

Data Collection Committee Report
August 25, 2021
Mr. Kevin Anson, Chair

The Committee adopted the agenda (**Tab F, No. 1**) as written and approved the minutes (**Tab F, No. 2**) of the June 2021 meeting as written.

Update on Southeast For-hire Electronic Reporting (SEFHIER) Program (Tab F, No. 4)

Dr. Michelle Masi provided an update on the progress of the SEFHIER Program. Phase I of the program was implemented in January 2021 and as of August 1st approximately 1,700 Gulf and South Atlantic for-hire permit accounts have been created. In-person outreach efforts, which may help to improve account totals, has been hindered by the ongoing pandemic. In addition, the agency believes as many as 20-30% of all permits are latent. She addressed some common questions regarding the trip declaration requirement, provided a list of next steps for program participants, and presented weblinks to program materials.

A Committee member was curious as to why several captains had not yet registered for program reporting accounts. Southeast Regional Office (SERO) staff indicated that there were potentially many reasons including the limited ability to conduct in-person outreach, a large number of latent permits, and general participant discomfort with the program. A Committee member inquired why the reporting software required a “time returned” input before completing the report when the policy only stipulated a requirement for an “estimated time of return”. SERO staff indicated that the reporting software VESL combines the requirements for SEFHIER and the Southeast Region Headboat Survey (SRHS) which requires that the actual return time be within an hour of the estimated time of arrival. Mr. Andy Strelcheck stated that NOAA intends to continue to work with the industry to improve the program and that feedback on the feasibility of reporting was encouraged. A Committee member asked if the vessel monitoring system (VMS) required in Phase II of the program needs to be installed by a SEFHIER certified electrician and SERO staff indicated that the install only required a marine electrician certification.

Draft options for electronic reporting due to equipment failure (Tab F, Nos. 5a and 5b)

Ms. Carly Somerset provided an overview of a framework action that would allow for an exemption in location-positioning reporting for both the recreational and commercial sector should a VMS unit experience an unforeseen failure. Ms. Somerset indicated that expanded alternatives had been proposed since the last meeting and these would limit the annual number and frequency of exception requests. In the commercial fishery, satellite VMS units rarely exhibit failure events and it is anticipated that the satellite units approved for the SEFHIER program would behave similarly. However, cellular-based VMS units, also approved for SEFHIER, have not been observed and the performance of those units is not as well known. A committee member indicated that a few commercial fishermen had reported trouble with VMS units in open console vessels where hardware is subjected to inclement weather conditions.

A Committee member asked how a captain could send electronic trip reports if the VMS was not functioning. SERO staff indicated that electronic trip reports could be reported in other ways independent of the VMS. SERO staff also stated that they require VMS vendors to provide a 24-hour 7-day-a-week customer service provider to field failure reports. Additionally, SERO is working to create a “frequently asked questions” section on their webpage to help captains troubleshoot equipment issues.

A Committee member indicated that the document was directed towards catastrophic failure events, but still did not address the overarching issues expressed by captains. The main concern of charter captains is that they may incur lost revenue should they not be able to leave the dock due to a VMS malfunction, especially one that may be minor. Additionally, the Committee member expressed concern that the document was becoming too detailed and incorporated restrictions for reporting unforeseen failures. SERO staff indicated that they were amenable to creating an online form that a captain could complete to report a VMS issue, but that some restrictions on these exceptions would be required to avoid creating any potential loopholes in reporting. A Committee member asked if law enforcement had ever removed a permit for non-compliance. Given the novelty of the SEFHIER program, the goal of NOAA law enforcement would be to increase compliance through education rather than issuing penalties. As the program becomes more established, law enforcement does have the authority to issue warnings, dispense monetary and civil penalties, or confiscate permits depending on the magnitude of the offense.

Mr. Chair, this concludes my report.