

Improvements to the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program

Discussion Document
June 2024



This document provides information requested at the March 2024 South Atlantic Council meeting pertaining to improving compliance with the Southeast For-Hire Integrated Reporting (SEFHIER) Program.

Why is the Council Considering Action?

The Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program was launched in 2021 with implementation in 2020 of the Comprehensive For-Hire Electronic Reporting Amendment (SAFMC 2017), which modified reporting requirements for federally-permitted charter vessels and headboats in the snapper grouper, dolphin wahoo, and coastal migratory pelagics (mackerel and cobia) fisheries.

The South Atlantic Fishery Management Council (Council) received updates on SEFHIER in December 2023 and March 2024. The presentations summarized information to date on the number of vessels that are complying with reporting requirements in the South Atlantic region and other summary statistics. Overall compliance is low compared to that previously observed the Gulf of Mexico. Hence, the Council initiated discussion on ways to improve compliance, strengthen reporting requirements, and explore data validation, with the goal of utilizing the information being collected in future management decisions.

Guidance from March 2024 Council Meeting

The Council requested pieces of information related to improving SEFHIER at the March 2024 meeting. While not comprehensive of all requests and information gather is ongoing, the following information has been provided:

- **Assemble an advisory panel (AP) to obtain insight into how to improve compliance with SEFHIER.**

Response: The Council will review a draft charge for the new AP at the June 2024 meeting (in closed session). AP seats will be advertised for the Council to appoint participants at the September 2024 meeting.

- **Request information on how the AP in the Gulf is structured.**

Response: The Gulf Council appointed 13 individuals from across the region to serve on their Ad hoc Charter-For-hire Data Collection AP in December 2023. The AP's charge is:

“The Ad Hoc Charter For-hire Data Collection AP is tasked with providing Gulf-wide stakeholder insight on the development of a new electronic data collection program for the charter for-hire and headboat fishing industry. The AP should consider lessons learned from the SEFHIER program and work collaboratively to discuss strategies that would enhance the timeliness, accuracy, and quality of data for the federal for-hire fleet. The AP should also consider balancing the anticipated reporting and economic burdens associated with their recommended program requirements.”

Link to the [AP meeting summary report, January 2024](#).

- **Which aspects/components of the SEFHIER program contributed to lawsuit in the Gulf of Mexico; what components were disallowed and why?**

Response: See section below.

- **Review concerns NMFS raised with the initial SAFMC amendment and caveats on data usage based on the program criteria.**

Response: Additional information was requested from SEFSC following the March 2024 meeting on caveats of for-hire logbook data and where existing data can be used for management. That response will be forthcoming but the previous letter submitted by the SEFSC on February 21, 2018 is included in the Appendix. In this letter the SEFSC noted:

“The information reported by the vessels would not be considered useful for official estimates of catch and effort from the for-hire fishery until the approach is certified as statistically valid by MRIP. As currently outlined a primary concern is that vessels are not required to report before offloading, and therefore catch cannot be independently validated. Incorporating independent validation of the electronic vessel reports would improve the usefulness of the catch information for estimation.

Generally, before the information collected through the proposed Amendment is used for official estimates of for-hire catch and effort, multiple years of side-by-side data collection with the MRIP surveys should be conducted. Comparison between estimates calculated with and without the vessel reported catch and effort would maintain the integrity of the information used for managing the for-hire fishery.

NOAA Fisheries and partners would need investment, at a minimum, in the development of procedures and staff to (1) obtain, manage, and distribute new data, (2) monitor and improve compliance, and 3) develop statistically robust estimation procedures. Funding to support these activities would be needed before the data could be incorporated in existing estimation systems.”

- **What potential actions are realistic for data validation? What are some methods of validating a program of this type?**

Response: See table below.

- **What actions could be taken to improve compliance? Including actions that are allowable under the current authority and actions that would require additional authority (i.e. a rule change) and an associated amendment**

Response: See table below.

- **The Council indicated wanting to also potentially explore:**
 - Modifications to data elements
 - Whether there are operators who are leasing vessels that are being excluded from reporting requirements. Is this a prevalent issue?

- Alternate ways to collect social and economic data.
- Hail-in/hail-out provisions
- Modifications to the frequency of reporting
- Aligning between the SA and Gulf programs

Why was the Gulf’s SEFHIER program set aside?

On February 23, 2023, the United State Court of Appeals for the Fifth Circuit set aside the Gulf SEFHIER final rule. The court concluded that based on the evidence in the administrative record the Magnuson-Stevens Fishery Conservation and Management Act did not authorize NMFS to require the 24-hour 7-day-per-week vessel monitoring system (VMS). The Court also concluded that the rule was not promulgated in compliance with the Administrative Procedure Act because NMFS failed to address comments that raised privacy concerns under the Fourth Amendment to the U.S. Constitution and did not provide proper notice that the logbook would require the type of economic data required in the final rule. Due to this ruling, the regulations that were in effect prior to the implementation of the Gulf SEFHIER program apply and vessels that hold only a federal Gulf for-hire permit are not required to report to SEFHIER or use a VMS.

Excerpt above from Gulf Council’s draft amendment Modifications to Gulf of Mexico Charter For-hire Data Collection Program. Access at: https://gulfcouncil.org/wp-content/uploads/11c-Amendment_charter_for-hire_3_25_24.pdf

Possible avenues to improve South Atlantic SEFHIER

The following table includes possible methods to improve SEFHIER, how it would improve the program and estimates, and what may be needed for implementation. This brainstorming action considers all possible avenues, even ones unlikely to be chosen to show the breadth of options available. NMFS Southeast Regional Office (SERO) staff presented similar ideas to the Gulf of Mexico Fishery Management Council and the Gulf’s Ad Hoc Charter For-Hire Data Collection Advisory Panel to highlight the balancing that needs to occur between reporting burden and usefulness of the data. The presentation can be accessed [here](#).

	Improvement Action	How the action may improve compliance, strengthen reporting requirements, provide validation, or improve ability to use in management	What is needed to implement this improvement (e.g., more resources, amendments to FMPs, etc.)?
1	Improve outreach	Increase outreach: outreach can directly affect social norms. Affecting social norms towards a desired outcome can be more effective than modifying market norms. Hence, improved outreach can effectively improve compliance with existing reporting requirements.	Resource Need: (1) Funding for NMFS to hire developers and create automated protocols to constantly inform stakeholders that are not in compliance. Current

			<p>outreach by phone and email has proved insufficient as has the frequency of such outreach.</p> <p>(2) Funding for NMFS to hire additional staff. SEFHIER currently does not have sufficient staff.</p>
2a	Increase monitoring and enforcement	Require Vessel Monitoring Systems (VMS): VMS is an effective tool for monitoring and enforcement. VMS provides trip validation and a way to submit pre-landing notifications.	N/A - Not a recommended solution. Unlikely to be wanted by the for-hire fleet also noted issue in the Gulf lawsuit.
2b		Increase law enforcement officers (LEO) and intercepts: An increase in LEOs at ports, boarding vessels, and taking enforcement action in general, would likely improve compliance (in terms of more real time, more accurate reporting). Pre-landing notifications or modified declarations (that include estimated return time) would increase the potential for LEO intercepts.	<p>Resource Need:</p> <p>(1) More LEOs. (2) Shifting Joint Enforcement Agreement (JEA) priorities to allow more state LEOs to enforce reporting requirement (note that NC does not have a JEA).</p> <p>Resource Need: add notification measure to existing system and IT development.</p>
2c		Create new summary settlements: Create summary settlement statements that are applicable specifically to SEFHIER. Fine should be appropriate to change compliance behavior.	Resource Need: Council requests to Office of Law Enforcement (OLE) the need for specific SEFHIER summary settlements.
2d		Hold permit renewals: Permit application holds have been shown to lead to compliance (turning in outstanding reports) when permits come up for renewal. This is weakened with open access permits, as fishermen can create a new business to get a different permit. Gaining compliance at permit renewal means there is currently a lack real-time data collection, which impedes in-season monitoring.	Resource Need: no new resources needed. Can accomplish with strengthening regulatory language.
2e		Modify reporting frequency: Delayed reporting makes enforcement action difficult on the dock and after the fact. LEOs have to follow-up with the captain or SEFHIER to ensure the logbooks were eventually reported (by the Tuesday following) or not reported at all. This makes enforcement more difficult and time consuming, meaning more resources per	Resource Need: Current language in CFR allows NMFS to modify reporting frequency. See § 622.176 Recordkeeping and reporting. (b) Charter vessel/headboat owners

		case.	and operators. Amendment may be needed. Additional outreach.
2f		Require declaration/pre-landing hybrid form: Declarations serve to alert LEO in advance of a trip and where and when to meet a vessel at the dock. This improves the ability for LEOs to address non-reporting or late reporting.	Resource Need: Amendment to require action, IT resources to apply the form and modify the database (less need if designed the same as the Gulf)
2g		Require landing locations: Landing locations work in conjunction with declaration/pre-landing hybrid forms by stating the location where the vessel will land. This allows LEOs to meet the vessel at the expected return date/time. Note that private docks and residences may decrease the ability for intercept by LEOs. Depending on degree of private landings, this may be limited in scope.	Resource Need: May require amendment (however, loading/offloading locations already being reported in current system?), modification of old Gulf forms to enter new locations, updates to landing location lists (IT support).
3a	Increase data quality	Modify reporting frequency: During the busiest season, captains may take 1-3 trips per day, 7 days per week. If they wait until Tuesday, following the fishing week, that's 7-21 logbooks that need to get entered on Tuesday. Delayed reporting increases misreporting. Some submit a Did Not Fish (DNF) report because they did not keep good records to submit a logbook and the trip/catch was not observed by LEOs or port agents.	See 2e above.
3b		Require declaration/pre-landing hybrid form: declarations alert SEFHIER when a logbook is required and allow for automation of compliance tracking. If a declaration is received but no logbook, then SEFHIER can reach out to the captain to help them submit their outstanding trip.	See 2f above.
3c		Require landing locations: Landing locations work in conjunction with declaration/pre-landing hybrid forms by stating the location where the vessel will land. For managers this provides additional detailed information about where trips are occurring.	See 2g above.
3d		Require observers: Using stratified random sampling, vessels could be chosen for observer coverage. Observer coverage	Resource Need: May require an amendment (regulatory language

		improves data quality as a verification measure for logbook fields, provides estimates for discards and discard mortality, and provides information on fish length.	<p>indicates authority is already in place in the South Atlantic. See § 622.178 At-sea observer coverage). Significant funding would be needed to have sufficient observer samples to be useful.</p> <p>It is noted that Florida is currently observing trips and South Carolina has a grant to do it for one year. Headboats already have observer coverage.</p>
3e		Increase dockside sampling: Provides verification of landings and allows for biological samples to be taken for use in stock assessments.	<p>Resource Need: Amendment may be needed to mandate that permit holders provide the information.</p> <p>Funding to increase dockside sampling for all for-hire vs SRHS. Increase in dockside samples could result in more biological samples for use in stock assessments.</p>
3f		Require electronic monitoring (cameras): Often considered an alternative to observers as this information can also verify trip information, provide information on discards and potentially on discard mortality.	N/A - Not a recommended solution. Not a likely avenue due to the high costs for the agency and the stakeholders based on the EM policy.
4a	Render data useful for management	Modify reporting frequency: Reporting upon returning to dock allows for validation of trips by surveyors.	See 2e and 3a above
4b		<p>Validation survey: Recommendation from the for-hire workshop (2019) is a capture/recapture survey design. Requires registration of each trip, requires a logbook to be submitted prior to intercept (e.g., prior to offload) to ensure independence, sufficient enforcement and compliance monitoring to reduce unreported trips, and potential of observers to increase accuracy of released catch (discards and discard mortality).</p> <p>Note that the Gulf went with Validation Lite - with no observers and limited enforcement/compliance measures.</p> <p>Note that SERO is exploring with MRIP the</p>	<p>Resource Need: May need an amendment. The action in the amendment would be to make the validation survey mandatory for permit holders.</p> <p>Funding to support a validation survey.</p>

		possibility of using MRIP for the validation survey rather than a separate survey. Sampling may need to be adjusted to be adequate for SEFHIER.	
4c		Vessel Monitoring Systems: VMS provides strong trip validation mechanisms as it provides a high likelihood that a for-hire fishing trip occurred based on GPS positions over time. It also provides a way to submit pre-landing notifications.	N/A - Not a recommended solution.
4d		Require activity reports: Port agents record all known information about a vessel's activity on a report regardless of whether a trip was sampled under the dockside intercept survey. These observations are used to track compliance and correct for misreporting. Can be collected by direct observation, contacting the ticket office to confirm activity, by port agents from other surveys, and by checking websites, AIS sites, and social media sites for fishing trips.	N/A - Not a recommended solution. SRHS uses this methodology but it is probably not scalable to the for-hire fleet as a whole without significant funding and staffing changes.
4e		Require observers: Using stratified random sampling, a sub-population of vessels will be chosen for observer coverage. Observer coverage may improve data quality as a verification measure for logbook fields, provides estimates for discards and discard mortality, and provides information on fish length.	See 3d above.
5	Enforce the requirement that does not allow a permitted vessel to harvest or possess fish until reports (logbook or DNF) are turned in.	<p>This is already in place but hard to enforce. There could be automation to notify LEOs about vessels that are non-compliant each week (or other frequency). Probably want to build in a buffer for any legitimate submission delay (e.g., tablet broke, wifi stopped working).</p> <p>Only truly successful with trip validation, declaration/pre-landing hybrid form, and improved enforcement in place. Currently we can't tell when a vessel went fishing or not, so unsure when they are truly delinquent in reporting (or just gave us a DNF instead of a logbook).</p> <p>If it's tied to a submission of either a logbook or a DNF (e.g. at weekly reporting) that would be better, but dockside validation is still needed and more dock visits/boarding by LEOs to ensure they aren't misreporting (e.g. just submitting DNFs when they should be submitting logbooks, or not reporting all</p>	<p>Resource Need: Let LEOs know this exists and they can use it (outreach and training).</p> <p>IT support to automate a non-compliant list for OLE, for each time period (e.g. weekly).</p>

		caught fish).	
6	Make permits limited access	A limited ability to obtain a permit closes the loop on fishermen just “abandoning” their open access permit to avoid reporting (an ~\$40 cost) and obtaining a new permit under a different name.	Resource Need: Amendment (currently under development).

Atlantic Coastal Cooperative Statistics Program for-hire methodology technical review

The Atlantic Coastal Cooperative Statistics Program (ACCSP) has been undertaking a for-hire methodology technical review with goals that include more fully utilizing for-hire logbooks in MRIP catch statistics and setting specifications that allow Atlantic Coast logbook programs to adopt MRIP certified design requirements. ACCSP staff will provide an overview of this effort with additional information at the Council’s June 2024 meeting. While details will be forthcoming, the outcome of this effort by the ACCSP may be very beneficial in guiding how the Council would want to move forward with an amendment that improves SEFHIER so for-hire logbook data can be certified by MRIP and readily incorporated into management.

Next steps


- 1) Given the information provided, does the Council want to immediately move forward with developing an amendment to the Snapper Grouper, Coastal Migratory Pelagic, and Dolphin Wahoo FMPs that would allow for improvements to the SEFHIER program or would the Council prefer to deter development of such an amendment until after the ACCSP for-hire methodology technical review is completed?
- 2) If the intent is to move forward immediately, what general topics should be developed into actions and is there feedback on the range of alternatives to consider?

Appendix: Letter from NMFS SEFSC to NMFS SERO regarding the South Atlantic For-Hire Reporting Amendment



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, FL 33149

MEMORANDUM TO: Roy E. Crabtree, Ph.D.
Regional Administrator, Southeast Regional Office

FROM: Cisco Werner, Ph.D. 
Acting Director, Southeast Fisheries Science Center

SUBJECT: Request for Certification of the South Atlantic For-Hire Amendments

DATE: 21 February 2018

In a memo on December 26, 2017 with the Subject "Request for Certification of the Gulf of Mexico Framework Action and the South Atlantic For-Hire Amendment to Modify For-Hire Vessel Electronic Reporting Requirements in the Gulf of Mexico and South Atlantic" you requested that the Southeast Fisheries Science Center (SEFSC) certify that proposals in the referenced documents are based on the best scientific information available. We have decided to consider the Gulf of Mexico and the South Atlantic documents separately, and in this memo we consider the document related to the South Atlantic.

The SEFSC reviewed the document titled:

"Modifications to Charter Vessel and Headboat Reporting Requirements: Amendment 39 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region; Amendment 9 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic; Amendment 27 to the Fishery Management Plan for the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Region."

The survey outlined in this document is a data collection approach that will provide a minimum estimate of fishing effort by federally permitted for-hire vessels. The resulting amount of effort reported could be used to validate minimum estimates of charter vessel fishing effort developed by the For-Hire Survey (FHS) conducted by the Marine Recreational Information Program (MRIP). Thus, we find it as a reasonable approach for collecting vessel reports of fishing effort from the for-hire fishery that could be used in calculating MRIP estimates of effort.

The information reported by the vessels would not be considered useful for official estimates of catch and effort from the for-hire fishery until the approach is certified as statistically valid by MRIP. As currently outlined a primary concern is that vessels are not required to report before offloading, and therefore catch cannot be independently validated. Incorporating independent validation of the electronic vessel reports would improve the usefulness of the catch information for estimation.

Generally, before the information collected through the proposed Amendment is used for official estimates of for-hire catch and effort, multiple years of side-by-side data collection with the MRIP surveys should be conducted. Comparison between estimates calculated with and without the vessel reported catch and effort would maintain the integrity of the information used for managing the for-hire fishery.

NOAA Fisheries and partners would need investment, at a minimum, in the development of procedures and staff to (1) obtain, manage, and distribute new data, (2) monitor and improve compliance, and 3) develop statistically robust estimation procedures. Funding to support these activities would be needed before the data could be incorporated in existing estimation systems.