

**Modifications to Coastal Migratory
Pelagics, Gulf Reef Fish, Dolphin Wahoo,
and South Atlantic Snapper Grouper
Fishery Management Plans:
Charterboat Reporting**

DECISION DOCUMENT

**For Discussion at the SAFMC Data Collection
Committee
March 5, 2015**

**The King and Prince Hotel
201 Arnold Road
St. Simons Island, GA**

February 9, 2015

Background

At their December 2012 meeting, the South Atlantic Council reviewed the Gulf Council's actions related to charterboat reporting (shown below), and directed staff to keep the Council informed of progress on the Gulf Council's Generic Amendment addressing Charter Reporting.

The Gulf Council approved the following motions at their October 2012 meeting:

- a. Motion#1: To create a subcommittee with a member of the South Atlantic, HMS, Gulf Council, SEFSC, and MRIP to coordinate and bring back a complementary document to deal with headboat data collection system.

Motion carried with no opposition.

- b. Motion#4: To begin work on an amendment for electronic reporting for charterboats and to make the South Atlantic Council aware that we are developing the amendment.

Motion carried with no opposition.

- c. Motion: That the charge of the Ad Hoc Private Recreational Data Collection AP be as follows:

- Work with different experts to evaluate the merit of using offshore fishing permits, vessel registration information, and satellite imaging to gauge fishing effort.
- Work with staff from the Southeast Science Center to evaluate the utility of self-reported angler data. (i.e., electronic web based/ phone apps)
- Suggest possible "citizen scientists" projects that can be used to supplement current recreational data.
- Critique the MRIP Strategic Communications Plan for recreational data collection, provide feedback on clarity and effectiveness of the message, and advise the Council on which pathways should be used to connect with anglers.

Motion carried with no opposition.

The South Atlantic Council discussed this issue during the September 2013 meeting and approved the following motion:

MOTION #2: APPOINT JOHN CARMICHAEL/MIKE ERRIGO (BACKUP) AS THE SAFMC REPRESENTATIVE ON THE SUBCOMMITTEE WORKING ON THE TECHNICAL ASPECTS OF SEPARATING CHARTERBOATS FROM THE MRIP SAMPLING PROGRAM.

The Gulf Council appointed John Froeschke as the Gulf staff representative at their October 2013 meeting.

The next step was to request the involved agencies appoint individuals to represent MRIP, HMS, SEFSC, ACCSP, SERO, and ASMFC. The South Atlantic Council added Doug Mumford (NC DMF) and Eric Hiltz (SC DNR) to the technical committee. South

Carolina has a charterboat logbook program that has been in place for a number of years, and North Carolina is developing a charterboat logbook.

The Technical Sub-Committee met May 28-29, 2014, and continued to work on a final report. Mike Errigo, Council staff, reviewed the final report at the December 2014 meeting.

“The Technical Sub-Committee recommends (final report November 26, 2014) a census style, electronic reporting system that builds upon the Gulf of Mexico electronic logbook pilot program, the electronic reporting program for headboats, and the recently implemented electronic dealer reporting program. A brief overview of the recommendations is below:

- 1) Complete census of all participants;*
- 2) Mandatory, trip level reporting with weekly electronic submission. Give flexibility to require submission more frequently than weekly if necessary. Give flexibility to declare periods of inactivity in advance;*
- 3) Development of compliance tracking procedures that balance timeliness with available staff and funding resources;*
- 4) Implementation of accountability measures to ensure compliance;*
- 5) Use validation methods developed in the Gulf of Mexico logbook pilot study as a basis to ensure that the actual logbook report is validated and standardized validation methodologies are employed among regions;*
- 6) Minimize reporting burden to anglers by reducing (or preferably eliminating) paper reporting and eliminating duplicate reporting;*
- 7) Maintain capability for paper-based reporting during catastrophic conditions;*
- 8) Require and maintain a comprehensive permit/email database of participants;*
- 9) Develop and implement the program in close coordination with MRIP, SERO, SEFSC, HMS, state agencies, ACCSP, and GulfFIN;*
- 10) Include procedures for expanding estimates for non-reporting; and,*
- 11) Allow multiple authorized applications or devices to report data as long as they meet required data and transferability standards.*

The technical subcommittee has provided these recommendations within the framework of finite fiscal and personnel resources with consideration of reporting burden and technology requirements for charter vessel operators. The recommended program should be flexible enough to accommodate changes in technology or funding availability without compromising the integrity of the long-term data series. The technical subcommittee also realizes that advances in data collection technologies will continue and the program will require evaluation, and likely subsequent improvement to meet the evolving needs of science and management.”

The South Atlantic Council discussed the recommendations and cost estimates at their December 2014 meeting and provided guidance for Council staff to begin work on a joint amendment during 2015, incorporating the previous guidance to pattern the amendment after the Headboat Amendment and the recommendations received from the Joint Charterboat Technical Committee.

The Gulf Council discussed the final report at their January 2015 meeting and approved the following motion: That the Data Committee directed staff to begin developing a plan amendment that would require electronic logbooks for the charter for-hire vessels in the Gulf and South Atlantic that considers the use of VMS and other recommendations from the Joint Council Technical Subcommittee report.

Purpose and Goals

The purpose and need shown below was modified from the Joint Headboat Reporting Amendment in the South Atlantic:

Purpose for Action

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

Need for Action

The *need* for the Joint South Atlantic/Gulf of Mexico Generic Charter Reporting 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 Gulf of Mexico and South Atlantic fisheries.

COMMITTEE ACTION:

Option 1. Approve the Purpose & Need shown above.

Option 2. Modify and Approve the Purpose & Need.

Option 3. Others??

Actions/Alternatives Wording

The wording for Action 1 shown below was modified slightly from the Joint Headboat Reporting Amendment in the South Atlantic. Some additional actions have been included.

Action 1: Amend the Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to modify data reporting for charter vessels

Alternative 1 (No Action). Retain existing permits and data reporting systems for the charter sector. Currently, the owner or operator of a vessel for which a charter vessel 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). Currently, all headboats are required to 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).

Alternative 2. Require that charter 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).

Alternative 3. Require that charter 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.

Alternative 4. Require that charter 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).

It is the Councils' intent that charterboats 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 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. Charter vessel permit owners would be allowed to declare periods of inactivity in advance.

Compliance Measure

It is the Councils' intent that charter vessels must remain in compliance with the reporting requirements to be authorized to conduct trips to fish for reef fish, snapper grouper, dolphin wahoo, and coastal migratory pelagic species (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 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.

“No-fishing forms” must be submitted at the same frequency, via the same process as specified in **Action 1**.

Reporting is currently a condition of the permits issued for the reef fish, snapper grouper, dolphin/wahoo, and coastal migratory pelagic fisheries. Not reporting does not meet the conditions of the permit and the permit becomes invalid. Under the current reporting scenario, it is difficult to determine which permits have met the reporting frequency requirements due to the lag between the submittal of reports and the processing of the data. Electronic reporting would allow for better enforcement of current permit conditions. Any delinquent reports would need to be submitted and received by the National Marine Fisheries Service (NMFS) before a charter vessel could legally harvest and/or possess the affected species.

In situations where there is no fishing occurring, either by choice or due to a closed fishing season, “no fishing reports” are currently required to be submitted. These forms would still be required and could be submitted electronically, and should be submitted by the timeframe specified to remain in compliance with the permit requirements.

A charter vessel would only be authorized to harvest and/or possess species in the Reef Fish, Snapper Grouper, Dolphin/Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans if the charter vessel's previous reports have been submitted by the charter vessel owner and received by the NMFS in the time specified. Any delinquent reports would need to be submitted and received by NMFS before a charter vessel could legally harvest and/or possess the affected species. Charter vessel reporting ahead of time if they are closed/not fishing for an extended period, meets the intent of the weekly reporting in the preferred alternative.

This measure would require that charter vessels remain current on their reports as a requirement to continue legally harvesting and/or possessing the affected species. This would improve timeliness and accuracy of charter vessel reporting, decreasing the likelihood of exceeding recreational annual catch limits (ACLs) 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. The requirement to submit no-fishing forms reduces the uncertainty of reported charter vessel landings. NMFS would be better able to differentiate between periods when charter vessels were fishing and periods with missing reports.

Catastrophic Measure

It is the Councils' intent that the charter vessel program would be allowed to use paper-based reporting only as a backup during catastrophic conditions, when electronic means to report data are not feasible. The Regional Administrator (RA) would determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA would provide timely notice to affected participants via publication of notification in the *Federal Register*, NOAA weather radio, fishery bulletins, and other appropriate means and would authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms would be available from NMFS. The RA would have the authority to waive or modify reporting time requirements. The need for paper-based reporting is expected to occur infrequently and for relatively short time periods.

Currently, charter vessels are subject to the following permitting and reporting requirements: **Note: The following needs to be updated to just refer to charter vessels.**

Code of Federal Regulations: Title 50

§ 622.2 Definitions and acronyms.

Science and Research Director (SRD), for the purposes of this part, means the Science and Research Director, Southeast Fisheries Science Center, NMFS (see Table 1 of § 600.502 of this chapter).

§ 622.4 Permits and fees.

(a) Permits required. To conduct activities in fisheries governed in this part, valid permits, licenses, and endorsements are required as follows: (1) Charter vessel/headboat permits. (i) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, species in any of the following species groups, a valid charter vessel/headboat permit for that species group must have been issued to the vessel and must be on board--

(A) Gulf coastal migratory pelagic fish.

(B) South Atlantic coastal migratory pelagic fish.

(C) Gulf reef fish.

(D) South Atlantic snapper-grouper.

(E) Atlantic dolphin and wahoo. (See paragraph (a) (5) of this section for the requirements for operator permits in the dolphin and wahoo fishery.)

(ii) See paragraph (r) of this section regarding a limited access system for charter vessel/headboat permits for Gulf reef fish and Gulf coastal migratory pelagic fish.

(iii) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits.

§ 622.5 Recordkeeping and reporting.

Participants in fisheries governed in this part are required to keep records and report as follows.

(b) Charter vessel/headboat owners and operators—

(1) Coastal migratory pelagic fish, reef fish, snapper-grouper, and Atlantic dolphin and wahoo. 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, as required under §

622.4(a)(1), 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 EEZ, and who is selected to report by the 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 and must submit such record as specified in paragraph (b)(2) of this section.

(ii) Electronic logbook/video monitoring reporting. The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD. Compliance with the reporting requirements of this paragraph (b)(1)(ii) is required for permit renewal.

(2) Reporting deadlines--(i) Charter vessels. Completed fishing records required by paragraph (b)(1) of this section for charter vessels must be submitted to the SRD weekly, postmarked

not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) Headboats. Completed fishing records required by paragraph (b)(1) of this section for headboats must be submitted to the 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. Information to be reported is indicated on the form and its accompanying instructions.

Discussion

Action 1 addresses the following recommendations from the Technical Sub-Committee:

1. Complete census of all participants.
2. Mandatory, trip level reporting with weekly electronic submission. Give flexibility to require submission more frequently than weekly if necessary. Give flexibility to declare periods of inactivity in advance.
4. Implementation of accountability measures to ensure compliance.
7. Maintain capability for paper-based reporting during catastrophic conditions.

The subcommittee agreed that the potential for bias is too great to recommend any voluntary reporting program and mandatory participation is necessary for vessel/owner-operators selected. This is recommended to best achieve the overarching objectives of the proposed program.

The technical subcommittee recommends the development and implementation of an electronic logbook *census* program to estimate catch and effort for southeast region charter vessels, including procedures for expanding for non-reporting. This recommendation was based in part on the inability of the current survey to meet the needs of science and management applications and the requirement of timeliness beyond which is readily achievable through a survey approach.

The technical subcommittee recommends trip level reporting with weekly submission due the Tuesday following each fishing week. This would include no activity reports that could be submitted in advance if periods of inactivity are known. The technical subcommittee discussed that a daily reporting requirement may not be feasible or enforceable, however, reporting systems and user interfaces should be designed to encourage "real-time" at-sea reporting of catch and catch related data elements (e.g. fishing location, fishing method, target species).

The subcommittee recommends accountability measures and reporting requirements similar to those implemented for commercial seafood dealers in the southeast region (i.e., weekly submission of trip level reports, including periods of no activity due Tuesday following each week). A charter vessel owner/operator would only be authorized to harvest or possess federally managed species if previous reports have been submitted by the charter vessel owner/operator and received by NMFS (NMFS) in a timely manner. Any delinquent reports would need to be submitted and received by NMFS before a charter vessel owner/operator could harvest or possess federally managed species from the EEZ or adjacent state waters.

COMMITTEE ACTION:

Option 1. Approve the range of Action 1 alternatives shown above for detailed analyses.

Option 2. Add additional alternatives and/or modify the Action 1 alternatives shown above and approve for detailed analyses.

Option 3. Others??

Action 2: Amend the Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to require vessel location reporting for charter vessels

Alternative 1 (No Action). There are no requirements for charter vessels to report vessel location electronically. Fishing location is required to be reported on the vessel logbook report using designated grids.

Alternative 2. Require the use of an electronic device that automatically records vessel location for later transmission along with the logbook information.

Alternative 3. Require the use of Vessel Monitoring System (VMS) for charter vessels.

Discussion

Action 2 addresses the following recommendations from the Technical Sub-Committee:

6. Minimize reporting burden to anglers by reducing (or preferably eliminating) paper reporting and eliminating duplicate reporting.

The South Atlantic Council is interested in charter vessels using a GPS enabled laptop, tablet, phone, or other electronic device similar to the one recently demonstrated by ACCSP to the Council and the Snapper Grouper Advisory Panel. The South Atlantic Council has concluded that VMS is not feasible for South Atlantic Council fisheries at this time due to cost and issues related to the operation of VMS on small vessels prevalent in many fisheries.

The vessel location data would be collected automatically and would be treated as highly confidential information. Fishing locations would not be available to the public. These data would only be used to conduct analyses to support stock assessments, describe fishing operations, and inform law enforcement for future operations.

The Gulf Council has directed staff to begin developing a charter vessel reporting plan amendment that would consider the use of VMS.

COMMITTEE ACTION:

Option 1. Approve the range of Action 2 alternatives shown above for detailed analyses.

Option 2. Add additional alternatives and/or modify the Action 2 alternatives shown above and approve for detailed analyses.

Option 3. Others??

Action 3: Amend the Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to specify certain aspects of reporting for commercial and for-hire vessels

Alternative 1 (No Action). There is no specified time for data to be made available to the public and to the Councils.

Alternative 2. Specify the following data flow and timing aspects of electronic reporting:

- (i) Simplification of reporting – reporting should allow the individual to hit one button to simultaneously send the data to the state, ACCSP, and NMFS.
- (ii) Data flow:
 - a) Logbook & dealer data collected via authorized platform, ex. web, tablet, phone, or VMS application
 - b) Data submitted to ACCSP or GulfFIN;
 - c) Data integrated by ACCSP or GulfFIN into single composite data set;
 - d) Composite data set distributed to appropriate agencies for analyses and use.
- (iii) Data fed to ACCSP and made available to the public via the ACCSP website. The “official” numbers used for closures would continue to be the numbers maintained by NMFS and available on the NMFS website but this would provide more timely and useful updates to the public.

Sub-alternative 2a. Apply to dealer reporting.

Sub-alternative 2b. Apply to headboat reporting.

Sub-alternative 2c. Apply to charter vessel reporting.

Alternative 3. Specify the following aspects of electronic reporting:

- (i) NMFS and/or ACCSP is to develop a compliance tracking procedure that balances timeliness with available staff and funding resources.
- (ii) NMFS is to use validation methods developed in the Gulf of Mexico logbook pilot study as a basis to ensure that the actual logbook report is validated and standardized validation methodologies are employed among regions.
- (iii) NMFS is to require and maintain a comprehensive permit/email database of participants.
- (iv) NMFS is to include procedures for expanding estimates for non-reporting.
- (v) NMFS is to allow multiple authorized applications or devices to report data as long as they meet required data and transferability standards.

Discussion

Action 3 addresses the following recommendations from the Technical Sub-Committee:

- 3. Development of compliance tracking procedures that balance timeliness with available staff and funding resources.
- 5. Use validation methods developed in the Gulf of Mexico logbook pilot study as a basis to ensure that the actual logbook report is validated and standardized validation methodologies

are employed among regions.

8. Require and maintain a comprehensive permit/email database of participants.
10. Include procedures for expanding estimates for non-reporting.
11. Allow multiple authorized applications or devices to report data as long as they meet required data and transferability standards.

The subcommittee recommends a multi-faceted approach where a number of reporting platforms can be used so long as the minimum data standards and security protocols are met. Data standards would need to be developed and the subcommittee agreed that NOAA Fisheries, the GulfFIN, and ACCSP could work collaboratively to develop appropriate standards.

The subcommittee recommends this process for data storage and management:

1. Logbook data collected via authorized platform, ex. web, tablet, phone, or VMS application
2. Data submitted to ACCSP or GulfFIN;
3. Data integrated by ACCSP or GulfFIN into single composite data set;
4. Composite data set distributed to appropriate agencies for analyses and use.

This process could eliminate duplicate reporting for some participants so long as appropriate data standards are in place and the respective agencies agree to confidentiality standards, which would allow sharing and accepting one another's data for use. Elimination of duplicate reporting (e.g., separate state and federal reports) would be a substantial benefit to participants in this survey program and could mitigate any additional reporting requirements for comparison to the current MRIP survey program.

The technical subcommittee recommends building upon the validation methodology developed in the Gulf MRIP pilot study.

The subcommittee recommends use of an MRIP certified methodology for validation with the following elements: Gulf MRIP pilot study methodologies, including dockside validation of catch and vessel activity, and maintenance of site and vessel registries.

The subcommittee recommends dual survey methods (existing and new) for no less than three years. Data from the new program would not be expected to provide management advice during the first year of operation. Moreover, this would allow the possibility of an initial phase-in or limited implementation to identify and solve significant problems prior to implementation for all participants.

The subcommittee recommends that the Councils move forward with development of a reporting system that includes federally permitted for-hire vessels while also exploring ways to determine the impact of state permitted vessels on landings estimates of federally managed species. Long term, the subcommittee recommends that both state and federally permitted charter vessels participate in this census to include the entire fleet of charter vessels harvesting federally managed species.

Weekly electronic dealer and headboat reporting are fully implemented. However, there are still delays in having updated landings available to the public for their use in planning trips and to the Councils for monitoring ACLs. A solution, in the Atlantic, would be to have the raw weekly data fed to ACCSP and made available to the public via the ACCSP website. The “official” numbers for quota closures would continue to be the numbers maintained by NMFS and available on the NMFS website but this would provide more timely and useful updates to the public.

The result would be updated and current catch data available on a daily basis for the public, states, NMFS, and the Councils to use in monitoring ACLs and planning fishing trips.

COMMITTEE ACTION:

Option 1. Approve the range of Action 3 alternatives shown above for detailed analyses.

Option 2. Add additional alternatives and/or modify the Action 3 alternatives shown above and approve for detailed analyses.

Option 3. Others??

Note: If Action 3 is added to the amendment, then we will need to discuss the Purpose & Need and add something to address this issue. The title of the document would also be expanded to address for-hire and commercial.

TIMING – Based on timing approved by SAFMC in December 2014

- A. ✓ Technical Sub-Committee finalized report – November 2014.
- B. ✓ Council reviews final report
 - a. ✓ SAFMC – December 2014
 - b. ✓ GMFMC – January 2015
- C. Council reviews options and provide guidance to Staff/IPT
 - a. SAFMC – March 2015
 - b. GMFMC – March 30 – April 2, 2015
- D. Council reviews and approves for public hearings
 - a. SAFMC – June 2015
 - b. GMFMC – June 2015
- E. Public hearings – August 2015
- F. Council reviews public hearing input and approves actions
 - a. SAFMC – September 2015
 - b. GMFMC – October 2015
- G. Councils approves for final review
 - a. SAFMC – December 2015
 - b. GMFMC – January 2016