1	GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
2 3	DATA COLLECTION COMMITTEE
3 4	DATA COLLECTION COMMITTEE
5	The Battle House Renaissance Mobile, Alabama
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7	June 5, 2023
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The Data Collection Committee of the Gulf of Mexico Fishery
 Management Council convened at The Battle House Renaissance,
 Mobile, Alabama on Monday morning, June 5, 2023, and was called
 to order by Chairman Susan Boggs.

ADOPTION OF AGENDA APPROVAL OF MINUTES ACTION GUIDE AND NEXT STEPS

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, and Vice Chair is Dale Diaz, Chris Schieble, Dave 13 Donaldson, J.D. Dugas, Bob Gill, Jessica McCawley, Michael 14 McDermott, Mr. Geeslin, Andy Strelcheck, and Troy Williamson.

16 The next item on the agenda is the Adoption of the Agenda. Does 17 anyone have anything to add? Seeing no changes, is anyone 18 Seeing none, the agenda is adopted. The next item on opposed? 19 the list is Approval of the April 2023 Minutes. Is there any 20 opposition or any changes? Seeing none, the minutes are The next item is the Action Guide and Next Steps, and 21 approved. 22 I will turn it over to Dr. Hollensead.

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24 DR. LISA HOLLENSEAD: Thank you, Madam Chair. The first agenda 25 item for the committee is a SEFHIER program update, as well as 26 discussing some next steps, and so, if you all recall, the 27 SEFHIER program has been removed, and so, during the April 2023 28 meeting, the council passed a motion that directed staff to 29 initiate steps towards establishing a data collection program 30 for the for-hire sector.

32 SERO staff -- We've got Dr. Stephen on the line, as well as Dr. Masi, and Dr. Stephen is going to provide us a presentation 33 34 outlining sort of where we're at now, and so what data 35 collection is currently being done for the for-hire industry. 36 Bringing up the past document, we'll look at the preferreds in 37 that document, reminding the committee of what the goals and 38 objectives were there, and then speaking a little bit to next 39 steps, and they also have the expertise to speak to the South Atlantic's program, should anybody have any questions about 40 41 what's being done in the South Atlantic.

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Then, Ms. Levy, perhaps, if you wanted to provide just a brief update on the appeals process and that sort of thing, and, the last time we left off, we heard there was the potential to take things to the Supreme Court, but we'll just a get a formalized, on-the-record update as to that, and so the committee should listen to the presentation, ask any questions of staff, and

1 provide guidance on the developing management objectives for the 2 future of the Gulf for-hire data collection program. 3 CHAIRMAN BOGGS: All right, and so I quess next we will have --4 5 Dr. Stephen, are you ready for your presentation? 6 7 DR. JESSICA STEPHEN: I am ready. Can you hear me? 8 9 CHAIRMAN BOGGS: Yes, ma'am, and we're ready when you are. We 10 have the slide show up. 11 12 SEFHIER PROGRAM UPDATE AND NEXT STEPS PRESENTATION 13 14 DR. STEPHEN: Okay. Great. We just wanted to give you a little 15 update on where we are with the SEFHIER program and some of the 16 I wanted to reiterate what the original goals of next steps. 17 the SEFHIER program were, and so, when we were building this 18 program, we wanted to be able to produce reliable estimates of 19 both catch and effort for the federally-permitted for-hire 20 vessels. 21 22 While we knew that it might take some time in order to use that data in management, we did feel like there were some immediate 23 24 data uses, where we could validate both the minimum catch and 25 effort estimates coming out of MRIP and other data collection 26 programs. 27 28 In the future, we hope to have calibration and benchmarking, so 29 that we could use the SEFHIER directly within management. Some 30 of the original anticipated benefits of the program was improved 31 for-hire data management, which would be through increased 32 accuracy and timeliness of data being reported to the agency, a 33 census-based style reporting, and reductions in recall bias. 34 Overall, we hoped to improve both the monitoring and compliance 35 within the sector. 36 37 Where are we without SEFHIER at this point in time? What we've 38 done is revert it back to the data streams that we were using 39 prior to SEFHIER, and so, for catch and effort estimates within 40 the Gulf, we have the MRIP program, with the for-hire survey 41 effort as well as the APAIS sampling, and we still have LA Creel sampling, Texas' Parks and Wildlife sampling, as well as the 42 43 Southeast Region Headboat Survey. 44 45 What I want to do is remind everyone what was in the original for-hire reporting amendment, and we had four actions within 46 that amendment. The first one was modifying the frequency and 47 the mechanism of reporting the 48 data, and the preferred

1 alternative was to have the owner or operators of the charter 2 and headboat vessels, with both reef fish and a CMP permit, to 3 submit their records via electronic reporting prior to 4 offloading of the fish, and, during the SEFHIER program, we had 5 approved two softwares in order to submit that, as well as some 6 VMS forms at the time.

8 For Action 2, that was modifying the reporting frequency and 9 mechanisms for the headboats, and so the headboat survey program 10 was on a slightly different frequency and wave reporting, and so 11 we did modify that so that the headboat survey data was in line 12 with the SEFHIER program at that time.

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14 Action 3 was trip notification and reporting requirements, with 15 the preferred alternative of having a hail-out prior to departing for a trip, and, in that hail-out, they would provide 16 17 information that would be similar to what you would see in a 18 pre-landing notification, which included the expected return 19 time and the landing location for that, and that was selected 20 both for the charter vessels and for the headboat survey 21 vessels.

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23 For Action 4, we looked at what the hardware and software requirements would be for reporting, and this was used where we 24 25 wanted to have GPS capability software, and, at the time, the preferred alternative was for a minimum of archival vessel 26 27 positions send to the agency, and so this allowed us to create the cellular VMS devices and have people report them -- Kind of 28 29 a stored form, and they would store it while at-sea, and it 30 would forward it once they were in cellular range. It also 31 allowed us to do the traditional satellite VMS software. 32

33 Where are we currently, and what should be our next steps for 34 moving forward with the program? I do want to inform you that 35 no petition for further review has been filed, and the 5th 36 Circuit's decision is now final. We would like to have the 37 council review SEFHIER's original program goals and objectives 38 and determine if anything needs to be changed when putting a 39 program back into place.

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41 SERO staff also is working through evaluating the data that 42 we've obtained for the SEFHIER program to-date, and we hope that 43 that might be able to identify some goals and objectives as 44 well. Currently, we're planning to have some preliminary data 45 available at the October meeting.

47 The next step would be, kind of based on some of the analysis 48 and the information received in the October meeting, the council

1 could determine what components of the SEFHIER program should be revised and what components you might want to keep from the 2 3 original program, and then, finally, the council could review an options paper, and we're anticipating around January of 2024 for 4 5 that, in order to start a new SEFHIER amendment. 6 7 I think that is my last slide, and I'm happy to take anv 8 questions you have about where we're going forward with the 9 SEFHIER program. 10 11 CHAIRMAN BOGGS: Do you have the goals and objectives that were 12 initially part of the SEFHIER program, so that the council can be refreshed on that? 13 14 15 DR. STEPHEN: I believe there was the original document added as 16 background material, and could someone bring that up? If you go to page 4, that should have the purpose and need. 17 In the 18 amendment, we didn't quite call them goals and objectives, but 19 we framed it in the terms of purpose and need, and so that could 20 be adjusted to the goals and objectives, and so you can see here 21 that the purpose was to improve the accuracy and timeliness of 22 both landings, discards, effort, as well as social and economic 23 The need for this was to improve management data. and 24 monitoring within the fisheries. 25 26 Thank you, Dr. Stephen. Any questions for Dr. CHAIRMAN BOGGS: 27 If not, I would ask Mara to -- Kevin. Stephen? 28 29 MR. KEVIN ANSON: I'm not on your committee, and thank you. Dr. 30 Stephen, I have a couple of questions, or at least questions about a couple of the bullets that are on Slide 2 of your 31 presentation. 32 In the second bullet, immediate data uses, 33 validate minimum catch and effort estimates, can you describe 34 that, or explain that? 35 36 DR. STEPHEN: When we started the program, before it gets 37 through calibration and benchmarking, what could be possible is 38 that we could look at the catch and effort estimates coming out

39 of the SEFHIER and compare it to other data sources, to see if we can validate where they're at, and so the point where we were 40 41 in the SEFHIER program, due to kind of limited costs, we had mostly concentrated on using our contractors for customer 42 43 service, and we had only recently switched over to using them to look at the data, and so that would be the idea, is that the 44 45 MRIP and other data sources would still be the ones used in 46 management, but we would be using the SEFHIER program data to validate that, to see if they match and line up, before we got 47 48 to the area of calibrating and benchmarking the data for use

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3 MR. ANSON: All right. Thank you, and one other question. The 4 anticipated benefits of SEFHIER improve monitoring and 5 compliance, and, specifically, I'm curious about the compliance 6 part of that bullet, and can you explain that?

8 DR. STEPHEN: What we were hoping to do with the SEFHIER program 9 is that you would have more monitoring of the fishery, through the declarations, the logbooks, and kind of understanding where 10 everyone was taking a trip, and, with the compliance, that would 11 12 be turning the information in in a timely manner, and so, prior 13 to the SEFHIER program, there was voluntary reporting to the 14 MRIP program, and this would be moving us more towards mandatory 15 reporting and getting better information, and I think, as 16 everyone is aware, in the first few years of the SEFHIER 17 program, we did struggle with compliance, and we were working 18 typically towards compliance assistance, having fishermen 19 understand the regulations and make sure that they would 20 complying within time.

22 MR. ANSON: Thank you.

24 **CHAIRMAN BOGGS:** Thank you, Dr. Stephen. Ms. Levy, do you want 25 to give us an update?

27 MS. MARA LEVY: I mean, I think it was in there, right, and so 28 the decision is final, and there is no further review.

30 CHAIRMAN BOGGS: Mr. Schieble.

32 MR. CHRIS SCHIEBLE: I have a question, I guess for maybe Dr. 33 Hollensead or Dr. Simmons, and so what are the next steps here? 34 Do we work with the existing document, and work as a council to 35 modify that, or do we have to start from scratch, with a whole 36 new amendment, here?

38 DR. HOLLENSEAD: I am just talking a little bit with staff here, 39 and it may be best to start with a whole new document. 40 Certainly some of the aspects that you would have here could be 41 translated over, some of those goals and objectives of 42 timeliness and data collection and that sort of thing.

44 CHAIRMAN BOGGS: Troy.

46 MR. TROY WILLIAMSON: Mara, can you refresh our memory of what 47 the objections of the lawsuit were to this program and basically 48 what the court settled in on as the reasoning for their 1 decision?

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3 MS. LEVY: Well, I have not thought about it in quite a while, 4 since it was done, and, I mean, essentially, there was the VMS 5 component, right, which was the main objection, and whether the 6 agency had the authority to require the twenty-four-hour, seven-7 days-a-week gathering of location information. On the record 8 before the court, the court said no. 9

10 There was a 4th Amendment issue raised, and the court did not 11 directly rule on the 4th Amendment claim, and there was no direct 12 holding. They indicated that they had concerns about the 13 requirement under the 4th Amendment, as applied in this 14 particular circumstance, but they did not hold -- They did not 15 hold that it was a violation of the 4th Amendment. 16

17 Then there were the claims about the collection of the social 18 and economic data, and, essentially, that we required something 19 in the final rule, the five questions, that it was not clear 20 that we were going to require in the proposed rule, and so, 21 essentially, a violation of the Administrative Procedure Act and 22 sufficient notice of those five economic questions. I think 23 that was it.

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25 CHAIRMAN BOGGS: I had -- I do have a question about what you just said, about the economic questions. I mean, the fact that 26 27 it was not proper notice, and so my question is, and I know there is going to be a lot of feedback that we don't need that, 28 29 and we don't want that, and that set aside, if it were to get 30 back into the document, we would have to do a different way of notifying the angler, or the fisher -- Excuse me. 31 I am getting 32 my sectors confused, but the charter fleet, the federallypermitted folks, that, hey, this is coming, and then they would 33 be able to provide feedback, and is that what we missed in the 34 35 notification? I am trying to figure out what we would have to 36 do differently if the council wanted to include that again. 37

38 MS. LEVY: I don't think the council would necessarily have to 39 do anything differently. The agency, in doing the proposed 40 rule, would need to be more explicit that this is social and 41 economic data, and we used the term "socioeconomic", which the court said did not provide sufficient notice that we were going 42 43 to request social and economic data, and so we would need to be more explicit about what we were requesting, and then the final 44 45 rule would need to be consistent with what we said we were 46 proposing.

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48 CHAIRMAN BOGGS: Thank you for that. Mr. Diaz.

2 MR. DALE DIAZ: Thank you, Ms. Boggs. I am seeing, in your 3 presentation, that SEFHIER staff evaluate SEFHIER data with 4 respect to identified goals and objectives, and you all are 5 going to do some work and come back to us in October, and I 6 guess we're going to start a new document in October, and is 7 that correct?

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CHAIRMAN BOGGS: Mr. Strelcheck.

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11 MR. ANDY STRELCHECK: In response to Dale's question, I mean, I 12 think that's up to the council. This is what the agency is 13 suggesting, given the lawsuit, and we felt like it was important 14 that we go back and take a look at the data and information that 15 was collected on the program, first and foremost, and then be 16 very kind of strategic and methodical with regard to any 17 improvements, changes, modifications, that we would make to the 18 program, and so the October presentation would provide you, I 19 think, the basis to then move forward with an options paper in 20 January, and then we would develop the document throughout 2024, 21 with hopeful implementation then by 2025, but I am interested, 22 certainly, in hearing from the council with regard to timing of 23 this. 24

25 We heard a lot of charter captains who were disappointed in the 26 legal decision, as well as those that were supportive of that 27 legal decision, and, ultimately, at the end of the day, I think a lot were caught by surprise that the entire program was set 28 29 aside, and there is certainly a lot of interest to try to stand 30 that program up quickly, and so, at this point, based on what 31 we're suggesting, we're probably not looking at a revised, 32 updated program in place until Calendar Year 2025, at this 33 stage.

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35 CHAIRMAN BOGGS: Mr. Diaz.

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37 MR. DIAZ: Thank you, Ms. Chair. As you all are having some of 38 those discussions, and, Andy, I'm just one person, just one vote 39 on this council, but I would like to see us try to simplify the 40 document, and then I would like to see us put up some guardrails 41 in the document about what can be asked once the document leaves 42 us and goes to SERO and NOAA, and I want us to focus on needs 43 and not wants.

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I mean, the thing -- There was a lot of stuff being asked of fishermen, and we had some public comment, at the last meeting, that suggested that we simplify it, and I would just like us to try to focus the document and try to stick with needs, with a 1 goal of having as few things for charter fishermen to fill out 2 as we can get away with, and, if we're going to have a lot of 3 economic and social information, I would like for us to have 4 some discussions about whether they're needed before we put all 5 of that in there. 6 7 I just want it more simplified, and we went last time, and I 9 I just want it more simplified, and we went last time, and I

8 think the example was the Cadillac and the Buick, and I lean 9 more towards us going towards getting a Buick for this program, 10 and focus on needs and less burden as possible on time of people 11 to fill out stuff, and so thank you.

13 CHAIRMAN BOGGS: Okay, and so I have a lot of comments. The 14 simplification, I just pulled it up on my phone, the app that we 15 have to use for the Southeast Headboat Survey, and it's fourteen 16 questions, which is not a whole lot different than the charter 17 fleet themselves, and, I mean, it's a little different, but it's 18 not. It's fourteen questions, and it's very simple. 19

20 Again, the headboats have been doing it for twenty-plus years, 21 and it's just in their blood, and I don't see what quite the 22 angst is, and I do understand that a lot of people didn't like 23 the VMS at first, and I know the fleet where we are in Orange 24 Beach, and they came to me when it was set aside, and they 25 wanted to continue reporting, and the question was -- Some of them that were opposed to it when the amendment passed didn't 26 27 like it, but now they see the value in it.

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29 As far as the VMS, there has to be some type of validation, and, 30 if it's boots on the ground, that's fine, but I do understand 31 the agency's point that we need to validate, because it's easy 32 to build the -- I am trying to remember how my husband says it, and it's easy to build your future when you know what it's going 33 34 to be, and so, if you know that nobody is watching you, and you 35 start reporting all these fish, then there is no validation, to 36 say, well, he caught ten fish and not fifteen fish.

I think it's important, whether it's VMS or boots on the ground, and there has to be some type of validation, and what form that comes in I don't know. I mean, they already have MRIP and the intercepts there, but I think that it needs to be more, because you have to know what's coming to those docks.

I will say this, that I have made an observance, since the change, that we have not seen, and I know it's a separate program, and it's not really a question for you, Andy, but it seems like we have not seen the validation on the headboat side as much as we were when the program was -- Because you don't 1 have to hail-out, because you don't have to report until the end 2 of the week, and so they don't know when you're coming and 3 going.

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5 That was the point of validation, and so I think there's some things that we have to have there to be able to validate what is 6 coming to the dock, and I certainly would like to see something 7 8 on the water in 2024, and it's not going to happen, and I get 9 that, but I would certainly hope, at this meeting, that we can maybe get a motion out there to start a document, so that we're 10 not waiting until the last minute scrambling and we could go 11 12 ahead and be having discussions.

- 14 It's going to be a hard discussion, and we're already having 15 those discussions about what needs to be in there and what 16 doesn't, and then, in October, we can look at the data and see 17 what it was doing for us, and tweak it from there, but I don't 18 think we need to wait until October to try to move forward with 19 a document. Any other questions or comments? Dr. Simmons. 20
- 21 EXECUTIVE DIRECTOR CARRIE SIMMONS: Thank you, Madam Chair. 22 Just to remind the committee that you did direct us, in April, 23 to initiate a document that establishes a charter/for-hire data 24 collection program to replace the SEFHIER program, and so you 25 did direct us to do that already, and what we were trying to do here, with this presentation, is just give an update on what the 26 27 agency had decided and what they thought the next steps were, looking at what the South Atlantic Council is doing now and what 28 29 the needs were, as far as compliance and validation that you 30 brought up.
- 32 CHAIRMAN BOGGS: You're right, Dr. Simmons, and so when might we 33 see that document that's being -- I mean, are you going to wait 34 until October, until we get the presentation on the SEFHIER, or 35 is this something that we would see in August, so that we could 36 go ahead and be tweaking the purpose and the need and things 37 like that, or do we need to have -- I will let you answer. I'm 38 sorry.
- 40 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I will 41 start, and then maybe I will have Andy help me out here, but I 42 think we could start a document, but I think the idea was to get 43 some of that information analyzed from the previous program, and 44 also from the efforts in the South Atlantic Council, to see what 45 we needed, as far as the basics go, and then build from there. 46
- 47 MR. STRELCHECK: I don't think the October presentation 48 precludes us from proceeding with development of a document

1 sooner than that, but it will certainly help inform further 2 drafting of that document. 3 A couple of comments, while I have the mic. One is I think the 4 5 previous amendment that implemented SEFHIER still has a lot of really good constructs and components that we would want to 6 7 consider, and so that could still be the building block of that 8 new options paper that we would be considering, and then, to 9 Dale's comment, I certainly agree, and I think, in terms of appreciating that we need to evaluate the need, the burden, on 10 11 the industry, and part of what will be helpful is learning from 12 what we've been collecting in terms of data previously, but, 13 also, being able to explain why some of those data elements are 14 being collected and really sharing the need for those data 15 elements, so that there's a discussion with regard to burden 16 versus actually the value, or benefit, of collecting that 17 information. 18 19 CHAIRMAN BOGGS: Any other questions on this topic? All right. 20 Seeing none, Dr. Hollensead. 21 22 STATUS UPDATE ON PLAN WITH GSMFC AND NMFS ON THE PRIVATE ANGLER 23 PERMIT 24 25 HOLLENSEAD: Yes, ma'am. The next agenda item, DR. the committee is going to get a status update on the plan with the 26 27 Gulf States Marine Fisheries Commission, as well as NMFS, on the 28 private angler permit. As you may recall, the council has 29 recently discussed exploring some novel approaches to managing 30 federal private recreational anglers, and defining the universe 31 of those anglers has been identified as an initial step. 32 33 The council requested that the Gulf States Marine Fisheries Commission, in collaboration with NMFS, engage state agency 34 35 partners to help provide insight on this initiative, and Mr. 36 Dave Donaldson is going to give us a verbal update, as to how 37 that has been going on, as well as identification of the 38 committee that's sort of been initially tasked with this, and so 39 the committee here should listen to the status update and ask 40 any questions of staff. 41 42 MR. DAVE DONALDSON: Are you ready? 43 44 CHAIRMAN BOGGS: Sorry. I had to get a drink. Go ahead. 45 DONALDSON: Madam Chair. 46 MR. Thanks, As Dr. Hollensead mentioned, at the last meeting, the council passed a motion for 47 us to start looking at the private angling permit, and so we had 48

1 some internal discussions and thought that the best group to 2 address this would be the research track development team. 3 That group consists of Beverly Sauls from Florida, Kevin Anson 4 5 from Alabama, Trevor Moncrief from Mississippi, Harry Blanchet 6 from Louisiana, Tiffany Hopper from Texas, Richard Cody from 7 NOAA Fisheries S&T, John Foster from S&T, Tom Frazer, and Gregg 8 Bray. 9 10 The group met about a month or so ago, and one of the things 11 they talked about was needing more information on the intended 12 purpose of the permit, to help generate some essential questions 13 from the state partner perspective. 14 15 There was a fair amount of discussion, and the group ultimately 16 decided to forward the discussion to the commission's Technical 17 Coordinating Committee, TCC, would be the best option. This 18 group consists of state and federal scientific experts, and it 19 would be best suited to have a productive discussion, and so the 20 research track team is developing a short presentation that will be provided to the TCC to help focus their discussion, and a 21 22 presentation will have specific questions that the group needs 23 including who needs to consider, the permit, cost considerations, 24 possibly obstacles to implementation, 25 standardization across the states, how would a new permit be included in the National Saltwater Registry, would a research 26 27 project help explore this topic, and how disruptive could this 28 process be. 29 30 Our TCC is scheduled to meet in October of this year, as part of 31 our fall commission meeting, and I will note that, while the 32 committee has representation from the states and federal partners, it does not have Gulf Council staff representation, 33 34 and so we would have invite someone from the council staff to 35 participate in this discussion, and it's envisioned, once those 36 discussions happen, that we would provide a presentation, or an 37 update, at a future council meeting, possibly the October 38 meeting, council meeting, because we're meeting the week before 39 the October council meeting, and so that's kind of where we're 40 at, and I will answer any questions. 41 42 CHAIRMAN BOGGS: Mr. Dyskow. 43

44 MR. PHIL DYSKOW: Thank you, Madam Chair. Dave, I have a 45 fundamental concern that, just like the data collection system 46 for charter boats and headboats, we're going to make this way 47 more complicated than it needs to be. With all these people 48 involved and all these wants, this thing is going to get out of

1 control. 2 3 What we want to do is to instill accountability in the recreational fishing community, and that's what we hear over and 4 5 over and over from everybody that comes to the podium, and the same kinds of concerns that are raised before this council, and 6 there are just a few simple buckets that we want to accomplish. 7 We want data on recreational fishing effort in federal waters, 8 9 we want catch information in federal waters, and we want discard 10 information. 11 12 If we get those three things, we've accomplished the majority of 13 what we need, and, incidentally, as you well know, the states are already collecting most, if not all, of this information, 14 and so I don't think that we need to reinvent something and make 15 16 this so complicated that it takes a long time to implement, and 17 it frustrates people along the way, because we make it more far-18 reaching than it really needs to be. 19 20 I would recommend that we start with those fundamental goals, 21 those three things that we want, effort, catch, and discards, 22 which is easier to implement, perhaps, and, if we need to 23 complicate this and ask for all sorts of other things, let's do that down the road, and let's address the fundamental need that 24 25 we have before the council today and not try to make this a mind-blowing, far-reaching project that is not going to go 26 27 anywhere fast. Thank you. 28 29 I couldn't agree with you more, and I think the MR. DONALDSON: keeping it simple and not complicating it is the best approach, 30 31 and your comments will certainly be conveyed to the TCC, when 32 it's presented in October, and so thanks. 33 34 Mr. Dugas and then Mr. Diaz. CHAIRMAN BOGGS: 35 36 MR. J.D. DUGAS: Thank you, Ms. Chair. Dave, has there been any 37 discussion on the funding of any sort of program like this, 38 where is the funds going to come from? 39 40 Not initially, and I wasn't in the discussions MR. DONALDSON: 41 for the research track group, but I think that was one of the 42 things that they were concerned about, and that's one of the 43 items that is going to be presented to the TCC, is this needs to be considered, because it potentially is not going to be a cheap 44 endeavor, and so, yes, that's one of the things we need to talk 45 about. 46 47 48 CHAIRMAN BOGGS: Mr. Diaz.

MR. DIAZ: Thank you, Madam Chair, and so I'm trying to -- I 2 3 think me and Mr. Dyskow agree, but I'm thinking more simpler than what he's talking about, and I think this is purely about 4 5 identifying the universe, and that's it. We can get weights, or 6 we can get all that other information from our dockside 7 surveyors, and we're already collecting that already, and we 8 identified a universe, and I would like for any discussion 9 that's had at the Gulf States TCC to make sure and bring up that we need guarantees that this information is going to be used. 10 11 12 At the end of the day, if we go through all this trouble, and we 13 do all this, and we don't replace FES, at least interface with 14 FES, and try to use this universe that we collected to better refine everything, then we've done nothing, and so, at every 15 discussion, I would appreciate if there's a discussion on how 16 17 it's going to be used and when it's going to be used, and that 18 should be reported to the council, because, if there's not a 19 commitment to use it, we need to decide here whether we want to 20 do it or not and put all the states through all this effort. Ι mean, this is tremendous lift, and that, to me, is the number-21 22 two thing to consider, and so thank you very much. 23 24 CHAIRMAN BOGGS: Mr. Diaz, you bring up a pretty good point, and 25 I don't know that I have actually considered it, and, I mean, we've been asking to identify this universe, and, other than 26 27 maybe helping the Science Center, what benefit does that give 28 us? 29 30 I think Clay would be better able to answer that, MR. DIAZ: 31 but, right now, we get some numbers in, and we extrapolate it across this big, giant universe that we've got, that we have 32 right now, and so, if we identify this universe, and we more 33 34 tightly bring it down to what it is, then I don't think -- I think we can make our estimates a lot better, and I think Clay 35 36 could do a whole lot better job explaining that, but that, to 37 me, is what we want to do with this, and so, Dr. Porch, why

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40 CHAIRMAN BOGGS: Go ahead, Dr. Porch.

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42 DR. CLAY PORCH: Certainly refining the universe could help us 43 in our estimation, to get more precise and, in principle, more 44 accurate estimates of the total effort, which will improve the 45 statistics across-the-board, right, and the problem is there's a 46 lot of nuances on how the different states classify that effort, 47 and what the exceptions are, and so I think you do need a broad 48 team, with participants from all the states talking about it,

don't you take a better stab at that than what I just did?

what's the best way to implement this, how do you account for those who have exceptions, you know, for whatever reason, under sixteen or retired, and, you know, do you require them to actually get the license, and there's a lot of subtleties there.

6 Also, a vessel license works more effectively than individual 7 licenses, when you're trying to sample the offshore universe, 8 and so there's a lot of subtleties in there that are worth 9 talking about, and you need the states to be of a similar mind when they're implementing it, but, I mean, it's obviously not 10 just a benefit to the Science Center, and it's a benefit to 11 12 everyone, if we can get better estimates of recreational fishing 13 effort.

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15 CHAIRMAN BOGGS: So a question, Dr. Porch, and I know the 16 conversation has been back and forth, is do you do it 17 individually or vessel, and I have concerns about doing vessel, 18 but, if you can give me a brief explanation as to why that's 19 better, and I will explain to you why that concerns me, is 20 because you can have a center console, a thirty-six-foot Freeman, going out, but they're going to have fifteen people on 21 22 that boat, but then the next boat -- I look at what comes to our 23 dock to purchase fuel and the number of people on the vessel, and I know they're going out fishing, because they have all 24 25 their stuff out, or they're telling you about the trip that they just came in on, but then you have boats that come in and they 26 27 have three people on it, and so are we still identifying that 28 universe of anglers?

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30 DR. PORCH: I mean, it's easier in the sense that you can't go 31 offshore fishing without a vessel. Yes, maybe there's a few 32 people that go out in kayak, but it's pretty small, and so 33 that's the simplest unit of effort, and, with individual 34 anglers, you've got all the issues with out-of-state and keeping 35 track of whether they're fishing inshore or offshore, and, I 36 mean, there's issues with that with the vessels as well, but 37 it's a simpler unit of effort to keep track of, and then you can 38 do the same interviews as well, and we do how many anglers were 39 on the vessel, et cetera, but I think the main issue is it's a simpler unit of effort, and, if you're really going after 40 41 offshore, no one is going out there without a boat.

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43 CHAIRMAN BOGGS: Thank you. Any other questions? Dr. Frazer.

45 **DR. TOM FRAZER:** I participated in this group, and I think the 46 reason that they moved it over to the Gulf States Marine 47 Fisheries Commission and their technical committee is that each 48 of the state representatives recognized the complexity of 1 modifying their individual licensing programs to a universal 2 kind of angler permit, or something of that nature, and I didn't 3 want people to walk away, from this discussion anyway, thinking 4 that that's the path that ultimately we're going to go down. 5

6 I think Dale and Clay pointed out, rightfully, that the goal is 7 to be able to identify, in the best possible way, what that 8 angler universe is, so we can refine our sampling efforts, 9 right, to get accurate and precise measures of harvest and discards, and so I think it's the appropriate group to discuss 10 11 what the limitations and the constraints, or the costs, might be with modifying those programs, but they are also charged, I 12 13 think, with providing alternatives, right, to how we might get 14 that information, and so I think there's going to be a bit of a 15 process involved here, and so I look forward to what that group 16 actually comes up with.

18 **CHAIRMAN BOGGS:** I appreciate those comments, Tom, and the way 19 Dale kind of posed the question earlier made me think why, and 20 these are questions I think that will ultimately come back from 21 that technical committee that we are going to have to address 22 and determine do we want angler or vessel, and so I'm just 23 trying to get a little feedback now, so we can all be thinking 24 about it. Mr. Strelcheck.

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26 MR. STRELCHECK: I will just add that I think that I think that 27 it will be important for the Gulf Council to follow what the South Atlantic Council process is also working on, and it's 28 29 different, and there is justifiable reasons for it being 30 different, but kind of the same line of thinking, in terms of they're exploring the idea of a federal permit to really improve 31 32 and enhance the effort portion of data collection estimates, 33 right, and so they refined the purpose and need at their last 34 meeting.

36 They've had a technical working group that's providing guidance 37 and advice with regard to how to institute such a permit, if 38 they, you know, decide to implement something like this. 39

40 The difference is the Gulf already has reef fish surveys and 41 programs, and there's a lot of data collection that is already 42 happening, right, and so, you know, is there a need for a 43 federal permit, relative to, you know, standardizing and making the state permits kind of more consistent with one another, and 44 45 I appreciate the comments that were made, and, you know, there 46 is downstream implications of this, because, if that's our driver in what we're trying to accomplish, that it ultimately 47 48 will feed that effort estimation, the states have to be onboard

1 with that and recognize, obviously, that there would be changes that need to be made in order to accomplish that, but I think 2 3 both what you're proposing, and what the South Atlantic is doing, are very much in alignment with one another, and they're 4 5 just taking a little bit different tack to get there. 6 7 CHAIRMAN BOGGS: Any other questions or comments? Mr. 8 Donaldson. 9 Thank you, Madam Chair. I appreciate you kind 10 MR. DONALDSON: 11 of spurring this discussion, because I think these discussions 12 will help the discussions in October with our TCC, and so any 13 additional information we can provide to them would be useful, and so I appreciate you trying to get folks to provide some 14 15 input ahead of time, and it is going to be helpful. Thanks. 16 17 CHAIRMAN BOGGS: Mr. Dyskow. 18 19 Thank you, Madam Chair. Dave, since you opened MR. DYSKOW: 20 that box of wanting more feedback, I think one of the biggest challenges to angler participation is their concerns as to how 21 22 this permit is being used. 23 You know, traditionally, recreational fishermen have a license, 24 25 and not a permit, and the definitions of those two are somewhat different, and I think the concern is that this will go the way 26 27 of other permits, whereby you have annual lotteries and draws as 28 to who gets a license to hunt this animal, versus not, and I 29 think we need to make it clear that our goals and objectives 30 with this permit, as we continually call it, is data collection 31 and not regulation. 32 We have regulatory processes in place to manage recreational 33 34 fishing, and I don't want this permit to be considered a 35 limiting entity, where there is going to be a limited number of 36 permits available, and that will affect participation, and this 37 is a data collection process, and we need to make that clear 38 from the get-go, of how this is going to be used, and, if we 39 don't do that, it's going to make implementation, at the grassroots level with anglers, more difficult, if we're going to 40 41 do boat ownership in particular, and I would much prefer that we used individual anglers, but, if we're going to go down that 42 43 boat path, we need to be clear how this is going to be used, in my opinion. Thank you. 44 45 46 CHAIRMAN BOGGS: Thank you, Mr. Dyskow. Any other questions or comments? Dr. Stunz. 47 48

1 DR. GREG STUNZ: Susan, I have a quick comment. Dave, I don't recall now the language that Phil is referring to, license 2 3 versus permit, and, obviously, permit is what we are seeing commonly here in the agenda and other places, and do you recall 4 how that came to be, or that's just -- I mean, Phil is pointing 5 out a really important -- It may be a nuance, but it has big, 6 wide implications, potentially, for support of something like 7 8 this, and so that's why I'm asking.

10 I am not sure, and I think it was just part of MR. DONALDSON: 11 the way the motion was worded at the last meeting, and I think 12 the term "permit" was used.

14 Yes, that's what I'm wondering, and, maybe at Full DR. STUNZ: 15 Council, we could pull up that motion, just to see what that --16 I don't recall what that was, and the other thing that I wanted to say, regarding this, is, obviously, two states are missing 17 18 here today, because of travel issues, and they won't be in until 19 this afternoon, and so, obviously, they probably would have a 20 lot to say about this, and so I will reserve some time during Full Council, as this comes back around, if they want to chime-21 22 in on this discussion.

24 CHAIRMAN BOGGS: Mr. Dyskow.

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26 MR. DYSKOW: Thank you, Madam Chair, and I'm sorry to keep 27 coming up with questions and concerns, and this is addressed to 28 the Chair. In Full Council, we might consider a motion to 29 change this wording to define this as a license, as opposed to a 30 permit, and I know that different people have different 31 opinions, but this is a big deal to the people that we're trying 32 to gather this information from, and, if we want to get better 33 information, and better dialogue with recreational anglers, 34 maybe we need to use language that is more compatible with what 35 they're thinking, and so we may consider a motion, before Full 36 Council, to define this as a license, as opposed to a permit. 37

38 That also goes down the path of do we want this to be directed 39 at individual anglers or vessels, and I know there are reasons why NMFS wants it to be permits, a smaller population and easier 40 41 to manage, and I get all that, but we need to be thinking about 42 those two issues.

44 CHAIRMAN BOGGS: All right. Mr. Strelcheck, and then I have Mr. 45 Dugas, and Mr. Diaz.

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MR. STRELCHECK: Well, I just want to be very clear, and, I 47 mean, he's calling out NMFS, saying this is what we want to do, 48

1 and this is a fishery management council request, and NMFS can't this. 2 I have proposed a recreational fisheries dictate initiative that we're all going to be a part of. I'm going to 3 be meeting with leadership in the recreational community this 4 5 week, and, ultimately, whatever comes of that will be a council 6 effort and not just NMFS-driven, and so I just want to be very 7 clear. 8 9 I think your point is well taken, Phil, that we need to have trust in the process, and we need to build trust in the process, 10 11 and where I think that can come with this effort is if we're 12 very clear in terms of what the purpose and need of it is, 13 whether it's a permit or a license or whatever the case might 14 be. 15 16 In terms of things that fall out of that afterward, in terms of 17 management actions, that is, to me, two or three or ten steps 18 down the process, and so I just want to be very clear that 19 nothing is on the table being proposed in terms of how to use 20 these permits, or licenses, at this point, beyond what we're 21 talking about around the council table. 22 23 CHAIRMAN BOGGS: Mr. Dugas. 24 25 MR. DUGAS: Thank you, Ms. Chair. I hear that the South Atlantic is working on something similar to this, and it seems 26 27 like they're further along, and my question is has funding been 28 captured for their program? 29 30 MR. STRELCHECK: I'm not sure how much further along they 31 Funding is always a question with regard to any actually are. 32 sort of permitting like this, because the federal government, if it is a federal permit, doesn't collect fees that then directly 33 34 go to say the National Marine Fisheries Service's budget to 35 implement, and it goes to the General Treasury, right, and so 36 the amendment that they're working on to develop a permit would 37 take into consideration the cost burden to both anglers as well 38 as costs to the federal government in order to implement such a 39 program, if they go as far as making that decision. 40 41 CHAIRMAN BOGGS: All right. I am going to go to Mr. Brewer, to 42 that point. 43 Thank you, Ms. Boggs. I am not on this 44 MR. CHESTER BREWER: committee, and I'm not even on this council, and we are all 45 together on this issue. We had a joint workshop for the South 46 Atlantic Council and the Gulf Council, and we ended up talking 47 about just these issues.

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2 I don't know if the minutes of what went on at that workshop would be useful, but maybe so, and the outcome really was to go 3 ahead and develop a program that would build off of what some of 4 5 the states have been doing in the Gulf, and not necessarily in the Atlantic, and, to a very great degree, the South Atlantic 6 7 Council states -- Some of them are very much behind it, in that 8 they are stymied, because, to start any kind of program like 9 this, they would need to spend money, and they would have to get, essentially, approval from their legislature. 10 11

Getting money from their legislatures is like pulling teeth, 12 13 because people think it's a tax, and that's one of the big problems, but what did come out of that is we need to pursue, 14 15 both councils, a program so that the, quote -- This was a 16 favorite term, but the universe can be identified. 17

18 Now, whether that would be funded by, and administered by, the 19 federal, or NMFS, or the states, it finally came down that these 20 are federal waters, and the federal folks should be in charge of 21 federal waters. Now, I think there's going to be -- When we get 22 into Full Council on this, and we are -- I'm pretty sure it's an agenda item in the upcoming meeting, but there's going to be a 23 lot of pushback from people who want it administered and run by 24 25 the states, just because the Gulf Council has had such success 26 with some of these state-administered programs, and I wish that 27 we had them, and that's it, but I just wanted -- What I wanted to emphasize is we are all in this together, in both the South 28 29 Atlantic Council and the Gulf Council. Thank you.

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CHAIRMAN BOGGS: Mr. Diaz.

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MR. DIAZ: I want to weigh back in on this permit and license

thing, and I appreciate Mr. Dyskow bringing it up, and I do 34 35 agree that it's a nuance that we need to talk about, but I think 36 it's premature for us to try to decide any of that terminology, 37 and the reason I say that is -- So Gulf States Marine Fisheries 38 Commission's TCC is going to take this up in October, and they 39 have very good representation on that TCC from each state, and, 40 during Dave's commission business meeting, there is decision-41 makers that are pretty much on that business part of the meeting 42 that can look at this and make some decisions. 43

Like, for instance, right now, Louisiana has an offshore landing 44 permit, and that permit might already suffice for what's needed 45 46 for Louisiana's sake, and so, I mean, it's already called a 47 permit, and it's in place. 48

1 When you get to the state level, and this is something they could talk about at Gulf States, there might be a big difference 2 3 between a state trying to implement a license or a permit, and I would imagine that a lot of licensing stuff is going to have to 4 5 go through the legislature, and that could be very complicating, 6 where most of the states are managed by commissions, and 7 commissions might be able to handle permits, and so it might be 8 a lot less burdensome.

Anyway, I just think it's too early to try to settle whether 10 11 it's a license or a permit, and, in my opinion, after the 12 where the Gulf States Marine October meeting, Fisheries 13 Commission can have some discussions, and maybe we can tackle 14 that, but I do understand your concern, and I know it's your last meeting, and you would probably like to have some closure 15 16 on that, and you are going to be missed, by the way, but, 17 anyway, I think it's way too early to try to decide that, 18 without more input from the group. Thank you.

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20 CHAIRMAN BOGGS: Okay. I have a list, and so just be patient.
21 Dr. Simmons first.

23 **EXECUTIVE DIRECTOR SIMMONS:** Okay. Thank you, Madam Chair. 24 Bernie, could we please put up the motion? The motion actually 25 does say "fishing license", and I believe, in the letter, and I 26 think, Chair, we missed this too, but it said "license/permit", 27 and so I think two reasons that staff did that, and so I will 28 apologize.

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30 The first one is because I think "permit" was used by the South 31 Council, and have, in Atlantic SO we our letter 32 "permit/license", and the second reason was because we didn't 33 want to defray, or confuse, the public with what the states are 34 currently doing, and so perhaps the discussion should be more on 35 a federal license, or what terminology we would want to use 36 moving forward, as to not defray, or take away, from what the 37 states already have in place.

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39 CHAIRMAN BOGGS: Okay. Ms. Levy, I am going to go to you first, 40 in case it's to these comments.

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42 MS. LEVY: Well, I mean, from my perspective, it's what you're 43 requiring or asking of people and not what you're calling it, 44 right, and so the states might use a particularly terminology, 45 and people might associate things with a particular terminology, 46 but it's what it means that matters, and so, if you have a 47 license that you determine is only available via lottery, and is 48 limited access and all that stuff, and you have a permit that is

1 open access, and anyone can get, then you call things different 2 things, and the implications are different. 3 I guess I don't -- I guess I would just suggest not getting hung 4 5 up on what it's called, but focusing on what you want it to do and what you want the requirements to be to be associated with 6 7 it, and we work out what we call it later, but, if we are 8 talking federal, I think the Magnuson Act uses the word 9 "permit", but I will double-check on that, but, again, what it does, versus what it's called, is probably the most important 10 11 thing. 12

13 CHAIRMAN BOGGS: Mr. Schieble.

15 MR. CHRIS SCHIEBLE: Thank you, Madam Chair. Bernie, can you go 16 to the page 10 on the motions report, and it's the Other 17 Business section, and so that motion that we first looked at was 18 tabled, I believe, and then we brought back the motion at the 19 end, and there was actually two of them, and I think, because 20 there is two of them, that's what is conflating the issue here 21 for us.

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23 One discusses developing the express purpose of a universal state-managed recreational fishing license program, 24 and the 25 other is the motion that I put up that talks about having the 26 express purpose of developing a universal state-managed 27 recreational saltwater angling landing permit program. They're two different things, and that might be part of what's causing 28 29 the confusion here as we talk about this.

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A license, we already have the saltwater license registry, and so I don't really see the need for the first motion, and it seems redundant. The second motion was discussing a separate permit, with the whole purpose of having a landing permit separate from the license frame, to better define the user group of anglers that are saltwater fishing in federal waters, and you could add certain species to that, if you really wanted to.

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39 CHAIRMAN BOGGS: So, to Mara's comments, and I'm not saying that it's the TCC's job to do this, but I think your charge is to 40 41 bring back ideas of how this can work and how we can manage it, 42 and then, as Mara says, we need to determine what all that 43 means, and then we can name it, but so I think we're getting hung up on license and permit, and, as Mara said, it's a little 44 45 premature now, and I hear what she is saying, and so -- But I 46 don't know that we'll be consistent in conversations moving forward with what we call it, until we actually have a plan in 47 48 place, and so I hate to get too hung up that. Mr. Dyskow, did 1 you have any final comments on this topic?

3 Just to a point of clarification, and I appreciate MR. DYSKOW: you calling on me. As a recreational representative on this 4 council, obviously, the recreational stakeholder organizations 5 communicate with me, just like the shrimp fishermen communicate 6 7 with the people that represent them on the council, and, 8 universally, I hear support for a license/permit, to get better 9 data on recreational fishing in federal waters.

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11 If I get any pushback at all, it's over this whole concern about 12 what a permit is defined as and what a license is defined as, 13 and so I'm not making this up, and it's not a personal vendetta 14 of mine, and I can just communicate that this is a big concern 15 to a recreational fishing stakeholders' group, and, if we can 16 define this more succinctly, going forward, we can probably 17 eliminate some of that concern, and I don't want that concern to 18 morph into opposition. We want support for this, as we have it 19 now, and so let's be careful that we don't go down a path that 20 would cause some greater concern and reduce the level of support 21 that we have, and that's all I have to say, and I've said too 22 much on this subject already. Thank you.

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24 CHAIRMAN BOGGS: Mara, can you let us know, at Full Council, 25 what the terminology in the MSA is, and maybe that's what we 26 need to use in discussions going forward, or does it matter? 27 Mara.

29 MS. LEVY: Well, I mean, so, in terms of the parts of the act 30 that talk about fishery management plans the council develops, 31 it uses that there's a discretionary provision that allows the 32 councils to require permits, but, again, we have open access permits, and we have limited access permits, and we have all 33 34 sorts of permits. If we're talking about with the states, and 35 like it's not really clear to me where this is going yet, and 36 like is it going to be all the states, and that's what you're 37 doing, or you're developing a federal permit, and I don't know, 38 but, I mean, the language that talks about the recreational 39 fisheries registry, right, that got developed says -- It uses 40 all the terms.

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The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of the states, right, and so, again, it's not the name, but it's what is associated with the name, and I think you just have to be clear, moving forward, and I agree that you have to be clear about what that means and what you're going to be asking of people, regardless 1 of what you call it.

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OTHER BUSINESS

4 5 CHAIRMAN BOGGS: Of course, we can't answer that, because we're waiting on the TCC, and so, in the meantime, we'll just call it 6 whatever and hope for the best. 7 Any other questions or 8 comments? All right. That brings us, I believe, to Other 9 Business 10 11 I do have one question on Other Business. At the last meeting, 12 and this is in reference to the commercial logbooks, there was a 13 conversation about sending out mailers and then scheduling 14 webinars in maybe June or July, and is that -- Did we get all 15 that done, and are we on track with moving forward with that? 16 17 DR. HOLLENSEAD: Yes, and Emily and I are discussing that in the 18 background. 19 20 CHAIRMAN BOGGS: Any other business to come before this 21 committee? Seeing none, we are adjourned. 22 23 (Whereupon, the meeting adjourned on June 5, 2023.) 24 25

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