buy licenses, but I think that's the  
48 question that came up, from time to time, through the Section

1 102 workgroup and then subsequent to that. Thank you.

2  
3 **DR. CODY:** I can address that a little bit. I mean, there are  
4 several different types of licenses, depending on the state that  
5 you're talking about, and different exemptions that exist as  
6 well, and so you're probably not going to get complete coverage  
7 for the entire angler population, let's say, and I think you  
8 could come closer with the offshore permit, to at least covering  
9 those anglers that fish offshore, and so that would be a benefit  
10 in itself, in that it would be, I think, an efficiency  
11 improvement over the current license database that we would  
12 receive from the states, and so there is that element of it, I  
13 think, that could be helpful.

14  
15 You know, beyond that, I would say that, you know, historically,  
16 offshore fishermen tend to be a small portion of the anglers  
17 that are included in the license frame, and so, you know, the  
18 benefits are going to reflect that, really.

19  
20 **CHAIRMAN BOGGS:** Mr. Donaldson.

21  
22 **MR. DAVE DONALDSON:** Thanks, Madam Chair. I'm sorry that I  
23 can't be there with you all, but you all really don't want me  
24 there, and so, to Andy and Greg's point, the commission is  
25 willing to help any way we can on this, but I agree with Andy  
26 and Greg that we need to define exactly what we're trying to do  
27 before we move forward, and so I just wanted to say that the  
28 commission is here to help, and that's kind of what we do, and  
29 so, if there's a role for us to play, we're certainly willing to  
30 help.

31  
32 **CHAIRMAN BOGGS:** Thank you for that, Mr. Donaldson, and I hope  
33 you get to feeling better. Any more questions for Dr. Cody?  
34 J.D.

35  
36 **MR. DUGAS:** Thank you, Ms. Chair. Dr. Cody, will the transition  
37 plan look at the universe of anglers for all states?

38  
39 **DR. CODY:** It could. It could be part of the research planning  
40 activities, because there is an interest, obviously, in getting  
41 some sort of a reference point for all of the surveys, in terms  
42 of what the amount of effort is that is occurring offshore, and  
43 so I think it could provide some sort of a gauge for how close  
44 the different surveys are, in terms of their effort estimates.

45  
46 I mean, we know, for instance, that there is a lot of concern  
47 about the federal estimates, because they appear too high, and  
48 there may be some concerns about the state estimates, that they

1 may be too low, based on how the corrections are made to the way  
2 the information is collected, or adjustments are made to their  
3 effort estimates, and so there are some things, I think, that  
4 could be of benefit, in terms of getting a gauge, a realistic  
5 gauge, of where we should be, and I think that helps us, in  
6 terms of the research activities, to look at non-sampling error  
7 types of effects on the different surveys that might draw them a  
8 little bit closer to that reference point.

9

10 **CHAIRMAN BOGGS:** Mr. Diaz.

11

12 **MR. DIAZ:** Thank you, Dr. Cody. Clay brought up exactly what  
13 I'm thinking, you know, is this worth us going down this path,  
14 and doing all this work, or should something else be a higher  
15 priority, and, before you come to the podium, I was of the  
16 opinion that, if we could ever get something like Louisiana has  
17 got, with this offshore landing permit, and, you know, get a  
18 pretty tight grip on that universe of fishermen out there, that  
19 that would move us forward greatly, and I have heard everything  
20 you said, but I'm not confident, at the end of the day, that  
21 there's big changes that will happen with that.

22

23 I think I understand that there could be some efficiencies, and  
24 it could tighten up some of your estimates and things like that,  
25 but, right now, I am not as optimistic as I was before, and so,  
26 anyway, I'm just trying to figure out what the best thing for  
27 the council is to do, to invest their resources and time, and so  
28 thank you.

29

30 **DR. CODY:** I mean, as I mentioned to Clay and others, I mean,  
31 from my perspective, there are some advantages to a vessel-based  
32 permit, for us anyway, versus an angler-based permit, but that  
33 would impact precision as well just our ability to match the  
34 efficiency of the FES survey. That said, you know, we're a  
35 general survey, and so we have to take into consideration other  
36 parameters that cover the rest of the fishing population,  
37 whether they're licensed or unlicensed.

38

39 In the case of Louisiana, it's a specialized survey, really, in  
40 some respects, and it's generally in terms of the number of  
41 species that it covers, but I think that it is specialized, in  
42 terms that it's built around that sampling frame.

43

44 **MR. DIAZ:** Thank you, Dr. Cody.

45

46 **CHAIRMAN BOGGS:** Mr. Geeslin.

47

48 **MR. DAKUS GEESLIN:** Thank you, Madam Chair. I just wanted to

1 hit on a few of the things that we've talked about here today,  
2 and those are just the criticality of the expected outcomes in  
3 moving forward with any, you know, required angler registry  
4 within the state level and any of the potential benefits.

5  
6 While the Texas Parks and Wildlife Department isn't vehemently  
7 opposed to an angler registry, I'm not convinced of the benefits  
8 that it brings to the state landings estimates, and, Dr. Cody, I  
9 just wanted to ask you, and would you agree that the precision,  
10 the accuracy, of those state landings, and you're familiar with  
11 our state landings programs, would not necessarily be benefitted  
12 solely dependent upon an angler registry for the State of Texas?

13  
14 **DR. CODY:** It's difficult to say. I mean, Texas has a certain  
15 survey methodology that might not align with that, and it would  
16 take some evaluation to look at that, but, essentially, the  
17 other states, Mississippi, Alabama, Louisiana, and Florida all  
18 have license-based approaches in place, and so I think that  
19 there is -- You know, there are things that you could do to look  
20 at their data to see how well it works, and I think that will be  
21 some of the focus of this research track, or this research team,  
22 that, you know, Tom is co-chairing with Gregg Bray.

23  
24 I mean, I can't really come up here and tell you that you're  
25 going to get X percent improvement in precision. You know, it  
26 just -- It would take some evaluation, I think, to get some  
27 sense of what the improvement would be.

28  
29 **CHAIRMAN BOGGS:** Dr. Porch.

30  
31 **DR. PORCH:** Not to drag this out, but, Dr. Cody, I think, to me,  
32 there's a couple of different things going on here. I mean, one  
33 is the general performance of the MRIP survey, which includes a  
34 huge amount of effort in inshore areas, whereas, for most  
35 stocks, what we're really interested in here is the offshore  
36 effort, and that's what we really want to hone-in on, and that's  
37 why I think people are asking questions of how could it not  
38 help, if we had a federal offshore license to limit that  
39 sampling frame, and maybe redesign the program so that it hones-  
40 in on that offshore effort a little bit better, in light of an  
41 offshore license.

42  
43 I am struggling with that too, and it seems like you could  
44 potentially get a lot of benefits, and, you know, you brought up  
45 how would a registry like that help, and, in the case of Texas,  
46 or anywhere, if you have a survey where you're just looking at  
47 intercepts that are coming at particular sites, then you have to  
48 somehow figure out what fraction of that effort was offshore,



1 versus inshore, and your only -- The only information you would  
2 have is the people who are actually coming into those sites, and  
3 you don't know what's going on outside of those sites that  
4 you're sampling, what's going on, and so this would, to me, be a  
5 way to be able to expand your effort, so you get more accurate  
6 overall catch estimates.

7  
8 I just wonder if we need -- Maybe we're not prepared to come up  
9 with numbers now, but maybe we need to invest in a study that  
10 would look at what the potential benefits are and actually see  
11 if we can come up with some numbers, in terms of what the  
12 precision improvement would be for the offshore effort.

13  
14 **DR. CODY:** I think there's a potential there to do some  
15 simulation types of studies, where you would assume that you're  
16 getting a certain proportion, or a certain proportion of -- A  
17 higher proportion of matches with the license information, and  
18 then a certain proportion of that would be the offshore anglers  
19 that have been identified, and I think there are some things we  
20 could do to look at that, and I don't think it would be too  
21 heavy of a lift.

22  
23 **CHAIRMAN BOGGS:** Any other -- Mr. Strelcheck.

24  
25 **MR. STRELCHECK:** You're looking at me like we're dragging this  
26 conversation out.

27  
28 **CHAIRMAN BOGGS:** Until Dale tells me to stop, keep talking.

29  
30 **MR. STRELCHECK:** I am hopefully going to make a positive  
31 suggestion forward, and so I think this has been a great  
32 conversation, and I think it's probably created more questions  
33 than answers at this point, and I like your idea of taking this  
34 to the Data Collection AP. I definitely would like to have this  
35 back on the April agenda, and I think, internally, within NMFS,  
36 and talking to our state partners, we can probably refine some  
37 of these questions, and also maybe bring back some answers with  
38 regard to the benefits of this program or specific objectives  
39 and what we would be answering if we accomplished some of those  
40 objectives. We can do some homework between now and April and  
41 come back with more information for the council.

42  
43 **CHAIRMAN BOGGS:** Thank you, Andy. Thank you, Dr. Cody, and I do  
44 like that idea, Andy, because I was just sitting here thinking  
45 that we've got a lot of homework, research, discussion to have,  
46 and so, if we could, as we already discussed, put it on the Data  
47 Collection Committee agenda, and, if we could, Mr. Chair, put it  
48 on the agenda for the April meeting, to discuss this in more

1 detail, and hopefully have more answers than questions at that  
2 time. Ms. Somerset.

3  
4 **MS. SOMERSET:** Thank you, Madam Chair. I guess a question to  
5 Andy, and I'm happy to bring this back and discuss it at the  
6 Data Collection and the April meeting, but would any of those  
7 questions -- Or would any of the answers to those questions that  
8 you mentioned be available in February, for the Data Collection,  
9 or not until the next council meeting?

10  
11 **MR. STRELCHECK:** I mean, we would be much better prepared,  
12 obviously, for April, and so I would leave it at that. I mean,  
13 certainly, if you have some specific questions you would want to  
14 bring before the Data Collection Committee that are more urgent  
15 to answer, we're happy to try to get some resolution to those  
16 sooner.

17  
18 **CHAIRMAN BOGGS:** Okay. Anything else on this topic? All right.  
19 Mr. Chair, we have nine minutes left in my committee, and we  
20 have one other agenda item. Dr. Hollensead. Dr. Frazer.

21  
22 **DR. TOM FRAZER:** I was waiting for you guys to move past this  
23 particular issue, but one of the things that I noticed in the  
24 presentation, and I just wanted to -- The question is actually  
25 for Chris and Louisiana, and so part of the reason that MRIP  
26 went away from the Coastal Household Telephone Survey was  
27 changes in how we use phones and things of that nature, but  
28 Louisiana still maintains, as part of their effort estimate, a  
29 phone-based survey, and I'm wondering why they're able to do  
30 that, and are they subject to the same problems, and will that  
31 continue to be -- Will those problems be exacerbated, I guess,  
32 over time?

33  
34 **MR. SCHIEBLE:** Well, that's a good question, and I think this  
35 kind of circles back to Dale's comments yesterday about certain  
36 waves and how things get exacerbated for the effort, and we  
37 found the same problem, back during the inception of LA Creel,  
38 especially with our state-managed species, using MRIP effort,  
39 right, and we couldn't get precise, or accurate enough, data to  
40 put into our stock assessments, and so the inception of LA Creel  
41 was originally based around that.

42  
43 We realized that it was very good for the offshore reporting as  
44 well, and it defined the effort better by using the phone  
45 survey, and so it's a combination of a phone and email-based  
46 survey, but it gives you weekly estimates. Instead of having a  
47 lag time, we have the ability to have better in-season  
48 management, because of more real-time effort reporting in using

1 that system, and so I would stand behind it, and I think it's  
2 because it's angler-based and not vessel-based.

3  
4 **DR. FRAZER:** Thanks. I didn't mean to get too far in the weeds  
5 in your committee, and I appreciate the time.

6  
7 **CHAIRMAN BOGGS:** Thank you, Dr. Frazer. Mr. Chair, what is your  
8 pleasure? To move forward? Okay. We're going to other  
9 business. I have asked Dr. Stunz to take over as chair at this  
10 time, since this is something that's going to be pretty personal  
11 to my issue and to the charter/for-hire fleet.

12  
13 **DR. STUNZ:** Okay. Thank you, Madam Chairwoman, and so that  
14 brings us to Other Business. Ms. Boggs.

15  
16 **OTHER BUSINESS**  
17 **VMS UNITS**

18  
19 **CHAIRMAN BOGGS:** Well, I just wanted to bring this to the  
20 council's attention, and I am not bashing on the agency, but we  
21 -- The Fishing Vessel Swoop and the Fishing Vessel Reel  
22 Surprise, which are the two vessels that are owned by my husband  
23 and I, we received notification, on January 10, that the Swoop  
24 has not reported with their VMS since June 25 of 2022, and the  
25 Reel Surprise has not been reporting since November 9 of 2022.  
26 That same day, law enforcement showed up at the dock, as well as  
27 an enforcement officer from OLE, to inform me that these VMS  
28 units were not reporting.

29  
30 Because of my, and my husband's, relationship with the  
31 enforcement officers, and it's not because of my council  
32 position, and it's a relationship that we have built over the  
33 years, we were able to work through these issues, but this was  
34 January 10 that we found out, and it wasn't until Monday morning  
35 of this council meeting that we resolved the issue with the VMS  
36 unit on the Reel Surprise, and so that was over our seven-day  
37 equipment failure, if we had that in place.

38  
39 The other issue with that was, and I talked to Jessica Stephen,  
40 and I don't know if Dr. Stephen is on the phone or not, but she  
41 and I had a long conversation about this, and I think there is  
42 some disconnect and some things that I didn't know, and I'm sure  
43 some of the charter fleet doesn't know, and I don't know that  
44 NMFS knew, and we have all these different VMS units out there.

45  
46 The particular unit that we use is a SkyMate, and we pay \$24.99  
47 a month for each unit, but what I did not know is they don't  
48 monitor that unit, and so, until I called them to let them know

1 the unit was offline, they didn't know, and so the Swoop was  
2 easy, and it was a plug that had come unplugged, and we plugged  
3 it in, and it went reporting with no issue.

4  
5 The Reel Surprise was a different issue, and we don't know what  
6 the issue was, but, because of mine and Randy's relationship  
7 with the dealer, I had \$12,000 worth of VMS units in my truck,  
8 trying to figure out what the issue was. We replaced it, and it  
9 didn't work. We can't explain why, and we didn't know why, but  
10 let me back up to the Reel Surprise.

11  
12 The VMS unit has a little keypad, and it's got four keys on it,  
13 and it sits on the dash of the boat. All four of those keys  
14 were lit, and so, as far as we knew, that unit was working, and  
15 doing what it was supposed to do, but that was not the case, and  
16 I had to get under the dash and go to the VMS unit itself, and  
17 it had power, and the assumption was the unit is working, but it  
18 was not.

19  
20 The disconnect there was, one, is the SkyMate, our vendor,  
21 doesn't monitor that, to say, hey, you have a problem, and NOAA  
22 OLE didn't notify us for a long period of time that we had a  
23 problem, and then I take some responsibility in the fact that we  
24 should have known to look at it and pay attention a little  
25 better, and the whole issue here is there's a disconnect  
26 somewhere in the communication with when a unit is not  
27 reporting.

28  
29 The other issue is, when you get to a situation like we were in,  
30 if we had the equipment failure document in place, I would have  
31 been into my second seven-day period in trying to resolve this  
32 issue, and, if you don't know that you have a problem, it's not  
33 the fault of the fishermen, necessarily, and I just bring this  
34 to light because I want this council to be aware that there are  
35 some issues.

36  
37 Since then, I have found out that some of the NEMO units, which  
38 is the solar-based unit that has a battery-power backup to it,  
39 that some of those batteries are going bad, and, again, it's on  
40 the -- Most of them are mounted on the top of the vessel, and  
41 they don't ever look at it, and they don't know if it's  
42 reporting or not, and so I don't know, and I'm asking the  
43 agency, how we try to fix this, because this is a concern of the  
44 fisherman, and, look, I pushed for the seven-day exemption,  
45 that, yes, there's not going to be an issue, and so it's a good  
46 thing-bad thing that it has happened to us, but I'm able to  
47 bring it to this council.

48

1 I know this is something that Mara doesn't like, but, if there  
2 is a way that we could have exceptions, if we have a situation  
3 like this, that NOAA, or NMFS, can say we understand this is  
4 your issue, and we're going to exempt you until you can get this  
5 problem resolved, because the vendor that we used for  
6 installation -- He told me, if I had called him in June or July,  
7 and if I didn't have my husband that is so mechanically  
8 inclined, it would be probably six weeks before he could have  
9 gotten to our vessel to address this issue.

10  
11 I don't know what we do, and I just wanted to make the council  
12 aware, and I have talked to many of the captains, and it's not  
13 that they want to do away with the VMS unit, but it's just that  
14 we need some help from the agency in how we address these  
15 issues, and so this is kind of more of an awareness to this  
16 council, because I know we've had a lot of these discussions at  
17 the table, and, again, we have resolved our issue.

18  
19 OLE, the enforcement officer, and some of it too was the vendor,  
20 and I brought this to Dr. Stephen's attention, is this  
21 particular vendor -- We would call and leave messages, and they  
22 -- I would have to call back two and three times before I would  
23 finally get them on the phone, a day later, for assistance, and  
24 then the issue became the new VMS that we had installed, and was  
25 it paired to the antenna, and then OLE was emailing OLE, to pair  
26 it to their units, and so it's just kind of a round-robin kind  
27 of thing, and I just wanted to bring it to this council's  
28 attention, that there are some issues, and I hope that NMFS,  
29 OLE, this council, we can all work through this and stand this  
30 program up, and so thank you for the time.

31  
32 **DR. STUNZ:** Okay. Thank you, Susan. Any questions? Andy.

33  
34 **MR. STRELCHECK:** I just wanted to respond to Susan, and so,  
35 first, thank you, Susan, for taking the time to talk to Jessica,  
36 and it was a good conversation, and, as I've let you know, I  
37 agree with a lot of your suggestions and comments, and I will be  
38 the first to acknowledge that the agency missed the mark on this  
39 one, right, and we failed you, and we failed others, in terms of  
40 some of the things that we've done.

41  
42 A few things, just to note that, yes, you brought some things to  
43 our attention that we were aware of, and you brought some things  
44 to our attention that we were less aware of, or not aware of,  
45 and we don't have all the solutions yet, but certainly the time  
46 lag between when your system went down and when you were  
47 notified is unacceptable for me, the agency, and we need to be,  
48 obviously, working with the industry in a more timely fashion,

1 to figure out ways to automate those processes, so we can let  
2 you know more timely, obviously, if there's a problem with your  
3 unit and the corrective action that needs to be taken.

4  
5 The letters that went out, I will say were harshly worded, you  
6 know, and maybe unintended, but we've also made some  
7 corrections, with regard to just how we're communicating and  
8 messaging on this particular issue, which I think is important,  
9 right, and this is still a program that's in its infancy, and we  
10 want to continue to build buy-in and support for the program,  
11 and so there's work to be done there.

12  
13 Then the third aspect, which relates to the customer service, is  
14 there are standards, requirements, that the VMS vendors need to  
15 be meeting, right, and it sounds like, based on your experience,  
16 and potentially others experiences, that we need to make sure  
17 that those vendors are meeting the standards and requirements  
18 that are laid out already in the regulations, and, if not, take  
19 corrective action to address that.

20  
21 I can't -- Well, maybe I will ask Mara, or others, but, with  
22 regard to your comment about the agency providing an exemption,  
23 or working with you, we did take action on the extension,  
24 essentially, for, you know, when you're having a problem with  
25 your VMS, and I believe it's ten days, and not seven days, and  
26 there isn't an exemption, you know, associated with that, as far  
27 as I can tell, and so I stand ready to, obviously, work with  
28 industry to resolve this, but, if we need to make any sort of  
29 regulatory change, I think that would be the question that I  
30 would pose to Mara, given what we previously took action on, in  
31 order to kind of officially allow that.

32  
33 **DR. STUNZ:** All right. Thank you, Andy. Any other questions or  
34 comments regarding this issue? Mara.

35  
36 **MS. LEVY:** Thanks. Well, I mean, so you worked on that  
37 exemption, right, for equipment failure, and I think it was ten  
38 days two times a year, but you did that because there is  
39 already, in the regulations, that sort of general language  
40 about, if you have interruption of the VMS, to contact NMFS and  
41 follow NMFS' instructions, right, and so we talked about the  
42 fact that that gives the agency some discretion about how to  
43 respond to these things, but people wanted a more concrete  
44 exemption, right, but that language is still there.

45  
46 I feel like there's still some flexibility for NMFS to get  
47 notified and then provide whatever instructions they deem  
48 appropriate, and that's on top of, you know, you getting your

1 automatic exemption, when that gets implemented.

2

3 **DR. STUNZ:** Susan.

4

5 **CHAIRMAN BOGGS:** Yes, and, I mean, the enforcement officer told  
6 me, once I was able to see everything on my end, and he did give  
7 me instructions, and so I do think it's important, for any of  
8 the fishermen that are listening, that they understand this,  
9 but, again, with the ten-day exemption, I still would have had  
10 to have gone into another ten-day exemption, and so then, if I  
11 had another failure in the year --

12

13 So I appreciate you reiterating that, because it was just a  
14 concern, and I just, again, bring this to light, and any  
15 fishermen that are listening can understand that, just based on  
16 what you said, and my experience, I was able to work with the  
17 agency, and I was able to work with law enforcement, and we did  
18 work through it, but this also brought to light, to me, that  
19 there are more issues out there than -- Since I've talked about  
20 it, I have heard more issues are out there, and I don't know how  
21 they're being resolved, but hopefully everyone will work with  
22 the agency, and we will work through this. Thank you for the  
23 time.

24

25 **DR. STUNZ:** Thank you, Susan. Just for me to follow-up on what  
26 you just said, about there's probably more issues out there, I  
27 think there is, Susan, and, Andy, I just would encourage you to  
28 continue being flexible, and it sounds like the language is  
29 there that you might need, but I'm very concerned too about  
30 angler buy-in, or captain buy-in, in this case, and, obviously,  
31 you don't want to erode that in any way, but, you know, there's  
32 a lot of examples.

33

34 For example, the ten-day period that Mara was just talking  
35 about, at least in our area, there is sometimes multiple weeks,  
36 and eight weeks is what I heard, of the wait time to get in line  
37 to get the unit reinstalled, or fixed, and then you're way into  
38 the season, and so I'm sure you have mechanisms, Andy, to deal  
39 with that, but, you know, we just want to make sure that the  
40 captains aren't getting disenfranchised, and, as you're moving  
41 down this route, you know -- Anyway, it could turn into more of  
42 a problem, if that flexibility, initially, is not built in.

43

44 Anyway, that's sort of my brief two-cents, of having done this  
45 for a while, but is there any other -- I am not seeing anything  
46 else, Mr. Chairman, and so, Susan, do you want me to end it, or  
47 would you like me to turn it back over to you? Okay. Well,  
48 with that, Mr. Chairman, that ends the agenda for Data

1 Collection, and I will turn it back over to you.

2

3 (Whereupon, the meeting adjourned on February 1, 2023.)

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