

Data Collection Committee Report
October 27, 2021
Ms. Susan Boggs, Chair

The Committee adopted the agenda (**Tab F, No. 1**) as written and approved the minutes (**Tab F, No. 2**) of the August 2021 meeting as amended.

Presentation from the National Academy of Sciences on Data and Management Strategies for Recreational Catch limits (Tab F, Nos. 4a-c)

Dr. Luiz Barbieri served as chair of an ad hoc Committee convened by the National Academy of Sciences to assess the recent changes made to the Marine Recreational Information Program (MRIP). The Committee was tasked with identifying any potential areas for improvements or modifications to the program that would increase the timeliness and quality of data for sustainable fisheries management; a final report was published recently. The report indicated that while MRIP provided essential long-term and regionally broad recreational fisheries data, it lacked the temporal precision to monitor in-season annual catch limits (ACL). The report presented a few proposed alternative approaches for monitoring ACLs, suggested MRIP data collection at least be analyzed at a monthly scale, promoted continued close collaboration between fishery managers, and encouraged the inclusion of socioeconomic information to better understand recreational angler satisfaction. Dr. Barbieri stated that the report was a national examination of recreational fisheries issues and further investigations for region-specific difficulties would be necessary.

A Committee member inquired about a previous request to NOAA General Counsel to investigate the exploration of potential alternative monitoring approaches provided under National Standard 6. Ms. Mara Levy indicated that the request was still being completed and highlighted that any appropriate alternatives would still need to adhere to other provisions stipulated in the Magnuson-Stevens Act. The Committee member stressed the importance of knowing whether an alternative approach would be legally defensible when considering various management options.

Dr. Clay Porph inquired whether the Committee had considered the merits of using a multi-year average for ACL monitoring as the National Standard guidelines explicitly allow this alternative. Dr. Barbieri responded that, while not specifically considered, the Committee did discuss the possibility of implementing carry over/pay back provisions for ACL monitoring. This approach would relax the requirement for strict annual monitoring but would also require paybacks in years following an overharvest of the ACL. Dr. Tom Frazer highlighted the recommendation by the Committee to analyze MRIP data at a monthly scale. He recognized the financial increase required to accomplish that recommendation and inquired if the group had any ideas on how to prioritize funding to achieve that objective. Dr. Barbieri stated that the report did not address funding specifically and recognized that moving from a two to one-month sampling period would not serve as a “catch all” solution. However, the group did agree that increased sampling during monthly intervals could improve timeliness and considered that this modification would likely be one of the most financially practical ideas.

A Committee member stressed the importance of considering alternative management approaches for stocks considered to be in poor shape. Specifically, she used gag grouper as an example where any allowable harvest would have to be closely monitored to allow for rebuilding to progress. Another Committee member asked how the Pacific states, which have recreational collection programs outside of MRIP, have fared in managing recreational ACLs. Dr. Barbieri replied that for Pacific fisheries, such as salmon, recreational seasons are on the order of days or weeks and require timely monitoring. He continued that the Pacific states worked with consultants on their state surveys to address their specific management needs. Dr. Michelle Duval also commented that the Gulf of Mexico has a much larger recreational fishing sector than the Pacific which compounds monitoring issues. A Committee member asked if the ad hoc Committee had any recommendations for continued collaboration between fishery managers. Dr. Barbieri indicated that the existing Gulf Fisheries Information Network and MRIP Transition Team could facilitate that collaboration.

Update on Southeast For-hire Integrated Electronic Reporting (SEFHIER) Program (Tab F, No. 5)

Dr. Michelle Masi from the Southeast Regional Office (SERO) provided an update on the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program. The Vessel Monitoring System (VMS) reporting portion of the program is scheduled to be implemented December 13, 2021. She presented on recent increases in account applications, provided dates for recently completed informational webinars, and highlighted online outreach materials available to program participants. A Committee member indicated that SEFHIER participants had reported discrepancies when reporting discard data between the various data collection applications. Dr. Jessica Stephen responded that eTrips is designed to work for various sampling programs in addition to SEFHIER to support one-stop reporting and minimize the requirement to submit duplicate reports. She clarified that, in the Gulf of Mexico, SEFHIER does not require information on the disposition of discards but Highly Migratory Species and Greater Atlantic Regional Fisheries Office do require this field and can be submitted using the same eTrips report. The Committee member asked if any further outreach was planned for permit holders who have yet to register for the reporting program. Dr. Stephen stated that the SEFHIER group was continuing to work on identifying program participants. She indicated that vendors allow registration of captains that might not be permit owners and are looking for solutions to the issue.

Framework Action: Modification to Location Reporting Requirements for For-Hire and Commercial Vessels and Relevant Data Collection AP recommendation (Tab F, Nos. 6a, 6b, and 8)

Ms. Carly Somerset provided a presentation on a draft framework action to modify location reporting requirements in the for-hire and commercial sectors. The purpose of the framework action is to allow an exemption to location monitoring requirements should an unforeseen malfunction occur to an installed VMS. The Council's Data Collection Advisory Panel (AP) and Law Enforcement Technical Committee (LETC) provided recommendations on the draft document at their recent meetings and Ms. Somerset included those in the presentation.

A Committee member asked if any data on equipment failure rates exist and if it did, he recommended it be included in an updated draft of the framework action. Mr. Matt Walia from NOAA Law Enforcement indicated that due to privacy concerns and use of third-party vendors, it is difficult to get detailed information on failure rates; however, he had passed along letters from vendors to Council staff which provided vendor responses on failure rates and reliability of units. Council staff indicated they would provide those letters to Council members.

The Committee discussed the Data Collection AP recommendation to split the exemption document between the for-hire and commercial fleets and the LETC recommendation to delete the commercial sector from the document (Action 2). The Committee varied on these recommendations with some members advocating for splitting the document while others felt the financial losses due to a malfunctioning VMS unit would create unnecessary financial burdens for both sectors so the exemption needed to apply to both. A Committee member asked if the NOAA Law Enforcement database would be able to account for multiple VMS units (one non-functioning while another is used as a temporary fix), associated with one permit and Mr. Walia indicated that it could. The Committee agreed with the recommendation made by the Data Collection AP that the number of exemptions should be reset when a permit was transferred or sold.

The Committee largely agreed that any exemption should be a long enough time period to address growing problems with supply chains and scheduling installation delays. Additionally, there was concern that reporting of failures may occur outside of regular business hours. Mr. Walia stated that NOAA Law Enforcement in Silver Spring works until 11pm but that they are only operational Monday through Friday. Given the Data Collection AP recommendation to define “days” in the draft as calendar days and acknowledging the need to allow for adequate time to complete a VMS repair, the Committee decided to amend the draft action alternatives:

The Committee recommends, and I so move, **in Actions 1 and 2, Alternative 2, move Options 2a to considered but rejected.**

Alternative 2: Create an exemption to the VMS requirement to address equipment failure and set a limit on the number of days that the NMFS-approved exemption method is valid, for vessels with Charter/Headboat permits for Reef Fish and/or CMP:

Option 2a: The exemption will be valid for up to 3 days from submittal date.

Alternative 2: Create an exemption to the VMS requirement to address equipment failure and set a limit on the number of days that the NMFS-approved exemption method is valid, in order to address equipment failure for vessels with Commercial Reef Fish permits.

Option 2a: The exemption will be valid for up to 3 days from submittal date.

Motion carried with no opposition.

The Committee recommends, and I so move, **in Actions 1 and 2, add an option for 14 calendar days exemption and define the other options as calendar days.**

Motion carried with no opposition.

The Committee recommends, and I so move, **in Actions 1 and 2, Alternative 2 to remove Options 2a, 2b, and 2c and add the exemption will be valid for up to 14 calendar days.**

Motion carried 7 to 3 with one abstention.

Updated on Modifications to the Commercial Electronic Reporting Program (Tab F, No. 7)

Due to time limitations, this presentation will be postponed until the January 2022 Council meeting.

Mr. Chair, this concludes my report.