

Data Collection Committee Report
February 1, 2023
Ms. Susan Boggs, Chair

The Committee adopted the agenda after adding discussion on VMS equipment concerns to other business (**Tab F, No. 1**) and approved the minutes of the October 2022 meeting (**Tab F, No. 2**).

Final Action: Abbreviated Framework Action to modify for-hire trip declaration requirements (Tab F, No. 4a-c)

Council staff presented public comments, the framework action document, and codified text for the Committee's review. Council staff noted that administrative changes (hailing out within 24 hours of a trip and hailing out as a dually-permitted commercial vessel) were not included in the presented codified text but those changes would be included during rule making.

The Committee discussed the possibility of delaying approval of the document while awaiting an appellate court's decision regarding the program's Vessel Monitoring System (VMS) requirement. Southeast Regional Office (SERO) staff indicated that an unfavorable court ruling along with already reduced funding for the program could affect data integrity. Program participants have requested quick action in implementing the modification to the trip declaration requirement and there is no indication when a court ruling will be issued. Given these factors, the Committee decided to proceed with taking final action.

The Committee recommends, and I so move, to recommend the Council approve **Abbreviated Framework Action: Modification of For-Hire Vessel Trip Declaration Requirements** and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

Motion carried with no opposition.

Modification to Commercial Coastal Logbook Reporting Requirements and Advisory Panel Recommendations (Tab F, No. 5a and 5b)

Council staff provided a verbal update on Advisory Panel (AP) activities and the development of the joint amendment. The Coastal Migratory Pelagic AP met in the fall of 2022 and members were supportive in moving forward with transitioning to an electronic logbook submission. The Data Collection AP will meet in February and receive the same Southeast Fishery Science Center (SEFSC) presentation. Council staff will report those AP recommendations to the Committee in April.

The amendment is being developed and a complete draft will be submitted to the South Atlantic Fishery Management Council in March and that draft will also be presented to the Gulf Council in April with the goal of both Councils approving a final draft in June. Given the feedback across several APs and the technical nature of the program modification, Council staff

recommended a mailout to permit holders informing them of virtual public hearings. The Committee agreed with that plan for engaging the public.

A Committee member inquired if there had been any indication of opposition from stakeholders or disagreement between the Gulf and South Atlantic on the program modification. Council staff reported that the APs had been supportive of the program transition and Ms. Kerry Marhefka (South Atlantic liaison) reported a similar sentiment of program participants in the South Atlantic. SEFSC staff indicated that the agency was ready to begin receiving electronic reports once the amendment has been implemented.

Overview Presentation of State Specific Private Angler Licensing and Reporting Requirements Currently Used to Define Offshore Anglers in Each State (Tab F, No. 6)

Council staff presented current private angling licensing and reporting requirements for each state and asked about potential next steps in exploring a potential federal license and potential reporting for private anglers. A Committee member inquired whether the state of Florida and Alabama could provide information on the proportion of private anglers that do not possess an offshore designation or endorsement. The Florida representative indicated he would have to confer with staff and report at a later time, and the Alabama representative stated that, through law enforcement records, that compliance is high.

The Committee discussed the various differences in state licensing requirements including age-based exemptions and how states collect data at either a vessel or individual angler level. Given these variations, the Committee stressed the importance in defining explicit goals and objectives before pursuing the federal recreational permit issue further. The South Atlantic liaison reported that some progress conducted in her region has highlighted that the issue is complex and would require technical expertise to develop next steps. The representative from the Gulf States Marine Fisheries Commission stated that his office is willing to help explore this management measure but reiterated the importance of establishing goals and objectives before proceeding.

The Committee asked for more information about the National Saltwater Registry program. Office of Science and Technology (OST) staff reported that the federal registry was used to improve the efficiency of sampling efforts rather than estimate fishing participation. SEFSC staff further inquired if refining that registry would substantially improve the estimation process. OST staff replied that more investigation would be required to answer that question but did note that investigating the use of a vessel-based permitting system rather than individual permits may increase precision of the federal reporting program. A Committee member asked if the Gulf Marine Recreational Information Program Transition Team was planning to examine ways to improve identification of the universe of federal private anglers. OST staff report that was something the Team could investigate. National Marine Fisheries Science staff suggested that their offices could collaborate further to explore these questions and provide more specific information to the Committee in April.

Other business

The Committee received a report regarding an observation of defective VMS devices on two for-hire vessels. The vessel operator was not aware that the units were not properly transmitting for

several months until contacted by law enforcement. The observation highlighted several issues: the VMS vendors are not consistent in monitoring the units for proper transmission and are not always readily available by phone, indicator lights on the unit hardware do not always communicate a transmission problem, and federal law enforcement was delayed in reporting the issue to the captain. So far, this does not appear to be an isolated incident and the Council needs to be aware of what some program participants are experiencing.

Mr. Strelcheck stated that the agency was actively working to mitigate the communication delays in engaging program participants when transmission issues arise. He continued that vendors must agree to certain contractual requirements before agency type-approval for use in the program and the agency can communicate with vendors to ensure they uphold those provisions. NOAA general Counsel added that the current federal regulations require the vessel owner or operator to contact NMFS if their equipment is not operating properly and follow the instructions provided. This allows NMFS the flexibility to address the circumstances related to any specific instance of equipment failure. The Committee agreed that if program participants discover an issue that they should communicate with NMFS to resolve the problem.

Mr. Chair, this concludes my report.