

Tab F

Data Collection Committee Report January 26, 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 October 2021 meeting as amended.

Modification to Location Reporting Requirements for For-Hire Vessels and Reef Fish Advisory Panel Recommendations (Tab F, No. 4a)

Ms. Carly Somerset (Council staff) presented the revised framework action to allow exemptions due to an unforeseen failure with a vessel monitoring system (VMS) unit. The document was updated based on motions passed by the Council at its October 2021 meeting. Revisions included the removal of Action 2 which would have applied the VMS exemption to the commercial sector. At its January 2022 meeting, the Reef Fish AP recommended two preferred options that would allow for the maximum number of exemptions, and length of the exemption period in an effort to avoid loss of trips and associated economic losses from any potential VMS failures in the for-hire sector.

Several Committee members expressed concern that, depending on the combination of alternative options selected, a Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program participant may not be monitored by VMS for over a month if exemptions are applied consecutively. This could affect the validation process for reporting, increase uncertainty due to data gaps, and complicate program enforcement. Other Committee members cited long potential delays in supply chains and inventory which could hinder the ability to repair a VMS or receive another unit in a timely manner. Additionally, concern was expressed that participants would lose revenue should a trip be canceled due to VMS failure and that captains should be allotted as much time as possible to resolve any issue. SERO staff replied that considerations for customer service response and adequate hardware inventory are required of vendors before they are approved by the agency. Several Committee members also stated that very few observations of satellite VMS failure have been reported in the commercial sector. Of the proposed options, the Committee selected the intermediate option in regard to the length of the exemption period.

The Committee recommends, and I so move, in **Action 1**, to make **Alternative 2, Option 2b the preferred**.

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

Option 2b: The exemption will be valid for up to 10 days from submittal date.

Motion carried with no opposition.

The Committee also discussed selecting the number of exemptions within a calendar year. To allow for potential delay in repairs but still achieve program goals, the Committee similarly selected the intermediate option in terms of the number of exemptions allowed in a calendar year.

The Committee recommends, and I so move, **In Action 1, to make Alternative 3, Option 3b the preferred.**

Option 3b: The permit holder may not request more than two exemptions per vessel per calendar year.

Motion carried 7-3.

The Committee also discussed the feasibility of enforcement for the exemption. Previous comments on the program have indicated that achieving compliance is important for program progress. A Committee member stated that a vendor work ticket could be presented to law enforcement to verify an exemption. The Committee also discussed the possibility of a “sunset” provision for the exemption, and the Committee generally agreed that an annual review of the effects of the exemption on program goals would be beneficial.

Update on Modifications to the Commercial Electronic Reporting Program (Tab F, No. 5)
Dr. Julie Brown (SEFSC) presented an update on the commercial electronic logbook (eLogbook) program. On November 10, 2021, the Greater Atlantic Regional Fishery Office (GARFO) commercial permit holders were required to begin submitting mandatory electronic logbook trip reports. Those GARFO permit holders with additional Southeast Regional Office (SERO) commercial permits ("dual permits") may voluntarily choose to use the eTrips software option for submission of the trip report to SE. This option allows a dual permit holder to submit a single report for both the GARFO and SERO logbook programs simultaneously. Currently, there are no modifications to the commercial reporting in the Gulf and catch information reports will still be required within seven days. However, the SEFSC is interested in exploring developing the commercial eLogbook program in this region and has proposed moving towards set-level reporting and collecting more precise spatial data. These long-term goals will be developed from stakeholder workshops to help balance reporting requirements with program goals.

A Committee member asked for clarification regarding e-Trips currently being the only vendor available for dual reporting and inquired as to whether NMFS would consider other vendor providers. Dr. Brown stated that other software vendors would be encouraged to apply for certification but different regional requirements result in changes in technical specifications. Finalized technical specifications have to be made available before vendors can begin developing program software applications. The Committee member asked about the eLogbook data transmission and Dr. Brown indicated that data were transmitted first to the Atlantic Coastal Cooperative Statistics Program (ACCSP) before being forwarded to the SEFSC. SERO staff reminded the Committee that hardware and software technical specifications are very different, and a Committee member responded that presented information on differing data collection

programs is beneficial when considering management options. Dr. Dave Gloeckner (SEFSC) informed the Committee that logbook data has the capability of being transmitted to the ACCSP; however, VMS data must first be transmitted to the Office of Chief Information Officer.

Update on Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program (Tab F, No. 6)

Dr. Michelle Masi (SERO staff) provided an updated report on the progress of the SEFHIER Program. Phase II of the program, which will require the use of a vessel monitoring system (VMS), will be implemented on March 1, 2022. The update indicated that approximately 500 Gulf and 170 dual Gulf/South Atlantic permit holders have yet to register with the program, and a Committee member inquired for the reasoning for that delay. SERO staff indicated that latency could be contributing to that observation but would not know for sure until VMS units are installed. Captain Ed Walker (Reef Fish AP Chair) stated that program buy-in would improve if the redundant hail-out reporting burden was removed.

Presentation and Discussion on Potential use of COLREGS (Tab F No. 6a)

SERO staff presented information on the use of the “International Regulations for Preventing Collisions at Sea” demarcation lines (COLREG) as a way to reduce the multiple hail-out reporting requirements when moving short distances for non-fishing trips (e.g., fueling, supply runs, picking up customers). SERO staff indicated that the Florida Keys presented a challenge since COLREG lines are not clearly defined in this area. A SEFHIER demarcation line could be established, but would take some time to develop and would require Council approval. SERO staff also expressed concern about fisherman awareness when crossing potential demarcation lines. SERO staff presented some alternatives to COLREG lines including modifying the trip declaration form to indicate that minor stops were being made before the fishing trip, or altering the declaration definition in the regulations to allow for stops before fishing. A Committee member stated that a “geofencing” feature made available by vendors could provide a potential solution, and another member indicated that redefining “trip” within the regulations may also address the issue. A Committee member added that whatever solution is considered, that it should provide an efficient remedy to reporting burden to quickly increase initial program buy-in.

Discussion on Autofill Reporting (Tab F No. 6b)

SERO staff presented that one-stop reporting (OSR) can cover data collection across multiple programs. Currently, the ACCSP’s eTrips software has the capability for OSR, but is presented quite differently from the widely used VESL application used in the SEFHIER program. While eTrips is OSR, it requires the completion of a number of other data fields that are not required by the SEFHIER program. Technical specifications for the SEFHIER program do allow for auto-filling certain fields (vessel registration number, vessel name, time zone). Vendors have also created “favorites” for some fields. A Committee member inquired whether the differences in data collection of discard data between OSR and non-OSR software would affect how this information is used to observe the fishery. Dr. Stephen stated that in an effort to reduce reporting burden and align with stock assessment requirements for estimating discard mortality, there is no plan to require consideration of those additional data fields until the program has been

implemented for several years. The Committee member commented that this difference in reporting could still affect monitoring of catch and landings. A Committee member asked when the Council could expect to see a preliminary data report from the SEFHIER program. SERO staff indicated that summary information could be presented but a timeline for that presentation was unknown at this time.

Update on Upcoming Workshop to Evaluate State-Federal Recreational Survey Differences

Dr. Richard Cody (NOAA Office of Science and Technology) provided an update on an upcoming cooperative workshop to assess differences in state-collected recreational data collection programs and the Marine Recreational Information Program (MRIP). The workshop will be held February 23-25, and will likely have to be convened virtually. State agency representatives will have an opportunity to present observed differences between their program and MRIP to independent consultants for their review before the workshop. The consultants will then present their reviews and have further discussions with state agencies at the workshop.

Other business

A Committee member asked for an update on the ongoing litigation regarding the VMS implementation in the SEFHIER program, and NOAA General Counsel indicated that the case is briefed, before the court, and they are awaiting a decision.

Mr. Chair, this concludes my report.