



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

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Mr. Randy Blankinship, Division Chief
 Highly Migratory Species (HMS) Management
 National Marine Fisheries Service
 263 13th Avenue South
 St. Petersburg, FL 33701

Re: Comment on Proposed Rule: Electronic Reporting Requirements for Atlantic Highly Migratory Species (HMS)

Mr. Blankinship,

The Gulf of Mexico (Gulf) Fishery Management Council (Council) received a presentation from HMS staff during its November 2024 meeting. Most concerning to the Council within the proposed rule were the preferred options for modifying and expanding data collection for the for-hire sector (Action B). The Council is currently developing a new data collection program for its Gulf federal for-hire permit holders and recognizes several differences in what the Council is considering versus what have been presented as preferred options by HMS. These mismatches in data collection program components seem counter to one of the main purposes of the Proposed Rule which is to develop “one-stop reporting” for those possessing both a Gulf (or other regional for-hire permit) and HMS for-hire permit. Below are some specific concerns outlined by the Council.

1. *Alternative B1-Electronic logbook requirement (currently Alternative B1c listed as preferred)*: The Council supports HMS Division’s efforts to move towards electronic platforms for reporting catch, discards, and disposition data for HMS managed species. However, the Council does not support reporting of non-HMS species (e.g., reef fish species) as part of an HMS logbook requirement. If an HMS for-hire permit holder does not also hold a Gulf for-hire permit and captures a Gulf managed species, the captain/operator would have to report that species through a different HMS logbook. How will these discard data be validated, shared, and used in Gulf-specific management and stock assessments? Similarly, the HMS logbook currently proposes to require reporting bait species. How will the reported information from the HMS logbook program meet the validation standards discussed below? Currently, the Gulf Council is developing a for-hire data collection program while the South Atlantic Fishery Management Council (SAFMC) is looking to improve their Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program for use in stock assessments and management. Both Councils are communicating closely together as the program in the Gulf is being created and SEFHIER is potentially modified in the South Atlantic. As a result, the Council has been made aware of a letter sent to SAFMC from NMFS on May 30th, 2024 which provides a list of minimum program

requirements so that the resulting data could be used for both stock assessment and management.¹ This list includes:

- a. A logbook to be submitted before offload as an independent estimate of catch.
- b. Dockside intercept for validating trip effort and catch mis- and non-reporting.
- c. A declaration and pre-landing notification as a component of the effort estimate.
- d. Approved landing locations to increase efficiency of dockside intercepts.
- e. Did Not Fish reports to assess compliance.

The Council is concerned about these differences in the programs and the utility and buy-in of the captains/operators reporting the information accurately so that the various data streams may be robust enough for use in stock assessments and management. When specifically comparing what NMFS has communicated to the SAFMC and what is in the proposed rule for the modification of HMS data collection, there are several conflicts outlined below:

- a. HMS proposes that logbook data are to be submitted 24 hours after the end of a trip. This would violate the assumption of sampling independence as a vessel owner/operator report could be influenced by whether that individual was subject to a dockside intercept or not. HMS partially cites safety-at-sea as rationale for not requiring logbook submission prior to offload; however, the previous Gulf SEFHIER program included provisions such that a captain could tie up dockside and report before offload to maintain crew and passengers' safety while still complying with program regulations.
- b. HMS indicates that the Marine Recreational Information Program Access Point Angler Intercept Survey (MRIP-APAIS) and/or the Large Pelagic Survey (LPS) could serve as dockside validation. However, MRIP-APAIS surveys for-hire passengers, not necessarily the vessel captains, and is voluntary. To achieve validation, the MRIP-APAIS survey would have to be modified to survey for-hire captains and that those surveys be mandatory. The LPS is conducted from Maine through Virginia from June through October; and therefore, is limited in spatiotemporal scope. Several Gulf states have, or are in the process of developing, their own recreational data collection programs and moving away from MRIP-APAIS. Has HMS considered this when planning for data validation of their recreational data in the Gulf? There is no discussion in any of the proposed rule materials how HMS would achieve validation for the HMS for-hire data collection program.
- c. There is no mechanism for a declaration/pre-landing notification.
- d. There is no consideration for identifying approved landing sites.
- e. The proposed rule does include requirements for monthly Did Not Fish reports.

NMFS has indicated that SEFHIER program currently in place in the South Atlantic is not suitable for use in the stock assessment process or management. Given the criteria provided by to the SAFMC, it appears that the HMS proposed program would be deemed similarly by NMFS since the only component considered is in the proposed rule is the Did Not Fish report.

¹ https://gulfcouncil.org/wp-content/uploads/F-4a-Letter-to-SA_program-requirements.pdf

- **Does HMS intend to use data from the proposed HMS charter/headboat data collection program in stock assessments and/or management?**
- **If so, how does HMS reconcile the apparent validation shortcomings in its program design?**
- **How does standing up a data collection plan that does not contribute to stock assessments or management fit into the objectives for “one-stop reporting”?**

It is unclear from the Proposed Rule how this oversight would be addressed and if these discard data of Gulf managed species would be usable for stock assessments or management. The Council recommends that HMS modify this option to reporting only HMS managed species for this logbook requirement.

The Proposed Rule indicates that fishing location information will be submitted within the logbook. The Council supports self-reporting of fishing location by program participants, but requests HMS clarify that no Vessel Monitoring System requirement will be implemented as part of HMS program. This requested clarifying language should appear in the Final Rule and will help program participants better understand the conditions required of their HMS for-hire permit.

2. *Alternative B2-Reporting timing requirements (currently Alternative B2a listed as preferred):* The stipulation to report logbooks within 24-hours of the completion of a trip and not before offload is contrary to NMFS guidance.¹ The Council’s new for-hire data collection program current aims to adhere to the agency recommendations for data validation; thus, the Council suggests HMS consider the same frequency of reporting requirements to attain the goal of “one-stop reporting”, and better ensure data will be utilized in HMS stock assessments and in management.
3. *Alternative B3-Cost earning reporting (currently Alternative B3c listed as preferred):* Trip-level cost earning reporting for the for-hire sector has been a contentious issue in the Gulf and was one of the grounds for dissolving the previous Gulf for-hire data collection program.² The Council has worked closely with NMFS fishery economists to develop a survey sampling approach that balances agency data needs and fishermen reporting burdens. The Council suggest HMS select the status quo option of B3a which surveys a portion of HMS for-hire permit holders for economic information versus reporting this information after every trip. In the Proposed Rule, HMS states that funding limitations have hindered this component of the HMS data collection in the past and that electronic reporting should alleviate this issue. Currently, the Council recommends HMS continue its survey approach to economic data collection when transitioning to an electronic reporting platform. An unintended consequence of not doing so would be mean that substantial number of dually permitted (i.e., Gulf charter/headboat and HMS for-hire permit holders) would likely drop their HMS for-hire permits. This could greatly limit data collection of important HMS managed species in the Gulf.

¹ https://gulfcouncil.org/wp-content/uploads/F-4a-Letter-to-SA_program-requirements.pdf

² <https://www.ca5.uscourts.gov/opinions/pub/22/22-30105-CV0.pdf>

4. *General comments:* If HMS decides to select options for HMS for-hire reporting that differ from the Gulf for-hire data collection program, it would be beneficial to outline for stakeholders with both permits which data collection components would need to be reported to satisfy permit requirements. Additionally, outlining any potential consequences for non-compliance would be beneficial for program participants to understand these changes.

In the supporting materials for the Proposed Rule, there is no indication of any sources of funding or costs associated with transitioning to electronic reporting for the various actions. Additionally, there is no discussion of the costs for maintaining the data collection programs once the rule is implemented. The Council recommends the Final Rule include comprehensive cost analyses to address these issues for each action.

The Council recommends that HMS provide regular updates to the Council about the progress and timing of publishing the final rule for this action. The Council is aiming to take final action on a new Gulf for-hire program in 2025 and is interested in achieving the shared goal of a “one-stop reporting” approach for fisheries data collection. This goal is only feasible with regular communication and collaboration between HMS and the regional Councils and Commissions.

The Council appreciates the opportunity to comment on the Proposed Rule. If you have any questions or need clarification on anything outlined in this comment letter, please reach out to Dr. Lisa Hollensead on Council staff. The Council continues to support the goal of “one-stop reporting” to alleviate burden on Gulf fishermen and will continue to work with HMS and NMFS to achieve this outcome.

Sincerely,



J.D. Dugas
Council Chair