

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 DATA COLLECTION COMMITTEE

4
5 Courtyard Marriott Gulfport, Mississippi

6
7 April 3, 2023

8
9 **VOTING MEMBERS**

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

21
22 **NON-VOTING MEMBERS**

23 Kevin Anson (designee for Scott Bannon).....Alabama
24 Billy Broussard.....Louisiana
25 Phil Dyskow.....Florida
26 Tom Frazer.....Florida
27 LCDR Lisa Motoi.....USCG
28 Joe Spraggins.....Mississippi
29 Greg Stunz.....Texas

30
31 **STAFF**

32 Assane Diagne.....Economist
33 Matt Freeman.....Economist
34 John Froeschke.....Deputy Director
35 Beth Hager.....Administrative Officer
36 Lisa Hollensead.....Fishery Biologist
37 Ava Lasseter.....Anthropologist
38 Mary Levy.....NOAA General Counsel
39 Natasha Mendez-Ferrer.....Fishery Biologist
40 Emily Muehlstein.....Public Information Officer
41 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
42 Bernadine Roy.....Office Manager
43 Carrie Simmons.....Executive Director
44 Carly Somerset.....Fisheries Outreach Specialist

45
46 **OTHER PARTICIPANTS**

47 Myra Brouwer.....SAFMC
48 Rick Burris.....MS
49 Richard Cody.....NOAA

1 Troy Frady.....AL
2 Peter Hood.....NMFS
3 Tom Roller.....SAFMC
4 John Walter.....SEFSC

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PAGE 13: Motion to bring the modifications to charter vessel and headboat reporting document to the council in June for discussion and comment. The motion failed on page 19.

PAGE 25: Motion to direct council staff to work with industry groups to determine what outreach and education would be appropriate to the commercial participants. The motion carried on page 26.

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1 The Data Collection Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Courtyard Marriott, Gulfport,
3 Mississippi on Monday morning, April 3, 2023, and was called to
4 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:** I would like to call the Data Collection
11 Committee to order. The members of the committee are myself,
12 Susan Boggs, as Chair, Dale Diaz is Vice Chair, Chris Schieble,
13 Dave Donaldson, J.D. Dugas, Bob Gill, Dr. C.J. Sweetman, Michael
14 McDermott, Mr. Geeslin, Andy Strelcheck, and Troy Williamson.

15
16 The first item on the agenda is the Adoption of the Agenda. Are
17 there any changes, corrections, or additions? Seeing none, the
18 agenda is adopted. The second item on the agenda is the
19 Approval of the January 2023 Minutes. I do have some
20 corrections, and does anyone else have any corrections or
21 comments?

22
23 The first item I saw was on page 13, line 29, "bene" should be
24 "been", and then, on page 37, lines 24 through 25, it states
25 that it was me speaking, and I'm talking about the VMS, and it
26 was not paired to the antenna and SkyMate was emailing OLE, and
27 I think what I said was OLE was emailing OLE, and it should have
28 been SkyMate was emailing OLE, and so I apologize for that. Any
29 other corrections? Seeing none, the minutes, with corrections,
30 are approved. The next item on the agenda is the Action Guide
31 and Next Steps, and I'm going to turn it over to Dr. Hollensead.

32
33 **UPDATE ON SOUTHEAST FOR-HIRE INTEGRATED REPORTING PROGRAM**
34

35 **DR. LISA HOLLENSEAD:** Thank you, Madam Chair. The first thing
36 we have on the agenda today is an update on the Southeast For-
37 Hire Integrated Electronic Reporting Program. As many of you
38 may be aware, there was a lawsuit brought forth, and I believe
39 the hearings for that were in October of last year, and, in late
40 February, the 5th Circuit Court of Appeals ruled in that case.

41
42 Specifically, this was involving the vessel monitoring system,
43 or the VMS, requirement of the SEFHIER program. The court rule
44 in favor of the plaintiffs in this case, and the ruling has
45 ramifications not only for the VMS requirement, but also the
46 SEFHIER program as a whole, and I will also note that the Data
47 Collection Advisory Panel heard an update from the SEFHIER.
48 However, this was prior to that decision from that 5th Circuit

1 Court, and so, if you look in the summary, they had not gotten a
2 chance to do that, because that ruling had not been published at
3 that point, and so just so you know.

4
5 The committee should -- NMFS staff, excuse me, will provide a
6 verbal update on the court's decision and the future of the
7 SEFHIER program. The committee should listen to the update and
8 ask any questions. Madam Chair.

9
10 **CHAIRMAN BOGGS:** All right. Well, I guess we'll turn it over to
11 the agency for an update and some discussion, I'm sure.

12
13 **MS. MARA LEVY:** Okay. I guess I will give you the update. I
14 mean, I think you all know, right, that the 5th Circuit Court of
15 Appeals ruled against the agency, in terms of the for-hire
16 reporting program. The specific challenges were related to the
17 VMS requirement and the collection of the five economic
18 questions in the logbook. The court did set aside the whole
19 rule, and so the entire rule is not in effect currently.

20
21 In terms of status, in terms of the proceedings, there is still
22 a few days left in the time to file a motion for a rehearing
23 before the court, or a rehearing en banc, and so that expires
24 April 10, and then there is still the window to file a petition
25 for cert in the U.S. Supreme Court, and that doesn't end until
26 towards the end of May, and so, in terms of the actual
27 procedural matters, you know, there's no definitive resolution
28 to those yet, in terms of the agency still evaluating its
29 options, and those times are still open, but I think it's
30 important that we talk about the decision, and then we can go
31 from there.

32
33 Regarding the VMS requirement, the court found against the
34 agency, basically on two fronts, the first of which was that
35 that agency did not have the statutory authority to implement
36 this requirement for this program for these vessels, and I'm
37 saying that because the decision was pretty specific to this
38 program and these vessels and this challenge.

39
40 There's a couple of statutory provisions that speak to what the
41 councils and the agency can require. The ones that the agency
42 was relying on this litigation -- The first was there's a
43 provision that basically says that fishery management plans can
44 require equipment on fishing vessels, including equipment to
45 facilitate enforcement, and so the court talked about that
46 provision and said that the permit holders are -- Basically,
47 this VMS requirement, they found, in a lot of these areas --
48 They found it to be duplicative of what the agency was already

1 requiring via the logbooks and the hail-out.

2
3 They were basically saying that it's duplicative, and so there's
4 no real enforcement issue here, and, also, you haven't shown, in
5 this record, that there's any non-compliance, right, and so the
6 agency has some -- There is some reasonableness in requiring a
7 VMS, or this type of equipment, to verify sort of self-reported
8 data, but they were like, in this case, you don't have any
9 evidence that these vessels, and these permit holders, are not
10 accurately reporting their data, and you haven't shown us, in
11 this record, that you have that, and so this equipment is not
12 really facilitating enforcement.

13
14 Then there's the provisions in the act that say that the
15 councils, and the agency, can require other things that are
16 necessary and appropriate for management of the fishery, right,
17 and so it's kind of a catchall provision. You have very
18 specific things, and then you have that you can require other
19 things that are necessary and appropriate, and the court found
20 that this wasn't necessary and appropriate, because you have to
21 look at the costs and the benefits and weigh them, and, here,
22 you have monetary costs and privacy costs, and the agency did
23 not show that these costs were outweighed by the benefits of
24 requiring the VMS, again relying on the fact that the court
25 found it to be duplicative of the reporting requirements and
26 that there was no showing of non-compliance.

27
28 I don't think that the -- I am trying to think about how to
29 phrase this. I don't think the agency's position would be that
30 it was duplicative. I think that we probably needed to do a
31 better job of explaining to the court what independent purpose
32 it held, right, but I'm just saying what the court held, so that
33 you can kind of see where they were coming from, and so that was
34 the no statutory authority piece of it, again limited to this
35 record, what we didn't show for this record, and then the court
36 went on to talk about the 4th Amendment issue, because the
37 plaintiffs had said that it violated the 4th Amendment, that it
38 was an unlawful, warrantless search to have this location data
39 going on.

40
41 The court said that -- It basically said that it appears to be a
42 search, and it did not specifically say whether it was a search
43 under 4th Amendment law, and there is clearly no warrant, and so
44 there's that piece, and so we had argued that, even if it was a
45 search, that there is an exception to that requirement for
46 closely-regulated industries, and so it's a doctrine that
47 basically says, under specific circumstances, closely-regulated
48 industries, you don't need a warrant to conduct a search.

1
2 The court rejected that argument that this particular industry
3 was a closely-regulated industry. Now, at the District Court
4 level, which is the trial court, that court looked at the
5 fishing industry as a whole and determined that the fishing
6 industry is a closely-regulated industry. This court, the
7 Appellate Court, said that was too broad, that we should not be
8 looking at the fishing industry as a whole, and you should be
9 looking at charter fishing, and so the charter boat fishing
10 industry is how they defined it, and, if you look at that very
11 narrow industry, we didn't meet the test of showing that this
12 was a closely-regulated industry.

13
14 The court did distinguish the commercial fishing industry, and
15 the court recognized that other courts have held that the
16 commercial fishing industry was considered a closely-regulated
17 industry, but they distinguished charter fishing from commercial
18 fishing, and so, once you don't have that exception, if there's
19 a reasonable expectation of privacy, then you need a warrant.

20
21 The court talked very briefly about this reasonable expectation
22 of privacy, and they did not definitively say whether these
23 charter vessel owners and permit holder had a reasonable
24 expectation of privacy, but they expressed serious concern that
25 they did and that this would -- They had concerns that this
26 would violate the 4th Amendment, but they did not rule on the
27 merits of the 4th Amendment claim, and so there's no holding by
28 them that this does violate the 4th Amendment, but there's a lot
29 of language in there that indicates that they were very
30 concerned that it would violate the 4th Amendment, and so I just
31 wanted to make that clear.

32
33 Then the other thing that they looked at was whether the
34 requirement was arbitrary and capricious under the
35 Administrative Procedure Act, and so it's not a statutory
36 authority issue, and it's not a constitutional issue, but it's
37 essentially, you know, whether it's reasonable under the
38 Administrative Procedure Act to implement this, and the court
39 said no in this case, because, number one, the agency failed to
40 address the privacy concerns that were raised by some of the
41 commenters, and so we got some comments that mentioned the 4th
42 Amendment, but we didn't interpret them to relate to privacy,
43 because they also talked about the data and sort of the -- They
44 wanted to keep the data safe, and so, when we responded to those
45 comments in the rule, we responded to them in sort of the data
46 confidentiality tact, and we didn't directly respond to 4th
47 Amendment privacy concerns, and the court says we should have
48 done that, and then that NMFS didn't adequately justify the

1 costs and the benefits, in terms of the costs, the benefits
2 outweighing the costs, and it used the same reasoning as in the
3 statutory authority argument, basically under the necessary and
4 appropriate, right, and like you haven't shown why you need this
5 VMS.

6
7 It's duplicative, and there is no real indication that the
8 agency is getting any benefit from this information, but you
9 are, you know, making people pay for it, and so there's the
10 monetary costs, and you have the privacy costs, and so they're
11 saying we didn't justify that under the APA, and so, under the
12 APA, this wasn't lawful either.

13
14 Then, with respect to the economic questions, that was also an
15 Administrative Procedure Act issue, and, basically, they said
16 that we didn't give notice in the proposed rule that we were
17 going to ask these five economic questions, and so the final
18 rule was not lawful, and it was not a logical outgrowth of the
19 proposed rule, and it wasn't lawful, because we didn't put
20 people on notice in the proposed rule that these five questions
21 were going to be asked.

22
23 The APA -- Any issues with the APA are the things that are most
24 easily remedied, right, and you can always go back and redo a
25 rule and kind of tick off the boxes that you need to. Other
26 things get more complicated. I hope that I explained that well,
27 but, if you have any questions, I'm happy to answer them.

28
29 **CHAIRMAN BOGGS:** Mr. Gill.

30
31 **MR. BOB GILL:** Thank you, Madam Chair, and so I think everybody
32 has got a bunch of questions, mostly related to what does that
33 mean for the future, and so this was a narrowly-scoped decision,
34 as I understand it, but, on the other hand, from my perspective,
35 it looks like it opens the door to anybody that does not like
36 the VMS system, and there is plenty of those, that, with the
37 money and the willingness to file a suit, which would, in turn,
38 imperil a lot of our data collection and how we manage the
39 fisheries, and could you comment on how reasonable that
40 assumption is, and is it an area of concern that the average
41 stakeholder should be concerned about or not?

42
43 **MS. LEVY:** Well, I mean, I guess my answer is anybody file
44 anything, and, you know, for folks that are really adamantly
45 against things like a VMS, I think, of course, they could file a
46 lawsuit somewhere challenging something and use this case to try
47 to argue their point, but I believe that the case is very
48 narrowly tailored to this record, these vessels, and what we did

1 in this particular program.

2
3 I don't necessarily read anything in there as being some broad
4 pronouncement as to VMS programs overall, and I don't see it as
5 really a comment on VMS programs for commercial vessels, and,
6 you know, the 5th Circuit has never addressed that, and they
7 said, in this, that we've never addressed it, and who knows what
8 the 5th Circuit would do, right, and, I mean, we have cases out
9 of other circuits that have upheld these programs in the
10 commercial sector, and so I guess that's kind of a long way of
11 saying, yes, I think people could be emboldened, I guess, to try
12 to challenge these programs, but, whether they would be
13 successful, I can't really answer that.

14
15 **CHAIRMAN BOGGS:** A follow-up, Mr. Gill?

16
17 **MR. GILL:** Thank you, Madam Chair, and so I read you as saying
18 that it is a precedent, in your view, that does not hold a whole
19 lot of likelihood, but my second question is for Andy, and I'm
20 hoping that he'll give us a good overview here of what does that
21 mean for charter/for-hire, the SEFHIER program, the data
22 collection side that we were trying to accomplish, and that's --
23 I ask regardless of whether the agency decides to go forward or
24 not, and how do you see the impact on our ability to manage?

25
26 **CHAIRMAN BOGGS:** Mr. Strelcheck.

27
28 **MR. ANDY STRELCHECK:** Thanks, Bob, for the question. For those
29 that might have not been around this table, I think I want to
30 first start by saying this was really a grassroots effort by a
31 large portion of our industry, right, to get this off the
32 ground. Conversations about logbook programs started in 2008 or
33 2009, and it took us quite a while to actually get it up and
34 running and implemented, and so that's really the disappointing
35 part about all of this, is that we had at least a good portion
36 of the industry supporting this, and there were certainly
37 opponents and those that, obviously, sued us, but the goal was,
38 obviously, to improve data collection, to improve the timeliness
39 of data, to help with better management and science within this
40 industry, and within the fishery.

41
42 In terms of, you know, what Mara just went through, I guess I
43 will go through some what-if scenarios, right, and so, right
44 now, the agency, I believe, has sixty days from the court
45 decision to decision whether to appeal or not appeal the
46 decision. If we appeal the decision, the council is essentially
47 in a waiting game, and the industry is in a waiting game, until
48 that appeal is heard and decided.

1
2 If we do not appeal the decision, then it would come back before
3 the council to discuss whether or not we want to reinvent or
4 revise the SEFHIER logbook program and kind of dust off the old
5 amendment and make some changes to it, to address not only the
6 Administrative Procedure Act violations, but also the VMS
7 requirement that was included in that amendment, and make
8 modifications, and so that could take any number of paths, but
9 certainly there's a lot of great building blocks from the, you
10 know, previous SEFHIER program that I think could be utilized
11 for validation and accountability, and then we would have to,
12 obviously, make modifications, in light of the lawsuit.

13
14 **CHAIRMAN BOGGS:** Dr. Frazer.

15
16 **DR. TOM FRAZER:** I just wanted to circle back to something that
17 Mara said, and so I'm just curious, and what are the criteria by
18 which the commercial sector was considered a highly-regulated
19 entity, right, and the other sectors in the fishery are not?

20
21 **MS. LEVY:** So there are -- Basically, there's a couple of
22 factors that the court looks at, and the first is kind of the
23 history of warrantless searches in that particular area, and, I
24 mean, they didn't like go into like a whole history of the
25 decisions that upheld the commercial requirements, right, and
26 all they said was it's not here, and there is no such history
27 for charter fishing. Then I have to look at the -- Sorry.

28
29 Then, basically, that there would be a threat to public welfare
30 if it was left unregulated, and like they kind of look at that
31 like what does the industry do, in terms of public welfare, and
32 is it like a threat to public welfare that would make it, you
33 know, heavily regulated, and, in this case, we kind of relied on
34 the Magnuson Act provisions that basically say, you know -- And
35 the findings of Congress that said, you know, fishing, you know,
36 is something that needs to be regulated, and there is a public
37 welfare component to fisheries management, right, and it's
38 important to the nation.

39
40 The court didn't really agree with that. They disagreed that
41 the charter boat fishing does not pose an overfishing risk,
42 because it accounts for a small percentage of total fishing in
43 the Gulf of Mexico, and they found that. I think we might
44 disagree with their facts there, and so I think -- The point is
45 I think there are some clues as to what we could put in the
46 record, right, if we end up going through this again, right, and
47 like if the agency doesn't appeal, or appeals and loses at the
48 highest level, what could we do, and how could we support the

1 decision better, so that, if it was litigated again, we would
2 address these points, and one of the things might be to have
3 much more discussion about how much charter fishing does occur
4 in the Gulf of Mexico, what percentage comes, and like lay all
5 this out, so that we have the facts that we want that support
6 the program the best that we would be able to point to if it was
7 challenged again.

8

9 **DR. FRAZER:** Thank you.

10

11 **CHAIRMAN BOGGS:** Mr. Strelcheck.

12

13 **MR. STRELCHECK:** I just wanted to follow-on with a couple of
14 comments, and so, for those that have read the decision, there's
15 a statistic in there about for-hire fishing I think representing
16 0.2 percent of the overall fishing activity in the Gulf of
17 Mexico. I don't know how they arrived at that, where that
18 number came from, and I couldn't replicate it, and so I think
19 that goes to kind of what Ms. Levy was just stating now, in
20 terms of the significance of charter fishing as part of the
21 decision.

22

23 The other interesting component of this decision is we -- Well,
24 first of all, we know compliance is far better, or was far
25 better, for the SEFHIER program in the Gulf of Mexico than it
26 was for the South Atlantic. The South Atlantic did not have a
27 hail-in or a hail-out provision, and it only required weekly
28 reporting, but we were seeing some pretty stark differences,
29 just in the short lifespan of the programs, but this decision
30 also essentially goes as far as saying, well, we didn't
31 demonstrate, you know, why the VMS was needed, the costs and
32 benefits, and that it was kind of duplicative in nature to some
33 of the other requirements, but the reality is that we were
34 requiring all of this at the same time, and implementing all of
35 the provisions at the same time, and so there's really no way
36 for us to actually know whether it was duplicative or not and
37 whether or not this truly was a significant cost, or benefit, to
38 the fishermen.

39

40 Ultimately, you know, it comes down to compliance and what we
41 were going to gain from the VMS requirements, but, given that,
42 you know, the VMS considerations in the lawsuit -- Hail-in and
43 hail-out still seems to be a very important provision to knowing
44 when a trip is occurring and making sure that we can validate
45 the trips and reported logbooks.

46

47 **CHAIRMAN BOGGS:** Does anyone else have any questions or
48 comments? Mr. Gill.

1
2 **MR. GILL:** Thank you, Madam Chair, and so it seems to me that,
3 from a council perspective, we're going to be waiting either
4 way, one until NOAA GC decides whether they're going to handle
5 it in some other fashion, or, if not, we're living with a
6 decision of the court, and so, from our perspective, and this is
7 to Andy's original point that there is value, I believe, in
8 continuing work on those portions of the document, unaffected by
9 -- That may not be the right terminology, but unaffected by the
10 court's ruling.

11
12 **With that in mind, I would like to make a motion that we**
13 **continue work on the SEFHIER document, on those components not**
14 **affected by the court's ruling, and I would be happy for**
15 **wordsmithing to get around those issues.** The thought here is to
16 let's do what we can to continue work, and the items that pass
17 muster we can continue working on, and there's a lot invested in
18 this amendment. There are many who might not support it, and
19 think that it needs to go forward, and so, either way, whatever
20 the legal outcome is, we're not stopping work and waiting for
21 the ultimate outcome of the legal system, and we're effectively
22 doing what we can to continue with the work needed on the
23 document. Thank you.

24
25 **CHAIRMAN BOGGS:** All right. We will wait for staff to get the
26 motion on the board, and then we'll see if we can get a second.
27 The only question I would have is do we need to reference the
28 document, or is this enough information for staff, or may I
29 offer a suggestion? Okay, and so let's let them finish, and
30 then I will read it, and Dr. Sweetman seconded the motion.
31 J.D., is it to this motion? All right. Let me read the motion,
32 and then we'll discuss the motion. Okay.

33
34 **The motion on the board is to continue working on modifications**
35 **to charter vessel and headboat reporting document for those**
36 **components not affected by the court ruling.** J.D.

37
38 **MR. J.D. DUGAS:** Thank you, Ms. Chair. My question is for Mr.
39 Gill. What do you want to continue working on? I thought that
40 it was all completed.

41
42 **MR. GILL:** Well, given the court's ruling, I'm not sure how we
43 parse that out, but what I'm effectively saying is that we --
44 The parts that are not affected by the court's ruling, and I
45 would think that there is more to be done, either from the
46 agency standpoint, or perhaps from ours, and the answer is I
47 don't know, but, if there is room for continued working on this
48 document, I think we should. I think the program is important

1 for data collection, and it fully had the support of most of the
2 charter industry, and we ought not just stop because we hit a
3 bump in the road.

4
5 **CHAIRMAN BOGGS:** Mr. Strelcheck and then Mr. Dyskow.

6
7 **MR. STRELCHECK:** A couple of suggestions, and so we're not
8 currently working on any document, and so I think maybe it would
9 be better to bring back to the council, in June, the
10 charter/headboat reporting document, and we would know, by then,
11 whether or not the agency has appealed the decision or not, and
12 then I am hung up a little bit with the second part of the
13 sentence as well, "for those components not affected by the
14 court ruling", and remember Mara talked about the Administrative
15 Procedure Act violations that could be addressed, that were part
16 of the court ruling, right, and it doesn't mean that we don't
17 work on them, right, but we just need to consider whether we
18 should or shouldn't work on them, and so I would just recommend
19 that we bring the document back for discussion at the June
20 meeting, at this point, given the agency decision will be known
21 by then, and then we can decide the path forward at that point,
22 depending on the agency decision.

23
24 **MR. GILL:** Good suggestions, and I'm okay with that. Thank you,
25 Andy.

26
27 **CHAIRMAN BOGGS:** So, number one, Andy, are you making that
28 motion, and, number two, is that really -- I mean, I guess I'm
29 asking, and do we really need a motion, because I would think
30 that you all would bring that information back to us,
31 irregardless of whether we have a motion or not, and I'm looking
32 at staff. So, first, Andy, are you making this motion?

33
34 **MR. STRELCHECK:** I was taking the liberty of making a very
35 lenient friendly amendment, if the primary and seconder agree
36 with that provision.

37
38 **CHAIRMAN BOGGS:** Mr. Dyskow, I will get you in just a moment.
39 Ms. Levy.

40
41 **MS. LEVY:** Well, I mean, I think it is appropriate, either
42 motion, but Andy's is probably more in line with the procedure
43 of where we are right now. It's appropriate for the council to
44 make the motion and consider it, because, you know, as of now,
45 there is no for-hire reporting. You know, if the agency decides
46 not to appeal, there is no for-hire reporting, and so I think
47 the council needs to decide is it something that you want to
48 bring up and discuss further, and then I will just note that,

1 you know, even with the VMS requirement, right, again, the
2 decision was fairly limited, at least for the statutory stuff,
3 to the record, and it was based on the fact that it was twenty-
4 four hours a day, seven days a week, one-hour ping VMS.

5
6 I think it's more of a management discussion as to if there
7 would be any value in a more limited VMS requirement, and maybe
8 there's no value in that. Maybe it doesn't get you what you
9 want, but I also think that the decision did not address that,
10 and that could potentially address some of the privacy concern
11 issues and stuff that we would have to look into more, but I
12 just want to make sure that you know that it's not everything,
13 and things are still on the table, right, but it's just going to
14 require some discussion and development and justification and
15 articulation of the reasons for doing whatever you decide to do.

16
17 **CHAIRMAN BOGGS:** Okay. So, as a point of order, does the
18 seconder -- Well, first of all, Mr. Gill, are you okay with
19 this, and is the seconder okay with it? Okay. They're both
20 shaking their heads. Mr. Dyskow, I am going to go to Mr. Diaz,
21 because I know he needs to leave, and then I promise that you
22 will be next.

23
24 **MR. DALE DIAZ:** I just -- J.D. brought up kind of what I'm
25 thinking about, and so, Dr. Simmons, do we currently have an
26 open document to make modifications to, or are we, in effect,
27 trying to start a new document? That's what I am trying to
28 figure out. Can you speak to that?

29
30 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Sure. We have a document
31 that's been implemented and vacated, right, and so we could put
32 it on the agenda as background, with some feedback from the
33 agency, I think, on what we could do and not do, because it's
34 not quite clear to me right now, based on the court ruling, and
35 look at what the South Atlantic has done, and look at what we're
36 trying to improve, regarding data collection and monitoring, and
37 try to make sure that we're addressing that at very get-go,
38 again, when we bring that back, and that would be my suggestion,
39 that we could put it in as background.

40
41 **CHAIRMAN BOGGS:** Mr. Dyskow.

42
43 **MR. PHIL DYSKOW:** Thank you, Madam Chair. I am not on your
44 committee, and I've been trying to follow this process for a
45 long time, and what it seems to me that we've heard, over and
46 over, from the audience is that this was evolving into an
47 unnecessarily burdensome process, and what I heard from people
48 was that they wanted to streamline it, or perhaps simplify it,

1 and perhaps strike certain odious elements of it, and so, if
2 we're going to revisit it, that's what I hear that people want
3 us to address, is they want this to be scaled down to a more
4 manageable process, and is that correct, or am I way off-base?

5
6 **CHAIRMAN BOGGS:** Well, I mean, I don't know if I'm the
7 appropriate one to comment to that, and there's differences of
8 opinions. I mean, I was part of that grassroots effort, and I
9 stood at the podium, and I can't say how many times, and
10 supported this, along with many, many other fishermen along the
11 Gulf coast.

12
13 You know, is there any decision that this council makes that
14 everybody is happy with? There are goods and there are bads
15 that come with it, and the charter/for-hire needs this data
16 collection information, and the headboats -- The only thing
17 different with the headboats right now is we don't have a VMS,
18 and we don't have to -- There is one other component missing,
19 having to do with the hail-in and hail-out part, and so nothing
20 has really changed for the headboats, and they're reporting
21 weekly instead of before offloading, and so the headboats are
22 still reporting.

23
24 The charter fleet, they don't have a mechanism, and I don't know
25 if -- I am really getting ahead of myself probably on this, but,
26 to really find out, do a referendum, and see what these people
27 want, and I think you will overwhelmingly see that they support
28 this -- Most of the people I've talked to support it even with
29 the VMS.

30
31 I had a gentleman call me when this really came out, and he
32 said, I was very opposed to this, but he said, but now I see how
33 it keeps fishermen honest, and he was disappointed that we lost
34 this VMS component, and I saw Mr. Strelcheck had his hand up,
35 and I will let him respond.

36
37 **MR. STRELCHECK:** I appreciate Phil's question, and I think the
38 court, in some respects, has helped answer part of your
39 question, right, by striking the requirements for VMS, because I
40 think that was certainly viewed as burdensome by many. Recall
41 that, over the last year or more, we've been working on a couple
42 of amendments to ease some of the burden on trip declaration, as
43 well as if there's a VMS system failure, and we will not have to
44 implement, obviously, the VMS system failure requirement any
45 longer, as the program stands right now today.

46
47 Then I think, you know, the question becomes, you know, with the
48 court ruling, the economic data collection, and what the council

1 would want to do with that going forward, and I see certainly a
2 lot of pros and cons to, you know, both sides, with regard to
3 the economic data collection, but your point is well taken, and
4 I think it's an opportunity to take a look at the program.

5
6 As I have often voiced with the council during discussions,
7 right, we want to maintain the data integrity of this program
8 and make sure that it's a better system for estimating catch and
9 effort in the long run, or relative to what we have today, and
10 so that's my hope, is that the council moves forward, or we
11 appeal the decision, that that's what we're going to be left
12 with.

13
14 **CHAIRMAN BOGGS:** Mr. Gill, I will get to you in just a moment,
15 and I want to comment to what Andy said, and, you know, standing
16 up this program -- I remember, several years back, before all of
17 this, there was some funding to put VMS on the charter fleet,
18 and a lot of the charter fleet did it, and I can't remember the
19 numbers, and I think it was 300, and it was a lot, and they
20 voluntarily did this.

21
22 The reason that we, my husband and I, didn't do is we knew that
23 that data being collected wasn't going to do anything, but they
24 wanted to see how it worked and how it would impact the
25 business, and so standing up a program -- We don't want to do
26 something that, at the end of the day, we've done all this work,
27 and there is nothing good that comes of it, and so that leads me
28 to a question, and I don't know if it's to Andy or Dr. Walter,
29 but what happens to the data that's already been collected?

30
31 I mean, does that get thrown out and we start all over again,
32 and, again, we're what-ifying, and I hate that, and I tell my
33 daughter all the time that don't what-if me to death, but -- And
34 you may not have an answer, but the question, in my mind, is
35 what happens to the data that's been currently collected with
36 the VMS units that's been able to be validated? If it is
37 appealed, and the court upholds it, do we just keep going along
38 like we were, or, if we have to redo this program, are we
39 starting from scratch, and you may not be able to answer that,
40 and I understand that.

41
42 **MR. STRELCHECK:** I mean, I would ask Ms. Levy if there's
43 anything that restricts us from maintaining that data that's
44 already been collected when the program was working and not set
45 aside, but, in terms of the actual data itself, I think the
46 challenge, like we've talked about with state surveys or MRIP,
47 right, and we want to have multiple years of comparable data to
48 calibrate against, and, ultimately, get to some stream of data

1 that can then be transitioned over to and used, and so, with the
2 changes to any program going forward, unless we want an appeal,
3 it would be that the data probably in the past would not be
4 useful for that purpose, because we're starting with a new
5 program, a new program design, new requirements, and we have to
6 start the baseline from that point forward, and I don't know,
7 John, or Mara, if you have any further comments.

8
9 **CHAIRMAN BOGGS:** Well, that was a ray of sunshine. Okay. Mr.
10 Gill.

11
12 **MR. STRELCHECK:** You asked.

13
14 **MR. GILL:** Thank you, Madam Chair, and so the whole intent of
15 this motion is to express the council's desire to continue on
16 with what we can for this program. Last week, Jim Green sent
17 around a plan, on behalf of CFA, if I have it right, on
18 expressing much the same thing, and a little more specificity in
19 that letter, but I believe this motion basically says the same
20 thing that CFA was expressing in their letter, and, Jim, you can
21 give me a nod yes or a nod no. A nod yes. So there seems to be
22 at least some charter support for doing what we can, whatever
23 the circumstances are down the road, and that supports the
24 intent of the motion, as expressed. Thank you.

25
26 **CHAIRMAN BOGGS:** Any other questions or comments? J.D.

27
28 **MR. DUGAS:** Thank you, Ms. Chair. I think we need to pump the
29 brakes, if you will, and we need to see what the agency is going
30 to decide to do, before we get too aggressive on trying to
31 reinvent the wheel again, and I think June is too soon. We need
32 to keep in mind the reason we're in this situation, is because
33 some of the fleet disagrees with the SEFHIER program, and maybe
34 the majority of the people in the room agree with it, but there
35 are some that don't, and I think we're moving a little too
36 quickly, and we need to give the agency some time to make their
37 decision and then follow-up behind that.

38
39 **CHAIRMAN BOGGS:** Very quickly, Dr. Sweetman.

40
41 **DR. SWEETMAN:** Sorry. To that point, J.D., and so, Mara, you
42 said April 10 would be the deadline day, right, for whether the
43 agency would appeal? No?

44
45 **MS. LEVY:** April 10 is the deadline for a rehearing in the 5th
46 Circuit. The cert petition to the U.S. Supreme Court is towards
47 the end of May, and so you will know by your June meeting.

48

1 **DR. SWEETMAN:** Okay, yes, and so that was my overall point
2 there, and so we would know before the June meeting whether the
3 agency is going to appeal or not, and, at that point, we would
4 have an answer as to where we stand on SEFHIER, and I feel like
5 the council would have all the components that we would need, at
6 that point, to be able to make some progress one way or the
7 other, and that's just my two-cents.

8
9 **CHAIRMAN BOGGS:** Okay. We have a motion on the board, and I am
10 going to ask for a show of hands. **All those in favor of the**
11 **motion to bring the modifications to charter vessel and headboat**
12 **reporting document to the council in June for discussion and**
13 **comment, all those in favor, please raise your hand; all those**
14 **opposed.**

15
16 **EXECUTIVE DIRECTOR SIMMONS:** It's seven to five, Madam Chair.

17
18 **CHAIRMAN BOGGS:** There's only eleven on my committee. Do we
19 need to do this again?

20
21 **EXECUTIVE DIRECTOR SIMMONS:** Yes, ma'am.

22
23 **CHAIRMAN BOGGS:** Okay. It's myself, Mr. Diaz, Mr. Schieble,
24 Donaldson, Dugas, Gill, Sweetman, McDermott, Geeslin,
25 Strelcheck, Williamson. Those are who need to vote. **All those**
26 **in favor, please raise your hand; all those opposed. Who**
27 **abstained? The motion fails.**

28
29 All right. Let's move on from this subject. I'm sure we'll
30 have a lot of comments tomorrow that we can listen to and bring
31 this back at Full Council. I did take a little extra time on
32 that, because it is important. Dr. Hollensead, would you take
33 to take us through Item Number V?

34
35 **PUBLIC HEARING DRAFT: MODIFICATION TO COMMERCIAL COASTAL LOGBOOK**
36 **REPORTING REQUIREMENTS**

37
38 **DR. HOLLENSEAD:** Yes, ma'am, and so the next agenda item is the
39 Modification to the Commercial Coastal Logbook Program Reporting
40 Requirements, as well as the Data Collection Advisory Panel
41 recommendations. As some of you may be aware, there is interest
42 in modifying the Southeast commercial coastal logbook program.
43 Right now, it is a paper logbook that is mailed into the agency,
44 and this would allow for an electronic way to submit, and so, at
45 the Data Collection AP meeting in February, Southeast Fisheries
46 Science Center staff provided a presentation, and this is the
47 same presentation that's been received by the other APs, and so
48 the Data Collection got to see that and comment as well, and

1 just for and update on that.

2
3 The South Atlantic Fishery Management Council also reviewed a
4 draft of the document at its March 2023 meeting, and they
5 approved the document for public hearing, and I will go into
6 that a little bit more, Madam Chair, and my sort of outline for
7 how to go through this would be in four pieces.

8
9 Number one would be review the document, and there's been some
10 additions to it since you saw it in January, and number two is
11 we would go through an update of the Data Collection AP meeting.
12 Number three is give you that update from that March South
13 Atlantic meeting, and then number four is discuss the timeline.

14
15 **CHAIRMAN BOGGS:** Yes, ma'am. We're good.

16
17 **DR. HOLLENSHAD:** Okay, and so talking about number one,
18 reviewing the document, and, Bernie, if you wouldn't mind
19 pulling up that document, please, and so, you know, the document
20 is going to be a little different than, you know, what the
21 committee has seen before, for a couple of reasons.

22
23 It's an amendment with several FMPs, and it's a joint amendment,
24 and so that's always structured a little bit differently, and,
25 right now, this is really structured as the South Atlantic does
26 their documents, and it's also an amendment with a CE, and so
27 that's a little different, because the only thing being
28 considered is do we move to electronic or not, and so that's the
29 main decision point, and so, in that case, I believe it hits
30 those NEPA requirements, but it's also a larger amendment,
31 because it deals with so many FMPs, and there is some other
32 things that the South Atlantic does a little differently, and so
33 that's why it's sort of a hodge-podge of all of the weird things
34 that you could ever think of, and this document has sort of gone
35 into it.

36
37 The one thing that I will also point as well is you will notice
38 from -- We brought this forward in January, but it mostly just
39 had those section headers, and those hadn't been filled yet, and
40 those analyses have largely been done to fill in those sections.
41 It's very heavy on the economic analyses. If you have any
42 questions of any portion, I might, you know, pass it over to an
43 economist to help me out through that, because that's what is
44 mostly being considered, right, and there's no real biological
45 effects changing or those sorts of things, and it's a program
46 that's already out there, and it's just moving from paper to
47 electronic, and so there's a lot of economic considerations, and
48 it has to be done for each of those FMPs, which is why it took a

1 little bit of work to get through.

2
3 The IPT has reviewed this initially, and so they have reviewed
4 it, and there is still some outstanding considerations that the
5 IPT had that we might go through and just double-check those
6 numbers, to make sure it's as complete as possible, and there's
7 also some administrative effects that are still being worked on,
8 for example how much the agency costs -- Different between the
9 paper and electronic, for example, and so some of those things
10 have to be fleshed out, and that's generally, for the document,
11 all I had to say about that for now, and I'm happy to take any
12 questions.

13
14 **CHAIRMAN BOGGS:** It seems like a lot of work for something that
15 everybody wants so terribly. Any questions for Dr. Hollensead?
16 All right. Your next part.

17
18 **DR. HOLLENSEAD:** Yes, and on to part two, and so part two, as I
19 had mentioned, this will be an update, and I will be touching on
20 what the Data Collection Advisory Panel had, and so, Bernie, I'm
21 going to make you jump again, and if you wouldn't mind going to
22 the Data Collection AP summary, and I believe that's Tab F,
23 Number 5(a), I believe, or (b).

24
25 While she's pulling that up, I will mention, again, that this AP
26 received the same presentations as some of the other APs, the
27 CMP AP and Reef Fish, and so they got the same presentation, and
28 so they've got the same sort of thing to work off of.

29
30 This first motion is very similar to what the other APs had
31 recommended to the council, like you said, Madam Chair, that
32 there is a general, you know, recommendation to move this
33 forward, with the electronic submission, and the paper logbook
34 takes a lot of time to go through, and so there's a desire to do
35 that.

36
37 The Data Collection AP went a little further, just from that
38 initial recommendation, and also had some recommendations about
39 a potential path forward for rolling some of this out, and so
40 the Data Collection AP had made the determination that the
41 council staff can decide perhaps the best way to move forward
42 with a public hearing methodology, and so, for example, at the
43 last meeting, if you recall, we had talked about just doing a
44 virtual-only public hearing, and this would allow potentially
45 for us to invite some representatives from the Science Center to
46 maybe give that presentation again, or to field questions from
47 stakeholders directly, and, this way, they would be able to
48 participate, but, of course, our public hearings, in general,

1 have to do with this is what the document is, and these sort of
2 things in the document, and we anticipate that, more likely,
3 stakeholders would be interested in, well, you know, questions
4 directly related to the program and submission, you know, data
5 field changes and things of that nature, very technical
6 questions that the Southeast Fisheries Science Center is
7 probably best poised to ask, rather than, you know, perhaps
8 council staff, those sorts of things.

9
10 We've got, in the audience, we've got the Data Collection AP
11 Chair, Captain Troy Frady, and so I might call on him, and he
12 know it's coming, and so I might call on him to speak out a
13 little bit more on the second motion, representing what the AP
14 had recommended, in terms of, you know, looking at some perhaps
15 outreach efforts and those recommendations, and so, Captain
16 Frady, I will let you speak to that.

17
18 **MR. TROY FRADY:** Thank you very much. The AP was pretty in-tune
19 with this, and everybody was pretty much in agreement with
20 switching over to the commercial logbooks. The only real
21 concern that they had was just the roll-out and how to get
22 everyone to buy-in on the program, and, you know, we talked
23 about things like having in-person meetings, versus having
24 webinars and stuff like that, in order to get people to
25 participate.

26
27 We talked about using just an app, instead of a web-based
28 process, and, you know, we talked about which app we would use,
29 and there was another comment that -- We talked about the idea
30 of transitioning the vendors over to this type of reporting, and
31 so, in all, I mean, the consensus was that it was beneficial for
32 us to switch over to this process, or have everybody go to this
33 form of reporting.

34
35 The biggest concern was we want to beta test this, through the
36 Science Center, to make sure that the data that is coming in
37 will pass the peer review, or muster, so to speak, and is there
38 anything else, Lisa?

39
40 **DR. HOLLENSSEAD:** No, and thanks, Troy, unless anybody has any
41 questions.

42
43 **MR. FRADY:** The biggest thing was about getting everybody to
44 buy-in on the program. Thank you.

45
46 **CHAIRMAN BOGGS:** All right. To Troy's comments, I mean, all of
47 the commercial fishermen that I've spoken with -- I mean, they
48 want this, and they're ready to get away from the paper, and I

1 know that we've had this discussion several times, and I think
2 it was directed to the Science Center, about getting some
3 commercial fishermen on the water, testing this out, before we
4 actually roll it out 100 percent, and I don't think that anyone
5 at this table is opposed to it, and I don't think the commercial
6 fishermen are, but they would like to see it, and I think
7 there's been discussion in that past that there was a program at
8 one time, and nothing happened with it, and so how do we -- How
9 do we make sure that the program is going to be a successful
10 rollout, get it in the hands of the fishermen, and have some of
11 these -- I'm sure there's a motion coming up, but I'm just
12 trying to direct some discussion, real quick.

13
14 Having the either in-person or webinars, where the Science
15 Center is involved in that discussion, moving forward, and not
16 just the agency, or a council member saying, hey, this is what
17 we're getting ready to do, and I know that's a lot, but, Dr.
18 Walter.

19
20 **DR. JOHN WALTER:** Madam Chair, thank you. I'm hearing two
21 things. One is a lot of positive support to say when can we get
22 this out, and let's get it out as soon as possible, which I
23 think is great, because I think people are seeing the potential
24 benefits of electronic reporting here, the challenges being,
25 with like any new system, there's a lot of infrastructure that
26 still is behind the scenes, holding up the beta rollout to more
27 of the fleet, and to the fleet as a whole.

28
29 Until we get some of those internal things working, we can't
30 roll it out completely, and there is, right now, beta testing in
31 the pilot fleet that had been done to show that it works, and
32 then the GARFO dual permittees, and so these are the Greater
33 Atlantic Regional permittees on the Atlantic coast, and so they
34 are essentially the de facto beta testers, but we're still
35 trying to work out some of that internal infrastructure, before
36 we can do that full rollout, but then I'm also hearing that you
37 want some either talking sessions, or things where people get to
38 ask questions, or training sessions, and I think -- I know that
39 our staff have gone to the AP to explain it, and is that the
40 right form, or what would be the best form to get that out? I
41 would ask the question back.

42
43 **CHAIRMAN BOGGS:** I am going to look to staff, and then I have a
44 follow-up question.

45
46 **DR. HOLLENSHAD:** Thanks for the question, and so these two
47 motions sort of speak to that, and so the first motion says, you
48 know, that the AP recommended moving forward this, to an

1 electronic submission, and then, however, the public hearings
2 should be set by council staff, the best way to do it, and we
3 mentioned those webinars before.

4
5 The second one speaks to something else, and so it says
6 something along the lines of recommending either some workshops,
7 or perhaps the best way to provide outreach on what exactly --
8 Nothing is supposed to be changing, but certainly moving over
9 from a paper to an electronic submission may have a bit of a
10 learning curve, and so this AP had recommended, in considering
11 that, that there could be some cooperative, you know, workshops,
12 or whatever what might be the case, for moving that forward.
13 That's the reason for the two motions, and the reason I bring it
14 up is this is a little different from what we've received from
15 other APs, where, for example, that first motion is very similar
16 to what we saw with the other ones. The Data Collection AP had
17 extended the second recommendation.

18
19 **CHAIRMAN BOGGS:** Mr. Gill.

20
21 **MR. GILL:** Thank you, Madam Chair, and so you do you feel that
22 this committee needs to make a motion for echoing, if you will,
23 the AP's motions, or their desires are sufficient for the
24 record?

25
26 **CHAIRMAN BOGGS:** So, I guess I would look to staff. Is this
27 enough, or do we need to maybe wait until we have a more
28 completed document, because, until we have a completed document,
29 can we really do anything with this, other than say, okay, when
30 it's fleshed out, this is what we would like to have happen, and
31 so do you need a motion to move forward with -- Dr. Simmons.

32
33 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think
34 that would be helpful. I think the AP was disappointed that
35 there weren't going to be in-person public hearings for this. I
36 think my understanding is they just want this to happen before
37 this becomes a law, to make sure that everyone understands that
38 this is occurring, and, because we talked about doing a mail-
39 out, and this was the follow-up with trying to make sure that
40 there's an education and outreach component.

41
42 I don't think the AP is the appropriate venue, and I think we
43 need to work with the Regional Office and Science Center to
44 figure out like a workshop style, across the Gulf, or in
45 coordination with other meetings that we may be hosting,
46 something like that, but it just needs to happen before it's
47 implemented, is my understanding, and so a motion would be good.

1 **CHAIRMAN BOGGS:** I'm sure that Mr. Gill is prepared to make one.
2
3 **MR. GILL:** Beware of your assumptions, Madam Chair. **I move that**
4 **we -- That council staff is directed to work with industry**
5 **groups to determine what outreach and education would be**
6 **appropriate for the commercial participants, which is basically**
7 **the last sentence of their motion, without the "in addition".**
8
9 **CHAIRMAN BOGGS:** Do we want to include, in that, Dr. Simmons and
10 Dr. Hollensead, to -- I mean, "with industry groups" -- I can
11 construe that a couple of ways. I look at that as the
12 commercial industry, and do we need to put something in there
13 with NMFS and the Science Center, to say that we want to include
14 them, and would that be more -- Or is this -- You know, do you
15 want it more open-ended, or do you want to be a little more
16 direct? Mr. Gill.
17
18 **MR. GILL:** Thank you, Madam Chair. My thinking of this is part
19 of the O&E Technical Committee kind of purview, and it can stay
20 entirely within the council. The second portion, their other
21 motion, that's different. You know, that involves more than
22 just the council.
23
24 **CHAIRMAN BOGGS:** All right. Dr. Froeschke.
25
26 **DR. JOHN FROESCHKE:** Thank you. Just kind of a bigger question.
27 When we did the for-hire reporting document, that we just
28 discussed, once we took final action on that, then we went
29 through this more workshop style, and it was different than just
30 the AP, and we got, you know, lots of participation, to tell
31 people that this is the program that's being developed, and this
32 is how it's going to affect you, and is that what you're
33 envisioning here, or is it more that you want feedback regarding
34 do you like the program or not, because, if we're going to do
35 more of what we did with the SEFHIER, I mean, we could do that
36 after taking final action while the rulemaking is in place, or
37 in process.
38
39 **CHAIRMAN BOGGS:** Okay. First of all, I need a second on this
40 motion. Dr. Sweetman. Okay, and so I understand what you're
41 saying, Dr. Froeschke, and that was kind of my thought process,
42 are we putting the cart before the horse, and, you know, it may
43 not be a bad idea to go ahead and work with the O&E Technical
44 Committee, just to say, you know, this is coming, and how do we
45 address it when we get there, and maybe get prepared for it, and
46 not be preparing for it after the fact, and is that -- Mr. Gill.
47
48 **MR. GILL:** Thank you, Madam Chair, and so part of my thinking is

1 that, and I don't know if the AP was going down this road, but
2 it involves the industry, and the outreach and education people,
3 upfront, to help shape that program that works, and I think that
4 upfront participation is really important. It does support buy-
5 in or not, you know, and folks will solidify their
6 participation, but the endpoint is that this is not a top-down
7 decision, and it's the industry is involved in its evolution of
8 how it goes forward.

9
10 **CHAIRMAN BOGGS:** Okay. We have a motion on the board. C.J.
11 seconded it. **The motion is to direct council staff to work with**
12 **industry groups to determine what outreach and education would**
13 **be appropriate to the commercial participants. Is there anyone**
14 **opposed to this motion? With no opposition, the motion passes.**

15
16 Really quickly, because I know we need to move on, but, Dr.
17 Walter, when you all get ready to roll this out, since it's the
18 South Atlantic and the Gulf, I mean, is the infrastructure going
19 to be there to be able to handle all that coming online at one
20 time?

21
22 **DR. WALTER:** That is indeed what some of that behind-the-scenes
23 work that needs to be there, because that's presumably going to
24 be a deluge of information, which is great, but we've got to be
25 set up and ready and able to handle that. Thanks.

26
27 **CHAIRMAN BOGGS:** Thank you. Okay. Dr. Hollensead, I know we've
28 got a lot left to do. Please proceed.

29
30 **DR. HOLLENSEAD:** Okay. Thank you, Madam Chair. The next thing
31 was to give the committee an update from the South Atlantic
32 meeting. As you recall, they have seen this document at the
33 March meeting, and so they requested some more information, on
34 the document about the data collected, the economic questions
35 specifically, and, as you recall, we just went over the SEFHIER
36 program, and there was some discussion about those economic
37 questions there, and I think that prompted some discussion on
38 their end of that as well.

39
40 They had recommended that the IPT add some language to better
41 clarify those data collected and how they might be used. A
42 little bit of that is in there now, but, you know, that has not
43 gone through IPT review, because their meeting was not that far
44 ahead of ours, and so that would have to be better fleshed out
45 with the economic folks on the IPT as well, to add that
46 clarifying language, and so I wanted to let you know that that
47 was an update from the South Atlantic.

48

1 They also decided to move -- They approved the document for
2 public hearing, and we had mentioned that, and they also moved
3 the final action consideration of the timeline to their
4 September meeting in 2023. The reason they did this was to
5 match the timeline for their Snapper Grouper Amendment 48, which
6 addresses the wreckfish ITQ program, and it includes an action
7 to move from paper to ELB, electronic logbook reporting, for
8 that fishery, and so it's desirable to have the implementation
9 of the ELBs for various fisheries at once. If that's the case,
10 then it would push our timeline back a little bit, to where the
11 Gulf would consider final action of this document in October of
12 2023.

13

14 **CHAIRMAN BOGGS:** Any questions or comments?

15

16 **DR. HOLLENSHAD:** Okay. For the timeline, potentially, I think
17 the committee could consider this document now for public
18 hearing. One of the things that we could do is we had talked
19 about doing a mailout in May, and that's something that we could
20 still do, to mail out to permit holders to let them know that a
21 series of webinars would be held, public hearings, for this
22 document.

23

24 That might be advantageous, since, in May, there's lots going
25 on, in terms of public hearings for gag grouper, for example,
26 and so this would give fishermen time to not only focus on that,
27 comment on that, but then move on to another document a little
28 later in the fall, and so that would mean holding webinars more
29 in the July and August timeframe. Like I said, that would allow
30 for the exploration of perhaps some joint outreach efforts with
31 the South Atlantic and the Southeast Fisheries Science Center,
32 if we decide to go that way or not, but it would allow us to
33 have those conversations with those partnering agencies.

34

35 Actually, if you don't mind, Madam Chair, Myra, if you're out
36 there, and she's the South Atlantic lead for this document, and
37 if you wouldn't mind doing me a favor, and if you wouldn't mind
38 expanding on an update of you all's meeting, and correct me, and
39 did you all pick a preferred, in this case, which would be the
40 option for the electronic, and was that formally selected and
41 then sent out for public hearing? If you wouldn't mind
42 clarifying that for me, I would really appreciate it.

43

44 **MS. MYRA BROUWER:** Hi, Lisa. Hello, everybody. This is Myra.
45 Yes, absolutely, I can provide that update. The council --
46 Since there are no alternatives, they did not select a
47 preferred, and the understanding is that they want to move
48 forward with moving to an electronic platform for the commercial

1 coastal logbook, and so we have not, at the council, discussed
2 the specifics of public hearings, how those would be held.

3
4 I did though suggest, as you just did, Lisa, that the public
5 hearings be held virtually, to allow for some, you know, further
6 exploration and explanation of how, you know, the platform would
7 look like and how it might work for participants, and so I hope
8 that I answered your question, and, if I didn't, please -- I'm
9 here.

10
11 **CHAIRMAN BOGGS:** Thank you, Myra, and so we would need a motion
12 to take this out to public hearing? Does anyone want to make a
13 motion, or do we want to wait until Full Council? Seeing no
14 hands -- All right, Dr. Hollensead, and maybe we'll readdress
15 this at Full Council. Okay, and so are we ready to tackle Item
16 Number VI, which should be a really short conversation?

17
18 **DISCUSSION OF PRIVATE ANGLER LICENSING REQUIREMENTS AND THE**
19 **FEASIBILITY OF A FEDERAL PRIVATE ANGLING PERMIT TO DEFINE**
20 **OFFSHORE ANGLERS**
21

22 **DR. HOLLENSEAD:** Yes, ma'am. I'll go through this quickly, and
23 so, next up, we're going to have a discussion on the private
24 angler licensing and reporting requirements and the feasibility
25 of a federal private angling permit to define offshore anglers.

26
27 If you recall, we discussed this a little bit at the January
28 meeting, and Carly Somerset gave a presentation of what the
29 various states do, and that sprung off some further discussion.
30 Speaking directly to that focused discussion, we've got Dr.
31 Richard Cody, who is going to provide a little bit more
32 information, through a presentation on that topic.

33
34 **CHAIRMAN BOGGS:** Dr. Cody.

35
36 **DR. RICHARD CODY:** Thank you. While we're loading the slides
37 here, I will just mention that the focus of this presentation is
38 largely from the federal survey perspective, and also in the
39 handling of the offshore component of the angling universe, I
40 will say, and so I titled it as "The Federal Offshore Fishing
41 Permit as a Tool to Improve Recreational Data", and the
42 perspective here is that we're talking about current federal
43 data collection programs, and so I'm limiting most of my
44 discussion today, although I will make reference, here and
45 there, to the state programs as well. I think that they're the
46 proper authority to deal with that.

47
48 There were several questions that were posed, at the last

1 meeting, by Andy Strelcheck, and, of those, three were mentioned
2 in a letter from the council to NOAA, and so these three
3 questions here are listed on the first slide, and the first one
4 pertains to is this permit to gather data solely on the universe
5 of offshore anglers, and, obviously, depending on the scope of
6 the permit, it could be extended to include offshore, inshore,
7 or other components of the angling public, but I will limit my
8 discussion here mostly to the offshore component, since that's
9 mostly what would be covered by federal fishery management.

10
11 The second question is can additional information on federal
12 recreational fishing be used to enhance or improve data
13 collection for the sector, and the third question is related to
14 that second one, which is how might the information be used, in
15 the future, to manage Gulf fisheries differently, and so I
16 suggest a number of different potential avenues for evaluation.

17
18 The approach that I used in the presentation is, as I've
19 outlined, a list of questions, give you an oversight of the
20 current NOAA suite of surveys that are used for our purposes of
21 estimating catch and effort, and I have an introduction here, a
22 little bit, to the National Saltwater Angler Registry, because
23 there might be some implications there, and then the three
24 questions, and I have kind of dealt with them not so much in
25 order, but with the management question first, and then, on the
26 last slide, I have -- The following summary slide is really a
27 list of resources that pertain to that third question.

28
29 The Access Point Angler Intercept Survey is where we get our
30 catch information at the federal level, and these are done
31 dockside, or shoreside, through in-person interviews, and the
32 states are the entities that conduct these intercepts, and it's
33 managed through the Gulf States Commission in the Gulf and the
34 Atlantic States Commission on the Atlantic coast.

35
36 The types of information that we collect include information on
37 fishing mode, and so we've got shore, private boat, and for-hire
38 vessel trips are identified. The general area fished, where the
39 majority of fishing occurred, and this is important, because
40 where the majority of the fishing occurred may not be where the
41 majority of the fishing catch was made, and so that's a
42 distinction that needs to be made. Then species number and
43 disposition of the anglers' catch are other pieces of
44 information that we get, and this is used to generate a catch
45 per trip, or CPUE, value.

46
47 For this survey specifically, we use a list that doesn't involve
48 licensing information, and it's a list of public access fishing

1 sites, and these are used by the states for their state surveys
2 as well, and so it's a list of public-access fishing sites, and
3 we don't get information, or we don't survey, at private-access
4 sites, unless we get permission from private marinas and other
5 restricted-access sites, such as military bases and things like
6 that.

7
8 The Fishing Effort Survey is the survey where we mostly get our
9 information for private boat and shore angling, and this is a
10 self-administered mail survey that's conducted bi-monthly, and
11 it targets residential households within different coastal
12 states, and so we get an estimate of effort, fishing effort, for
13 coastal residents in certain states, and the trip information
14 for each resident is very basic.

15
16 Basically, it consists of the numbers of trips, or fishing
17 trips, days, that they made in the last two-month period for
18 shore and private boat modes, and that's basically it. We don't
19 get any other additional information other than that, and so
20 this is used to get an estimate, as I mentioned, for private
21 boat and shore angling trips. We have a separate for-hire
22 survey that we use to get for-hire effort information.

23
24 For this sample frame, we use the U.S. Postal Service, what's
25 called the delivery sequence file, and that provides a list of
26 residential residences, or addresses, and, in addition to that,
27 we use license information provided by the states, through the
28 National Saltwater Registry, and so state license information is
29 used to increase the efficiency of the sampling, since we're
30 using basically an address list that doesn't have any
31 designation of whether a household is a fishing household or
32 not, and the license information that we get from the states is
33 matched to that, so that we can make the sampling more
34 efficient, and, by that, what I mean is that -- We can pull
35 license households at a higher rate than we do the unlicensed
36 households, and we account for that by weighting of the sample.

37
38 These two components come together in -- There is the Access
39 Point Angler Intercept Survey that actually provides some
40 information that we need to inform the effort estimates that we
41 get for private boat and shore angling, and so the Fishing
42 Effort Survey, as I mentioned, gives us an estimate of resident
43 angler trips, and so we need a correction for off-frame effort,
44 and so this will be non-resident, or instate, in some cases, and
45 non-coastal-county residents as well that fish in marine waters,
46 and so the intercept survey is used to adjust for this non-
47 resident angler effort, and it determines basically the
48 proportions of effort to allocate to the different areas fished,

1 and so inland waters, territorial seas, and federal waters.

2
3 As I mentioned earlier, it asks where the majority of the
4 fishing occurred, and that doesn't necessarily equate to where
5 the majority of the catch was made. In most cases it does, but
6 it's not necessarily equivalent.

7
8 The National Saltwater Registry -- I had some questions, at the
9 last meeting, regarding how it operated and how it functioned,
10 in terms of participation by the states and requirements for
11 signing up for the registry, and so one point to note, for the
12 NSAR, or National Saltwater Angler Registry, is that it doesn't
13 allow for universal registration coverage at the federal level,
14 and so we worked with the states, and the states provided us
15 with license information, and they receive an exemption from us,
16 based on that information that we receive, and so, right now,
17 only Hawaii has a licensing requirement, and only Hawaiian
18 anglers sign up for the national registry, since they don't have
19 a state licensing program, and a couple of the territories as
20 well are also excluded there, but, for the most part, we receive
21 license information from the states, and, in the case of the
22 west coast states, we receive some survey information as well,
23 and, in return, there is an exemption that those states are
24 granted based on an existing memorandum of agreement.

25
26 Those memorandums of agreement take into consideration the
27 various exemptions that states have for their licensing
28 programs, and they have requirements that are outlined in the
29 MOAs, that they will provide certain pieces of information to
30 us, and so each of the five states have MOAs in place, and they
31 provide their license information, right now at a monthly level,
32 and they are required, through MSA, to just do this on an annual
33 level, but we get the information on a monthly level at this
34 point. Let's see. Is there any other information there? I
35 mean, that's basically it, as far as the information that we get
36 from that.

37
38 One of the questions asked was how might this information be
39 used in the future to manage Gulf fisheries differently, and I
40 am going to defer most of the questions that you have related to
41 management to SERO staff, but I will give you my perspective
42 here, from the data side, and, also, I will just refer you to
43 some other ongoing efforts that are currently underway in
44 different regions around the country.

45
46 I mentioned the first bullet here, that there are different
47 recreational fisheries initiatives at various stages of
48 development, and so, in the Mid-Atlantic, we have the Rec Reform

1 Initiative, and, in the South Atlantic, we have the recreational
2 reporting working group that is interested in improving
3 recreational fisheries information. There are also regional
4 implementation plans that are done by the various MRIP teams
5 throughout the country. There is a Gulf plan and an Atlantic
6 states plan, and also west coast and HMS plans as well, and
7 others, and those identify recreational data priorities within
8 those regions.

9
10 To my knowledge, I don't think an offshore permit has been
11 presented in any of those, although the Gulf is now working on
12 an updated plan at this point, and so those are just some of the
13 examples, and, as I said, I have a list, at the end of the
14 presentation, that I can refer you to, but what this points to
15 is a need for coordination of these efforts, and this is
16 basically to more effectively assess the needs and objectives,
17 based on, you know, the different initiatives that are underway.
18 I also think that they probably need to be looked at in terms of
19 examining the capability with the current data collection
20 programs and to evaluate their expected outcomes and the
21 potential for where something may work well in one area, and it
22 may not work so well in another, and so a cost-benefit and a
23 risk analysis would be beneficial as well.

24
25 I bring this up because the federal program, the federal
26 surveys, operate outside the Gulf, and so decisions here related
27 to the functioning of the surveys, those surveys, would impact a
28 broader area than just the Gulf, and the impacts in those
29 regions may be different than they are in the Gulf, based on
30 circumstances.

31
32 One of the other questions was is the permit solely to gather
33 information on the universe of offshore anglers, and, obviously,
34 that's where we've heard most of the discussions to-date, and I
35 will point to, you know, some of the existing programs that are
36 in operation in the Gulf that essentially get information on
37 offshore angling through the various endorsements, like you have
38 in Florida and Louisiana, for their state surveys, but, also,
39 you have reporting requirements for red snapper fishing in the
40 Gulf also in place in Mississippi and Alabama, tied to license
41 information, and so I think what would have to be evaluated, in
42 terms of the existing program, is the impact to the ongoing
43 efforts in the state surveys, as well as the federal surveys, in
44 terms of what improvements a federal permit would make over the
45 state licensing initiatives that are ongoing right now.

46
47 We get that license information from the states involved in
48 their state surveys, and so there is the potential there to draw

1 samples for specialized surveys, based on the information that
2 we get from those states.

3
4 A couple of things that are pointed out on this slide as well,
5 and, as I mentioned, it would provide a list of permitted
6 anglers, or vessel operators, that fish offshore, and there is a
7 basic assumption there, and that's that this universe of
8 offshore anglers would be identified through a permitting
9 system, and so you would have 100 percent sign-up for the
10 permit. I think we have to have at least a consideration of the
11 fact that there may be unlicensed fishing that occurs offshore
12 that may not be represented in the permit, and then you have
13 some complications with reporting, in terms of offshore
14 permitted anglers may also fish inshore, and so would the
15 requirement require them, basically, to report all their trip
16 information for offshore and inshore?

17
18 Some potential improvements to recreational data collection,
19 and, as I said, this is based on, you know, the federal survey
20 perspective, and I talk about, first, the FES, which, to me, is
21 the -- It would be the most impacted by a permit, an offshore
22 permit. Where this would be important, I think, is if there are
23 differences between reported information for an offshore
24 permitted angler versus the general angling public, and so there
25 could be some precision gains there, in terms of the information
26 that we get, using the current license information.

27
28 That said, there may be some other advantages there as well, in
29 terms of whether this permit was angler-based or vessel-based.
30 From our perspective, a vessel-based would be preferred to an
31 angler-based, just because it lines up better with our effort
32 survey, Fishing Effort Survey, and it would be simpler to put in
33 place, but it also would require less samples to get an
34 equivalent level of precision.

35
36 Then the other aspect that I will point to is that the permit
37 list could provide sample frames to do other surveys, and so, if
38 you had a new permit-based effort survey, this could be coupled
39 to the Access Point Angler Intercept Survey, just as the FES is,
40 to provide a more targeted effort estimate, or catch estimate,
41 for permitted anglers.

42
43 There are some considerations there though, in terms of the
44 complexity of that, because you would now have competing
45 estimates, and so you're in the position that we already are in
46 the Gulf, where we have competing estimates for different
47 surveys, and so you're adding that level of complexity, but that
48 would be, could be, an option.

1
2 The other point, and the last bullet there, presents two
3 different potential data collection programs that could be
4 developed, and both permit-based, and refer to a rotating, or a
5 fixed, panel survey, and this could either be a continuous
6 survey that is longitudinal in nature, and provides trend
7 information, or it could be instituted at different periods, or
8 periodically, and so this could provide information, I think, in
9 terms of getting additional, or more detailed, information on
10 discards for offshore fishing, discard counts and sizes, as well
11 as maybe some information on private access fishing as well.

12
13 Then, lastly, having an offshore permit could allow you, if you
14 had mandatory reporting, to do a logbook-type of program, and,
15 obviously, the drawback there is the increase in the reporting
16 burden for the angler, in terms of the information that you
17 would get.

18
19 There's a lot on this slide here, and, basically, I will just
20 run through it briefly, but some of the things that I can point
21 out are that we have, in existence, and I made reference to it
22 earlier, but we have, in existence in the Gulf, some overlap
23 through the state programs, in terms of the information that
24 would be provided through a permit, an offshore permit.

25
26 You have information, from the state surveys, that provides
27 information on their offshore fishing fleet, and so there's an
28 overlap there, in terms of the information that you would get,
29 and so the benefits to that would have to be considered in
30 development of that, an exclusive offshore permit.

31
32 Compatibility with existing programs is also a consideration
33 here, and, obviously, you have different surveys in place, and,
34 as we know, different surveys give you different estimates, and
35 so there are some considerations there, in terms of the value of
36 the information that we would get and how it would be presented
37 to the public and how it would be received by the public.

38
39 Capture/recapture census-based reporting information requires
40 validation and enforcement, and so, even if you do institute a
41 reporting system, in the case of capture/recapture, you still
42 need a field component to get validation, or the recapture part
43 of that, and then I will point to another consideration, which
44 is you're adding to an already, I think, complex suite of
45 surveys, and so there are some logistics considerations there,
46 in terms of the ability of the states to field side-by-side
47 surveys, more surveys, without basically these surveys
48 interfering with each other, and so that's another consideration

1 there.

2
3 Panel surveys require recruitment and maintenance and have a
4 high response burden, and so there's that, when you think about
5 panel surveys, and most people think of something that's more
6 short-term in nature, but, if you have something in place, such
7 as a rotating-panel survey, or a fixed-panel survey, keeping
8 recruitment up, and reporting up, for those surveys can be quite
9 labor intensive, or resource intensive.

10
11 Then, you know, the time and resources needed to establish and
12 maintain a permit, or a data management system, are
13 considerable, and we're talking about, you know, many millions
14 of anglers nationwide, but, in the case of the Gulf, you could
15 be looking at a sizable number, in excess of a million, and then
16 the other thing I will point out, just the last bullet here, is,
17 and I mentioned this earlier as well, is that there are impacts
18 beyond the Gulf, in terms of the functioning of the surveys.
19 Obviously, if we make a change to our FES survey, it poses
20 problems, in terms of our ability to conduct the survey, if we
21 have one flavor of the FES in the Gulf and another flavor
22 somewhere else, and so you may have a situation where you have
23 an FES estimate that is not necessarily comparable between
24 regions, and so that's a consideration as well.

25
26 **CHAIRMAN BOGGS:** Dr. Cody, I noticed that the next couple of
27 slides were a summary, and I hate to cut you short, but we've
28 only got fourteen minutes left in this committee, and do you
29 mind if I go ahead and put it out there for questions? I mean,
30 you're just summarizing what you just said.

31
32 **DR. CODY:** Yes, and I basically covered everything I need to
33 cover in these other slides, thinking that we would be trying to
34 move it along. The only slide that I would point to is the very
35 last one, which has some resources.

36
37 **CHAIRMAN BOGGS:** Can we jump to that last slide, real quickly,
38 and then open it up for questions? Thank you.

39
40 **DR. CODY:** Yes. I mentioned about the ongoing efforts that are
41 in place right now, and, in particular, I wanted to just -- The
42 first two bullets here refer to the National Academies' in-
43 season management review that was done, and, also, the response
44 that NOAA has made to this report, and so I think there are some
45 overlapping, maybe, priorities in there that overlap with the
46 idea of an offshore fishing permit, in terms of alternative
47 management strategies and alternative data collection
48 strategies, and so I will just refer you to that, and then I've

1 listed here ongoing efforts with the South Atlantic Council and
2 the Mid-Atlantic Council, in terms of the rec reform initiatives
3 and the recreational working group.
4

5 The last bullet on this I haven't mentioned before, and it
6 refers to some state-level and other efforts, such as the
7 Maryland governor's taskforce report, and I do have a copy of
8 that, a draft copy of that, if people are interested in that
9 report, and the Gulf states transition planning, which is
10 ongoing right now, and the research plan is ongoing, as well as
11 the regular plan itself, and so those are all, I think,
12 components that may inform the discussion on an offshore permit.
13

14 **CHAIRMAN BOGGS:** Okey-dokey. Does anybody have any questions
15 for Dr. Cody? Again, I hated to cut you short, but I know we're
16 running short on time.
17

18 **DR. CODY:** No, that's fine.
19

20 **CHAIRMAN BOGGS:** Okay. Thank you very much. Dr. Hollensead.
21

22 **DR. HOLLENSEAD:** Okay, Madam Chair. I think the only thing left
23 on the agenda is to run through the remaining Data Collection AP
24 Summary Report.
25

26 **CHAIRMAN BOGGS:** I'm sorry. Mr. Dyskow.
27

28 **MR. DYSKOW:** I apologize, Madam Chair, and I didn't know that we
29 were done with the licensing, recreational licensing, portion of
30 this. This scares me to death, because we have an environment
31 today where all of the major recreational fishing groups are in
32 favor of some form of licensing, or offshore use, and they are
33 very concerned about getting better information about discards,
34 and discard mortality, and we have an audience that wants to
35 participate and provide that data that we need to manage
36 recreational fishing in federal waters more effectively.
37

38 What you have here is you're trying to put recreational fishing
39 in a box, the same box we use for, you know, for charter and
40 for-hire and for commercial fishing, and it doesn't fit in that
41 box.
42

43 A vessel permit isn't going to accomplish much of what you want
44 to do, because there are multiple people fishing on that boat,
45 and some of those people fish on other boats, and sometimes they
46 take out five people, and sometimes they take out three people,
47 and I don't think that you can accomplish this with the
48 resources we have, and it's just going to be another complicated

1 system that, in the end, doesn't provide what we want, but we
2 need this program, or we need a program like this, and I think
3 the states can do it better, and I think, if the states are
4 willing to work with NMFS, so that the data, the information
5 that's gathered, is what you need, you would be better off.

6
7 To that end, I am not a member of this committee, but, at the
8 Full Council session, I intend to present a motion that this
9 recreational fishing permit program be initiated and managed by
10 the states, with NMFS involvement, to ensure that we get the
11 data that we want. I don't think this is something that NMFS
12 should tackle on their own. I don't think they're qualified to
13 do it, and I think it would create another problem with data
14 collection. I want the states to do this, and that's their job.

15
16 **CHAIRMAN BOGGS:** Dr. Stunz and then Dr. Hollensead.

17
18 **DR. GREG STUNZ:** Susan, to that point, and thanks, Phil, and I
19 recognize this issue -- Obviously, it's appropriate in Data
20 Collection, but it goes beyond just Data Collection, because,
21 you know, all the members of this that council might want to
22 weigh-in in a meaningful way aren't on this committee, and so,
23 Phil, I will reserve some time when we get to this, during that
24 point, to have -- Because I suspect that there's others, and
25 what I am hearing is there are others that would like to chime-
26 in as well that may not be on the committee on that, Susan, and
27 so I just wanted to give you a heads-up.

28
29 **CHAIRMAN BOGGS:** Dr. Hollensead, did you have a comment?

30
31 **DR. HOLLENSEAD:** Thanks, Madam Chair. Following up on what Mr.
32 Dyskow said, I apologize. When I said that we were going to go
33 through the rest of the Data Collection summary, there is a
34 portion of the summary that speaks to this topic, and so I would
35 like to, you know, just review that very quickly, because I
36 think it also could provide some context for conversations at
37 Full Council.

38
39 Just to let you know, the Data Collection AP did receive that
40 January presentation from Ms. Somerset that this committee
41 received, and so they had a chance to comment on that. Just
42 briefly, some of the things that I will highlight are that some
43 of the AP members advocated that every individual fishing in
44 federal waters should be mandated to possess a permit, and other
45 members contended that taking smaller initial steps might be a
46 pathway of achieving that.

47
48 You know, the AP recognized that the South Atlantic has also

1 begun scoping the concept of a federal permit, and so they
2 recognized that this is happening over there in the snapper
3 grouper fishery.

4
5 I will have to say that, and there is a motion here, that some
6 of the AP members expressed some concern with mandating a permit
7 for federal private recreational anglers, and one member stated
8 that it is likely to take years for the Gulf states to
9 standardize their licensing data collection, for example, with
10 another member replying that mandating such a large user group
11 was going to be a tough sell, and they suggested a more
12 voluntary approach that increased buy-in from the sector.

13
14 I will also make a note that one member expanded on this idea
15 and stated that the endorsements are a good tool for data
16 collection and outreach with anglers, as well as increasing
17 awareness of regulations and promoting conservation best
18 practices, and then they had the following motion, and that
19 motion carried with two opposed, for the reasons that I
20 mentioned a little bit earlier in this summary, but just to give
21 you some context, and the Data Collection AP also sort of
22 recommended moving forward with the Gulf states and NOAA staff,
23 as well as state representatives on the council, to standardize
24 the licensing and sort of achieve those goals, and so I just
25 wanted to make sure that that was captured in the record, for
26 discussions at Full Council, if that's the will of the
27 committee.

28
29 **CHAIRMAN BOGGS:** That's right, and I was going to comment too,
30 to Mr. Dyskow's comments, and, you know, this is just a
31 presentation that OST put together, just to give us some
32 information, and, I mean, the council certainly has not made a
33 firm decision as to how to go with it. There has been a lot of
34 discussion, just like this motion captures, about -- And I've
35 even said the states are already collecting this information,
36 and we don't need to reinvent the wheel, but how do we -- How do
37 we perfect it and gather the information out there that we need,
38 and so I think this motion captures it very well, and so I will
39 be very happy to hear the rest of the discussion at Full Council
40 and the motion that you have to bring forward. Anything else on
41 this topic? Andy.

42
43 **MR. STRELCHECK:** Going back to your comments, and Phil's
44 comments, you know, I don't know if we're really making any
45 progress, based on what we just discussed and heard with Richard
46 just now, and, you know, I think the struggle continues to be
47 what are our goals and objectives for this federal permit, and
48 what are we trying to accomplish with it, and that was part of

1 the reason why I had the whole litany of questions at the last
2 council meeting.

3
4 I recognize there is different sentiments, in terms of the need
5 for a federal permit, use the states, which already have systems
6 set up, but I think that's an oversimplification of it, because
7 we really haven't done a good job of explaining what the goals
8 and objectives are that we're trying to accomplish, first and
9 foremost, right, and Dr. Cody started to lay out some of kind of
10 the -- I will say pros and cons, or benefits and drawbacks, of,
11 obviously, this, but he is a data collector analyzer, and he
12 can't ultimately decide that for us.

13
14 We have to give him some direction, with regard to what we're
15 trying to accomplish, and, ultimately, at the end of the day, I
16 think we need to have a more robust conversation around that
17 very issue, as we discuss the federal permit purpose.

18
19 **CHAIRMAN BOGGS:** To that point, Andy, I agree, and, I mean, we
20 don't have enough time to really get into this discussion right
21 now, and I wish we had more time, but it's going to be a heavy
22 lift, if we decide to move forward with this, and I don't
23 disagree, and I'm not trying to oversimplify it, but it just
24 seems like we should be able to use some of the information that
25 we currently have, and so, Mr. Gill, I will give you the final
26 word.

27
28 **MR. GILL:** Oh my heavens. Thank you, Madam Chair. There is no
29 question that, if we embark on a program like this, there's a
30 lot of questions, and working out the mechanics, and all that,
31 and I agree, Andy, that we've got to figure out where it goes,
32 and that in itself, as we've seen with the IFQ program, is not a
33 small lift either, but my feeling, from our previous discussions
34 on this issue, is that the agency is not really supportive of
35 this effort, and they're reluctantly getting dragged along, and
36 they don't want to do it, and they're certainly not providing
37 leadership.

38
39 From that perspective, does the agency support moving ahead with
40 looking at this thing, recognizing it's probably K2, and maybe
41 not Mount Everest, but it's a biggie, and that starting to look
42 at it, making that effort, and investing that time and energy,
43 is worthwhile, or are they more of the mode that they would
44 rather not do that? Thank you very much.

45
46 **CHAIRMAN BOGGS:** Well, Andy, I guess I have to let you have the
47 last word.

48

1 **MR. STRELCHECK:** Thank you. I'm standing between us and lunch.
2 Bob, I appreciate the question, and this is a challenging issue,
3 right, because of what the states have stood up in the Gulf of
4 Mexico, and we've worked closely with the states on those reef
5 fish, you know, fishing programs, and so there's an economy of
6 scale issue, and there's an issue in terms of them already, you
7 know, permitting anglers, and it doesn't mean that we're opposed
8 to a federal offshore permit, and I think we're just trying to
9 think through what's the most appropriate way that we can go
10 about doing this, and I get back to my original comment, which
11 is what are we trying to accomplish with the permit, right, and
12 so, if it's to improve data collection, if it's to refine how we
13 estimate fishing effort, then can we do that, based on what we
14 have in place currently in the Gulf of Mexico, or do we need to
15 do something different, and, if so, is it this federal permit
16 that is separate and distinct from what the states have
17 implemented, or what could be modified from the state programs
18 and adapted to be more standardized?

19
20 In the South Atlantic, we certainly have been standing behind,
21 and supporting, work over there, and they don't have the state
22 surveys, with the exception of Florida, which had recently
23 expanded over there, and we had -- We kind of narrowed the
24 scope, and Tom can speak to it from the last meeting, but really
25 it is to get at how do we better estimate effort in the EEZ,
26 right, and how can we refine MRIP, or other data collection
27 programs, in terms of estimating that fishing effort, given that
28 that's certainly a critique, or criticism, of the MRIP program
29 and how that effort is generated.

30
31 I get back to we are supportive of this, and we certainly, I
32 think, want some consistency and standardization, where
33 appropriate, and want to take advantage of economies of scale,
34 where it makes sense.

35
36 **CHAIRMAN BOGGS:** Okay. Anyone else? Dr. Hollensead, our last
37 action.

38
39 **DR. HOLLENSSEAD:** Yes, ma'am. I am very quickly going to run
40 through the last of the Data Collection AP summary items.

41
42 **CHAIRMAN BOGGS:** Thank you, ma'am.

43
44 **REMAINING DATA COLLECTION AP SUMMARY ITEMS**

45
46 **DR. HOLLENSSEAD:** The Data Collection AP also received a
47 presentation from Mote Marine Lab on their electronic monitoring
48 research, and this was an update on ongoing research that's

1 being done at Mote Marine lab, specifically to put video cameras
2 on commercial vessels, to better assess and quantify discard and
3 bycatch information, and so the AP had asked a few questions,
4 and we certainly appreciate Mote Marine staff coming to talk
5 about that ongoing research that they have at their lab.

6
7 The AP -- The second item there, the next item, was just an
8 update on the development on the fishery ecosystem plan, and so
9 the AP also got an update on how the council is moving forward
10 with the FEP, as well as the recent decision to allow the
11 Outreach and Education Technical Committee to help participate
12 in some of that process of soliciting some information about the
13 best way to identify some of these fishery ecosystem issues and
14 that sort of thing. You know, the potential that perhaps this,
15 when it's more formalized, could come in front of the Data
16 Collection AP again, and they could comment as progress is made
17 on that document a little further.

18
19 Then, lastly, in Other Business, the AP reviewed the January
20 council motion, and, again, this is sort of similar, and this
21 was Mr. Strelcheck's motion at the end of the meeting, the
22 council meeting, and so they sort of discussed that and reviewed
23 it, you know, and then, generally some notes, and it's on the
24 AP's radar. The council has not gotten a chance to address
25 that, that motion formally, as yet, and so they didn't make any
26 formalized recommendations or anything like that.

27
28 Then the AP discussed some red grouper management, and so a
29 member had expressed concern regarding the recent overharvest of
30 the red grouper by the recreational sector, and another member
31 sort of asked if there had been any suggestions, or comments,
32 from the group, and then there was an AP member that said that
33 perhaps SERO was better suited to address some of the concerns,
34 as it monitors the fisheries, and stakeholders are seeing
35 improvement in the stock, but the recent interim analysis did
36 not reflect that observation, and so that AP member mentioned
37 that perhaps, for example, some of the Mote Marine Lab, that had
38 been presented, might be a way to address some of these data
39 gaps in the future, and so that concludes the Data Collection AP
40 summary, Madam Chair.

41
42 **CHAIRMAN BOGGS:** All right. The last item on the agenda is
43 Other Business, and does anyone have any other business for this
44 committee? Seeing none, it is 12:33, and I tried.

45
46 (Whereupon, the meeting adjourned on April 3, 2023.)

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48 - - -