Testimony of

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Regarding Fisheries Data Programs in the Gulf of Mexico Region

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BACKGROUND

The Gulf States Marine Fisheries Commission (GSMFC) was formed in 1949, through separate acts of the state legislatures of Texas, Louisiana, Mississippi, Alabama, and Florida and the U.S. Congress, through Public Law (PL) 81-66. The GSMFC was formed specifically to provide interstate and state/federal coordination of interjurisdictional programs. Fisheries and other aquatic management programs, especially in coastal and marine areas, require mechanisms to cross state and federal jurisdictional boundaries to effectively address the interjurisdictional nature of the natural resources found there, including shared populations, migratory species, and shared water bodies. This need is highlighted in historic documents and legislation, including *To Stem the Tide: Effective State Marine Fisheries Management* (1975), the Interjurisdictional Fisheries Act of 1989 (PL 98-659, previously PL 88-309), and the Magnuson Fisheries Conservation and Management Act of 1976 and its several amendments. These, along with many other documents, support the long held philosophy that working together across jurisdictional boundaries yields greater benefits than working alone.

In this regard, the development and implementation of effective interjurisdictional fisheries and habitat management strategies require solid, comprehensive data that are collected and managed throughout the region in a standardized process and readily accessible to scientists, managers, and the public. This need was expressed by the GSMFC and Congress in 1981 with the development and funding of the Southeast Area Monitoring and Assessment Program (SEAMAP), administered and coordinated by the GSMFC. In 1991, the Gulf, Atlantic, and Pacific States Marine Fisheries Commissions adopted a joint policy statement as follows:

It is the collective position of the three interstate Marine Fisheries Commissions that the states should be given first priority in regards to cooperation and partnership in all national and regional data collection and management programs. This position accurately reflects the desires of our member states, is consistent with legislation and/or ordinances in each state which provides the agencies with the authority to collect and manage data, and is consistent with the intent of the U.S. Congress as evidenced in the Magnuson Fisheries Conservation and Management Act, the Fish and Wildlife Coordination Act, the Interjurisdictional Fisheries Act, and others.

The above policy is based on recognizing appropriate jurisdictional responsibilities that reside with the states, but it also recognizes that data collected at fine scales, such as amount of data, relatively small geographic areas, and sufficient frequency, provide greater reliability and less error when applied in analyses. It follows that if data are collected in the appropriate amounts, at the appropriate geographic scales, and in an appropriately timely manner to satisfy state management needs, resulting data will automatically satisfy regional and national needs.

Work began in 1988, through actions of the GSMFC, culminating in the establishment of the Fisheries Information Network (FIN) of the Gulf of Mexico, implemented in 1995. The FIN provides for the coordination and administration of multi-state, state-federal collection of fisheries dependent data for commercial and recreational fisheries. Congress recognized the importance of this program when the GulfFIN line item was established in the National Marine Fisheries Service's budget to fund the important activities implemented by the FIN; however, funding has fallen short of levels originally requested and that are necessary to fully implement the program.

The 1996 Sustainable Fisheries Act, which amended the Magnuson-Stevens Fisheries Conservation and Management Act, provided a framework for establishing a national data collection and management program for fisheries, call the Fisheries Information System (FIS). Notably, that language, provided below, in large part mirrors the structure of the FIN for the Gulf of Mexico.

TITLE IV--FISHERY MONITORING AND RESEARCH

SEC. 202. REGISTRATION AND INFORMATION MANAGEMENT.

``SEC. 401. NOTE: 16 USC 1881. REGISTRATION AND INFORMATION MANAGEMENT.

``(a) Standardized Fishing Vessel Registration and Information Management System.--The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis. The recommendations shall be developed after consultation with interested governmental and nongovernmental parties and shall--

``(1) be designed to standardize the requirements of vessel registration and information collection systems required by this Act, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary, and, with the permission of a State, any marine resource law implemented by such State;

``(2) integrate information collection programs under existing fishery management plans into a non-duplicative

information collection and management system;

``(3) avoid duplication of existing State, tribal, or Federal systems and shall utilize, to the maximum extent practicable, information collected from existing systems;

``(4) provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

``(5) provide for funding (subject to appropriations) to assist appropriate State, regional, or tribal entities and Marine Fisheries Commissions in implementation;

``(6) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

``(7) minimize the paperwork required for vessels registered under the system;

``(8) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels including charter fishing vessels, but excluding recreational fishing vessels;

``(9) require United States fish processors, and fish dealers and other first ex-vessel purchasers of fish that are subject to the proposed system, to submit information (other than economic information) which may be necessary to meet the goals of the proposed system; and

``(10) include procedures necessary to ensure--

``(A) the confidentiality of information collected under this section in accordance with section 402(b); and

``(B) the timely release or availability to the public of information collected under this section consistent with section 402(b).

In addition, further development of the FIS resulted in recognition that the FIN serves as the Gulf of Mexico component of the FIS, meeting the intent and requirements of the Sustainable Fisheries Act and the FIS. Together, FIN and SEAMAP form the basis for full implementation of regional and national fisheries data collection and management activities conducted for the Gulf of Mexico region.

OPERATIONAL COMPONENTS AND ISSUES

Commercial

Trip Ticket Programs - The backbone of the commercial fisheries dependent data component of FIN is the Trip Ticket Program. Each state is to establish a Trip Ticket Program, which relies on dealer reporting on the purchase of fisheries products from each

trip taken by a commercial fishing vessel. Currently, there are operating Trip Ticket Programs in the States of Florida, Alabama, and Louisiana. Mississippi has a partially implemented program, and we are expecting to begin work on a program for Texas in the near future. These final program elements will require additional funding, as was expressed in our original planning documents.

A significant development for implementing trip tickets is the advent of electronic reporting. Dealers are provided with computer software that allows them to enter their data one time only. The data are sent electronically over the Internet to the relevant state agency, and in addition they are able to keep their own financial and inventory data in the same program. Their data are managed and protected for them, and they can receive reports either by request or electronically. This system allows the dealers to benefit directly from the Trip Ticket Program while at the same time satisfying their requirement to report their harvest. The most recent data indicate that there are approximately 2,616 seafood dealers in the Gulf States. Of those, 226 are currently reporting via the electronic system. Those 226 dealers reporting electronically represent approximately 1/3 of the catch for 2003.

	Florida	Alabama	Mississippi	Louisiana	Texas	Total
Total # of Seafood Dealers	1,124	110	40	1,031	311	**2,616**
Number of Dealers using Electronic Reporting	125	18	1	82	0	**226**

Detailed Effort Surveys – The Trip Ticket Programs collect only one side of the equation. Detailed effort surveys in each state are required to ascertain the magnitude of effort being expended to catch the fisheries products reported through the trip tickets. This allows for the collection of critical data elements required to conduct state-of-the-art stock assessments, which are the analytical backbone of fisheries management. Currently, effort data are being collected through older programs that are not specifically designed to couple with trip ticket data. While this process works, it is not optimum. A pilot effort is underway to collect detailed effort for the shrimp fishery, but expansion of the pilot to other important species will be needed. Additional funding will be required to fully implement the detailed effort data component for commercial fisheries.

Registration Tracking System – The Registration Tracking System is designed to track individual vessels, fishermen, and dealers through geographic location and time. This system allows for the association of specific landings to specific vessels, fishermen, or dealers, regardless of where or when those vessel, fishermen, or dealers participate in the commercial fisheries. This will significantly increase the efficiency of management by eliminating or minimizing duplicative reporting. In order to implement this component, unique identification (ID) numbers must be issued to vessels, fishermen, and dealers.

Currently, the collection of the necessary data elements for development of the unique ID numbers is underway; however, some of the states need to modify their licensing system to collect the needed elements. These ID numbers will be created for data management purposes when licenses or permits are issued to vessels, fishermen, or dealers.

Recreational

Marine Recreational Fisheries Statistics Survey - In late1997, the Gulf States, through administration and coordination of the GSMFC, began conducting the Marine Recreational Fisheries Statistics Survey (MRFSS), previously managed by the National Marine Fisheries Service (NMFS). This survey provides data for both catch and effort in the recreational fisheries for the Gulf of Mexico region, except Texas, which has its own recreational fishery survey. The catch side of the survey is conducted through intercepting anglers at fishing access points to ask about their catch that day. The effort component is achieved through a complimentary random digit dialing telephone survey of households in coastal counties to ask about their fishing activity. The two are combined to derive a total estimate of fish caught by recreational anglers. The Gulf States have significantly improved the survey by increasing sampling by 40%. This increase in sampling represents a significant increase in reliability in the estimates of catch/harvest derived from the survey. Another significant improvement in the survey is to implement an angler license-based telephone survey to collect effort data. This approach would use state fishing licenses as the basis for conducting a phone survey and would be more efficient and achieve a higher level of confidence in the resulting estimates of total catch. Currently, there are an estimated total of 12,495,016 licensed coastal and marine anglers in the five Gulf States. This number does not include shore-based anglers in Florida and includes freshwater license holders in Texas. Some additional startup funding will be required to implement this approach.

Number of Licensed Saltwater Anglers

State	**Number of Licenses Anglers**
Alabama	79,157
Florida (east and west coasts)	10,160,341 (no shore-based anglers)
Louisiana	523,625
Mississippi	72,343
Texas	1,659,550 (includes freshwater licenses)
Total	**12,495,016**

Recreational For-Hire Fishery Survey – Until recently, for-hire vessels, including charter boats and head boats, were surveyed through the MRFSS, described above. Through the joint efforts of the Gulf States, the GSMFC, and the National Marine Fisheries Service, the Recreational For-Hire Fishery Survey was implemented in 1999. Similar to the license-based survey to collect effort data described above, this component uses for-hire vessel licenses as the basis for conducting an effort survey for the for-hire fisheries in the Gulf of Mexico. Implementing this survey has resulted in a significant increase in the reliability of the data being collected. The catch data are still being collected in the dockside intercept survey described above.

Number of Charter and Head Boats in the GSMFC Vessel Directory

State	Charter Boats	Head Boats
Alabama	179	4
Florida (east and west coasts)	1,565	97
Louisiana	524	22
Mississippi	77	0
Texas	108 (offshore boats only)	18
Total	**2,453**	**141**

The FIN is currently funding a pilot at-sea sampling program for head boats, which is designed to provide better catch and discard information associated with the head boat fishery. At-sea sampling may also be preferred on charter boats that are large enough to accommodate observers. This enhancement will require additional funds to implement. At-sea sampling for fisheries will be discussed in more detail in a later section.

Additional Recreational Fishing Components – Currently the FIN has plans to include data collection efforts for fishing from private access sites, non-hook-and-line fishing, and tournament fishing. There are complex issues associated with sampling these fishing activities, and in order to have a fully implemented program, monitoring these activities will be critical. In addition, FIN has examined night fishing by conducting a pilot survey in Mississippi (for shore fishing). Based on this survey, it has been recommended that further collection of data for night fishing activities is not needed at this time. It was also suggested that FIN periodically examine the night fishing activities (via the telephone survey data) to ensure that significant changes have not occurred. Additional funding will be required to implement these FIN components.

Commercial and Recreational

Biological Data Collection – The collection of otoliths (fish ear bones) and fish lengths are necessary for completing state-of-the-art stock assessments. These data allow scientists to determine the age of fish associated with a given fishery. Many fish populations harvested in fishing activities have a number of ages represented in the harvest. This fact complicates assessing the status of the stock or population. Some representation of fish age and length is required to achieve reliable results. Currently, the FIN is providing for the enhanced collection of otoliths and fish lengths for five (5) high priority species for both commercial and recreational fisheries. Other otoliths and lengths are being collected for over 60 species; however, in total fish age and length data are far short of that needed to do an adequate job of managing our Gulf of Mexico fisheries stocks. There are an additional 24 species for which enhanced age and length data are needed. Additional funding will be required to fully implement this biological data component, which includes enhanced otolith collection and processing capacity.

Social and Economic Data Collection – It is increasingly important for managers to fully understand the social and economic implications of management measures that are

enacted to regulate state and federal fisheries. In order to achieve this goal, surveys to collect data on the sociological and economic aspects of fishing activities, both commercial and recreational, are needed. Currently, FIN has established standards for collection of such data; however, funding is far short of that needed to implement routine data collection activities. FIN is currently developing a social/economic data collection plan. This plan will provide guidance to FIN regarding the collection and management of social and economic data. Additional funds will be required to fully implement this component of the FIN.

Monitoring Bycatch, Discards, and Protected Species Interactions- Monitoring bycatch, discards, and protected species interactions associated with commercial and recreational fisheries will be achieved in large part through the use of at-sea samplers. Bycatch, regulatory discards, and discard of unwanted fish represent a significant, but little understood, component of fishing mortality. In addition, fishing interactions with marine mammals and threatened and endangered species may contribute to mortalities associated with those species. At-sea sampling is an important tool for documenting these incidental mortalities, which are vital to assessing the status of populations. At-sea sampling requires samplers to ride along on fishing vessels and document bycatch, discards, and protected species interactions. Currently, a pilot at-sea sampling effort is underway in Alabama for the head boat fishery to document catch, discards, and protected species interactions. Additional funding will be required to fully implement this component of the FIN.

Quota Monitoring – One of the tools available to managers to reduce fishing mortality or to distribute catch over time is the use of quotas. The implication of a quota is that the fishery will be closed upon reaching the quota, regardless of when during the fishing year the quota is reached. As mentioned above electronic reporting for commercial fisheries through the Trip Ticket Program can enhance the timeliness of data for tracking quotas. For full implementation of enhanced electronic reporting, additional funding will be required.

While the recreational red snapper fishery in the Gulf of Mexico is currently being managed through an in-season quota system, mandated by Congress, it is the position of the Gulf States Marine Fisheries Commission and FIN that managing recreational fisheries by in-season quotas is a less than optimal method to address recreational fisheries. More importantly, the current recreational survey is not designed to track quotas within season. There are a number of issues associated with this position, including the need for anglers (shore-based, private boat, or charter/head boat) to be able to plan ahead for angling opportunities. Closing the fishing season for recreational anglers based on a quota is predictable only during the quota-tracking period and does not provide adequate time for individuals and families to plan vacations or other opportunities to engage in recreational fishing activities. If in-season quotas are to be used to manage the red snapper and other recreational fisheries, other approaches to collecting catch and effort data will need to be explored. This would be costly and likely duplicative with the current recreational fisheries survey.

Metadata – Metadata are defined as data and information necessary to interpret survey data and is more descriptive than analytical. Certain metadata associated with describing data elements and the functioning of data management systems are required by federal law. These are currently available with the FIN data management system. Additional metadata, however, are required to fully understand the context in which fisheries and environmental data are collected, for example the implementation of regulations, market conditions, storms, and other external forces that may affect fishing activities and data collection activities. The FIN is currently developing a process to compile these metadata.

Outreach and Education – As with any governmental activity, particularly those that regulate human activities or impact individuals, communities, or businesses, understanding of the need for and impact of government actions on the part of the public is vital for maximum effectiveness. Fishermen, both commercial and recreational, who are able to have input into management regimes that affect them are more likely to comply with that regime. Having an informed and involved constituency improves the likelihood that management objectives will be achieved with a minimum of conflict and litigation. Currently the FIN conducts targeted outreach and education activities associated with individual FIN components. For example, meetings were held with charter and head boat associations and individual captains prior to implementing the new for-hire vessel survey. In addition, specific educational activities are scheduled with dealers when implementing electronic reporting of trip ticket data. These targeted efforts will continue; however, to fully implement the outreach and education component of FIN will require additional funds.

Data Management System – In conjunction with the implementation of FIN, the GSMFC established a data management system designed to house all recreational, commercial, and fishery independent data that are collected in the Gulf of Mexico region. The system also provides for access to the data through the Internet using a software program to facilitate development of specific data queries. The system provides for several levels of access to data from managers to scientists to the general public, while providing protection for data defined as confidential. Confidentiality issues will be discussed in more detail in a later section of this testimony. Computer hardware and software advances are occurring at an astonishing rate, and the need to keep the FIN Data Management System updated with the most current capabilities requires frequent and ongoing purchases of hardware and software. Currently the system is expected to provide adequate storage and access through the next three to five years, when upgrades will be required. Additional funding may be needed to implement these upgrades.

Data Confidentiality

Confidential data are defined as data that are identifiable with any person/business. There are various federal and state statues that protect confidential data. All of these

statutes prescribe policies and procedures for protecting confidential data submitted to and collected by the various agencies; informs authorized users of their obligations for maintaining confidentiality; provides for operational safeguards to maintain the security of data; and states the penalties provided by law for disclosure of confidential data. In addition, FIN has developed a policy that stated that a request from any agency, organization, or individual not signatory to the data confidentiality Memorandum of Agreement must be referred back to the state of data origin.

Recent challenges to the protection of confidential data, outside the scope of established procedures, have raised serious concerns. In response the GSMFC recently met to discuss various confidentiality issues. One of the topics addressed by the group was amending the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 94-265) to provide more protection of confidential data under this Act. The proposed language is as follows:

SEC. 402. INFORMATION COLLECTION

(b) ***CONFIDENTIALITY OF INFORMATION-***

(I) Any information submitted to the Secretary, state fisheries management agency, or marine fisheries commissions by any person shall be confidential and shall not be disclosed, except-- ...

We strongly recommend this proposed language be including in appropriate amendments to the Magnuson-Stevens Fishery Conservation and Management Act.

Report of the Commission on Ocean Policy

The recent release of the report of the Commission on Ocean Policy acknowledges the importance of regionally based data collection programs that can be combined to create a national program. The recommendation for the Integrated Ocean Observing System (IOOS) is broader than but consistent with the justification for establishing the FIS in the 1996 Sustainable Fisheries Act. The FIN will serve as the Gulf of Mexico fisheries component of the IOOS.