

DRAFT
Summary of the SAFMC Data Collection Committee
March 5, 2012
Savannah Hilton DeSoto Hotel
Savannah, GA

Members:

Michelle Duval, Chair
Jessica McCawley, Vice Chair
David Cupka
Charlie Phillips
Tom Swatzel

The agenda was adopted with the addition of a presentation by Steve Turner, SEFSC and there were no minutes as this was the first time this committee met.

The committee received the following presentations:

- A. North Carolina Daily Dealer Reporting – Don Hesselman, NC Division of Marine Fisheries
- B. ACCSP Dealer Reporting – Mike Cahall, Director ACCSP
- C. Status of Quota Monitoring – Steve Turner, NMFS SEFSC. Bonnie Ponwith, agreed to provide details on the Center’s new quota monitoring program to the Council.

The committee reviewed the scoping document to modify federally-permitted seafood dealer reporting requirements. This document proposes modifications to seafood dealer reporting requirements for fisheries management plans of the Gulf of Mexico, South Atlantic, and two joint fishery management plans. The committee reviewed current dealer reporting requirements and considered the Purpose and Need and the three proposed actions:

- **Action 1.** *What dealer permits would be required, and for which species?*
- **Action 2.** *How frequently and by what method would dealers be required to report?*
- **Action 3.** *Are there penalties for non-reporting or late reporting?*

Purpose for Action

The committee discussed the purpose statement and modified the wording to consider all species included in management plans and I so **move to recommend adopting the revised wording for the purpose statement: To change the current reporting requirements for those individuals or organizations that hold Federal seafood dealer permits for that purchase species contained in fishery management plans managed by the Gulf of Mexico and South Atlantic Fishery Management Councils.**

**MOTION #1: ADOPT REVISED WORDING FOR PURPOSE
APPROVED BY COMMITTEE**

Need for Action

The committee discussed the purpose statement and modified the wording to consider all species included in management plans and I so **move to recommend adopting the revised wording for**

the need statement: To ensure landings of managed fish stocks are below annual catch limits, improvements are needed to the accuracy, completeness, consistency, and timeliness of data submitted by federally-permitted seafood dealers. This action will aid in achieving the optimum yield from each fishery while reducing (1) undue socioeconomic harm to dealers AND FISHERMEN and (2) administrative burdens to fishery agencies.

MOTION: ADOPT REVISED WORDING FOR NEED BY ADDING “AND FISHERMEN”

APPROVED BY COMMITTEE

With regard to Action 1, the committee discussed whether to create a universal dealer permit or separate Gulf and South Atlantic permits. There was interest in separate permits given that the two Councils may want to specify different requirements such as phasing-in electronic reporting or requiring electronic reporting upon implementation.

The committee discussed removing options to simplify the document and I so **move to recommend adopting the IPT recommendation to delete Alternative 2, Option 2A:**

MOTION: ADOPT THE IPT RECOMMENDATION TO DELETE ALTERNATIVE 2, OPTION 2A

APPROVED BY COMMITTEE

Alternative 2. Establish one universal Federal dealer permit.

~~**Option 2a.** Require a universal dealer permit to purchase species that currently require dealer permits. The universal dealer permit would be required to purchase species in the following fishery management plans:~~

- ~~➤ Atlantic Dolphin-Wahoo~~
- ~~➤ Gulf of Mexico Reef Fish~~
- ~~➤ South Atlantic Golden Crab~~
- ~~➤ South Atlantic Rock Shrimp~~
- ~~➤ South Atlantic Snapper Grouper (including wreckfish)~~

The committee also discussed options about inclusion of South Atlantic Coral and Sargassum and including shrimp dealers in the dealer reporting requirements and I so **move to recommend removing South Atlantic Coral and Sargassum from Options 2B & 2C:**

MOTION: REMOVE SOUTH ATLANTIC CORAL AND SARGASSUM FROM OPTIONS 2B & 2C

APPROVED BY COMMITTEE

Alternative 2. Establish one universal Federal dealer permit.

Option 2b. Require a universal dealer permit to purchase all federally-managed species. The universal dealer permit would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish

- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico and South Atlantic Coastal Migratory Pelagics
- Gulf of Mexico and South Atlantic Spiny Lobster
- Gulf of Mexico Coral and Coral Reefs
- Gulf of Mexico Red Drum
- Gulf of Mexico Shrimp
- ~~South Atlantic Coral, Coral Reef, and Live/Hardbottom~~
- ~~South Atlantic Sargassum~~
- South Atlantic Shrimp
- Gulf of Mexico Shrimp

Option 2c. Require a universal dealer permit to purchase all federally-managed species, except shrimp species. The universal dealer permit would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico and South Atlantic Coastal Migratory Pelagics
- Gulf of Mexico and South Atlantic Spiny Lobster
- Gulf of Mexico Coral and Coral Reefs
- Gulf of Mexico Red Drum
- ~~South Atlantic Coral, Coral Reef, and Live/Hardbottom~~
- ~~South Atlantic Sargassum~~

I so move to recommend adopting the IPT recommendation to delete Alternative 3, Option 3A and to remove South Atlantic Coral and Sargassum from Options 3B & 3C:

**MOTION: ADOPT THE IPT RECOMMENDATION TO DELETE ALTERNATIVE 3, OPTION 3A AND TO REMOVE SOUTH ATLANTIC CORAL AND SARGASSUM FROM OPTIONS 3B & 3C
APPROVED BY COMMITTEE**

Alternative 3. Establish separate Gulf of Mexico and South Atlantic Federal dealer permits.

~~**Option 3a.** Require dealer permits to purchase species that currently require dealer permits. Dealer permits would be required to purchase species in the following fishery management plans:~~

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

Option 3b. Require dealer permits to purchase all federally-managed species. Dealer permits would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico and South Atlantic Coastal Migratory Pelagics
- Gulf of Mexico and South Atlantic Spiny Lobster
- Gulf of Mexico Coral and Coral Reefs
- Gulf of Mexico Red Drum
- Gulf of Mexico Shrimp
- ~~South Atlantic Coral, Coral Reef, and Live/Hardbottom~~
- ~~South Atlantic Sargassum~~
- South Atlantic Shrimp
- Gulf of Mexico Shrimp

Option 3c. Require dealer permits to purchase all federally-managed species, except shrimp species. Dealer permits would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico and South Atlantic Coastal Migratory Pelagics
- Gulf of Mexico and South Atlantic Spiny Lobster
- Gulf of Mexico Coral and Coral Reefs
- Gulf of Mexico Red Drum
- ~~South Atlantic Coral, Coral Reef, and Live/Hardbottom~~
- ~~South Atlantic Sargassum~~

Action 2 considers potential changes to the frequency and method of reporting for federally-permitted seafood dealers. Alternatives 2 and 3 include options for electronic data reporting. The committee considered the Gulf Council's suggestion to include an additional alternative to phase-in electronic reporting over time due to concerns that daily reporting and/or no-purchase reporting requirement may be burdensome to seafood dealers. The committee noted that it is in the best interest of the fishermen and dealers to have accurate quota tracking to avoid overages and paybacks and was agreeable to the Gulf adding such an alternative for the Gulf but not the Atlantic. **The committee directed staff to** (1) add the provision for emergencies currently implemented for ITQ programs; (2) clean up the no action alternative to reflect what is currently in the regulations and what frequency dealers have been requested to report; and (3) clarify that Bi-monthly means twice per month and that the SRD gets reports on the 15th and last day of the month.

I so move to reword Alternatives 2 & 3, Options 2C & 3C to read forms must be submitted either weekly or daily as determined by the SRD:

MOTION: REWORD ALTERNATIVES 2 & 3, OPTIONS 2C & 3C TO READ FORMS MUST BE SUBMITTED EITHER WEEKLY OR DAILY AS DETERMINED BY THE SRD

APPROVED BY COMMITTEE

I so move to modify Alternatives 2 & 3, Options 2E & 3E to read forms must be submitted either weekly or daily as determined by the SRD:

MOTION: MODIFY ALTERNATIVES 2 & 3, OPTIONS 2E & 3E TO READ FORMS MUST BE SUBMITTED EITHER BI-WEEKLY OR WEEKLY AS DETERMINED BY THE SRD

APPROVED BY COMMITTEE

Alternative 2. Require forms be submitted via *fax or electronically*.

Option 2a. *Daily.* Forms must be submitted by 11:59 P.M. each day.

Option 2b. *Weekly.* Forms must be submitted once a week.

Option 2c. *Weekly or daily.* ~~Forms must be submitted once a week, with the ability to increase to daily as determined by the SRD as landings approach the ACL.~~ **FORMS MUST BE SUBMITTED EITHER WEEKLY OR DAILY AS DETERMINED BY THE SRD.**

Option 2d. *Bi-monthly.* Forms must be submitted by midnight on the 5th and 20th of each month.

Option 2e. *Bi-monthly or weekly.* ~~Forms must be submitted by midnight on the 5th and 20th of each month, with the ability to increase to daily as determined by the SRD as landings approach the ACL.~~ **FORMS MUST BE SUBMITTED EITHER BI-WEEKLY OR WEEKLY AS DETERMINED BY THE SRD.**

Alternative 3. Require forms be submitted *electronically*.

Option 3a. *Daily.* Forms must be submitted by 11:59 P.M. each day.

Option 3b. *Weekly.* Forms must be submitted once a week.

Option 3c. *Weekly or daily.* ~~Forms must be submitted once a week, with the ability to increase to daily as determined by the SRD as landings approach the ACL.~~ **FORMS MUST BE SUBMITTED EITHER WEEKLY OR DAILY AS DETERMINED BY THE SRD.**

Option 3d. *Bi-monthly.* Forms must be submitted by midnight on the 5th and 20th of each month.

Option 3e. *Bi-monthly or weekly.* ~~Forms must be submitted by midnight on the 5th and 20th of each month, with the ability to increase to daily as determined by the SRD as landings approach the ACL.~~ **FORMS MUST BE SUBMITTED EITHER BI-WEEKLY OR WEEKLY AS DETERMINED BY THE SRD.**

With regard to Action 3, the committee discussed concerns about whether the Council has authority to levy penalties for non-reporting. The committee directed staff to: (1) add current requirements that are in place now and indicate the Council's intent to keep them prior to scoping and (2) ensure that dealers must make their fish available for inspections/sampling. The committee discussed the intent of this action and I so **move to change the title of Action 3 to Requirements to Maintain a Dealer Permit:**

Action 3. Penalties for Failure to Report

MOTION: CHANGE THE TITLE OF ACTION 3 TO "REQUIREMENTS TO MAINTAIN A DEALER PERMIT"

APPROVED BY COMMITTEE

The committee added an alternative to this action and I so **move to add an alternative that for the first infraction a fine in accordance with NOAA GC Penalty Schedule be administered:**

MOTION: ADD AN ALTERNATIVE THAT FOR THE FIRST INFRACTION A FINE IN ACCORDANCE WITH NOAA GC PENALTY SCHEDULE IS ADMINISTERED

APPROVED BY COMMITTEE

The committee added another alternative to this action and I so **move to add an alternative to read "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 NMFS in a timely manner. Any delinquent reports would need to be submitted by the dealer and received by NMFS before a dealer could receive commercially harvested species from a federally permitted US vessel:**

MOTION: ADD AN ALTERNATIVE 5 TO READ: A DEALER WOULD ONLY BE AUTHORIZED TO RECEIVE COMMERCIALY HARVESTED SPECIES IF THE DEALER'S PREVIOUS REPORTS HAVE BEEN SUBMITTED BY THE DEALER AND RECEIVED BY NMFS IN A TIMELY MANNER. ANY DELIQUENT REPORTS WOULD NEED TO BE SUBMITTED BY THE DEALER AND RECEIVED BY NMFS BEFORE A DEALER COULD RECEIVE COMMERCIALY HARVESTED SPECIES FROM A FEDERALLY PERMITTED US VESSEL

APPROVED BY COMMITTEE

The committee discussed Alternative 4 and I so **move to remove Alternative 4:**

MOTION: REMOVE ALTERNATIVE 4.

APPROVED BY COMMITTEE

Alternative 4. "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. *If neither a "form" nor a "no purchase form" is submitted, NOAA Fisheries shall repeal a dealer permit after the first reporting violation.*

The committee approved the document for scoping and I so **move to approve the document as modified for the Gulf Council to take to scoping:**

MOTION: APPROVE THE DOCUMENT AS MODIFIED FOR THE GULF COUNCIL TO TAKE TO SCOPING

APPROVED BY COMMITTEE

The committee received a report from Anna Martin, Council staff, on comments received during scoping on Data Collection Actions in CE-BA 3. The committee then reviewed the potential actions and options to be evaluated and I so **move to direct staff to develop these items further and bring back to this committee at the June meeting:**

MOTION: DIRECT STAFF TO DEVELOP THESE ITEMS FURTHER AND BRING BACK TO THIS COMMITTEE AT THE JUNE MEETING

APPROVED BY COMMITTEE

Action 1. Items to be addressed

Option 1. For-Hire Vessel Reporting

No Action

Modify as per Attachment 4

Others??

Option 2. Commercial Vessel Reporting

No Action

Modify similar to alternatives in SG Amendment 18A

Others??

Option 3. Bycatch and Discard Reporting

No Action

Implement ACCSP

Option 4. Others???

Mr. Chairman, this concludes my report.