

Data Collection Committee Report
June 23, 2022
Ms. Susan Boggs, Chair

The Committee adopted the agenda (**Tab F, No. 1**) and approved the minutes of the April 2022 meeting (**Tab F, No. 2**).

Final Action: Modification to Location Reporting Requirements for For-Hire Vessels (Tab F, No. 4a-c)

The Committee reviewed the public comment report and codified text for a Framework Action to address unforeseen malfunctions with required vessel monitoring system (VMS) equipment in the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program. A Committee member asked how quickly procedures for handling VMS exemptions could be implemented, and SERO staff responded the development was ongoing with the goal of completing those procedures by publication of the final rule. A question was asked regarding whether a SEFHIER participant who also holds a state for-hire permit would be able to operate in state waters if the VMS failed and all exemption opportunities had been exhausted. General Counsel clarified that, in that instance, the individual would be restricted to their federal for-hire permit regulations and would not be able to go out on a fishing trip until their VMS unit was operational. The Committee also reviewed the framework document including the preferred alternatives and made no changes.

The Committee recommends, and I so move, to recommend the Council approve the **Framework Action: Modification to Location Reporting Requirements for For-Hire Vessels and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.**

Motion carried with no opposition.

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

SERO staff presented on the SEFHIER program highlighting participation and reporting to date. Approximately 30% of identified program participants have not yet installed VMS units, and the Committee inquired as to what could be driving that observation. SERO indicated that outreach had been conducted through Fishery Bulletin publications, Council meetings, Council outreach staff, and NOAA Office of Law Enforcement (OLE). Deputy Special Agent in Charge, Mr. Logan Gregory, indicated that officers within OLE had been speaking with participants in-person about the program and enforcing compliance when necessary. SERO staff was asked what percentage of VMS non-compliance could be attributed to permit latency. SERO staff replied they were unsure and the Committee requested that future presentations include details regarding latent permits, if possible. Additionally, the Committee requested more information quantifying the funds available for VMS reimbursement for the SEFHIER program. SERO staff indicated

they would provide that information if they were able to access those data from the Pacific State Marine Fisheries Commission.

Presentation on Framework Action to Modify For-Hire Trip Declaration Requirements (Tab F, No. 6)

Council staff presented some options for addressing the hail-out declaration of the SEFHIER program which several participants have indicated is burdensome when moving a vessel to make non-fishing trips. Currently, three time period windows have been suggested for moving a vessel without a declaration. General Counsel indicated that an abbreviated action considering options could be developed to direct action. A Committee member stated that the current reporting software allows for a “No fishing intended” declaration, and that any trip where paying passengers are onboard might create the opportunity to collect socioeconomic data.

The Committee recommends, and I so move, **to develop the options (timeframes of 60, 90, 120 minutes) in the abbreviated framework.**

Motion carried with no opposition.

Draft Options Joint Amendment to Require Electronic Reporting for Commercial Logbooks (Tab F, No. 7 and 7a)

Council staff reviewed proposed changes, advisory panel recommendations, and next steps for modifying the commercial coastal logbook program to allow for electronic data submission. A Committee member inquired about the status of a report on a pilot project to test the feasibility of commercial electronic reporting in the southeast. SEFSC staff indicated the report was under review and would be published as a NOAA technical report in a couple of months. SEFSC staff stated that work to prepare for receiving electronic submissions in the southeast had largely been completed and that this technology was currently being used in the northeast region. It is likely that this work could be completed through a joint Categorical Exclusion document with the South Atlantic Fishery Management Council. A Committee member requested that the appropriate advisory panels with commercial representation be presented an update on the program from SEFSC staff.

Overview and Demonstration of new SERO-Permits System (Tab F, No.8)

Mr. Kevin McIntosh, SERO Permit Office Branch Chief, provided an overview and demonstration of the recently updated permit system. The Committee applauded the work of the Permit Office in helping permit holders navigate through the renewal and transfer process. Council staff stated Mr. McIntosh would be scheduled to provide a similar presentation to several of the Council’s Advisory Panels to engage those stakeholders. Mr. McIntosh was asked if he would be able to provide a future presentation classifying the nature of commercial and for-hire permit transfers for the Committee’s consideration. Mr. McIntosh indicated he would be available to do so.

Other Business

Mr. Gregory provided some additional information on enforcement compliance within the SEFHIER program. Throughout the southeast, 472 issues of non-compliance had been reported and 163 of those have or are being processed. Of those 163 reports, 51% were categorized as compliance assistance. A Committee member asked for clarification on the process for investigating an issue, and Mr. Gregory replied that OLE would be alerted by program managers and would follow up with an in-person visit with the SEFHIER participant. After that interview, OLE would then determine the characterization of the enforcement determination.

Mr. Chair, this concludes my report.