Comprehensive Amendment Addressing Electronic Reporting for Commercial Vessels

Amendment 54 to the Snapper Grouper FMP, Amendment 4 to the Dolphin Wahoo FMP, and Amendment 35 to the Costal Migratory Pelagics FMP, Amendment 57 to the Gulf Reef Fish FMP

September 2022

Questions & Answers

The following are initial Interdisciplinary Planning Team (IPT) questions about the program modification. Answers were provided by National Marine Fisheries Service (NMFS) staff:

Why are there a few added data fields?
In an effort to streamline data collection across the federal and state agencies, NMFS has established these as required, by the very nature of NMFS' role as an Atlantic Coastal Cooperative Statistics Program (ACCSP) partner.

In general, the additional fields either collect the same information, but in a different way than on paper (gutted vs whole weight), or ask for a better estimate of the trip duration or characteristic (end/start port or trip end time).

Changes to these fields would require the entire ACCSP committee agreeing to changes or a decision by NMFS to not use ACCSP as a catcher's mitt or vendor (NMFS does not currently have the resources to do this without ACCSP, although capabilities are being built for down the road working with the NMFS's Greater Atlantic Regional Fisheries Office (GARFO).

Would there be exemptions to using the electronic platform and still use paper? Under what circumstances?
No. The agency does not have the resources to do both.

Under catastrophic conditions NMFS can delay the reporting timeline rather than requiring paper reporting as is currently done with dealer reporting. The Individual Fishing Quota (IFQ) program technically has paper forms for dealer reporting but in 15 years over many catastrophic conditions, no one has ever used it.

Who should a fisherman call if they are having trouble with the submission process?
The vendor that is supplying the application. We can have Frequently Asked Questions for common problems, but most problems are with the software and that is the vendor.

Would the electronic reporting system still protect confidential data?
NMFS is only responsible for protection of the data once it is in NMFS possession (e.g., in NMFS owned databases). This question also came up at GARFO recently and they used the analogy of submitting your taxes. Example: I use TurboTax to submit my tax records, and I do not have any data confidentiality or nondisclosure agreement with Intuit (TurboTax owner) nor does the government. The relationship is between me and TurboTax, and has nothing directly to do with the government. Once I submit my taxes, the government is responsible for protecting my confidential data.

ACCSP being Federal Information Security Modernization Act (FISMA)-certified was necessary to share confidential permits data. Currently, NMFS does not require vendors supplying applications for reporting to be FISMA-certified or have a non-disclosure agreement.

We need to be careful to not confound the apps that collect the data (and how they store it until submission) with the submission process to NMFS (through an application programming interface (API) to ACCSP or NMFS).

From the EM (electronic monitoring) policy:

- It is the role of the industry-provider to establish and enforce the amount, types, and contractional language on data management and security. NMFS has no role in that.
- NMFS intends to include self-certifications statements or processes when approving third party vendors.

- Upon entering into a contract with an EM vendor, language would be included within the contract to ensure data are secured and managed (if necessary), including those data managed on a NOAA system (making it a Federal record and subject to the Freedom of Information Act , FOIA)

How will discard reporting be affected?

- **Will a discard form still be mailed too or does a fisherman now put discard information in the "catch" section and indicate it's a discard?**
  Selected fishermen for the discard logbook would be required to fill out the catch section with all their discard information. Non-selected fishermen would just need to report landings. It will appear in the electronic logbook for everyone but only the selected are required to complete the discard information.

- **Will the discard portion be the same questions? If not, why?**
  It appears to be the same questions for discards. Will require further investigation by NMFS staff.

- **How will a fisherman know they have been selected for filling out the discard portion?**
  Commercial fishermen are currently notified by a mailed letter instructing them they have been selected to complete the discard form. This will remain the same under the electronic system (?).

- **Will the platform give the user an indication if they are required to submit the discard information? Deny submission if the permit holder doesn't fill it in appropriately?**
  No, this would require additional programming and sharing of information about who is selected each year with any applicable vendor.

- **Will the discard section always appear on the logbook form?**
  Yes, it will always appear in the logbook form. But will only be mandatory for selected vessels.

How will the transition to electronic platform affect the economic survey?

- **Will the economic portion be the same questions? If not, why?**
  The economic section will collect the same information as it does currently, but the questions may be reworded to be consistent with other mandatory logbook programs or the question may be split into additional questions to ensure the quality of the information and meet the needs of economic analyses to support management.

- **How will a fisherman know they have been selected for filling out the economic portion?**
  Commercial fishermen are currently notified by a mailed letter instructing them they have been selected to complete the economic questions. This will remain the same under the

electronic system (?).

- **Will the economic section always appear on the logbook form?**
  Yes, it will always appear in the logbook form but will only be mandatory for selected vessels.

Would the reported data go directly to ACCSP and then SEFSC or law enforcement? Does law enforcement currently have access to logbook records?
Yes, the data would go to ACCSP then to the Southeast Fisheries Science Center (SEFSC), where it would be available to law enforcement.

How will fishermen access their logbook history?
For applications: the application owners typically use accounts and allow fishermen to see their submitted records. The Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program is building in an option for this but right now it is not a requirement. Some applications may not be able to share all submitted information on different platforms. For example, entries on eTrips Mobile will not appear on eTrips Online and vice versa.

ACCSP also does not have the capability to ensure confidentiality when sharing data with the permit holders. Therefore, a record entered by a captain that is not a permit holder, would not be accessible by the permit holder through ACCSP without the captain supplying a username and password.

Permit holders requesting their catch history will need to ask SEFSC for this information. SEFSC and SERO are currently working on creating a fishermen portal for permit holders to view all of their catch history. First phase plans include the coastal logbooks, pelagic logbooks, Southeast Region Headboat Survey (SRHS), and SEFHIER logbooks. The team is still working out when records will be visible (e.g., raw records or final records). A major hurdle is ensuring authentication and authorization protocols so that MSA rules are kept and data is not shared with the wrong permit holder.

What is the expected timeline of one-stop reporting for vessels with multiple permits (i.e. Gulf and Atlantic, and South Atlantic/Mid-Atlantic)?
ACCSP's application and API are driven by One-Stop Reporting (OSR). Currently, ACCSP's API may suit our needs already.

GARFO is currently working on an OSR application and program. Estimated timeline for the work will be a few years based on different collection requirements and needs. SERO/SEFSC will be involved, as well as HMS.

<u>Questions regarding Highly Migratory Species (HMS)</u>:

HMS reports are set-level whereas the Coastal Logbook does not require set-level reporting. Would HMS permit holders need to report twice if they catch HMS species and other Council managed species?

NMFS staff can try to incorporate into OSR, but cannot mandate OSR reporting. If a fisherman wanted to report twice, they have that option. No one should have to submit multiple reports to the SEFSC. Users would just need to log the appropriate gear(s) they are using within a trip, and the app does the rest.

There may be overlap between Coastal Logbook reports and HMS reports to the Shark Logbook. Is the Shark Logbook electronic? Where can we find the Shark Logbook?
There is no separate shark logbook. The app handles this based on the gear selected by the user. BLL would be considered a coastal gear, so regardless of what species are caught, or even if the fisher gets skunked, the appropriate questions will get populated. Someone who catches sharks on a pelagic longline would be asked set-level questions.