



Tab F, No. 6(a)

Data Collection Committee: October 2021

Modification to Location Reporting Requirements for For-Hire and Commercial Vessels



Background

Phase I: Electronic trip reporting implemented Jan. 5, 2021

Phase II: Location reporting implementation date Dec. 13, 2021

Public and Council comment expressed concern about trip cancellation/loss of revenue and/or clients if location reporting equipment fails

- Exemption process requested for unanticipated failures

September 2021:

- Data Collection Advisory Panel met September 14 and made recommendations

October 2021:

- LETC met October 12 and made recommendations

Draft Actions

Action 1: Modify requirements for **vessels with a Charter/Headboat Reef Fish** and/or Charter/Headboat Coastal Migratory Pelagic permit to allow for an exemption to VMS requirements to address equipment failure.

Action 2: Modify requirements for **vessels with a Commercial Reef Fish permit** to allow for an exemption to VMS requirements to address equipment failure.



Data Collection AP and LETC Recommendations

Data Collection AP:

- Recommends the Council split the current framework action into two separate frameworks in order to move the for-hire action separately from the commercial action, in order to ensure the speed of the for-hire document isn't slowed since the commercial requirement is established and it may take more time to alter their rule.



Split Document: Pros and Cons

PROS

- Simplified document if limit to one sector
- Potential for document to move more quickly through process
- Purpose and need different for each sector
- Tailor exemptions more for each sector

CONS

- Workload increased for two documents
- Dual-permitted vessels will not have an exemption and will be “tied-to-dock”
- No potential for commercial sector exemption until a later date
- Mismatch - implementation date and framework action procedure



Draft Action 1: For-Hire

Alternative 1 No Action. Maintain the requirement that vessels with charter/headboat permits for Reef Fish and/or Coastal Migratory Pelagics (CMP) have an approved vessel monitoring system (VMS) unit onboard, operating at all times, unless exempted by National Marine Fisheries Service (NMFS) under a power-down exemption.



Draft Action 1: For-Hire

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
- **Option 2b:** 7 days
- **Option 2c:** 10 days



Data Collection AP and LETC Recommendations

LETC:

- Supports an exemption for unexpected equipment failure for the for-hire fleet (Action 1).
- Supports a requirement that the permit holder provide documentation to support the failure and subsequent repair following provisional approval of the exemption.

Data Collection AP:

- To define the days, as referred to in the alternatives and options in the document, as business days and not calendar days.



Draft Action 1: For-Hire

Alternative 3: Create an exemption to the VMS requirement to address equipment failure and set a limit on the number of times a permit holder can request the exemption each calendar year, per vessel:

- **Option 3a:** The permit holder may not request more than one exemption per vessel per calendar year
- **Option 3b:** two exemptions
- **Option 3c:** three exemptions



Data Collection AP and LETC Recommendations

Data Collection AP:

- Recommends that in the document when a permit is transferred or sold, the number of times the exemption is given resets
- In Action 1, to make Alternative 2, Option 2c, as amended in the previous motion, the preferred and in Alternative 3, to make Option 3c, as amended in the previous motion, the preferred.



Draft Action 2: Commercial

Alternative 1: (No Action): Maintain requirement that vessels with Commercial Reef Fish permits have an approved VMS unit operating on board at all times unless exempted by NMFS under a power-down exemption.

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 Commercial Reef Fish permits

- **Option 2a:** The exemption will be valid for up to 3 days from submittal date
- **Option 2b:** 7 days
- **Option 2c:** 10 days



Draft Action 2: Commercial

Alternative 3: Create an exemption to the VMS requirement to address equipment failure and set a limit on the number of times a permit holder can request the exemption each calendar year, per vessel:

- **Option 3a:** The permit holder may not request more than one exemption per vessel per calendar year
- **Option 3b:** two exemptions
- **Option 3c:** three exemptions

LETC:

- Does not support providing an exemption for unexpected equipment failure for the commercial fleet (Action 2).



Other Considerations

- Allowance of concurrent exemptions
 - Potential issue if one exemption isn't enough time to repair or replace malfunctioning unit
- Exemption tied to the vessel or permit?
 - How to handle dual-permitted vessels
 - Can one form be submitted if applied by vessel and not by permit?

Data Collection AP:

- Recommends that the exemption provision applies to the vessel and its permits.



Other Considerations

- Modification of reporting requirements to ease burden on captains when hailing out.
 - Use of COLREGS demarcation line instead of multiple trip declarations
 - Attempt to add to this framework action or develop another document?

Data Collection AP:

The Council take whatever necessary action to work with NMFS to revise the SEFHIER program to allow vessels to move within the COLREGS demarcation line without declaring. If a vessel intends to fish, inside or landward of the COLREGS demarcation line the requirement to hail out would apply. If seaward of the demarcation line, regardless of the intent to fish, the requirement to hail out would apply.



COLREGS Boundaries



Questions?

