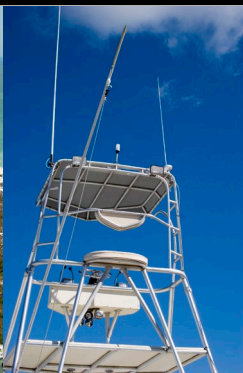




Tab F, No. 5

Data Collection Committee: June 2021

Draft Options for Electronic Reporting due to Equipment Failure



Why Are We Here?

May 2017: Finalized Generic Amendment: Modifications to Charter Vessel and Headboat Reporting Requirements

Phase 1: Electronic trip reporting implemented Jan. 5, 2021

Phase 2: Location reporting (VMS*) not yet effective

Public and Council comment received during development expressed concern about trip cancellation/loss of revenue and/or clients if location reporting equipment failed

- Exception process requested for unanticipated failures
- To date, no workaround has been determined
- Limited availability of hardware systems and training prior to implementation is a concern for participating operators

Council directed staff to begin a framework action to address equipment failure and possible exceptions for charter vessels, headboats, and commercial reporting. (April 2021)



Equipment Failure Concerns

Being “tied to the dock” for equipment failure with no exception is problematic.

- **Commercial sector:** the commercial program is well established. However, being “tied to the dock” can negatively impact personnel, trip cost (ice/bait), weather windows, etc.
- **For-Hire sector:** this is a new program. Being “tied to the dock” will cause trip cancellations and loss of revenue.

Exceptions for the different sectors may need to be addressed through separate actions. The Council requested similar flexibilities for the commercial sector be explored.



Draft Actions

Action 1: Modify VMS* location-positioning requirements for **for-hire vessels** with a Reef Fish and/or Coastal Migratory Pelagic permit(s)

Action 2: Modify VMS* location-positioning requirements for **commercial vessels** with a Commercial Reef Fish permit.



Draft Action 1: For-Hire

Modify VMS* location reporting requirements for for-hire vessels with a Charter/headboat Reef Fish and/or Coastal Migratory Pelagic permit(s).

- **Alternative 1** (No Action): Maintain requirement that vessels with Charter/headboat permits for Reef Fish and/or Coastal Migratory Pelagic permits have an operating VMS* location reporting unit on board at all times unless exempted by NMFS under a power-down exemption.
- **Alternative 2:** Create an additional exception to the VMS* location reporting requirements to address equipment failure.



Draft Action 2: Commercial

Modify VMS location-positioning requirements for commercial vessels with a Commercial Reef Fish permit.

- **Alternative 1** (No Action): Maintain requirement that vessels with Commercial Reef Fish permits have an operating VMS on board at all times unless exempted by NMFS under a power-down exemption.
- **Alternative 2:** Create an additional exception to the VMS location-positioning requirements to address equipment failure.



Considerations

Does an exception need to apply to for-hire and commercial vessels?

Commercial Reef Fish

- Satellite VMS units have been used in the commercial sector since 2007
- Failure rate of satellite VMS is very low.

For-Hire

- Cellular VMS options for for-hire reporting have not yet been used
- For-hire owners/operators concerned current location-positioning regulations are too vague



Considerations

- Implementation timeline
 - If equipment failure exception is allowed, there may be a gap between implementation of phase 2 location-tracking requirements and action(s) within this framework
 - Implementation timeline may depend on exception method:
 - New Regulations
 - Paperwork Reduction Act
- Response times of NOAA, software, and hardware vendors and average time to fix units



Questions?

