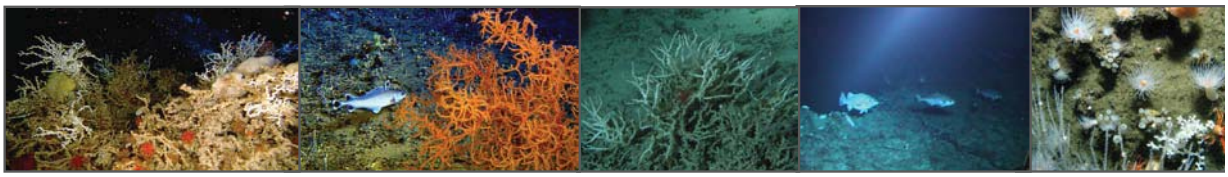
Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment



AMENDMENT 31 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION
AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC
AMENDMENT 22 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES IN THE GULF OF MEXICO AND ATLANTIC REGION

Environmental Assessment **Regulatory Flexibility Act Analysis** **Regulatory Impact Review**

Fishery Impact Statement

Final Version

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Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment

List of Approved Actions

Action 1. Amend the Snapper Grouper, Dolphin and Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels

Preferred Alternative 4. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Preferred Sub-Alternative 4b. Headboat

It is the South Atlantic Councils' intent that headboats must remain current with reporting to remain in compliance with the conditions of a valid permit (i.e., to be authorized to conduct trips) and that in catastrophic conditions (i.e., when electronic means to report data are not feasible) paper reporting be authorized.

SUMMARY

For

Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment

South Atlantic Region - Amends the Snapper Grouper Fishery Management Plan

South Atlantic, Mid-Atlantic and New England Regions - Amends the Dolphin and Wahoo Fishery Management Plan

Gulf of Mexico, South Atlantic and Mid-Atlantic Regions - Amends the Coastal Migratory Pelagic Resources Fishery Management Plan

What Actions are the Councils Proposing in the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment?

The approved alternative in the action would:

- Modify required logbook reporting for headboat vessels to require electronic reporting.

Which Fisheries Would be Affected?

The action would affect fisheries for the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), Fishery Management Plan (FMP) for the Dolphin and Wahoo Fishery of the Atlantic, and FMP Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region (Coastal Migratory Pelagics FMP). Actions that would amend the Coastal Migratory Pelagic FMP would apply only to fishing in South Atlantic waters. The South Atlantic and Gulf of Mexico Councils decided to make changes within the South Atlantic through this Joint Amendment. The changes for the Gulf of Mexico are included in a framework action addressing the Gulf Reeffish and CMP FMPs. The South Atlantic Council will have to approve the Gulf Council's CMP actions.

What Data are Currently Being Collected?

Landings information from the Marine Recreational Information Program (MRIP) and the National Marine Fisheries Service (NMFS) Headboat Survey provide information on landed and discarded catch in the recreational sector (for-hire and private).

What are the Current Coverage Levels for Data Collection Programs?

For-hire vessels (charter and headboat) selected to report by the Science and Research Director (SRD) must maintain a fishing record for each trip, or a portion of such trips as specified by the Science and Research Director, and on forms provided by the Science and Research Director. Furthermore, the owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, who is selected to report by the Science and Research Director must participate in the National Marine Fisheries Service-sponsored electronic logbook and/or video monitoring reporting program as directed by the Science and Research Director. The video monitoring reporting program is currently in the proposal stage.

Completed paper records for charter vessels must be submitted to the Science and Research Director weekly, postmarked no later than 7 days after the end of each trip (Sunday) (Amendment 4 to the Snapper Grouper FMP; SAFMC 1991). Completed paper records for headboats must be submitted to the Science and Research Director monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month (Snapper Grouper Amendment 4; SAFMC 1991).

Harvest and bycatch in the private and for-hire charter vessel sector was monitored by the Marine Recreational Fisheries Statistical Survey (MRFSS). MRFSS has been replaced by the Marine Recreational Information Program (MRIP). A 10% sample of charter vessel captains is called weekly to obtain trip level information. In addition, the standard dockside intercept data are collected from charter vessels and charter vessel clients through the standard random digital dialing of coastal households. Currently, landings data are provided 45 days following the end of a two-month wave.

Harvest from headboats is monitored by NMFS at the Southeast Fisheries Science Center's (SEFSC) Beaufort Laboratory. Collection of discard data began in 2004. Daily catch records are obtained for all trips and are filled out by the headboat operators, or approved crew. Headboat trips are sub-sampled for data on species lengths and weights. Biological samples (scales, otoliths, spines, reproductive tissues, and stomachs) are also collected as part of the Southeast Region Headboat Survey (SRHS) dockside sampling protocols. Lengths of discarded fish are obtained by state administered at-sea headboat sampling programs, but these data are not part of the headboat database.

For-Hire Pilot Projects

There have been two data collection projects in the Gulf of Mexico to evaluate programs with the goal of improving accuracy and timeliness of fisheries data from for-hire vessels. In September 2010, a one-year for-hire electronic pilot study was conducted in the Gulf of Mexico to test the feasibility of a mandatory electronic logbook reporting system, as well as methods to independently verify self-reported catch and effort data in the for-hire sector. The expectation of a mandatory reporting system was that a complete census of effort and catch among all participants would be obtained. However, methods to independently validate self-reported fisheries data are needed to certify whether a true and accurate census of catch and effort is actually achieved, and to account for instances when it is not. Tracking methods are also important with any mandatory reporting requirement so that late or missing reports can be identified and participants in the fishery can be contacted in a timely manner. The full report from this project is expected to be completed in early 2013.

The iSnapper Electronic Logbook Project was conducted in the Gulf of Mexico using charter vessels and headboats during the 2011 and 2012 recreational red snapper fishing seasons. This pilot program distributed iPhones/iPads pre-loaded with the iSnapper application to charter and headboat captains in the for-hire sector in Texas, Louisiana, Alabama, and Florida. The iSnapper application is a program that allows for real time data recording from mobile devices. These for-hire fishing vessels targeted both reef fish (e.g., red snapper) and a variety of other pelagic

species (e.g., king mackerel). In 2011, 16 captains participated from June 1 through July 18, 2011. Collectively, the group reported catches data from 327 trips, harvested more than 10,000 fish of five major species, and provided information on discard rates and fish size.

Voluntary Angler Surveys, such as those used in the iSnapper application, can provide useful data but there are concerns about such data being susceptible to bias. The Mid-Atlantic Fishery Management Council, in cooperation with the Marine Recreational Information Program (MRIP), brought together a group of people involved in such programs in February 2012. They concluded that "Opt-in angler data may be useful for certain kinds of data that are not likely to be susceptible to bias, although it is difficult to anticipate what these data may be. However, the unique characteristics of self-selected participants are likely to introduce bias into certain kinds of data, especially catch and effort data. Managers must be made aware of such biases, and the likely extent of such biases should be examined when implementation of these programs is considered." The Summary of the February 2, 2012, Workshop is included as **Appendix I**.

The Southeast Region Headboat Survey (SRHS) received FY2012 funding from the MRIP Operations Team for - *Pilot Project, Phase II: Survey-Wide Implementation of Electronic Logbook Reporting on Headboats Operating in the U.S. South Atlantic and Gulf of Mexico*. The objective of this project was to develop and implement a web-based portal for electronic logbook data entry in the U.S. Atlantic and Gulf of Mexico headboat sector. This project included development by a software contractor of additional features of the web-based data form useful to users and scientists (e.g., depth, location, on-demand fish identification catalogue, etc.). The software contractor and SRHS staff provided technical support to all participants during each stage of the transition process. These procedures were tested for the first 60 days of the project.

Why are the Councils taking Action?

In **Action 1**, the South Atlantic Fishery Management Council (South Atlantic Council) considered alternatives that could increase the reporting frequency by charter and headboat fishermen, and require electronic reporting by for-hire fishermen in fisheries for snapper grouper, coastal migratory pelagic, and dolphin/wahoo fisheries. The South Atlantic Council concluded that improving data reporting in these fisheries could reduce the chance that the recreational annual catch limits (ACLs) are exceeded and accountability measures (AMs) are triggered. The for-hire sector contributes to recreational landings that count towards the recreational annual catch limit (ACL). Catches from charter vessels are captured in the Marine Recreational Information Program (MRIP) but headboat catches are monitored separately. Delays in receiving and processing headboat data could contribute to the recreational annual catch limit (ACL) being exceeded. Electronic reporting via computer/internet could reduce delays and result in fewer recreational annual catch limit (ACL) overruns.

The South Atlantic Council considered sub-alternatives to require electronic reporting for the charter sector in **Action 1** but did not select it as their preferred sub-alternative due to results from pilot studies indicating possible biases associated with use of these self-reported data. Further, the SRD noted that projections of harvest and bycatch for charter vessels are not conducted through the SEFSC, but rather through MRIP. The SRD noted that further

consultation with MRIP would be necessary before moving forward with electronic reporting for the charter sector. Therefore, the South Atlantic Council instead chose to defer the data reporting measures for the charter sector to a future joint amendment with the Gulf of Mexico Fishery Management Council. This will allow the details of such a program to be worked out with MRIP and for the SEFSC to develop a data reporting system for the charter sector.

Sub-alternative 2b, 3b, and 4b would require the charter sector to submit fishing records to the Science and Research Director (SRD) weekly via electronic reporting. It is the South Atlantic Council's opinion that under these sub-alternatives, NMFS would be able to focus the limited funding through MRIP on private recreational anglers and thereby improve those estimates. If the entire for-hire sector was providing weekly electronic reports, NMFS could use those estimates to track the for-hire component of the recreational ACLs. It is the South Atlantic Council's intent that NMFS use the headboat landings from the weekly electronic reporting specified in this amendment to track headboat landings to help ensure the recreational ACL is not exceeded. Further, it is the South Atlantic Council's intent that the joint amendment addressing headboat reporting be completed during 2013 with regulations in place beginning in 2014.

Purpose for Action

The ***purpose*** of the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment is to: Improve for-hire data collection methods to help ensure recreational annual catch limit overages do not occur in South Atlantic fisheries.

Need for Action

The ***need*** for the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment is to: Improve data collection methods and timeliness of reporting to limit overages of annual catch limits, to improve stock assessments, and to improve compliance in South Atlantic fisheries.

What Are the Alternatives for Actions Being Considered?

Action 1. Amend the Snapper Grouper, Dolphin and Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels

Alternative 1 (No Action). Retain existing permits and data reporting systems for the for-hire sector. Currently, the owner or operator of a vessel for which a charter vessel / headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic exclusive economic zone (EEZ), and who is selected to report by the Science and Research Director (SRD), must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed records for charter vessels must be submitted to the Science and Research Director weekly, postmarked no later than 7 days after the end of each trip (Sunday). Completed records for headboats must be submitted to the Science and Research Director (SRD) monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month.

Alternative 2. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 2a. Charter

Sub-Alternative 2b. Headboat

Alternative 3. Require that vessels submit fishing records to the Science and Research Director (SRD) daily via electronic reporting (via computer or internet). Daily = by noon of the following day.

Sub-Alternative 3a. Charter

Sub-Alternative 3b. Headboat

Preferred Alternative 4. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 4a. Charter

Preferred Sub-Alternative 4b. Headboat

It is the South Atlantic Councils' intent that headboats must remain in compliance with the reporting requirements to be authorized to conduct trips (compliance measure). NMFS has also specified measures to be used in cases of catastrophic conditions when electronic means to report

data are not feasible. Under the alternatives with weekly reporting, Monday through Sunday is the fishing week and reports are due seven days after the end of each week that ends on Sunday. The reports are due are due by midnight of the following Sunday. This is contained in the current regulations for charter vessels. Under the alternative with daily reporting, reports would have been due by noon of the following day to ensure the data are available more frequently than weekly.

What data collection programs are currently in place for charter and headboat vessels in fisheries for snapper grouper, coastal migratory pelagic, and dolphin/wahoo?

Charter vessels are required to maintain a fishing record for each trip, or a portion of each trip as specified by the Science and Research Director (SRD) (at the Southeast Fisheries Science Center), on forms that are provided. Forms include instructions, which indicate all of the required information and must be postmarked no later than 7 days after the end of each week (on Sunday).

Harvest and bycatch from charter and private vessels are monitored by the Marine Recreational Information Program (MRIP). A 10% sample of charter vessel captains is called weekly to obtain trip level information. Additionally, standard dockside intercept data are collected from charter vessels and vessel clients are randomly sampled.

Headboat vessels are also required to report important information about their fishing trips. Vessels must complete and mail reporting forms to the Science and Research Director (SRD). The forms are due on a monthly basis, and must either be made available to a fisheries statistics reporting agent or be postmarked no later than 7 days after the end of each month.

Headboat trips are sub-sampled dockside for data on species lengths and weights. Biological samples are also collected as part of the dockside sampling protocols. Lengths of discarded fish on headboats are obtained by state administered at-sea sampling programs.

The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, who is selected to report by the Science and Research Director (SRD) must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the Science and Research Director (SRD).

[Note: More details are included in the Summary beginning on page S-2.]

Summary of Effects

Biological: Alternative 1 (No Action) would retain existing data reporting systems for the for-hire sector. Currently, for-hire vessels for the snapper grouper, coastal migratory pelagic, and dolphin/wahoo fisheries selected to report by the Science and Research Director (SRD) need to maintain a fishing record for each trip, or a portion of such trips as specified by the Science and Research Director (SRD), and on forms provided by the Science and Research Director (SRD).

Furthermore, the owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, who is selected to report by the Science and Research Director (SRD) must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the Science and Research Director (SRD).

Under **Alternative 1 (No Action)**, for-hire vessels in fisheries for coastal migratory pelagics and dolphin wahoo would not be required to submit their data via electronic reporting (computer/internet). **Alternatives 2-Preferred Alternative 4** would require data be submitted to the Southeast Fisheries Science Center (SEFSC) more frequently via computer/internet. Assuming compliance and accurate reporting by for-hire participants, all of the action alternatives could result in positive indirect biological effects, if the data were reported in a timelier and efficient manner resulting in better monitoring of recreational annual catch limits (ACLs). The South Atlantic Council did not select alternatives that would require the charter sector to report landings electronically due to a recently completed pilot study in the Gulf of Mexico to test the feasibility of a mandatory electronic logbook reporting system in the charter sector. The preliminary findings indicated that there may be problems with using logbook data from charterboats to track landings at this time. Further, the SRD noted that projections of harvest and bycatch for charter vessels are not conducted through the SEFSC, but rather through MRIP. The SRD noted that further consultation with MRIP would be necessary before moving forward with electronic reporting for the charter sector.

Alternative 3 would require daily electronic reporting resulting in the greatest positive indirect biological effects among the action alternatives. **Alternative 2** would require weekly reporting, which is the same as the status quo (**Alternative 1)** for charter vessels; however, **Alternative 2** would require data be submitted electronically. Further, **Alternative 2** would increase the reporting frequency for headboat vessels. Therefore, **Alternative 2** would have the least amount of biological benefits among the alternatives being considered. **Preferred Alternative 4** would initially require weekly reporting, with the additional requirement for data to be submitted via computer. **Preferred Alternative 4** would allow the Science and Research Director (SRD) to require more frequent data submissions in the future, upon notice, without the South Atlantic Council having to prepare an additional amendment. **Preferred Sub-Alternative 4b** would implement this new reporting for headboats. **Sub-alternative 4a** would require the electronic weekly reporting by charter vessels as well which would be more biologically beneficial. However, funding is not available, and a program has not been developed to collect electronic data from charter boats at this time. It is the South Atlantic Council's intent to move towards this goal in the future.

Economic: In summary, all alternatives except **Alternative 1 (No Action)** would change how the for-hire sector reports landings. The other alternatives would require weekly (**Alternative 2**) or daily (**Alternative 3**) electronic reporting. **Alternative 4 (Preferred)** would require weekly electronic reporting, but could modify the reporting frequency via notice as necessary and determined by the SRD. The sub-alternatives for **Alternatives 2 - 4 (Preferred)** would differentiate whether the alternative would apply to just the charter boat sector (**Sub-Alternative a**) or to just the headboat sector (**Sub-Alternative b**). **Alternatives 2 - 4 (Preferred)** would incur costs of time for fishermen to enter data and perhaps costs for computer equipment, as well as staff time. However, each alternative other than **Alternative 1 (No Action)** would provide

managers with data in a more timely manner that could allow for increased precision for recreational sector management, and help prevent ACL overruns for species that have in-season closures like black sea bass. For species with a recreational AM that shortens the length of the following fishing season, better and more timely data could help ensure landings do not exceed the ACL in the year following an overage. If fishermen do not maintain reporting, they will not be in compliance to fish and this could result in negative economic impacts.

Social: In general, negative social effects of for-hire reporting requirements would likely be associated with any added time and financial burden for permit holders to meet the requirements. Increased frequency in reporting under **Alternatives 2-Preferred Alternative 4** may have some negative effects on vessel owners and captains because businesses would need to allocate additional time or staff to submit reports. However, reporting is currently required and these alternatives would modify the way and frequency in which the reports are prepared. It is expected after the initial learning curve, the electronic logbook would be more efficient for the fishermen to complete. The more frequent than weekly reporting requirement under **Alternative 3** and the potential for more frequent than weekly reporting requirement under **Preferred Alternative 4** would be more burdensome for for-hire permit holders than the weekly reporting in **Alternative 2**. **Alternative 1 (No Action)** would not be expected to negatively impact the for-hire sector in terms of additional time and money requirements. Charterboat owners and captains would not be impacted under **Sub-alternative 2b, Sub-alternative 3b,** and **Preferred Sub-alternative 4b**, but requirements for only headboats may not improve quota monitoring and accuracy to the extent that inclusion of the same requirements for charterboats under **Sub-alternatives 2a, 3a,** and **4a.**

The requirement for electronic reporting under **Alternatives 2- Preferred Alternative 4** would affect vessel owners who do not already use computer systems in their businesses. Some fishermen are not familiar with computers or internet, and some may simply be more comfortable with paper fishing records. There may also be an increased risk of errors for electronic reporting by fishermen who typically do not use computers and internet in their businesses. However, it is expected after the initial learning curve, the electronic logbook would be more efficient for the fishermen to complete.

Requiring all for-hire permit holders to report electronically and more frequently (**Alternatives 2 - Preferred Alternative 4**) is expected to result in broad social benefits. Recreational AMs vary from in-season closures for some species such as black sea bass, red grouper, and golden tilefish to a reduction in the length of the fishing season in the year following an ACL overage for many other species. More frequent and timely reporting would be expected to improve monitoring of recreational landings, with which it would be less likely that an annual catch limit (ACL) would be exceeded during the fishing season for species such as black sea bass, red grouper, and golden tilefish, or in the year following an ACL overage for many other species. AMs can have significant direct and indirect effects on for-hire fishermen, and associated communities and businesses, because they usually impose some restriction on harvest, during either the current season or the next. Early closures of species such as black sea bass and paybacks (which in turn increase the likelihood of an earlier closure in the following year) are directly linked to the ability of NMFS to monitor recreational landings. While the negative effects of AMs are usually short-term, they may at times induce other indirect effects through changes in fishing behavior or

business operations that could have long-term social effects. Some of those effects are similar to other thresholds being met and may involve switching to other species or discontinuing fishing altogether. Although additional reporting requirements may not prevent AMs from being triggered, these requirements would be expected to provide additional information to better forecast early closures and minimize post-season AMs, such as "pay-backs." Under **Alternative 1 (No Action)**, there would be no improvements to monitoring as a result of more timely reporting, and it would be more likely that post-season AMs would continue to impact for-hire businesses, communities, and customers.

Using electronic reporting is much more efficient for NMFS to monitor landings and the data can be analyzed in a timely manner. With electronically reported data, NMFS would be able to identify permits that are not in compliance with the reporting requirements. If permitted fishermen are out of compliance with reporting requirements, they would not be able to legally harvest the species covered by their permit, and this could result in negative social impacts.

Administrative: The administrative effects of changing reporting requirements for the for-hire sector would most likely be associated with rule-making, outreach, and implementation of the revised reporting scheme.

Using electronic reporting is much more efficient for NMFS and the data can be analyzed more quickly. With electronically reported data, NMFS would be able to determine which permits are not in compliance with the reporting requirements, and timely reporting would be a condition of the permit. The electronic reporting system would provide NMFS information on compliance with reporting requirements, and NMFS would be able to invoke penalties to those who are in violation. As such, the administrative burden related to enforcement is likely to increase.

In general, increased frequency in reporting under **Alternatives 2- Preferred Alternative 4** would increase the administrative burden on NMFS. As the number of vessels affected increases, and reporting frequency increases (under the sub-alternatives), so do the administrative impacts.