



THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

# Modifications to South Atlantic For-hire Reporting

Discussion Document, October 2024

## Background

The Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program was launched in 2021 with the implementation of the Comprehensive For-Hire Electronic Reporting Amendment ([SAFMC 2017](#)). The amendment put in place or modified reporting requirements for federally permitted charter vessels and headboats in the snapper grouper (SG), dolphin wahoo (DW), and coastal migratory pelagics (mackerel and cobia; CMP) fisheries. Reporting requirements through SEFHIER went into effect for charter/for-hire vessels in January 2021.

## Reporting Requirements

For-hire vessels (charter vessels or headboats) are required to electronically report each for-hire fishing trip and trips must be submitted weekly. Specifically, completed electronic fishing reports must be submitted by Tuesday following each previous reporting week of Monday through Sunday. If no fishing activity as a charter vessel or headboat occurred during a reporting week, a Did Not Fish (DNF) report must be submitted by the Tuesday following that reporting week. Did not fish reports can only be submitted up to 30 days in advance. Information collected for each trip includes:

- Trip start and end date and time

- Trip start and end location
- Vessel and captain ID
- Number of fishermen and crew
- Method (general categories, e.g., troll, bottom, spear, drift)
- Hours fished
- Primary depth fished and general location
- Target species
- Number of each species kept and released
- Economic component: Charter fee, fuel used, fuel price per gallon

### **Recent Issues with for-hire reporting in the South Atlantic**

The South Atlantic Fishery Management Council (Council) has received periodic updates on the SEFHIER Program since its implementation, most recently in March 2024. The presentations summarized information on the number of vessels complying with reporting requirements in the South Atlantic region and other statistics. Overall compliance is low compared to what was observed in the Gulf of Mexico while the program was operating in that region. Hence, the Council initiated discussion on ways to improve compliance, strengthen reporting requirements, and explore data validation, with the goal of utilizing the information collected in future management decisions.

At the March 2024 meeting, a [presentation](#) provided by the SEFHIER program manager noted that the majority of for-hire vessels were reporting to the SEFHIER program, with 83% reporting at least one time in 2023, but overall compliance was low due to many vessels not meeting all reporting requirements such as the timing of reporting, submitting DNF reports, and reporting all for-hire fishing trips. In 2023, only 37.4% of vessels were assessed to be following all reporting requirements of the SEFHIER program throughout the year.

At the June 2024 meeting, the Council received additional [feedback](#) from the NOAA Fisheries Southeast Regional Office (SERO) and Southeast Fisheries Science Center that data being collected through the SEFHIER program cannot be used at all for management due to low compliance and lack of validation. Recommendations to improve compliance and address the lack of validation included:

- Require logbook submission prior to offload of catch,
- Implement a dockside intercept survey to estimate mis-reporting and non-reporting,
- Require declaration/pre-landing combination submission prior to a trip,
- Require landing only at approved listed landing locations, and
- Require weekly DNF reports when fishing does not occur.

### **Recent Gulf of Mexico Fishery Management Council and NMFS Atlantic Highly Migratory Species Action**

The Gulf of Mexico Fishery Management Council (Gulf Council) is currently working on an [amendment](#) to re-implement for-hire electronic reporting after the United States Court of Appeals for the Fifth Circuit set aside the Gulf's SEFHIER final rule in February 2023. This new amendment includes actions that would establish the frequency and mechanism for data reporting from charter vessels, modify the existing reporting requirements for headboats, establish trip notification and effort reporting requirements, and establish reporting of economic

data. Of note is that the Gulf Council is also exploring a random sampling approach rather than a census to gather economic data through the for-hire logbook. The Gulf Council most recently reviewed their for-hire reporting amendment at their August 2024 meeting.

Additionally, [NMFS Atlantic Highly Migratory Species](#) (HMS) has published a [proposed rule](#) that would modify and/or expand reporting requirements for HMS, including reporting by commercial, for-hire, and private recreational vessel owners, and dealers. In relation to for-hire reporting, HMS has selected preferred alternatives that would require electronic reporting for all trips regardless of whether fish were caught, include reporting of all species caught (including non-HMS) and fishing location, and monthly DNF reports. Reporting would be required within 24 hours of the end of the trip. Vessels would also be required to report trip-level cost and earnings information, and if selected, report additional annual expenditure information via an annual survey.

### **Recent South Atlantic Fishery Management Council Action**

At the June 2024 meeting, the Council reviewed potential measures that could be taken to improve the SEFHIER Program. The Council passed the following motion providing guidance on how to move forward.

**MOTION:** START A SEFHIER IMPROVEMENT AMENDMENT CONSIDERING THE ACCSP FOR-HIRE METHODOLOGY TECHNICAL REVIEW AS INFORMATION BECOMES AVAILABLE.

- FOCUS ON INCORPORATING ACTIONS THAT CAN BE TAKEN IN THE NEAR-TERM WITHOUT AN AMENDMENT, INCLUDING ADDITIONAL OUTREACH.
- CONSIDER ACTIONS AND ALTERNATIVES BEING CONSIDERED BY THE GULF COUNCIL.
- CONSIDER ACTIONS TO MODIFY REPORTING FREQUENCY, HAIL IN, HAIL OUT, LANDING LOCATIONS, NO FISHING REPORTS, AND VALIDATION SURVEYS.

At the September 2024 meeting, it was noted that NMFS cannot validate the logbook until reporting compliance improves. The Council requested additional feedback from the agency as to what level of compliance would be necessary for validation to take place and for data to be subsequently used in management. The Council modified the draft purpose statement for the developing amendment to include gathering of economic data for the recreational for-hire industry. The Council also requested additional information, including:

- Details on the process of approving landing locations and how it was carried out previously in the Gulf of Mexico,
- How the approval process would function for vessels operating outside of the Southeast region,
- Clarification on incongruent requirements for DNF reports among regions,
- An example of a validation survey and how one could be administered in the South Atlantic.

- Regarding the economic component of the logbook, provide further information on what other relevant programs require or are considering one, and what would be the potential tradeoffs of moving from a census to a sampling approach.

Of note is that the Council is also planning to finish appointing a For-Hire Reporting Advisory Panel (AP) at the December 2024 meeting. This AP will provide feedback from the industry perspective on potential actions in this amendment.

### **Measures not requiring an amendment that can be taken to improve compliance and increase utility of collected for-hire logbook data for use in management**

The following summary points are largely taken from the information that was presented to the Council at the June 2024 meeting. While additional resources would be necessary to accomplish these measures, no regulatory changes would be necessary. Thus, these measures could be put in place without a fishery management plan amendment.

- **Improve Outreach**
  - Increase Outreach: outreach can directly affect social norms. Improved outreach can effectively improve compliance with existing reporting requirements.
- **Increase Enforcement**
  - Increase law enforcement officers (LEO) presence and intercepts: An increase in LEO presence 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.
    - Enforce *50 CFR § 622.176 Recordkeeping and reporting (b)(4)* that automatically prohibits all harvest of permitted species for vessels that are delinquent in reporting.
  - 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 of real-time data collection, which impedes in-season monitoring.
- **Increase Monitoring**
  - Require observers: Using stratified random sampling, vessels could be chosen for observer coverage. Observer coverage improves data quality as a verification measure for logbook fields, provides estimates for discards and discard mortality, and provides information on fish length.
  - Increase dockside sampling: Provides verification of landings and allows for biological samples to be taken for use in stock assessments.
  - Validation survey: Implement a validation survey that is not mandatory, similar to the work that was accomplished in the Gulf of Mexico.

## South Atlantic for-hire permitted vessels operating in other regions or potentially subject to other reporting requirements

As noted, the Gulf Council and HMS are currently developing electronic for-hire reporting procedures. Additionally, there are long-standing for-hire reporting requirements in the Mid-Atlantic and New England regions through vessel trip reports (VTRs). Each one of these programs has varying current or developing reporting requirements that differ from those currently in place for the South Atlantic region. While the majority of permitted South Atlantic permitted for-hire vessels are homeported in the South Atlantic region, there is a considerable number of vessels that have a home port in the Gulf of Mexico, Mid-Atlantic, or New England regions. Additionally, many of these vessels also likely possess a for-hire permit from HMS.

While more recent permit information is not currently available, in 2020 there were 2,458 vessels with a South Atlantic Snapper Grouper, Atlantic Coastal Migratory Pelagic, or Atlantic Dolphin Wahoo for-hire permit. Of these vessels, 343 vessels (or 14%) indicated a home port in the Gulf of Mexico region and 294 of the vessels (or 12%) had a home port in the Mid-Atlantic or New England regions. An unknown, but likely notable number of vessels also have for-hire HMS permits. As such, these vessels are subject to varying current or developing reporting requirements that differ from those of SEFHIER, but may also be subject to South Atlantic reporting requirements if these requirements are considered to be more stringent. Consistency in reporting is likely a topic that will be considered extensively as the Council further develops this amendment.

## Tentative Amendment Timing

<b>September 2024</b>	Reviewed potential measures to include in the amendment.
<b>December 2024</b>	Approve for scoping.
<b>March 2025</b>	Review scoping comments, approve actions and alternatives.
<b>Spring 2025</b>	Obtain feedback from advisors.
<b>June 2025</b>	Update amendment.
<b>September 2025</b>	Update amendment.
<b>December 2025</b>	Approve for public hearings.
<b>Winter 2026</b>	Conduct public hearings.
<b>March 2026</b>	Review public hearing comments and approve all actions.
<b>June 2026</b>	Consider approval for formal review.
<b>2027/2028</b>	Regulation changes become effective.

## Draft Purpose and Need Statements

**Purpose:** The *purpose* of this amendment is to make modifications to the Southeast For-Hire Integrated Electronic Reporting Program to improve the accuracy, precision, and timeliness of landings, discards, fishing effort, and economic data for the for-hire component of the recreational sector of the snapper grouper, coastal migratory pelagics, and dolphin wahoo fisheries.

**Need:** The need for this amendment is to improve compliance, adjust reporting requirements, and allow for data validation so the information collected can be used in managing the fisheries for snapper grouper, coastal migratory pelagics, and dolphin wahoo.

## Measures being considered in the amendment

During the September 2024 meeting, the South Atlantic Council reviewed draft actions and topics that may be further developed and potentially approved for scoping in December 2024. Many of these actions are consistent with those being considered by the Gulf Council but may change over the coming months as both councils develop their respective for-hire reporting amendments. These draft actions and topics include:

- **Reporting frequency:** Modify reporting frequency to require daily instead of weekly reporting.
  - Also includes provisions that would require reporting before offloading catch and/or reporting a trip within 30 minutes to an hour of completion.
- **Trip notification:** Require a trip notification (departure or “hail out”, landing location, and/or return or “hail in”) for for-hire vessels.
  - Potentially for any type of fishing or for-hire activity (for-hire fishing, commercial fishing, private recreational use, bait, other non-fishing for-hire use such as a sunset cruise).
- **Approved landing locations:** For-hire trips would need to offload at pre-approved locations.
- **Require participation in a validation survey:** Participation in a validation survey would be mandatory as a condition of a for-hire permit.
- **DNF reports:** Potentially change the frequency of DNF reports.
- **Economic component:** Move from a census (i.e., economic information required for every trip) to random sampling (i.e., economic information required on some but not all trips) approach to gather charter fee, fuel usage, and fuel cost.
  - It was noted that the census approach has been controversial and received a notable amount of stakeholder pushback.
  - The Gulf Council is considering a random sampling approach to gather economic information through a for-hire logbook.
  - HMS is considering a census approach to gather trip-level economic information through a for-hire logbook.
  - The Mid-Atlantic and New England regions do not gather economic information on required vessel trip reports (VTRs).

## Discussion Questions for the SEP:

The Council has begun discussion on ways to improve compliance, strengthen reporting requirements, and explore data validation of the for-hire logbook, with the goal of utilizing the information being collected in future management decisions. As these discussions continue, the Council is asking for input from the SEP. This will likely be a multi-part discussion for the SEP, where the panel will be asked for general feedback initially and then for more detailed feedback at a subsequent meeting after the Council has had the opportunity to gather additional information and further refine actions that will be considered in the amendment. For this meeting, the SEP will be asked to respond to the following questions:

- 1) **Incentivizing reporting:** Figuratively speaking, there are several “sticks” (i.e., requirements) and not many “carrots” (i.e., incentives) being considered in this amendment. Does the SEP have any suggestions on how to potentially incentivize for-hire reporting compliance?
- 2) **Changes to the economic component of the logbook:** The Gulf Council is considering an action that may implement a random sampling method rather than a census for the economic component of their for-hire reporting requirement. The range being considered by the Gulf Council is 10% to 33% of for-hire trips that would be sampled.
  - a. What does the SEP recommend that the Council consider regarding an action that would implement a random sampling method for the economic component of the for-hire logbook?
  - b. If a random sampling method were implemented to gather economic information on the for-hire logbook, does the SEP have recommendations for the percentage of trips that should be sampled (i.e., up to a certain percentage of total trips that would be sampled)?
  - c. Please discuss some of the strengths and weaknesses of a census vs. sampling methodology to gather social and economic data.
    - i. What are the potential tradeoffs if the economic component of the for-hire logbook switched from a census to random sampling methodology?
      1. Reporting burden?
      2. Incentivizing logbook compliance?
      3. Administrative burden?
      4. Application of the results in analyses?
    - ii. Does the SEP feel there are net benefits to one method over the other in the context of the economic component of the for-hire logbook?
- 3) **Use of logbook information:** NMFS has stated that the existing logbook information cannot be used in any sort of management sense due to low overall compliance (a 37.4% compliance rate in 2023) and lack of validation.
  - a. Does the SEP have any recommendations for a realistic target compliance rate (i.e., less than 100%) that would need to be reached before logbook data can be used in management?
    - i. Please describe some of the uses in relation to various compliance rates. Would there need to be a different minimum compliance rate for different uses of the data? For example, would one need a different minimum compliance rate for application of summary economic statistics vs tracking ACLs?
- 4) **Importance of consistency in reporting requirements:** As noted, there are a considerable number of vessels (approximately 24% of total for-hire permitted vessels) operating in regions outside of the South Atlantic, and an unknown but likely notable number of vessels also have for-hire HMS permits. The Gulf Council and HMS are currently developing their own electronic for-hire reporting procedures. Additionally, there are long-standing for-hire reporting requirements in the Mid-Atlantic and New England regions through VTRs. Each one of these programs has varying reporting requirements that differ from those currently in place for the South Atlantic region.

- a. Does the SEP have any comments or recommendations for the Council to consider about the importance of consistency across for-hire reporting requirements?
- 5) **Other items:** Are there additional items or topics that the SEP recommends that the Council consider exploring that could improve compliance with the for-hire logbook or utility of logbook data?
  - 6) **Additional information:** Assuming that this amendment moves forward, the SEP is likely going to review it again at the upcoming Spring 2025 meeting. What additional information would the SEP like to receive as briefing materials to better provide guidance to the Council?