Regulatory Omnibus Framework to Modify Reporting Requirements for Electronic Vessel Trip Reports (eVTRs) by Commercial Vessel Operators Holding Federal Permits for MAFMC-Managed Species

Framework Discussion Document
(Prepared for June 2019 NEFMC Meeting)

*Note: The NEFMC has initiated a joint action with the MAFMC to include all NEFMC-managed species. The Councils are working together to update the action timeline, users affected, analyses, and other relevant sections of this document. Updates will be posted as they become available.

Introduction

Commercial fishing vessels with federal permits for MAFMC and NEFMC-managed species are required to submit Vessel Trip Reports (VTRs) documenting all fishing activity and catches. Electronic Vessel Trip Reports (eVTRs), which allow direct entry of data by the vessel operator using an electronic device, have been available as an option for all Northeast Region federally permitted fisheries since 2013. According to GARFO, "A well-designed eVTR program or application has the ability to significantly reduce the amount of time required for a vessel operator to comply with their VTR reporting requirements by eliminating the need to fill out redundant information (e.g., vessel permit, registration, gear type)." Requiring electronic submission would be intended to increase the timeliness and accuracy of fisheries data submitted to NMFS while also reducing the burden on the commercial fishing fleet.

Objective for the Action

The objective of this action is to consider requiring commercial vessels with Federal permits for species managed by the Council to submit currently required VTRs to NMFS electronically. This action is not intended to change existing requirements regarding data types being collected. Operators would have a choice of which NMFS-approved eVTR application to use and can switch at any time.

Timeline for Action

This action was initiated in December 2018 with the approval of the MAFMC 2019 Implementation Plan. A Fishery Management Action Team (FMAT) was formed and held meetings on March 19, 2019 and May 10, 2019. Consultation with the Council's Advisory Panels and interested public occurred on March 25, 2019. Framework meeting 1 occurred during the Council meeting on April 10, 2019 in Avalon, NJ. Another Advisory Panel meeting will occur on July 23, 2019 via webinar. Framework meeting 2 with the intent of final action will occur at the December Council meeting in 2019. If the Council selects to require electronic reporting, NMFS indicated that they would have an extended implementation deadline of up to a year after the final rule for adequate preparation and training for software developers, managers, and affected users.

Current Reporting Regulations and Associated Issues

Under current VTR regulations, operators must submit a separate VTR for each chart area, gear type, and/or mesh size fished, potentially requiring multiple paper forms for a single trip.[1] VTR submission deadlines are not consistent across MAFMC-managed commercial permits, with some plans reporting weekly and others reporting monthly and operators with multiple permits are held to the permit with the strictest reporting requirements. Operators must have a trip report filled out with all required information, except for information not yet ascertainable, prior to entering port. Electronic submission of VTRs has been authorized for all Northeast Region federally permitted vessels. While eVTRs still require reporting of fishing activity in each area fished, eVTRs eliminate the paper associated with such reporting and ease the reporting

[1] Detailed VTR requirements and instructions are available at https://www.greateratlantic.fisheries.noaa.gov/aps/evtr/index.html

associated with multiple areas. With eVTR, additional effort and catch records for each area and/or gear/mesh fished can be added instead of filling out multiple reports. Additionally, vessel operators may be faced with duplicate reporting if they are fishing in another region or for a species that also requires reporting through a separate system. Several states also require reporting from vessels with information that is identical, or similar, to that provided through VTRs. As electronic data entry by vessel operators is established, application providers such as GARFO and ACCSP are working towards "one-stop shop" reporting. For example, ACCSP's eVTR application eTrips/Mobile has been designed to send reports to GARFO and SERO to fulfill a dual permit holder's reporting requirement.

Proposed Management Measures and Alternatives

The Spiny Dogfish and Monkfish plans will only be affected if joint action is taken with the NEFMC due to their joint management. If joint action is taken, both Councils do not have to consider the same range of alternatives, however they must select the same final preferred alternative.

Alternative 1: Modify administrative requirements to require commercial fishing vessels with Federal permits for MAFMC-managed species to submit VTRs through electronic means.

There are multiple sub-options under alternative 1 that address different reporting deadlines for eVTR submission, with alternatives 1b-1e unifying the reporting deadline across MAFMC-managed commercial FMPs (current reporting deadlines by species are summarized in the Appendix). None of the options under alternative 1 would change any of the requirements for data elements that are currently reported through paper-based VTRs. Due to the electronic accessibility of VTR information to managers and law enforcement, hard copies of VTRs would no longer be federally required to be retained for 3 years after the date the fish were last possessed, landed, and sold. There are several options currently available for submitting eVTRs outlined in Tables 1 and 2, below. Additional systems may be developed and, upon approval by NOAA for submitting VTRs, would be added to this list.

Table 1. Free NMFS-approved eVTR applications and compatible devices. These applications are maintained at no cost to the user and cover all common types of electronic devices.

Application (provider)	Compatible Devices
eTrips Mobile v1 and v2 (ACCSP)	Windows computer, Android and Apple smartphones or tablets
eTrips Online (ACCSP)	Web browser
Fish Online (GARFO)	iPhone/iPad
FLDRS (NEFSC)	Windows computer
Elog (Ecotrust)*	Windows computer, iPhone, Windows tablet

*This program is currently used by a small number of vessels which are all involved in electronic monitoring

Table 2. NMFS-approved eVTR applications that charge fees and compatible devices. These applications generally have installation fees and monthly or annual fees.

Application (provider)	Compatible Devices
FACTS (Electric Edge)	Windows computer
DDL (Olrac)	Web browser, Windows computer, Windows tablet

Alternative 1a: Reports will be required to be submitted electronically with no change to reporting deadline.

This alternative addresses the need for action by requiring eVTR, however it would not unify reporting deadline requirements across commercial permit holders or increase the timeliness of data availability to the same extent as alternatives 1b-1e.

Alternative 1b: Reports will be required to be submitted electronically within 24 hours following the completion of the fishing trip.

This alternative changes the NOAA-mandated reporting deadlines from the current requirement (either the Tuesday following the reporting week or the 15th of the month following the reporting month depending on the species fished; see Appendix) to 24 hours after the fishing trip is completed. This alternative would unify the reporting deadline across MAFMC-managed commercial FMPs and further expedite data availability for fisheries management purposes. Since all eVTR applications provide the ability for reports to be completed at sea and saved on the electronic device, reports should be ready for submission upon reaching the dock since under current regulations they must be completed prior to docking. The 24-hour period is to provide vessel operators time to review data entry, correct any errors, and have time to reach an area with internet connection or cellular data to submit their report.

Alternative 1c: Reports will be required to be submitted electronically within 48 hours following the completion of the fishing trip.

Similar to alternative 1b, this alternative would change the reporting deadlines, with alternative 1c requiring submission within 48 hours after completion of a trip. A 48-hour eVTR reporting deadline is already in place for the MAFMC for-hire sector so this alternative would unify reporting deadlines across MAFMC FMPs.

Alternative 1d: Reports will be required to be submitted electronically within 72 hours following the completion of the fishing trip.

Similar to alternatives 1b and 1c, this alternative would change the reporting deadlines, with alternative 1d requiring submission within 72 hours after completion of a trip.

Alternative 1e: Reports will be required to be submitted electronically weekly following the completion of the fishing trip.

Similar to alternatives 1b-1d, this alternative would change the reporting deadlines, with alternative 1e requiring submission by midnight of the Tuesday following the reporting week (Sunday through Saturday). Operators holding permits for Squid, Atlantic Mackerel, Butterfish, Surfclam, Ocean Quahog, Atlantic Herring (NEFMC-managed), and Northeast Multispecies (NEFMC-managed) are already required to report weekly, therefore, under this alternative their reporting deadline would remain *status quo*. This alternative would also unify the reporting deadline across MAFMC-managed commercial FMPs and commercial dealers.

Alternative 2: No Action, *status quo*.

Under this alternative, VTRs would continue to be submitted by paper or optionally through an approved eVTR application. This *status quo* would perpetuate the delay of the availability of VTR data for managers and the burden on permit holders to fill out and maintain paper VTR records. Continued use of paper VTRs would not facilitate the development of integrated systems with state agency partners (and other federally mandated reporting programs) to provide a single point of data entry by permit holders to satisfy multiple reporting requirements, thus indefinitely continuing the burden of multiple reporting requirements for some users. The continued use of paper VTRs would necessitate the maintenance of administrative resources to accept, process, and manage paper forms.

Users Affected

This framework will affect all vessels with Federal commercial permits for species managed by the Mid-Atlantic Fishery Management Council including Atlantic Bluefish, Black Sea Bass, Scup, Summer Flounder, Tilefish, Squid, Atlantic Mackerel, Butterfish, Surfclam, Ocean Quahog. Spiny Dogfish and Monkfish will be affected if joint action is taken with the New England Fishery Management Council due to their joint management.

The following numbers (Tables 3-5 & Figure 1) were reported by GARFO for vessels issued a MAFMC commercial permit (excluding monkfish) and accessed 5/7/2019.

Table 3. Permit holder numbers for vessels issued a MAFMC commercial permit in 2018.

Summary of Affected Users	**2018**
# of vessels issued a Mid-Atlantic commercial permit	2,693
# of the above vessels that submitted VTRs for commercial trips	1,625
# of vessels issued both a Mid-Atlantic commercial permit and New England commercial permit	2,396

Table 4. VTR numbers were reported by GARFO for vessels issued a Mid-Atlantic commercial permit (not including monkfish) in 2018.

# of Commercial VTRs Submitted in 2018	
Paper	70,394
Electronic	7,172

Figure 1. The number of vessels that held MAFMC commercial permits in 2018 summarized by home port and principal port.

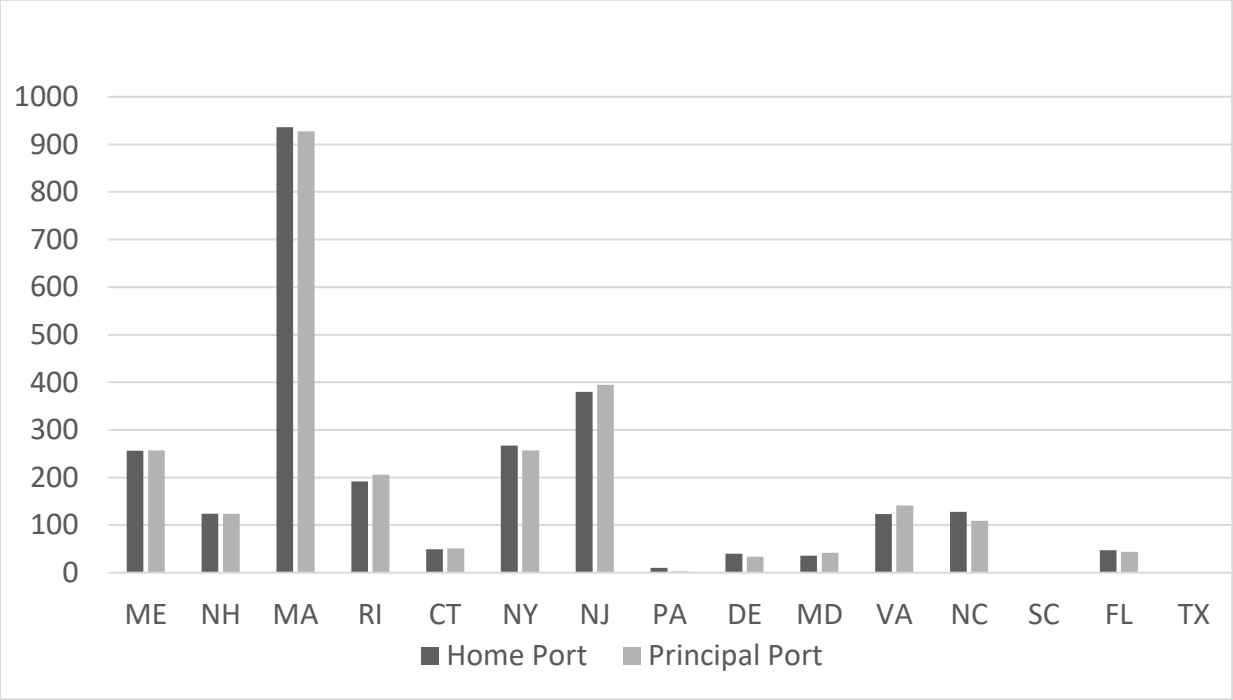

Table 5. The estimated number of MAFMC permitted vessels that submitted eVTRs in 2018 summarized by application provider. The for-hire sector shows overall higher application use due to their regulatory requirement of electronic submission starting in March 2018.

Provider (app)	**For-hire**		**Commercial**	
	VTRs	**Vessels**	**VTRs**	**Vessels**
ACCSP (eTrips/Mobile)	16,351	292	998	81
GARFO (Fish Online)	6,847	141	742	44
NEFSC (FLDRS)			5,363	92
ECOTRUST (Elog)			82	7

Associated Costs

Table 1 described under alternative 1 summarizes the free NMFS-approved eVTR applications and compatible devices. Complying with eVTR submission requirements can be accomplished for no cost under multiple scenarios. For example, a user who has a smartphone, tablet or laptop and access to internet or cellular data can use one of the approved free applications to submit their eVTRs. The ubiquitous nature of electronic devices, cellular data, and internet availability in private homes and businesses, as well as free access to internet in public libraries and other locations, provides a free to minimal cost means for permit holders to access electronic submission of VTRs. Stakeholders will only need to purchase a device if they do not have any of the compatible electronic devices or are unable to take them on their vessel. Low-cost portable electronic devices such as WiFi-capable tablets or smartphones can be purchased for $75-130. Although a free or low-cost option is available, users may voluntarily choose a different reporting mechanism, additional services, or upgraded hardware options that would increase their costs to varying degrees at their discretion. There may be minor and temporary increased reporting burden as permit holders transition to electronic submission, but in the long run electronic submission should reduce reporting burden because reports can be pre-configured with some data fields automatically filled-in. As these applications progress, electronic reporting can help reduce duplicate reporting because the reporting applications can be configured to submit data to multiple agencies. The ability to use electronic reporting programs to automatically fill in some reporting fields may reduce the reporting burden and save time and cost over mailing in paper forms. In the long term, government costs for administering this program are expected to be reduced resulting from efficiencies gained in data processing.

Advisory Panel Input

The Council's Advisory Panels (APs) and interested public met to review and comment on this action before the April 2019 Council meeting on March 25, 2019. An AP Meeting Summary can be found at http://www.mafmc.org/briefing/april-2019. Another AP meeting will be held July 23, 2019 to follow-up on issues and questions raised at the March AP meeting and review available eVTR software.

Outreach

Trainings on how to use eVTR applications will be conducted in-person throughout the geographic range of affected users and via webinar. Preliminarily, there will be a webinar meeting reviewing the software available and 4 in-person workshops in the Mid-Atlantic and New England regions. With the help of industry liaisons, more workshops/webinars will be planned and conducted as needed. Workshops would occur after final action is taken. Resources will be compiled from application providers and made available on the Council website. Video-based training will also be posted to the Council's website.

Appendix

Greater Atlantic Region VTR Requirements by Vessel Permit Type:

Permit Type	Frequency of Reporting	Reporting Deadline
If a vessel is issued a **Party/Charter** permit for: *Summer Flounder; *Scup *Black sea bass *Bluefish *Squid/Atlantic mackerel/Butterfish *Tilefish	Then the owner/operator must **electronically** submit trip reports within 48 hours of landing for **all Party/Charter trips regardless of species targeted.**	Reports must be electronically submitted using an approved eVTR reporting application within 48 hours of landing. **This requirement applies to all Party/Charter trips regardless of species targeted otherwise use the below guidance.**
If a vessel is issued a permit for: *Atlantic herring; *Atlantic mackerel; *Illex squid; *Longfin squid/butterfish; *Northeast multispecies; *Ocean quahogs: *Surfclams	Then the owner/operator must submit trip reports weekly	Reports must be postmarked or received by midnight of the Tuesday following the reporting week (Sunday through Saturday). If a trip starts in one week, and offloads in the next, it should be reported in the week the catch was offloaded.
If a vessel is issued a permit for: *Atlantic bluefish *Atlantic deep-sea red crab *Atlantic sea scallop *Black sea bass *Monkfish *Northeast skate *Scup *Spiny dogfish *Summer flounder *Tilefish	Then the owner/operator must submit trip reports monthly	Reports must be postmarked or received within 15 days of the end of the month. If a trip starts in one month, and offloads in the next, it should be reported for the month in which the catch was offloaded
If a vessel is issued a permit for American lobster **and** no other Greater Atlantic Region vessel permit	Then the owner/operator is not required to submit trips reports (check with your state, which may require reporting).	

Table retrieved from Greater Atlantic Region Fishing Vessel Trip Report (VTR) Reporting Instructions (https://www.greateratlantic.fisheries.noaa.gov/aps/evtr/index.html).