

March 1, 2024

From: Southeastern Fisheries Association
Capt Bob Zales, II, Executive Director

To: South Atlantic Fishery Management Council/NOAA/NMFS

Re: Federal Register #89 FR 8639, published February 8, 2024

Proposed Control Date for SA Federal Charter Vessel/Headboat (For-Hire) of the Atlantic Coastal Migratory Pelagics, Atlantic Dolphin and Wahoo, and South Atlantic Sapper-Grouper Fisheries

Via: Federal e-Rulemaking Portal

The Southeastern Fisheries Association represents the Commercial Fishing Industries (Fishers, Processors, Wholesale/Retail Markets, Restaurants, Seafood Transportation, Consumers, and more) in the Southeast. On behalf of our members, I wish to provide the following comments on the proposed requirements.

We fully support the implementation of limited entry federal fishing permits for the for-hire charter/headboat vessels fishing for the listed species in South Atlantic waters. This requirement is long overdue. There are a multitude of reasons limited entry has been needed in these fisheries, not the least of which is to cap the fishing effort of the for-hire charter/headboat fleet. Currently the federal fishing permits are open access where the only requirement to obtain one is a USCG Captains license and a vessel. This leaves the fishery wide open for anyone to get in and adds more effort to harvest already limited species.

A limited entry permit will provide a more successful fishing data reporting system as required reporting should be tied to the permit and failure to report should be followed by fines, permit sanctions, and forfeiture for egregious violations. Because the permits will be capped and no more will be issued the incentive to comply with all requirements will dramatically increase. Since there will be a fixed number of permits and no new permits will be issued by the NMFS, new entrants to the for-hire charter/headboat fishery will have to purchase or lease a permit from someone else. This process maintains a fixed number of permits that cannot be increased.

This permitting process should be mirrored from the Gulf Council for-hire charter/headboat limited entry program. That program has worked well and has actually created monetary value for the permits. Permits should be issued with the passenger capacity of the for-hire vessel. The USCG regulates the for-hire vessels as uninspected vessels that can carry up to six passengers and inspected vessels (those with a USCG Certificate of Inspection) that can carry as many passengers as the COI will allow. In addition to the other benefits of limited entry permits, being permitted to legally fish in Atlantic waters, helps law enforcement curtail the ever growing illegal for hire charters as the permit provides a means of more identification of a legitimate charter.

The current SA Sefhier fishing data reporting has a reporting percentage of 46% as of October 2023. This is an unacceptable reporting system and since the current permit is open access if the NMFS repossesses a permit due to noncompliance, the vessel owner simply applies for another. A limited entry permit cannot be accessed that simply. In contrast, at the October '23 Gulf Council meeting, Sefhier staff reported that for each month, 91% of Federal limited entry permitted vessels were compliant with the reporting requirements. Improved data reporting will provide more accountability for the for-hire sector and should work to improve stock assessments, which should result in longer fishing seasons and increased opportunities.

We do have an issue with the proposed control date. Since current permits are open access and are issued for one year and must be applied for again to continue being permitted, a control date is a problem. A control date is set to notify people of a date of which if you were not permitted in a fishery prior to the setting of a control date, you are not guaranteed to be allowed in the fishery, In order to protect those who have been permitted and active in the fishery to ensure they won't be prevented due to a permit expiring and then obtaining a new one issued after the control date, a simple program must be in place by the NMFS to record when a person first obtained a permit and obtained a new permit each year while fishing to show eligibility for a limited entry permit. While control dates show a fixed date to be in a fishery, they can also be reestablished for a later date. Control dates have routinely been modified in various fisheries. While many vessel owners keep copies of previous permits and would be able to prove participation, some do not. The NMFS permitting department must be able to access records of previous permits even though they have been open access. We suggest such a database be created asap and provided to vessel owners who have had permits for cross checking of data to ensure records are current.

In addition to limited entry permits for the for-hire charter/headboat fishery, we strongly recommend you initiate the process to create a federal fishing permit for private recreational anglers fishing in the EEZ. While all Atlantic states require recreational fishing licenses and we know how many are issued, we do not know how many of those anglers fish in the EEZ. The Pri Rec fishery is completely unaccountable as we do not know how many fish there, how often, what the harvest, what they discard, and the number of dead discards. A required permit would be the first step to bringing the Pri Rec sector to accountability. Once the number of anglers IS identified then a process to require fishing data by reporting with smart phone/electronic programs can begin. All sectors, commercial, for hire charter/headboat, and Pri Rec will benefit from improved data. Currently, the only vessels fishing in the EEZ not required to have a federal permit IS Pri Rec. It is time to bring all fishers to the same permitting requirements.

I am available for questions and clarifications at bobzales@sfaonline.org or ph: 850-532-7977.

Thank you.