

## **Summary of Comments on Control Date – Federal Charter Vessel/Headboat (For-Hire) Component of the Recreational Sectors of the Atlantic Coastal Migratory Pelagics, Atlantic Dolphin and Wahoo, and South Atlantic Snapper-Grouper Fisheries**

The comment period started on February 8, 2024, and ended on March 11, 2024.

FR Notice: <https://www.govinfo.gov/content/pkg/FR-2024-02-08/pdf/2024-02509.pdf>

28 comments were received including one test comment which was not posted.

Please visit <https://www.regulations.gov/document/NOAA-NMFS-2023-0157-0001> to read all the comments in their entirety.

### Summary of 27 comments posted:

-3 comments were in favor of the control date

-4 comments (including the 3 positive comments on the control date) were in favor of limited entry for these sectors).

-All the other comments were in opposition to the control date and/or limited entry.

### Excerpts from some comments:

- The North Carolina Fisheries Association supports consideration of both control dates of June 15, 2016, and December 8, 2023, and limited access for these species in the charter for-hire fisheries. These actions support five National Standards (NS).
  - NS 1 (prevent overfishing while achieving optimum yield). The recreational sector, which includes charter-for-hire, accounts for a significant amount of removals in the SA region and has been for decades, yet there has been no conservation or management actions to accurately account for these removals or any mandatory data collection for recreational fisheries. If we are going to prevent overfishing and continually achieve optimum yield accurate, verifiable data needs to be available from all sectors.
  - 2 (best scientific information available). In almost every stock assessment and fishery management plan in the SA, recreational data continues to be a major source of concern from all sectors. Until we have verifiable, mandatory recreational data to help calibrate MRIP, these concerns will do nothing but continue to plague conservation and management.
  - 4 (fair and equitable). Setting a control date and establishing limiting entry in charter-for-hire is necessary to ensure fair and equitable treatment to both commercial and recreational sectors concerning all SA managed species.
  - 8 (fishing communities). To provide sustained participation and minimize economic impacts on fishing communities, all sectors must be held to the same accountability standards. Effort cannot be reduced for decades in one sector while effort and participation remains open access in the other.
  - 9 (bycatch). Bycatch and dead discards from the recreational sector has become a leading source of removals in many of our SA managed species. While many

argue that these numbers may not be accurate, it is currently the best scientific information available and even at the lower confidence levels it is still a cause for concern and better data is needed. Until we establish a validated, mandatory recreational reporting system we will never know how accurate this removal data is. Limited entry and a charter-for-hire control date is the critical first step in this process.

- The Southeastern Fisheries Association supports the implementation of limited entry in the for-hire sectors for the species listed in the control date, but has an issue with the proposed control date.
  - Too many existing permits to harvest already limited species.
  - A limited entry permit will provide improved data reporting, more accountability for the for-hire sector, and should work to improve stock assessments, which should result in longer fishing seasons and increased opportunities...
  - 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.
  - The permitting process should be mirrored from the Gulf of Mexico Council for-hire charter/headboat limited entry program.
  - Control date is a problem because current permits are open access and are issued for one year and must be applied for again to continue being permitted.
    - 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 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.
    - NMFS should create a database ASAP and enable access to records of previous open access permits and provide vessel owners who have had permits in the past an opportunity to cross check the data and ensure the records are current.
- North Carolina Watermen United endorses the South Atlantic Fishery Management Council take no further action to control entry or access to the federal charter vessel/headboat (for-hire) component of the recreational sectors for these fisheries.
  - Federal agencies are relying on a demographic that is historically unaccustomed to computer driven analytics and many of the watermen I have spoken with find the reporting confusing and cumbersome.
  - In addition, many of these federal permit holders are not full-time for-hire operators and make fewer than a couple of dozen trips a year. There is also a subset of operators that are buying the permits on the premise they might be of use and ultimately never actually fish. This group does not have the same initiative to complete the required reports as our fisherman who make their living

on the water. As shown on the graphs and data presented, a large percentage of the non-reported trip data falls into the “did not fish” (DNF) category.

- For the fisherman who may not fish for these species for a season for whatever reason; weather, health, vessel problems and do not report DNF, they would be ineligible to apply for a permit the following year.
- What strikes as even more unfair is the cost required to enter the fisheries to the next generation of watermen that we are going to have to rely on to provide fresh seafood from our waters. Rather than applying for and paying these permit fees for less than \$100.00, these young men and women will be forced to buy from a current permit holder at costs of \$15,000.00 to \$30,000.00. Add this to the financial requirement of acquiring a vessel, gear, etc., and we have just priced this generation out of the industry.
- Before imposing any control date, we implore the Council to extend the comment period as many owners/operators were not aware that a control date was even being considered. More feedback from the permit users will certainly provide additional data to make an informative decision. In addition, we ask the Council & NOAA to formulate a plan of action to better educate the permit holders on the reporting system, make the programs more user friendly and give our watermen the possible ramifications of non-compliance.
- After 50 years of making my living from fishing the Atlantic it would be the first time I actually seen a law passed that made sense. Please pass limited entry for charter boats. Our resources will be governed better and you will have only the responsible charter captains that will give you better reporting on catches.
- I strongly oppose any council action towards permit control dates at this time as we are already burdened heavily with poor economic conditions after the pandemic and results of other socio-economic conditions consequently affecting our domestic well-being.
  - I also know that what happened in the Gulf of Mexico as a result of these sane actions years ago caused greed and other negative impacts by driving black market value on the transfer of these same permits.
  - A common solution that has come up in discussions is a recommendation of consideration in re-appropriating funding to incentivize individual participation in your SEPHIER program to solve the 54% lack in cooperation.
- I oppose these current suggested changes, sounds like a great way to kill charter fishing. The December 5 control date really needs to be reconsidered.
  - As for our reporting, why is it important for you to know our income? That side of our reporting is a huge turn off to a lot of people.
  - Living in a community that thrives on tourism I promise that hurting the charter fishing industry will have profound negative impacts. Not just for captains, mates and owners, but for tackle shops, local restaurants, shops, etc.
  - If weekly reporting is to stay the norm, please simplify the apps and inquire about fish information only.

- Most people do not trust NMFS data. Have more scientists dockside, ride offshore on well-established charter vessels/headboats, and hire well known captains to take you to collect data.
  - Need to gain people's trust back.
- Take no further action to control entry or access to the charter/headboat component of these fisheries.
  - You will never have the information you need to make an informed decision even if every charter/headboat reports every fish because we are way outnumbered by recreational boats.
  - My son would never be able to charter fish unless he buys his way in. The next generation will not be able to afford to buy in as we have seen with the South Atlantic Snapper-Grouper permit.
- Do not set a control date of December 2023 for these fisheries, instead, SERO should work on getting accurate data from the recreational fishermen who largely go unchecked, with nothing at stake. The recreational fleet should be held to the same standard as the for-hire fleets.
- The 2016 control date should have been enforced, and then actually limited entry. If you change the control date to 2023, you need to proceed with enforcement of the rule.
  - Make the permit a limited entry with a moratorium.
  - The effort level is a problem for charter for-hire and the recreational sector in the South Atlantic.
- The old control date (2016) needs to be implemented and not a new one in the for-hire industry. If they choose not to be compliant with reporting which needs to be verified with observers and/or port agents, then they should be rationalized out of the for-hire industry.