

SEFHIER Implementation Sticking Points

The Gulf of Mexico Fishery Management Council and NOAA Fisheries collaboratively hosted a series of eight workshops to engage federally permitted for-hire operators about the new electronic reporting requirements. The following is a list of issues brought to our attention that require further consideration as the regulations are implemented:

Economic information

Captains are resistant to providing economic information. They've said that they would rather report this information less frequently, suggesting a mandatory survey on an annual basis during permit renewal or through a random economic survey that appears on the reporting app that would be required at a less frequent interval. Some captains even said that they would willingly fudge this information and suggested that the more burdensome the reporting requirements, the less satisfied they will be, and the more likely they will be to submit less accurate information for all data elements. Captains were also concerned that this information becomes public upon request and it could be used by the Internal Revenue Service for auditing activities.

Equipment Failure

Captains are very concerned about the potential that equipment failures occur and this would keep them from fishing. They've reiterated that they're not the same as the commercial fleet, and they must satisfy their customers when trips are booked. While it's not the intention of the agency to keep anyone tied to the dock when equipment malfunctions, it's important for the agency to develop and communicate the course of action a captain can take to ensure that they are in compliance while continuing to service his customers. The captains would like to see a process flow and some kind of recognition or approval that they spoke to the appropriate NMFS person who cleared them to go fishing if there was an equipment failure.

Landing notification modifications

Upon hail-out captains are asked to provide a landings location and estimated landing time. Captains indicate that there are numerous instances when their trips run much longer or shorter than expected. Clients may get sick, weather may cut a trip short, or a captain may upsell a trip and add a few hours. Captains worried that in this situation, they would be penalized for failing to return at their reported time. Captains with VMS units would likely be able to modify their landings estimation however, captains with archiving GPS units will have no ability to communicate while offshore. The granularity of anticipated return time will need to be somewhat liberal, and captains will need a way to return outside of their anticipated window without penalty.

Requirements for inactive permits

There are at least three different situations where captains would seek reprieve from reporting and location tracking requirements. First, captains with vessels that won't be in operation for a period of time but whose vessels typically operate as federal charters. In that case, a power

down exemption would be sufficient. Second, permit holders whose permits are not in use and are assigned to a vessel that does not operate at all (latent permits). In this case, captains have asked for consideration of a dormant permit exemption that would exempt them from the requirements to equip their vessel with a tracker and/or create an ACCSP account. Lastly, permit dealers who purchase and resell permits for profit would like to have some way to minimize their reporting/tracking requirements while the permits are in limbo.

Implementation timeline

Captains have expressed concern that adding new reporting requirements as early as mid-August would be burdensome, especially since the red snapper season will remain open until August 2nd. Captains reason that this would require them to equip themselves with the necessary gear in preparation for the requirements right in the middle of their peak fishing season. Captains have asked that all the requirements come online all at once. Many captains have suggested that the regulations be pushed back as late in the year as possible with a grace period on penalties for failure to comply properly postponed until the beginning of 2020.

Loss of GPS/Satellite signal due to boat storage

Captains who keep their vessels in covered dry stack storage facilities or in boathouses expressed concern that their location transponders would not be able to relay data while their vessels are not in use. Presumably, our last data point will show the vessel outside it's landing area and the transponder will dump locations data showing the vessel in its port once the vessel is removed from storage. Captains would like to power-off their vessels in order to not kill the vessel batteries while in this type of storage that does not allow for location transmissions. Captains would like further clarification on how to comply with regulations.

Species subject to reporting requirements

Captains have expressed concerns about which species they'll be required to report. Some captains use their federal permits infrequently, focusing mostly on inshore trips. Other captains are concerned that reporting the vast variety of species they catch would be incredibly burdensome. Captains we're also concerned that they would have to estimate the species and number of bait fish they catch. In all cases, captains questioned how NMFS could require them to report non-federally managed species, and asked that we narrow the list of reported species as much as possible.

Trips types subject to reporting requirements

Many captains only fish their federal permits at certain times of year. Reporting is a requirement for federally permitted vessels. However, captains have questioned why we're going to require them to provide reports for their non-federal for-hire trips where no federal species are targeted or harvested.