

FINAL
SUMMARY REPORT
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
MARCH 4, 2024

Full Council I

The Council approved the agenda for the meeting and the minutes from December 2023.

Reports

- Lt. David Carrodeguas, NOAA Office of Law Enforcement, provided a brief to the Council.
- Captain Scott Pearce, FWC, Chair of the Law Enforcement Advisory Panel, briefed the Council on items the AP discussed at their January 2024 meetings that were not covered under other agenda items at this meeting.
- The Mid-Atlantic Council and Gulf Council representatives provided reports.
- Lt. Marisa Kraiss addressed the Council briefly. Lt. Kraiss will be replacing Lt. Cameron Box as the USCG Living Marine Resources representative on the Council.
- State agency representatives provided reports to the Council.

Best Fishing Practices and 2024 Outreach Update

Staff provided an update on the ‘What It Means to Me’ video project and the upcoming Best Fishing Practices Master Volunteer Program. Additionally, staff updated the Council on completed SAFMC and Sea Grant outreach activities for 2024, and what is planned for the upcoming months.

Potential Modifications to the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program

In December 2023 the Council approved the following motion: *Initiate an action to modify SEFHIER to improve compliance, strengthen reporting requirements, and explore validation.*

The Law Enforcement AP discussed compliance with reporting requirements and had no specific recommendations. The AP noted that state agencies depend on guidance from NOAA OLE for enforcing the program.

Amy Dukes, SCDNR, gave a presentation on South Carolina’s for-hire reporting program:

- Approximately 600 vessels are licensed and reporting. Approximately 200 of those are permitted in federal waters.
- There was an increase in reporting after 2020.
- E-reporting is not mandatory, but 90% of vessels are reporting through the VESL application (web-based, not mobile)
- As of 2023, 84% of vessels with federal and state permits are compliant with reporting requirements.
- SC has one fully dedicated staff and 5 additional staff to assist in monitoring compliance.
- SC has not conducted data validation.
- Data elements have remained the same as of the implementation of SEFHIER.

Ken Brennan, SEFSC, gave a presentation on the Southeast Region Headboat Survey:

- Upon the program's implementation, headboat operators were paid to report.
- In 2008, NMFS sent a letter to permit-holders notifying them their permits would be put on hold unless they complied with reporting requirements. This action was instrumental in increasing reporting compliance.
- Non-compliance protocols were developed with NOAA OLE and General Counsel.
- Monitoring and maintaining compliance requires constant communication.
- 12 port agents spend 25-30% of their time monitoring compliance.
- When a permit is placed "on hold" it is not suspended. It indicates the permit is at risk of not being renewed until the reporting requirements are met.

Michelle Masi provided an update on the SEFHIER program based on Council feedback from the December 2023 meeting:

- The program is hiring additional staff to contact people who are out of compliance. Calls continue throughout the year.
- A list of non-compliant vessels is sent OLE for compliance assistance or a citation every 6 months. The agency plans to reduce this time window and send a monthly list.
- Currently cannot account for misreporting because data are not validated.
- The Gulf Council has requested a presentation from agency economists to learn more about how the agency uses the economic data that are submitted through SEFHIER.
- The Council noted a discrepancy between the 2022 data that were presented to the Council in December 2023, and the 2022 "reminder" summary data included in the presentation for this meeting.
- The Council noted discrepancies between the data presented by SEFHIER and those from South Carolina. It is not clear what is causing the discrepancy as SCDNR submits data to the SAFIS database daily. *NOTE: A detailed explanation was provided via email for the two discrepancies noted above and is included at the end of this report.*

The Council provided the following guidance regarding potential modifications to the SEFHIER program:

- Assemble an advisory panel (June meeting) to obtain insight into how to improve compliance with SEFHIER as SC has with their for-hire reporting program.
- Request information on how the AP in the Gulf was structured –equal representation for each state, consider representation from existing APs, etc.

The Council's intent for this AP is to discuss SEFHIER initially. In the future, the AP membership may change to allow a more well-rounded discussion regarding limited access or other mechanisms to improve compliance and data collection.

Draft AP structure:

All members would be for-hire federally permitted captains that report through SEFHIER (i.e., possess a USCG Captain's license and own, operate, or be a hired captain of a for-hire fishing business)

- At least 2 members from each South Atlantic state

- 1 member from each state is on an existing finfish AP (Snapper Grouper, Mackerel Cobia, or Dolphin Wahoo)
- 1 member not on an existing finfish AP
- At least 1 member from the New England region.
- At least 1 member from the Mid-Atlantic region.
- At least 1 member is dually permitted between the Gulf of Mexico and South Atlantic.
- At least one member is dually permitted between the South Atlantic and Greater Atlantic Region
- At least one member from each of the existing finfish APs (Snapper Grouper, Mackerel Cobia, or Dolphin Wahoo)

MOTION 1: APPROVE THE FOR-HIRE REPORTING AP STRUCTURE AND MAKE APPOINTMENTS IN JUNE 2024.

****GUIDANCE TO INCLUDE HEADBOAT OPERATORS****

APPROVED BY COUNCIL

Items to consider in future discussions:

- Implications for future limited access
- What type of data are needed for disaster relief?
- Which aspects/components of the SEFHIER program contributed to lawsuit in the Gulf of Mexico; what components were disallowed and why?
- Review concerns NMFS raised with the initial SAFMC amendment and caveats on data usage based on the program criteria.
- What potential actions are realistic for data validation? What are some methods of validating a program of this type?
- Review hail in/hail out requirements and procedures used in other programs.
- What actions could be taken to improve compliance?
 - Actions are allowable under the current authority.
 - Actions that would require additional authority (i.e. a rule change) and an associated amendment.
- Explore:
 - Hail-in/hail out provisions?
 - Daily reporting?
 - Aligning between the SA and Gulf programs
 - Are there needed data elements (e.g., shark depredation), elements that may be unnecessary?
 - Are there operators who are leasing vessels being excluded from reporting requirements? Is this a prevalent issue?
 - Feedback on how best to collect social and economic data

Consideration of Limited-Entry in South Atlantic For-Hire Fisheries

In December 2023, the Council directed staff to initiate an amendment to consider a limited entry program for the for-hire components of the Snapper Grouper, Dolphin Wahoo, and Coastal Migratory Pelagics fisheries. The Council requested a control date of December 8, 2023, and stipulated that permit holders that had not reported catch to the SEFHIER program on or before December 5, 2023, might not be assured of future access.

Council staff presented available information on the number of permits for the three fisheries from 2008 through 2020. Subsequent years of data were not available due to issues affecting the electronic permits system at the Southeast Regional Office. Additionally, staff summarized information from Snapper Grouper Amendment 47, which considered implementing a moratorium on for-hire permits in the Snapper Grouper fishery.

The Council provided the following guidance:

- Consider moratorium options and start with actions that were scoped in Amendment 47.
 - For moratorium and limited access, provide additional information on what could be implemented geographically as well as temporary vs permanent.
- Look at Purpose & Need of Amendment 47 and see if it is still relevant. Include actions addressing new entrants, eligibility criteria.
 - Identify the goals of an amendment taking into consideration the MSA discretionary provisions.
- Acknowledge that the Council has heard the Snapper Grouper and Mackerel Cobia APs' request to consider limited entry.
- Hold off scoping until post-2020 data are available later this year, once the SERO permits system issue is fixed (possibly by May 2024).
- Request that APs that are meeting this spring have more in-depth discussion and address pros and cons of limited entry. Consider Fishery Performance Reports for the for-hire sector of each fishery.
- Staff to bring discussion document for June 2024, including a list of details the Council will have to work out as they move forward, e.g., Equity and Environmental Justice, impacts from climate change, governance shift considerations, etc.
- Bring back comments submitted on the ANPR for the new December 5, 2023 and December 8, 2023 control dates (comment period through 3/11/24) to the Council in June 2024.

MOTION 2: DIRECT STAFF TO DO THE FOLLOWING:

- ADVERTISE FOR SEATS ON THE FOR-HIRE REPORTING AP FOR REVIEW IN JUNE 2024
- PREPARE A DISCUSSION DOCUMENT WITH ITEMS TO BEGIN TO IMPROVE SEFHIER COMPLIANCE FOR REVIEW IN JUNE 2024
- CONTINUE WORK ON FOR-HIRE LIMITED ACCESS AMENDMENT FOR DISCUSSION IN JUNE 2024

APPROVED BY COUNCIL

Explanation regarding the apparent discrepancies in SEFHIER data noted above:

Inconsistency in the number of 2022 DNF Reports:

The reason that there were many more Do Not Fish (DNF) reports shown in the donut figure displaying 2022 data in the December 2023 presentation, was because SEFHIER receives a unique DNF from every vessel that submits one for each day of the year. However, DNF reports are required once per week. The presentation provided in March 2024 showed DNF reports aggregated per week, thus resulting in fewer apparent DNF reports.

Inconsistency in SCDNR and SEFHIER data:

SCDNR gets data transmitted from VESL directly, whereas SEFHIER gets VESL data transmitted via the pathway: VESL → SAFIS → SEFSC. When a dual SC/SEFHIER vessel uses VESL, and their VESL account is not updated to include their active federal permits, then that VESL user only sees the SC logbook fields. However, when a vessel does have active SEFHIER permits and SC permits, SAFIS will block the transmission (from VESL) of those logbooks because they are missing SEFHIER required fields. So, SC continues to get the logbooks regardless of whether they are missing SEFHIER required fields, hence their database shows higher compliance. The only way SEFHIER can confirm compliance is by coming across these issues during compliance tracking processes and then reaching out to SCDNR staff to ask them to check if they have the reports in their database for these vessels. While this issue has been happening frequently (~3 vessels per week, on average), as of January 1, 2024, SEFHIER required VESL to actively pull in SEFHIER permit information to automate the update of VESL user accounts to help prevent this issue moving into the future.