

# MEMORANDUM

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TO: Chris Moore, Executive Director MAFMC

FROM: Andrew Loftus, MAFMC Contractor

DATE: July 27, 2016

SUBJECT: Framework 2 document for proposed mandatory electronic VTRs in for-hire fisheries

During the Council's meeting on June 14, 2016 (which included the Framework 1 meeting for proposed action requiring electronic VTRs in the for-hire sector), a motion was made to develop (expand upon) a range of alternatives to address the timeliness issue for the eVTR Framework. Additional discussion at this meeting also indicated that Council members would benefit from:

- Clarification on eVTR system compliance with NOAA requirements for record keeping and data entry prior to vessels docking;
- Input from for-hire Advisory Panel members;
- Input from law enforcement.

Accordingly, the following activities were conducted (with brief results of those activities):

- Consultation with NOAA/GARFO staff on eVTR system compliance with NOAA record keeping and data entry requirements. All approved eVTR applications provide the ability for reports to be *completed* at-sea and saved on the computer/tablet to meet the NOAA requirement for completion of reports before docking (even though they may not be *submitted* to NOAA until after docking/reaching an Internet connection). All systems retain records for at least 3 years.
- Council for-Hire Advisory Panel members were provided with Framework 1 (and a summary description) and participated in a conference call on July 18 (open to the public). In general, AP members expressed support for moving to eVTRs but conveyed the following issues:
  - Provide training and educational opportunities to the for-hire community on eVTRs, particularly to reach those individuals who are not as computer savvy as others;
  - Concern that the 24 timeframe for submitting eVTRs after docking (discussed during the Framework 1 meeting) was not sufficient and offered 48 hours as a preferred alternative;
  - Questions about law enforcement scenarios (most of which exist under the current paper-based system).
- Consultation with NOAA law enforcement and GARFO eVTR staff on the general concept of the proposed eVTR measure, and specifically about questions raised by AP members. Since eVTRs are already accepted on a voluntary basis, GARFO staff did not identify any particular enforcement or compliance concern by moving to required electronic submission. As it relates to specific issues such as those raised by AP members, NOAA law enforcement agreed that circumstances surrounding each situation involving a potential violation are unique and will need to be considered within the discretion of law enforcement personnel just as they must with paper-based VTRs. Council members are encouraged to read the staff consideration of *Issues*

*with System Components and Enforcement* on page 5 of the Framework 2 document where this is discussed in greater detail. Additional information on specific issues may be provided during oral presentation on August 10.

- Conducted a survey of all vendors for currently-approved eVTR systems, the summary results of which were provided to the AP prior to the July 18<sup>th</sup> call (and posted on the Council website) and are incorporated into the Framework 2 document.

Additional detail on these topics is reflected in sections of the attached Framework 2 document. This document is a refinement of the options and justification for proposed mandatory electronic submission of VTRs by for-hire vessels with Federal permits for species managed by the Council beginning January 1, 2017. This proposed action was outlined in the Council's 2016 Implementation Plan adopted in December, 2015.

In summary, the staff-recommended option is:

Beginning January 1, 2017, owners/operators of for-hire fishing vessels with Federal permits for species managed by the Council will be required to submit Vessel Trip Reports through one of the NOAA-approved electronic Vessel Trip Report systems. Reports will be required to be submitted within 48 hours following the completion of the fishing trip.

No changes are recommended for content, procedures, or any other aspect of VTRs from those that exist with the current paper-based dominated system.

The second Framework Meeting for this action will be at the Council's meeting August 10, 2016 in Virginia Beach, VA with final action anticipated during that meeting. Implementation of the requirements under this action is anticipated January 1, 2017.

Omnibus Framework for

Mandatory Electronic Vessel Trip Reports From  
Federally-Permitted For-Hire Vessels and Operators in  
the Mid-Atlantic Region

Framework Meeting 2 Document

August 10, 2016

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## Introduction

Federally-permitted for-hire fishing vessels in the Mid Atlantic are required to submit Vessel Trip Reports (VTRs) documenting all fishing activity and catches (.50 CFR 648.7). Electronic Vessel Trip Reports (eVTRs), which allow direct entry of data by the vessel operator using a computer-based system, have been available as an option for some fisheries since 2011 and all fisheries since 2013. In early 2016, the first mobile app-based system for submitting eVTRs was approved by NOAA Fisheries (the Atlantic Coastal Cooperative Statistics Program's SAFIS eTrips app for Apple and Android platforms). The Mid-Atlantic Fishery Management Council (Council) has explored the use of eVTRs and as part of the 2016 Implementation Plan elected to develop an omnibus Framework to require electronic submission of VTRs by the for-hire sector beginning January 1, 2017.

## Purpose and Need for Action

### Purpose of the Action

The purpose of this action is to require for-hire vessels with Federal permits for species managed by the Council to submit currently-required VTRs to NOAA through electronic means beginning January 1, 2017 and change the reporting timeframe to 48 hours after entering port at the conclusion of the trip. This action does not change any other existing requirements associated with VTRs but is an administrative modification in the method for submitting VTRs.

### Need for the Action

This action is expected to: 1) increase the timeliness (availability) of data submitted through VTRs; 2) reduce the reporting burden on data providers (for-hire operators and/or captains) by eliminating the need of paper-based reporting, and; 3) increase the accuracy and quality of data by reducing recall bias associated with delayed completion and submission of paper forms. According to NOAA Fisheries, "electronic reporting will make the collection of important data on fishing vessel activity more efficient, convenient, and timely for the fishing industry, fishery managers, and other data users."<sup>1</sup>

### Timeline for Action

The initial Framework Meeting occurred during the Council meeting June 14, 2016 in Newark, DE. Consultation with for-hire operators on the Council's Advisory Panels and interested public occurred July 18, 2016. The second Framework Meeting will be at the Council's meeting August 10, 2016 in Virginia Beach, VA with final action anticipated during that meeting. Implementation of the requirements under this action is anticipated January 1, 2017.

## Background<sup>2</sup>

In 1992, NOAA Fisheries began mandating reporting of catch, landings, and trip information through Vessel Trip Reports (VTRs) for federally permitted vessels holding summer flounder permits. This requirement was expanded during 1994-96 to include all vessels with federal fishing permits. In 2004, mandatory electronic reporting by federally permitted dealers was

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<sup>1</sup> <http://www.greateratlantic.fisheries.noaa.gov/aps/evtr/electronic/index.html>, May 26, 2016.

<sup>2</sup> Some information extracted from: StCyr, J., Conigliari, T., Witzig, J. 2013. Fisheries Dependent Data Collections Vessel and Dealer Reporting. Presentation prepared August 6, 2013. NOAA Fisheries Northeast Regional Office. 41p.

implemented for almost all federally-managed species. Requirements for weekly reporting were implemented in 2010 for fisheries under catch shares, with weekly reporting later expanded to herring, mackerel, surf clam/ocean quahog IFQ fisheries. In July 2011, the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) approved the use of electronic reporting of VTRs on a limited, voluntary basis for a segment of the groundfish fleet, and in 2013 for all vessels issued a Federal Northeast fishing permit.

### Summary of Current Reporting Regulations

Owners and operators of federally permitted vessels possessing any of the permits listed below are required to submit a VTR for every commercial, party, or charter trip taken, regardless of where they fish (state or federal waters) or what they catch.

Northeast multispecies	Atlantic bluefish*	Spiny dogfish*
Atlantic sea scallop	Atlantic herring	Summer flounder*
Monkfish*	Northeast skate	Scup*
Ocean quahog*	Tilefish*	Surf Clam*
Black sea bass*	Atlantic deep sea red crab	Atlantic mackerel, squid, butterfish*

\* Covered by a MAFMC Plan

VTRs must be received or postmarked by the 15th day of the month, following the month in which the trip occurred except for Northeast Multispecies, Herring, Surf Clam & Ocean Quahog, Squid, Mackerel and Butterfish which require weekly reporting where VTRs must be submitted by midnight of the Tuesday following the reporting week (Sunday through Saturday) in which fish were offloaded for any trip, including trips landing other species. If a trip encompasses multiple chart areas a separate VTR must be submitted for each area where fishing activity takes place. If a vessel does not fish for an entire reporting period, a “Did Not Fish” report was initially required but has since been eliminated.<sup>3</sup> A separate VTR is required for each reporting period. If a vessel does not land any fish on a trip, all trip information must be completed and “No Catch” entered in as the species code name. A VTR is required regardless of where fishing occurs, meaning that a vessel subject to these requirements in the Northeast must report even if they fish in the Southeast Region or for Highly Migratory Species (HMS) except for vessels holding only an American lobster permit. Since VTRs are in addition to any other reports which may be required by other Regions or plans, multiple reports may be required. VTRs, and any records upon which the reports were based, must be kept on board the vessel for at least 1 year and retained by the owner/operator for a total of 3 years after the date of the last entry on the report.

Attachment A contains additional information and the currently-required VTR form (note that this information does not reflect the recently changed requirements related to “Did Not Fish” reports mentioned earlier. Detailed instructions for submitting VTRs are available at <http://www.mafmc.org/briefing/june-2016> .

<sup>3</sup> Although a “Did Not Fish” report was initially required, this was eliminated August 26, 2015 under the Secretary's authority at section 305(d) of the Magnuson-Stevens Act to promulgate regulations necessary to carry out Councils' amendments consistently with the Act (Federal Register Vol. 80, No. 165). However, there is some initial discussion generated during a May 2016 ACCSP workshop on whether this requirement should be reinstated.

Operators have the option to submit their VTRs electronically (eVTR). At present, the following software applications are approved to meet the technical requirements of eVTR submissions:<sup>4</sup>

- Fisheries Logbook and Data Recording Software (FLDRS)
- Fishing Activity & Catch Tracking System (FACTS™)
- Ecotrust Canada Electronic Logbook (Elog)
- Dynamic Data Logger (DDL)
- Standard Atlantic Fisheries Information eTrips Mobile (SAFIS eTrips/M)

The SAFIS eTrips application is currently the only approved mobile app-based application for Apple iOS and Android operating platforms while the others are computer-based systems (some of which may be able to operate on Windows 10 tablets). App-based systems are under development by other vendors. All eVTR applications provide the ability for reports to be completed at sea and saved on the computer/tablet for submission at a later time.<sup>5</sup>

### **Problems with the Current Reporting Regulations**

With the advent and ubiquitous availability of high-speed Internet, paper forms are no longer the most efficient method for permit holders to submit the required information, nor for NOAA Fisheries to process it. As previously stated, NOAA Fisheries considers that electronic reporting “will make the collection of important data on fishing vessel activity more efficient, convenient, and timely for the fishing industry, fishery managers, and other data users.” At present, paper-based reports create a substantial time delay between the time when fishing activity occurs and when the data are available to fisheries managers. Reports may not be mailed (or faxed) to NOAA Fisheries for up to six weeks after the fishing activity occurs (if regulations are followed). Following receipt of paper forms, data must be entered into the system and checked for anomalies and errors (creating further delay if contact must be made with the operator for clarification or correction). Paper reports may also suffer from illegible handwriting or messy forms that further impede accurate data entry.

Under VTR regulations, operators must submit a separate VTR for each area fished, theoretically requiring multiple paper forms for a single trip. While eVTRs still require reporting of fishing activity in each area fished, eVTRs eliminate the paper associated with such reporting and ease the reporting associated with multiple areas. Operators are required to retain VTRs for three years after the date of the last entry on the report. Electronic VTRs alleviate the need to maintain paper-based copies since the original electronic copy will be stored in the system (although additional supporting documentation, if any, may still need to be retained). Additionally, vessel operators may be faced with duplicate reporting if they are fishing in another region or for a species (e.g., HMS) that also requires reporting through a separate system. Several states also require reporting from for-hire vessels with information that is identical, or similar, to that provided through VTRs. As electronic data entry by vessel operators is established, the development of systems to submit multiple reports from a single data entry screen will be facilitated.

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<sup>4</sup> <http://www.greateratlantic.fisheries.noaa.gov/aps/evtr/electronic/index.html> , May 26, 2016.

<sup>5</sup> Barry Clifford, NOAA GARFO, Personal Communication 6/15/16.

Recommendations were made during a May 2016 Atlantic Coastal Cooperative Statistics Program (ACCSP) workshop addressing for-hiring reporting on the Atlantic coast that all federal fisheries reporting programs should investigate means to develop a common reporting system to reduce the burden of duplicate reporting, which could be achieved through an electronic reporting system.

### Users Affected

For-hire vessels with Federal permits for species managed by the Council would be impacted by this action. The following numbers were reported by the NOAA GARFO for vessels that had been issued a mid-Atlantic recreational (for-hire) permit and reported a mid-Atlantic for-hire trip during the 2015 fishing year (May 2015-April 2016):<sup>6</sup>

Number of vessels issued a Mid-Atlantic recreational (for-hire) permit: 869

Number of those vessels that submitted VTRs: 426

- Number of those 426 vessels that submitted EVTRs: 4
- Number of trips submitted by the 426 vessels: 19,502
- Number of those trips that were electronic: 233

Additionally, 27 vessels that submitted paper VTRs for 712 trips catching mid-Atlantic species were not issued an appropriate permit and are not included in the above numbers.

### Advisory Panel Input

A webinar/conference call was held with for-hire members of the Council's Advisory Panels and with interested members of the public on July 18<sup>th</sup>, 2016<sup>7</sup>. In general, AP members are supportive of electronic reporting and improving the timely availability of data. Commonly expressed issues are:

- Some for-hire users may not currently have the electronic capabilities or knowledge to report electronically.
  - Outreach and training will be an essential element to help people transition.
- Some AP members felt that a 48 hour submission deadline (as compared to a 24 hour deadline discussed at the June 14<sup>th</sup> Council meeting) would provide more leeway for the for-hire operators who needed to check and clean up reports prior to submission.
- A back-up plan needs to be included in case any component of the system goes down.
  - What happens if a part of the system fails (e.g., tablet goes dead on the water; submission is delayed)?
  - Paper VTR for emergency back-up might be necessary.
- We need to work with the for-hire community to improve the use of data over its current applications.
  - Need to add verifiability to the system over the current status.
- Need to make sure that duplicate reporting is addressed at roll-out as much as possible
  - States that currently require submitting a copy of the paper VTR (New York?) should be contacted to see if they will also accept the electronic version.
  - Over the longer term, states that require some other form of logbook or paper-based reporting should be encouraged to accept submission of data electronically.
- Enforcement Questions

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<sup>6</sup> Appreciation to Kelley Mcgrath of NOAA Greater Atlantic Regional Fisheries Office for these statistics.

<sup>7</sup> Federal Register /Vol. 81, No. 128.



- What if users change their VTR after completing it (before hitting the dock) but before submitting?
- What if a VTR isn't 100% complete before hitting the dock? Some head boats may get accurate count only when offloading.
- How will enforcement handle a situation where a tablet goes dead on the water or submission is delayed?

### Staff Consideration

*Outreach and Communication* – outreach to the for-hire community will be paramount to the success of this action. Accordingly, in response to the AP, Council staff and contractors are developing plans to work integrally with the for-hire operators through in-person training as well as webinars and on-line training. In addition to Council action, Table 1 indicates the available training opportunities which vendors of approved systems have indicated are (or will be) available for their systems.

*Submission Timeline* – the initial timeline for submitting reports that was mentioned at the June 14<sup>th</sup>, 2016 Council meeting was 24 hours following the completion of a fishing trip. Although the consensus of AP members was that they personally were likely to meet this deadline, they offered several scenarios under which vessel operators may need additional time, and suggested that 48 hours would be sufficient. Council staff evaluated these options and agrees that during the initial implementation of this action the benefits of allowing 48 hours after completion of the trip for submission is likely to result in greater compliance and improved data quality without substantial negative effects; Council staff recommends the preferred alternative be 48 hours. As for-hire operators become accustomed to electronic reporting, the 48 hour timeline can be re-evaluated and, if needed and warranted, be adjusted in the future.

*Issues with System Components and Enforcement* - Council staff agrees that various scenarios exist which could interfere with individual elements of the recording and submission process of electronic VTRs and which could present a potential violation. However, as Advisory Panel members discussed, glitches occur in any system including the current paper-based VTR submissions which may be subject to lost or destroyed VTRs at-sea or in the mailing process and which already must be considered by law enforcement personnel upon encountering such a situation. Although ideas were discussed to address such potential scenarios with electronic reporting, Council staff concluded that no single solution existed to address all possibilities; the circumstances of each particular situation are likely to be unique and will need to be considered within the discretion of law enforcement personnel just as they must with paper-based VTRs. It is important to note that the Council action deals only with the *submission* of VTRs to NOAA (electronic reporting versus paper), not the at-sea *recording* of data. While it is the intention and belief that this action will (in the vast majority of cases) translate into electronic recording of data at the time of fishing activity, in an emergency situation such as a dysfunctional or lost electronic device, for-hire operators could temporarily record data on paper VTR forms in order to comply with the requirement to complete a VTR prior to entering port and later transcribe this for electronic submission. This is envisioned as a temporary emergency application, not a routine procedure. Finally, one benefit of electronic submission is that once submitted, electronic records satisfying the 3-year retention rule would be stored remotely on system servers and could be retrieved even if an individual user's computer/tablet became inoperable or was lost.

*Duplicate Reporting* – Two forms of duplicate reporting are possible: 1) duplicate submission of VTRs and 2) reporting similar, but slightly different, data to another data collection program (e.g., state logbook). Some Mid-Atlantic states require that copies of VTRs be submitted to their state agency in addition to NOAA. Council members who are representatives of such states are encouraged to review their current regulations as they pertain to the acceptance of electronic reports versus paper and make adjustments accordingly to accept electronic reports. One of the NOAA-approved systems (ACCSP eSAFIS/mobile) is a component of a larger state-based data warehousing system and as such, participating states will already have access to electronic VTRs that are submitted using this system. Submission of similar but slightly different data to other data collection programs such as state logbooks can be addressed through modification of existing eVTR systems (in conjunction with the agencies requiring additional reporting) to transmit compatible data to multiple entities. It is anticipated that as more data are submitted electronically, convergence of disparate data collection systems will be facilitated so that one data submission by for-hire operators will feed data to multiple required reporting systems.

*Issues with Data Use and Collection* – Council staff recognizes that issues exist with current data collection and use and are participating with state and federal agencies, other Councils, and data collaboratives (e.g. ACCSP) to address these issues. Council staff expects that the improved timeliness and accuracy of VTR data resulting from electronic submission, enhanced with validation measures currently being researched, will improve the usability of VTR data and expand its current applications. Efforts are underway at NOAA and ACCSP to evaluate both the content of data that are collected under various systems, the methods of collection, and data validation/verifiability. Although these evaluations are expected to result in more robust and streamlined data collection, the implementation of the results is longer term.

## **Proposed Management Measures and Alternatives**

### **Proposed Action**

The proposed action is to modify the administrative requirements to require for-hire fishing vessels with Federal permits for species managed by the Council to submit currently-required VTRs to NOAA through electronic means beginning January 1, 2017. No changes are proposed for the data types being collected; this is simply a change in the means of submission.

### **(Staff Recommended) Alternative 1: Require Electronic Submission of VTRs and Change of Submission Timeframe to 48 hours**

Beginning January 1, 2017, owners/operators of for-hire fishing vessels with Federal permits for species managed by the Council will be required to submit Vessel Trip Reports through one of the NOAA-approved electronic Vessel Trip Report systems. Reports will be required to be submitted within 48 hours following the completion of the fishing trip.

Five options are currently available for submitting VTRs electronically:

- Fisheries Logbook and Data Recording Software (FLDRS)
- Fishing Activity & Catch Tracking System (FACTS™)
- Ecotrust Canada Electronic Logbook (Elog)
- Dynamic Data Logger (DDL)
- Standard Atlantic Fisheries Information eTrips Mobile (SAFIS eTrips/M), for use on smart phones or tablets operating the Apple iOS or Android platforms.

Additional systems may be developed and, upon approval by NOAA for submitting VTRs, would automatically be added to this list.

A questionnaire to all approved vendors was sent asking for details of their systems as they apply to for-hire reporting and responses are summarized in Table 1.

This alternative changes the NOAA-mandated reporting deadlines from the current (generally the 15<sup>th</sup> of the month following the month in which fishing activity occurs) to 48 hours after the fishing trip is completed.

Since all eVTR applications provide the ability for reports to be completed at sea and saved on the computer/tablet, reports should be ready for submission upon reaching an area with Internet connectivity since under current regulations they must be completed prior to docking. Vessel operators experiencing problems with their devices or not carrying a tablet or computer onboard would need to record their catches on paper VTR forms at sea (to meet the regulation that reports be completed prior to entering port at the completion of their trip) and later transcribe them to the eVTR system of their choosing for data submission.

The 48 hour allowance is to provide vessel operators/permit holders leeway to review data entry and correct any errors and sufficient time to reach an area with Internet connection (or transcribe paper reports to an eVTR if needed).

This alternative does not change any of the requirements for data elements that are currently-reported through paper-based VTRs. Geographic locations of effort and catch will not change from that required through paper VTRs; permit holders will report by NOAA Chart Area and depending on the system used may be able to choose greater geographic specificity if they desire.

The cost of this alternative is free or minimal. A tablet computer (many basic models available for approximately \$200) or personal computer would be required and either a cellular data plan or internet connection for submitting reports. One of the NOAA-approved reporting systems is free to users. Computer based reporting options are available through any computer with internet connection which many people have in their homes or businesses or mobile devices and which is available for free through most public libraries.

There would be no increased cost to the government for this alternative. Electronic systems are available and already operational for submitting and receiving eVTRs. It is anticipated that in the long run, administrative costs would be reduced due to the reduction in need for physically

entering (scanning) paper-based VTRs and reduction in inaccuracies due to illegible hand writing, messy paper forms, or other obstructions causing delays in processing.

Because this proposed action deals entirely with the administrative mechanisms by which for-hire fishing vessels permit holders submit reports, the alternative would not affect fishing vessel effort, operations, species targeted, or areas fished and there would be no direct impacts of the proposed action on any fishery resources or habitat managed under a Council FMP or on any associated protected resources.

Table 1. Comparison of Systems Certified to Submit Electronic Vessel Trip Reports

System Name	Organization	Basic Equipment Needed	Optional Equipment	Mobile Version	On-the Water Data Entry/ Storage Without Internet Connection?	Cost	Training
Dynamic Data Logger	Olrac	Tablet or PC		Operates on Windows 10 Devices	Yes	Annual license for basic eVTR; extra features additional.	In-person, On-line Webinars, Skype, etc. Interactive user manuals once the software is installed.
FACTS - Fishing Activity and Catch Tracking System	Electric Edge	Tablet or PC	GPS device to make acquiring coordinates easier and less error prone	Mobile app being developed; web-based data entry if internet connection is available	Yes (desktop version works offline; mobile application in development)	Monthly or annual fee	In-person possible with local support team; On-line Webinars,
eTRIPS/mobile	ACCSP	Tablet	Mounting system ; Power or power converter	Windows 10, Apple iOS, Android, Windows Mobile	Yes	Free	Online video <a href="http://accsp.org/electronic-trip-reporting">http://accsp.org/electronic-trip-reporting</a> ; In-person training; On-line Webinars
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Name	Organization	Basic Equipment Needed	Optional Equipment	Mobile Version	On-the Water Data Entry/ Storage Without Internet Connection?	Cost	Training
eLog	Ecotrust Canada	PC (Windows), Apple Computer, Tablet, Smart Phone	Ecotrust Canada Electronic Monitoring system required; after mobile app is finished then just a mobile device.	Windows XP, Windows 7, Windows 10, Apple iOS, Android, Windows Mobile (when completed)	Web browser based. The interface on the vessel is served from our EM box as a webpage.	eLog costs are included in standard electronic monitoring service. Stand-alone cost will be finalized after mobile app is complete.	In-person training
FLDRS	NOAA	No information received					
All systems store and can retrieve reports for 3 or more years (an enforcement requirement) and have a reporting function and a “summary report” listing dates, times, confirmation numbers, etc. for reports that are submitted.							

**Olrac DDL** is a touch-screen ready eLog application that captures any fishing related data in real time and/or after the fishing activity took place. Data collected can be compiled into reports in a variety of formats such as: XML, CSV, text, PDF, HTML, etc. The Olrac eLog verifies and validates all reports before sending them. It keeps a complete log of all collected and sent information and tracks any changes to data entered or reports sent. It also includes complete integration to EM systems if they are installed on board. It includes a variety of added value functionality for fishers utilising a built in mapper utility (GIS) which allows a user to explore fishing performance under a variety of filtering and grouping scenarios. A version of the software is presently used on 100's of vessels all around the world and is a well tested and mature system. Our eVTR system is already certified by NOAA.

**FACTS** is far more than just an electronic logbook as is being discussed in this survey. It is intended to provide for the data collection and reporting around ALL aspects of a fishing trip. Essentially we provide fishery IT department in a box. All data reported via FACTS is available in our central website (via reports and in downloadable formats for personal Record keeping) so that it is clear what has been submitted to whom (NMFS or otherwise) and when. Wherever possible we allow for revisions to previously submitted data to allow for easy corrections (as long as those revisions do not break business rules of the fishery). All revisions are identified in our central website, so it is clear what was changed and when. As part of our regular fee, we handle all regulatory changes that require changes to be made to the system for free. When we can work with a group of vessels (which allows for broad discussions about changes/enhancements to FACTS as opposed to individual conversations) we will add/modify reports and make enhancements based on feedback for free. We have a great deal of flexibility in our pricing and use that flexibility to come up with a fee that makes sense for the fishery and the participants. As a side note, Electric Edge has recently completed a report for NOAA that analysed federal commercial fishery dependent data collection in all regions and suggested ways in which those efforts could be modernized to make data collection far less error prone and reduce the burden of reporting on fishers. We are both fishery and systems experts with over 15 years of experience. If anyone has any questions, please e-mail them to [bryan@fisheryfacts.com](mailto:bryan@fisheryfacts.com), call Bryan (the owner) at 1-250-920-8830, or visit our site at [fisheryfacts.com](http://fisheryfacts.com)

**eTRIPS/mobile** developed in conjunction with charter captains; Please contact any Captains that currently use the system to get their direct feedback. The system was built by For Hire Captains and required years of feedback and development from them. We continue to get feedback from users and their thoughts and considerations are taken into account making the product better.

**eLog** - Our system has been developed and updated with direct input from the fishermen that use it and we perform updates to continuously improve the usability and user experience.

### ***Rationale for Proposed Action***

As stated previously, the proposed action is expected to increase efficiencies in data submission, improve accuracy in data management, improve timeliness and vastly expedite data availability for all fisheries management purposes. The May 2016 ACCSP Workshop participants identified several desirable aspects to help programs move to electronic reporting that are encompassed in this proposed action, including:

- Multiple ways to access the reporting feature, including smart phones, tablets, and pc-based system;
- Provide incentives to users of the system (including ease of data entry/submission);
- Provide functionality requiring report submission;
- Provide training opportunities to help individuals learn the system;
- Provide for multiple federal and state reporting capabilities through a single application

The proposed action will achieve or facilitate many of these recommendations and meet the desired intent at little or no cost to permit holders and ultimately reduce administrative costs of NOAA Fisheries currently associated with data entry.

### **Alternative 2: Require Electronic Submission of VTRs Without Change of Submission Timeframe**

This option is similar to the staff-recommended option but does not modify the current reporting timeline (thereby maintaining the time frame for submission generally as the 15<sup>th</sup> of the month following the month when the fishing activity occurs). Under this option, the same five systems available under staff-recommended Option 1 would be available for electronic reporting:

- Fisheries Logbook and Data Recording Software (FLDRS)
- Fishing Activity & Catch Tracking System (FACTS™)
- Ecotrust Canada Electronic Logbook (Elog)
- Dynamic Data Logger (DDL)
- Standard Atlantic Fisheries Information eTrips Mobile (SAFIS eTrips/M), for use on smart phones or tablets operating the Apple iOS or Android platforms

This action would be a compromise between staff-recommended Option 1 and No Action. It still would result in expected increases in efficiencies in data submission, improvements in accuracy of data management, and somewhat expedited data availability for fisheries management purposes, but it would fall significantly short of improving timeliness of data availability as compared to staff-recommended Option 1. As outlined in Option 1, vessel operators with onboard PC's/mobile devices should be ready to submit reports electronically very close to the time of docking (once they reach a wireless Internet connection) or even prior to docking if they are connected to a cellular data network. The 2-6 week time frame for submitting reports after reaching the dock is the status quo with voluntary use of eVTRs and has had very low adoption rates.



### **Alternative 3: No Action**

Under this alternative, VTRs would continue to be submitted by paper (mail or fax) or optionally through the use of an available eVTR system. This status quo is not preferred since it would perpetuate the lengthy delay of the availability of VTR data for managers and the burden on permit holders to 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 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.

### **Alternative 4: Vessel Monitoring System (VMS)**

This non-preferred alternative would implement electronic reporting through the use of Vessel Monitoring Systems (VMS). VMS is a satellite surveillance system to monitor the location and movement of fishing vessels using on-board transceiver units. These units send position reports that include vessel identification, time, date, and location, and are paired with a catch reporting mechanism to accurately capture catch, effort, and location of fishing activity. While VMS is suitable for larger commercial vessels, it requires installation of equipment that may be logistically unfeasible for some of the smaller for-hire vessels to install, is substantially more costly than the staff-recommended alternative, and imposes data reporting burdens on for-hire vessels that are not currently a part of VTR submission.

## **Impacts of the Proposed Action and Alternatives**

### **Impacts on Fishery Resources**

Because the proposed action deals entirely with the administrative mechanisms by which Federal permit holders in the for-hire fisheries would report currently-required VTRs, and would not affect fishing vessel effort, operations, species targeted, or areas fished, there would be no direct impacts of the proposed action on any fishery resources managed under a Council FMP. This action may have indirect, low (not significant, individual or cumulative) positive impact on the management capabilities for fishery resources. There are no differences between the alternatives as far as direct impacts on fishery resources.

### **Impacts on Habitat**

Similar to the impacts on fishery resources, due to the nature of the measures in the proposed action, there would be no direct impacts of the proposed action on the habitat, including essential fish habitat (EFH), of any fishery resources managed under a Council FMP. There are no differences between the alternatives as far as direct impacts on any fish habitat, including EFH.

### **Impacts on Protected Resources**

Similar to the impacts on fishery resources, due to the nature of the measures in the proposed action, there would be no impact, either direct or indirect, of the proposed action on protected resources. There are no differences between the alternatives as far as direct or indirect impacts on any protected resources.

### **Economic Impacts**

There is little to no direct economic impact to permit holders. Approved eVTR systems include free applications once users are registered. The ubiquitous nature of computers and Internet

availability in private homes and businesses, as well as free access to both in most public libraries and other locations, provides a free to low cost means for permit holders to access eVTRs. Several models of tablet computers are available for approximately \$200 (wi-fi access but not cellular data capability). Additional hardware that users may desire would add to this cost (for example, waterproof cases can commonly be purchased from \$30-\$150). Monthly cellular data plans (optional, not a necessity) vary in cost by carrier but basic plans are available for \$20/month. 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. Improved and expedited availability of the data is expected to expand the utility of the data currently collected to fisheries management, research, and law enforcement purposes.

### **Consistency with Applicable Laws-to be completed**

Additional detail will be provided with final NEPA documentation but a preliminary analysis suggests there will be no conflicts with the applicable laws listed below. A Paperwork Reduction Act package may be required and will be prepared by NOAA Fisheries at a later date if necessary.

Magnuson-Stevens Fishery Conservation and Management Act  
Compliance with the National Standards  
Compliance with Other Requirements of the Magnuson-Stevens Act  
National Environmental Policy Act  
Executive Order (EO) 12866 – Regulatory Impact Review  
Statement of the Problem and Need for Action  
Management Objectives  
Description of the Affected Entities  
Description of the Alternatives  
Expected Economic Effects of the Alternatives  
Determination of Significance under EO 12866  
Administrative, Enforcement, and Information Costs  
Regulatory Flexibility Act-  
Economic Impacts on Small Entities  
Endangered Species Act  
Marine Mammal Protection Act (MMPA)  
Paperwork Reduction Act (PRA)  
Coastal Zone Management Act  
Data Quality Act  
EO 12898, 13132, and 13158

# Attachment A. Vessel Trip Report Form

Note: this information does not reflect the 2015 changes to the "Did Not Fish" reporting requirements.

## **Greater Atlantic Region**

### **Fishing Vessel Trip Report (VTR) Reporting Instructions**

**December 5, 2014**

These instructions may be found online at:

[http://www.greateratlantic.fisheries.noaa.gov/aps/evtr/doc/vtr\\_inst.pdf](http://www.greateratlantic.fisheries.noaa.gov/aps/evtr/doc/vtr_inst.pdf)

## VESSEL TRIP REPORTING (VTR) OVERVIEW

The Greater Atlantic Region is reissuing our VTR instructions because we have clarified several sections to improve the information we collect. While you may want to focus on the changes and pages pointed out below, we urge you to review the entire set of instructions—we have tried to make them easier to understand so that fewer reports will have to be returned to you for correction. If you have any questions, please don't hesitate to contact the VTR support team at (978) 281-9246. This line is heavily used, so if you get voicemail, please leave your name and number—in most cases, we are able to return calls within one business day.

### VTR requirements by vessel permit type

	Frequency of reporting	Report deadline	If you did not fish.....
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 subject to weekly reporting, you must submit a Did Not Fish report for each week that there is no fishing trip activity. If you know your vessel will be inactive, you may submit these reports electronically up to 3 months in advance.
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 subject to monthly reporting, you must submit a Did Not Fish report for each month that there is no fishing trip activity. If you know your vessel will be inactive, you may submit these reports electronically up to 3 months in advance.
If a vessel is issued a permit for American lobster <b>and</b> 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).	--	--

### Defining fishing trip activity that requires a VTR

If your vessel is issued any of the fishery permits with reporting requirements shown in the table above, you are required to complete a VTR for every fishing trip, whether the vessel is fishing in state or federal waters, or in another region of the country, such as Gulf of Mexico. This is true for all trips, no matter what species is being fished for or caught. Having an observer or at-sea monitor on board during a trip does not relieve you from this requirement.

These instructions clarify that a VTR is required for any trip on a federally permitted vessel when you catch

fish, or when your operations include activities that would support fishing, such as preparing to catch or harvest fish, or attempting to catch or harvest fish. All such fishing activities must be reported, even if no landings are made. The trip is the period of time during which these activities are conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

**There are only two instances where a VTR isn't required for a specific trip:**

- **If you are transiting without any product onboard and don't engage in any fishing activity. For example, you're moving your vessel to a shipyard or you're returning to your home port.**
- **If you are operating under a scientific Letter of Acknowledgement**

You are required to report fishing trips even if no fish are caught or onboard if the following events occur:

- If you begin a fishing trip, but must return to port before setting or retrieving gear because of issues like bad weather or mechanical problems, then you must still complete a VTR. In this case, you must complete the information in VTR Fields 1-6, along with fields 24-27, and enter "No Effort" in the lower portion of the VTR.
- If you make a fishing trip just to set out gear you must still complete a VTR. Complete the information in VTR fields 1-6, along with fields 24-27, and enter "Set Only" in the lower portion of the VTR.
- If you make an unsuccessful trip, and don't catch any fish, you must still complete a VTR. In this case, you must complete all of the trip information in VTR Fields 1-16, and enter "No Catch" or "NC" in the species code field (#17).

**Submitting a VTR if you conducted no fishing trip activity**

As noted in the table, you must submit a VTR even if you did not use your vessel for any fishing activity for the entire reporting period, weekly or monthly, that is applicable to your permit types. In this case, you must fill out the "Did Not Fish" field at the top of the form, complete the vessel identification information in Fields 1-3, and sign and submit the form. However, we remind you that activity such as starting a fishing trip or preparing to catch fish is considered fishing activity. For example, if you start a fishing trip on Wednesday, but land and offload your catch the following Monday (i.e., after a trip of 6 days), the VTR must be submitted by midnight Tuesday of the third week and must provide all of the information about the trip. In this case, there is no week in which you "Did Not Fish".

Did Not Fish (DNF) reports may be submitted on the NMFS issued paper VTR or through our secure webpage, "Fish-On-Line" at <https://www.greateratlantic.fisheries.noaa.gov/NMFSlogin> **DNF reports submitted electronically through Fish-On-Line do not need to be mailed into NMFS.** If you need your confidential vessel Personal Identification Number (PIN) or cannot access Fish-On-Line please contact NMFS at (978) 281-9133 or by email at [nmfs.gar.data.requests@noaa.gov](mailto:nmfs.gar.data.requests@noaa.gov)

You must report all species caught (both kept and discarded), including all protected species. To report sea turtles or ESA-listed fish species (e.g., Atlantic salmon or sturgeon) incidentally caught, injured, or killed, enter the species code for each turtle or fish under the species code name column (#17) on the VTR. Enter the actual number (count) of sea turtles or listed fish caught in the discard column (#19). Under the dealer name column (#21), comment on the condition of the sea turtles or listed fish (e.g., alive, injured, or dead).

When an incidental mortality or injury of a marine mammal (seals, dolphins, porpoises, and whales) occurs during commercial fishing activities, you must also fill out and return the Marine Mammal Authorization Program Mortality & Injury Reporting Form within 48 hours of returning from the trip on which the incident occurred. You may obtain additional information, including a reporting form at: [www.greateratlantic.fisheries.noaa.gov/prot\\_res/mmap/certificate.html](http://www.greateratlantic.fisheries.noaa.gov/prot_res/mmap/certificate.html) or call 978-281-9328.

## **When to complete and submit more than one VTR page**

You must complete all of the fields on a new VTR page each time you change your fishing area or gear. This means a new page is required each time you:

- Change the chart area (inshore or offshore) in which you are fishing;
- Change the type of gear you are using; or
- Change the mesh size or ring size in the gear you are using.

## **New gear codes**

VTR Field #7 requires you to identify the type of gear you used. New codes have been added to the gear code table (page 9) so that we can get better information about fishing gears. The scallop dredge codes are critical for evaluating the effectiveness of scallop dredge gear modifications for reducing interactions with sea turtles. The codes are summarized below:

- DRS – this code should be used for the standard scallop dredge
- DSC – this code should be used for the standard scallop dredge with chain mat
- DTS – this new code should be used for the scallop turtle deflector dredge
- DTC – this new code should be used for the scallop turtle deflector dredge with chain mat
- OTT – this code should be used for otter trawls (OTF) that are joined together in a “Twin Trawl” configuration.

## **How to report when you fish in more than one chart area**

If your fishing activity occurs in more than one chart area, you must submit a VTR for each chart area where you started to haul back or retrieve gear. If your tow or the placement of your fixed gear (for example, gillnets) crosses chart area boundaries, the area you report must be the area you were in when you started to retrieve or haul back your gear. For the gear types shown in the gear code table on page 9, this means:

- For mobile gear (trawl gears and dredges), you report the area where the hauling equipment is put into gear with the intention of hauling back and retrieving a net or dredge;
- For fixed gear (gillnets, longline, pots, traps, and weirs) you report the area where the hauling equipment is put into gear or retrieval of one end of the set begins.
- For purse seine gear, and other seine gears, you report the area where the skiff hits the water upon setting the gear, or when the first piece of gear hits the water, whichever occurs first.
- For handline, rod and reel, and the gears listed as “other gears”, you report the area where the gear is completely retrieved and aboard the vessel.

For example, if you start a tow in chart area 522, start hauling back in area 525, and land 100 pounds of monkfish, then all the catch from this tow would be reported in chart area 525.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons falling under the requirements of 50 CFR 648.7 (b). All data submitted will be handled as Confidential material in accordance with NOAA Administrative Orders. Public reporting burden for the survey is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NOAA Fisheries, 55 Great Republic Drive, Gloucester, MA 01930.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.





Webinar/Conference Call  
Mid-Atlantic Fishery Management Council  
Ad Hoc Advisory Panel on For-Hire Mandatory Electronic Vessel Trip Reports  
July 18, 2016  
6:00 pm – 7:10 pm

**Participants**

*AP Members*

Skip Feller  
Phil Langley  
Michael Plaia  
Paul Risi

*Staff*

Jason Didden  
Andrew Loftus

*Guests*

Heidi Henninger, Olrac North America  
Rick Bellavance, RI Charterboat

*Signed in to Webinar Only*

Jeff Taylor  
Sonia Sharan, Environmental Defense Fund  
Doug Christel

*AP Members Unable to Attend*

Thomas Roller  
Jeffrey Gutman  
Monty Hawkins  
Peter Kaizer  
Denny Dobbins  
Steven Witthuhn  
Harvey Yenkinson

**Summary**

In general, AP members are supportive of electronic reporting and improving the timely availability of data.

Commonly expressed issues are:

- Some for-hire users do not have the electronic capabilities or knowledge to report electronically.
- Outreach and training will be an essential element to help people transition.

- A back-up plan needs to be included in case any component of the system goes down.
  - What happens if a part of the system fails (e.g., tablet goes dead on the water; submission is delayed)?
  - Paper VTR for emergency back-up might be necessary.
  - What systems allow pc-based entry as well as tablet?
- We need to work with the for-hire community to improve the use of data over its current applications.
- Need to make sure that duplicate reporting is addressed at roll-out as much as possible
  - States that currently require submitting a copy of the paper VTR (New York?) should be contacted to see if they will also accept the electronic version.
  - Over the longer term, states that require some other form of logbook or paper-based reporting should be encouraged to accept submission of data electronically.
- Need to add verifiability to the system over the current status.
- Enforcement Questions
  - What if users change their VTR after completing it (before hitting the dock) but before submitting?
  - What if a VTR isn't 100% complete before hitting the dock? Some head boats may get accurate count only when offloading.
  - How will enforcement handle a situation where a tablet goes dead on the water or submission is delayed?

## **Detailed Discussion**

### Skip Feller

- Glitches occur in any system – mail-in reports get eaten too by post office.
- Make this easy for people to electronically report and it will be readily adopted.
- Currently, many smaller boats wait until getting into port before filling out paper reports.
- 24 hours for submitting reports is plenty of time.

### Phil Langley

- Personally in favor of electronic reporting; feels that current time lag is impeding the use of data.
- As president of Maryland Charterboat Association-some members struggle with electronics in general. How would this be implemented? Training curve for some; ~25% would struggle with electronic reporting. Many have” retired into” the charter business part time.
- Is there a plan for back-up in case any component of the system goes down? e.g., device goes down or NOAA system goes down. Feels that 48 hour window for submitting reports would be better.
- If people don't complete a report before docking and don't get checked, would they be more likely to not report at all with electronic reporting than under the current paper-based mail in report?
- Perhaps phase in electronic reporting as people renew their licenses so that some people are used to it before other people and therefore can teach them how to use it.
- Outreach and training will be key to getting this started.

#### Michael Plaia

- Concurred with most of what was said; need to eliminate duplicate reporting.
- We need to coordinate between the MAFMC reporting and the NEFMC reporting.

#### Paul Risi

- The “better business people” are supportive of electronic reporting; some others opposed to it.
- For the people who don’t like it because of their boat size/configuration, a waterproof marine device would be necessary for it. Need to consider the cost.
- Paul is personally for it,
- Questioned whether mandatory electronic reporting and completion before hitting the dock may work against accuracy for boats who have 70-80 people on the boat and require more time to accurately count their catch while also navigating back to port.
- Need to work on making data that are collected more useful than currently is evident.
- Want to make verifiability come to the VTRs like we have with the commercial sector; some added level of verifiability that makes sure that we are collecting complete data from everyone.
- Maybe keep a paper log on the boat as a back up; have to call in before landing to let NOAA know that they will be filing by paper.
- Also would help if there is an option to submit electronically by PC if needed in an emergency

#### Miscellaneous AP Comments

- Need to cost out complete system including hardening (waterproof)
- Need port ambassadors – give a tablet to one person per port to help others get started

#### Rick Bellavance

- Been working for several years on eVTRs; agrees that 25% struggle with it. ***Needs to be a commitment to Outreach and Education.*** It takes 1-2 times to use it to adopt it but once they start using it they like it.
- RI has mandatory reporting for Tautog and SAFIS eTrips satisfies that along with VTR.
- SAFIS eTrips/mobile has an evaluation version that people can use to test it out. A state needs to set people up with a password/user name to begin using the application for actual submission.
- Need to make sure that multiple reporting is taken care of before roll out