

FINAL
Summary of the SAFMC Data Collection Committee
September 12, 2012
The Charleston Marriott Hotel
Charleston, SC

Members:

Michelle Duval, Chair
Jessica McCawley/Martha Bademan, Vice Chair
Steve Amick
Tom Burgess
Ben Hartig
Wilson Laney
Charlie Phillips
Tom Swatzel

The agenda was adopted, and the minutes of the June 2012 meeting were approved.

The committee received the following presentations:

- A. NMFS Presentation on Results from Current Bycatch Monitoring – Dr. Bonnie Ponwith, SEFSC Director
- B. NMFS Presentation on the NMFS Quota Monitoring System – Dr. Bonnie Ponwith, SEFSC Director

The Committee discussed the reports and requested that Council staff be provided access to the Quota Monitoring System. Dr. Ponwith agreed to provide a live demonstration of the system for Council staff with clearance for confidential data.

The committee reviewed the Decision Document for the Joint Gulf & South Atlantic Council Generic Dealer Amendment. This document proposes modifications to seafood dealer reporting requirements for fishery management plans of the Gulf of Mexico, South Atlantic, and two joint fishery management plans. The committee reviewed recommended changes to the summary statement of the three proposed actions and on behalf of the committee I move to accept the IPT wording for list of actions:

MOTION #1. ACCEPT THE IPT WORDING FOR LIST OF ACTIONS:

- Action 1. What dealer permits are required to purchase federally managed species?
- Action 2. Frequency and method by which dealers will be required to report.
- Action 3. Requirements for maintaining a dealer permit.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

The committee reviewed recommended changes to the history of management and on behalf of the committee I **move to replace the dates of Council actions in the amendment:**

**MOTION #2: REPLACE THE DATES OF COUNCIL ACTION IN THE AMENDMENT
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Council staff reviewed the public comments received by both Councils. The Committee then examined the actions and alternatives as outlined in the Decision Document.

Action 1. Dealer Permits Required

The committee discussed the IPT recommendations and on behalf of the Committee I **move to accept the IPT recommendations for Action 1:**

**MOTION #3: ACCEPT THE IPT WORDING FOR ACTION 1:
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Alternative 1: No Action – Do not modify the following current six federal dealer permits:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (excluding wreckfish)
- South Atlantic Wreckfish

Gulf of Mexico Fishery Management Council Preferred Alternative 2: Establish one federal dealer permit for the Gulf of Mexico and South Atlantic regions.

Option 2a. Require a single dealer permit to purchase the following federally-managed species or species complexes, excluding South Atlantic coral, South Atlantic Sargassum, and Gulf of Mexico coral and coral reefs.

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico Reef Fish
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Red Drum*
- *Gulf of Mexico Penaeid Shrimp*
- *South Atlantic Penaeid Shrimp*

(Note: Italics designate additional new species that currently do not require dealer permits.)

Gulf of Mexico Fishery Management Council Preferred Option 2b. Require a single dealer permit to purchase the following federally-managed species or species complexes, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico Reef Fish
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Red Drum*

(Note: Italics designate additional new species that currently do not require dealer permits.)

South Atlantic Fishery Management Council Preferred Alternative 3: Establish separate Gulf of Mexico and South Atlantic federal dealer permits that combine multiple single region dealer permits.

Option 3a. Require dealer permits to purchase the following federally-managed species, except South Atlantic coral, South Atlantic *Sargassum*, and Gulf of Mexico coral and coral reefs.

Gulf of Mexico Region Permit

- Gulf of Mexico Reef Fish
- *Gulf of Mexico Coastal Migratory Pelagics*
- *Gulf of Mexico Spiny Lobster*
- *Gulf of Mexico Red Drum*
- *Gulf of Mexico Penaeid Shrimp*

South Atlantic Region Permit

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *South Atlantic Coastal Migratory Pelagics*
- *South Atlantic Spiny Lobster*
- *South Atlantic Penaeid Shrimp*

(Note: Italics designate additional new species that currently do not require dealer permits.)

[Note: The South Atlantic Fishery Management Council will need to approve the exemption of “Gulf of Mexico Coral and Coral reefs” to Option 3a.]

South Atlantic Fishery Management Council Preferred Option 3b. Require dealer permits to purchase the following federally-managed species, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

Gulf of Mexico Region Permit

- Gulf of Mexico Reef Fish
- *Gulf of Mexico Coastal Migratory Pelagics*
- *Gulf of Mexico Spiny Lobster*
- *Gulf of Mexico Red Drum*

South Atlantic Region Permit

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *South Atlantic Coastal Migratory Pelagics*
- *South Atlantic Spiny Lobster*

(Note: *Italics designate additional new from Option 3a.*)

[Note: The South Atlantic Fishery Management Council will need to approve the exemption of “Gulf of Mexico Coral and Coral reefs” and “penaeid” to Option 3b.]

The committee discussed the Gulf Council’s preferred alternative and on behalf of the Committee I **move to adopt the Gulf preferred Alternative 2, Option 2b for Action 1:**

**MOTION #4: ADOPT THE GULF PREFERRED ALTERNATIVE 2, OPTION 2B FOR ACTION 1:
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Gulf of Mexico Fishery Management Council Preferred Alternative 2: Establish one federal dealer permit for the Gulf of Mexico and South Atlantic regions.

Gulf of Mexico Fishery Management Council Preferred Option 2b. Require a single dealer permit to purchase the following federally-managed species or species complexes, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico Reef Fish
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Red Drum*

(Note: *Italics designate additional new species that currently do not require dealer permits.*)

The committee discussed the Gulf Council’s intent that permitted vessels can only sell to permitted dealers. This will improve data collection and help prevent ACL overages. In the South Atlantic, North Carolina and Florida fishermen can harvest and sell Atlantic Migratory Group Spanish mackerel harvested within state waters without having a Federal Spanish mackerel permit. The South Atlantic Council discussed that this would apply to vessels with spiny lobster tailing permits (and the other spiny lobster federal permit if anyone got one) and to for-hire vessels with Coastal Migratory Pelagics permits and on behalf of the Committee I **move to clarify that it is the Council’s intent that in the Generic Amendment for Dealer Permits and Electronic Reporting, permitted vessels can only sell to permitted dealers in those fisheries where a dealer’s permit exists:**

**MOTION #5: CLARIFY THAT IT IS THE COUNCIL'S INTENT THAT IN THE GENERIC AMENDMENT FOR DEALER PERMITS AND ELECTRONIC REPORTING, PERMITTED VESSELS CAN ONLY SELL TO PERMITTED DEALERS IN THOSE FISHERIES WHERE A DEALER'S PERMIT EXISTS
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The committee discussed the issue of catches in state waters and on behalf of the Committee I **move to direct Council staff to work with ASMFC staff to ask that state dealers get a federal permit for Spanish mackerel from the South Atlantic:**

**MOTION #6: DIRECT COUNCIL STAFF TO WORK WITH ASMFC STAFF TO ASK THAT STATE DEALERS GET A FEDERAL PERMIT FOR SPANISH MACKEREL FROM THE SOUTH ATLANTIC
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The committee discussed the issue of timing for the dealer permit requirement and renewal of permits on the birth date of permit holders and how this may delay full implementation until 2014. On behalf of the Committee I **move to clarify that it is the Council's intent that the new reporting requirements be implemented as soon as possible (for the 2013 fishing year):**

**MOTION #7: CLARIFY THE COUNCIL'S INTENT THAT THE NEW REPORTING REQUIREMENTS BE IMPLEMENTED AS SOON AS POSSIBLE (FOR THE 2013 FISHING YEAR)
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Action 2. Frequency and Method of Reporting

The committee discussed the current preferred alternative that is the same for both Councils (Preferred Alternative 3, Preferred Option 3b and clarified that allowing dealers to report ahead of time if they are closed meets the intent of the weekly reporting in the preferred alternative. The current program design will allow dealers to report up to 90 days ahead of time and this was satisfactory to the committee. The committee also wanted to allow flexibility for NMFS to modify this allowance and so did not specify a time limit.

The committee discussed the additional wording approved by the Gulf Council in Preferred Alternative 5 and on behalf of the Committee I **move to accept the revised wording for Action 2, Preferred Alternative 5:**

**MOTION #8: ACCEPT THE REVISED WORDING FOR ACTION 2, PREFERRED ALTERNATIVE 5:
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

During catastrophic conditions only, the annual catch limit (ACL) monitoring program provides for use of paper-based components for basic required functions as a backup. The Regional Administrator (RA) will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed effected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NOAA Fisheries. The RA has the authority to waive or modify reporting time requirements.

Note: The South Atlantic Council will need to approve the addition of "The RA has the authority to waive or modify reporting time requirements."

Note: Any selected Preferred Alternative will include "Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf West Coast Florida Southern Sub Zone must submit forms daily by 6:00 A.M."

Action 3. Requirements to Maintain a Dealer permit

Council staff noted that the HMS final rule used to draft Alternative 2 has published so that provided precedence for this action. The committee discussed the IPT's recommended change to the wording of Action 3, Alternative 2; the recommended language was approved and selected as preferred by the Gulf Council and on behalf of the Committee **I move to accept the IPT's recommended change to the wording of Action 3, Alternative 2 and accept Alternative 2 as the preferred alternative for Action 3:**

**MOTION #9: ACCEPT THE IPT'S RECOMMENDED CHANGE TO THE WORDING OF ACTION 3, ALTERNATIVE 2 AND ACCEPT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTION 3:
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

"No purchase forms" must be submitted at the same frequency, via the same process, and for the same species as specified for "purchased forms" in Actions 1 and 2. A dealer would only be authorized to receive commercially-harvested species if the dealer's previous reports have been submitted by the dealer and received by NOAA Fisheries in a timely manner. Any delinquent reports would need to be submitted and received by NOAA Fisheries before a dealer could receive commercially harvested species from a federally-permitted U.S. vessel.

The committee reviewed the codified text and provided the following clarifications/comments:

1. Does the Council want to require that all fish harvested on board a vessel with a Federal vessel permit, even non-Council managed fish, be sold to a federally permitted dealer, or only Council-managed fish for ACL monitoring?
SAFMC Committee: NO
2. The Committee understands that for-hire vessels with Coastal Migratory Pelagics permits and other federal permits would be required to sell to a federally permitted dealer and that this meets the Council's intent.
3. The Committee understands that vessels with the spiny lobster tailing permit would be required to sell to a federally permitted dealer and that this meets the Council's intent.

The Committee then discussed approval for formal review and on behalf of the Committee I **move to approve the modified Joint Dealer Amendment for formal Secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document/codified text and give the Council Chair authority to approve the revisions and re-deem the codified text:**

**MOTION #10: APPROVE THE MODIFIED JOINT DEALER AMENDMENT FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

DATA ITEMS FOR CE-BA 3

The committee reviewed the Decision Document for Data Collection Actions in CE-BA 3. Council staff noted that the Biological, Economic, Social, and Administrative impact sections have been expanded and this material is included in the decision document.

The Committee clarified that spiny lobster and shrimp would not be addressed by this amendment given that bycatch has been studied in those two fisheries, that there is no ACL for shrimp, and that the spiny lobster ACL is being monitored by Florida trip ticket data.

Purpose and Need

The Committee discussed the IPT's recommended changes for the Purpose and Need, and on behalf of the committee I **move to accept Option 3 for the Purpose and Need:**

MOTION #11: ACCEPT OPTION 3 FOR THE PURPOSE AND NEED:

The *purpose* of Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3) is to improve data collection methods to better verify dealer reports to help ensure **annual catch limit** overages do not occur in the South Atlantic fisheries. CE-BA 3 would modify commercial and charter/headboat vessel reporting requirements and bycatch requirements to enhance data collection throughout the South Atlantic.

The *need* for action in CE-BA 3 is to improve data collection methods, limit overages in **annual catch limits**, and improve bycatch reporting in South Atlantic fisheries.

**APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Action 1. Modify permits and data reporting for for-hire vessels

The Committee discussed the IPT's recommended changes for Action 1 and the alternatives, and on behalf of the committee I **move to accept the IPT wording for Action 1:**

MOTION 12: Accept the IPT wording for Action 1:

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

Action 1. Amend the Snapper Grouper, Dolphin and Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels

Alternative 1 (No Action). Retain existing permits and data reporting systems for the for-hire sector. Currently, the owner or operator of a vessel for which a charter vessel / headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, and who is selected to report by the SRD, must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed records for charter vessels must be submitted to the Science and Research Director weekly, postmarked no later than 7 days after the end of each trip (Sunday). Completed records for headboats must be submitted to the Science and Research Director monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month.

Alternative 2. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 2a. Charter

Sub-Alternative 2b. Headboat

Alternative 3. Require that vessels submit fishing records to the Science and Research Director (SRD) daily via electronic reporting (via computer or internet). Daily = by noon of the following day.

Sub-Alternative 3a. Charter

Sub-Alternative 3b. Headboat

Alternative 4. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 4a. Charter

Sub-Alternative 4b. Headboat

The Committee discussed alternatives and the SEFSC indicated they were ready to move forward with the headboat sector but not the charterboat sector. In addition, changes to the

charterboat sector would need to involve MRIP. On behalf of the committee I **move to accept Alternative 4, Sub-Alternative 4b as our preferred:**

**MOTION #13: ACCEPT ALTERNATIVE 4, SUB-ALTERNATIVE 4B AS OUR PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Alternative 4. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 4b. Headboat

Action 2. Modify permits and data reporting for commercial vessels

The Committee discussed how to deal with CMP species and shifting boundaries. Fishermen in Monroe County and parts of the Florida East Coast would have to report electronically part of the year and not part of the year. On behalf of the committee I **move that it is the Council's intent that Action 2 alternatives apply to all vessels with a king or Spanish mackerel commercial permit fishing for Atlantic Migratory Groups of king and Spanish mackerel:**

**MOTION #14: IT IS THE COUNCIL'S INTENT THAT ACTION 2 ALTERNATIVES APPLY TO ALL VESSELS WITH A KING OR SPANISH MACKEREL COMMERCIAL PERMIT FISHING FOR ATLANTIC MIGRATORY GROUPS OF KING AND SPANISH MACKEREL
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The Committee discussed the IPT's recommendations for Actions 2 & 3 and the alternatives and on behalf of the Committee I **move to accept the IPT wording for Action 2 and new Action 4:**

**MOTION#15: Accept the IPT wording for Action 2 and new Action 4:
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Action 2. Amend the Snapper Grouper, Dolphin and Wahoo, Coastal Migratory Pelagic Resources, and Golden Crab Fishery Management Plans to modify data reporting for commercial vessels

Alternative 1. (No Action) Retain existing data reporting systems for the commercial sector. Snapper grouper logbooks for snapper grouper, coastal migratory pelagic, and dolphin/wahoo are required to be submitted 7 days after the end of each trip. Golden crab logbooks must be submitted not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month for snapper grouper, coastal migratory pelagic, dolphin/wahoo, or golden crab, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper grouper has been issued, who is selected to report

by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

**MOTION #16: ACCEPT ALTERNATIVE 2 AS OUR PREFERRED FOR ACTION 2
APPROVED BY COUNCIL**

Alternative 2. Require NMFS to develop a system for commercial permit holders to submit their logbook entries electronically via an electronic version of the logbook made available via computer or internet. Fishermen are encouraged to submit their logbook reports electronically but would be allowed to submit paper logbooks. Commercial landings and catch/effort data are to be submitted in accordance with ACCSP standards. Require that the three logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip.

**MOTION #17: ACCEPT ALTERNATIVE 3 AS OUR PREFERRED
APPROVED BY COUNCIL**

Alternative 3. Require “No fishing forms” must be submitted at the same frequency [submitted monthly], via the same process, and for all species as is currently specified for snapper grouper species. A fisherman would only be authorized to sell commercially-harvested species if the fisherman’s previous reports have been submitted by the fisherman and received by NMFS in a timely manner. Any delinquent reports would need to be submitted by the fisherman and received by NMFS before a fisherman could sell commercially harvested species from a federally-permitted U.S. vessel.

Action 4. Require all commercial snapper grouper fishing vessels to be equipped with VMS.

Alternative 1. No Action.

Alternative 2. Require all commercial snapper grouper fishing vessels to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the *Federal Register*. The purchase of VMS equipment will be reimbursed by the National Office of Law Enforcement VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.

The Committee deferred consideration of final approval of the data items in CE-BA 3 until the December 2012 meeting. Council staff will address the items identified during the Committee meeting.

Timing and Task Draft Motion

The following draft motion has been developed based on actions taken by the Committee:

**DRAFT MOTION #18: APPROVE THE TASKS AND TIMING AS PRESENTED:
APPROVED BY COUNCIL**

1. Provide Council actions on the Joint Dealer Amendment to NMFS and GMFMC Staff and work to revise the document based on the SAFMC actions.
2. Coordinate the review/deeming by GMFMC & SAFMC Chairs - October
3. Submit the Amendment for formal review – October
4. Participate in a Live demonstration of the Data Management System for Council staff – asap
5. Make the necessary revisions to the CEBA-3 and bring back to the Council in December for final action
6. Council staff work with SEFSC staff to determine whether additional alternatives to the 21 day timing in Action 2, Alternative 2 should be considered and include in the revised document for December 2012 meeting.

[Note: Dr. Ponwith clarified that Item #4 would be completed prior to the December 2012 Council meeting.]

Mr. Chairman, this concludes my report.