



Mid-Atlantic Fishery Management Council  
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## MEMORANDUM

**Date:** March 27, 2019  
**To:** Council  
**From:** Karson Coutre, Staff  
**Subject:** Commercial eVTR Omnibus Framework

The initial Framework Meeting for the proposed action to require Electronic Vessel Trip Reporting (eVTR) for commercially permitted vessels for species managed by the Council is on Wednesday, April 10, 2019 in Avalon, NJ. Materials listed below are provided for the Council's consideration of this agenda item.

- 1) Framework Meeting 1 Discussion Document
- 2) Framework Action Plan
- 3) Fishery Management Action Team Meeting Summary
- 4) Combined Advisory Panels Meeting Summary

The decision point for this meeting is to identify a clear range of alternatives.



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 Meeting 1 Discussion Document  
April 10, 2019, Avalon, NJ

## Introduction

Commercial fishing vessels with federal permits for MAFMC-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 2019 Implementation Plan. An FMAT was formed and held a meeting on March 19, 2019 and consultation with the Council’s Advisory Panels and interested public occurred on March 25, 2019. Framework meeting 1 will occur during the Council meeting April 10, 2019 in Avalon, NJ. Framework meeting 2 with the intent of final action will occur at the August or October Council meetings in 2019. The Action Plan with a more detailed timeline for this framework is available at <http://www.mafmc.org/actions/commercial-evtr-framework>.

## 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.<sup>1</sup> 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 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

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

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

**Alternative 1:** modify administrative requirements to require commercial fishing vessels with Federal permits for species managed by the Council to submit currently required VTRs through electronic means.

**Alternative 2:** No Action, *status quo*. Under this alternative, VTRs would continue to be submitted by paper or optionally through an approved eVTR application.

## Users Affected

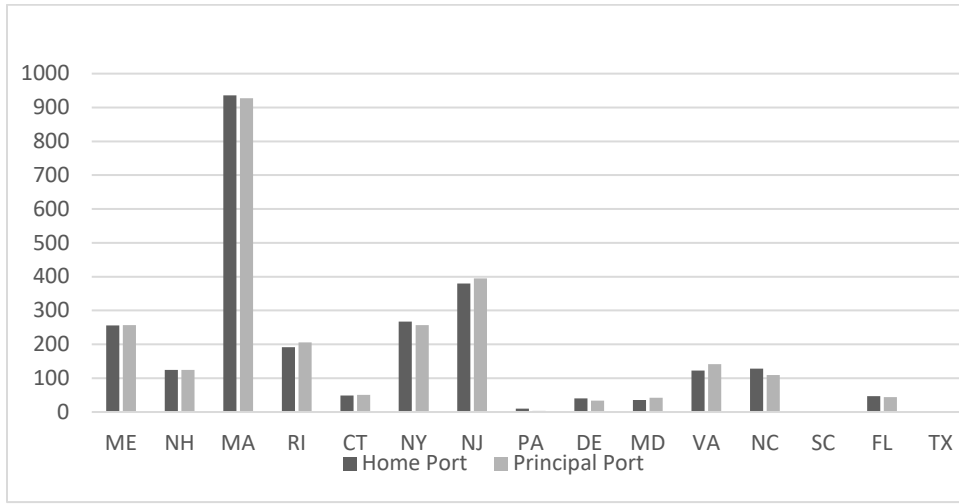
This framework will affect all vessels with Federal commercial permits for species managed by the Mid-Atlantic Fishery Management Council including Atlantic Bluefish, Black Sea Bass, Scup, Summer Flounder, Tilefish, Squid, Atlantic Mackerel, Butterfish, Surfclam, Ocean Quahog, and Spiny Dogfish.

### *Preliminary Analyses:*

<b>Summary of Affected Users</b>	<b>2018</b>
# of vessels issued a Mid-Atlantic commercial permit	2,673
# 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	2,496

<b># of Commercial VTRs Submitted in 2018</b>	
Paper	70,394
Electronic	7,172

The number of vessels that held federal commercial permits for Mid-Atlantic species in 2018 summarized by home port and principal port:



## Associated Costs

The below table is a list of **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. Stakeholders will only need to purchase a device if they do not have any of the compatible electronic devices listed below.

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

A list of **all** approved applications can be found at:

<https://www.greateratlantic.fisheries.noaa.gov/aps/evtr/electronic/index.html>

If the user needs to purchase a device, approximate minimum cost estimates are below:

Smartphone: \$170

Tablet: \$75

Laptop: \$150

## 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>.

## Workshops

If this action moves forward, trainings on how to use eVTR applications would be conducted throughout the geographic range of affected users. With the current timeline, these would occur in Fall 2019 and early Spring 2020. Resources will be compiled from application providers and made available on the Council website. These resources will include a summary of the current capabilities of available applications in reducing redundancies in reporting. Video-based training will also be posted to the Council's website.

## Regulatory Considerations

The Framework document would include language to ensure operators can be compliant with current regulatory requirements including 1) having a trip report filled out with all required information, except for information not yet ascertainable, prior to entering port, and 2) maintaining copies of fishing log reports on board the vessel and available for review for at least 1 year, and retained for a total of 3 years after the date the fish were last possessed, landed, and sold.

## Appendix

### Greater Atlantic Region VTR Requirements by Vessel Permit Type:

Permit Type	Frequency of Reporting	Reporting Deadline
If a vessel is issued a <b>Party/Charter</b> permit for: *Summer Flounder; *Scup *Black sea bass *Bluefish *Squid/Atlantic mackerel/Butterfish *Tilefish	Then the owner/operator must <b>electronically</b> submit trip reports within 48 hours of landing for <b>all Party/Charter trips regardless of species targeted.</b>	Reports must be electronically submitted using an approved eVTR reporting application within 48 hours of landing.  <b>This requirement applies to all Party/Charter trips regardless of species targeted otherwise use the below guidance.</b>
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 <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).	

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



## **Regulatory Omnibus Framework to Modify Reporting Requirements for Electronic Vessel Trip Reports (eVTRs) by Federally Permitted Commercial Vessel Operators in the Mid-Atlantic Region**

### Action Plan

### **Management Measures Considered**

The proposed action would modify vessel trip report (VTR) reporting requirements to require commercial fishing vessels with federal permits for species managed by the Council to submit their currently-required VTRs electronically. No changes are proposed for the data types being collected; this would only change the means of submission. Taking no action would result in the continuation of paper reporting with optional eVTR submission.

### **Background and Action Need**

Federally-permitted commercial fishing vessels in the Mid-Atlantic 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 a computer-based system, 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.

### **Fishery Management Action Team**

A technical Fishery Management Action Team (FMAT) will develop and analyze management alternatives for this Framework. The FMAT is led by Council staff and includes management partners from the National Marine Fisheries Service (NMFS) Greater Atlantic Regional Fisheries Office (GARFO), the Northeast Fisheries Science Center (NEFSC), and the New England Fishery Management Council (NEFMC).

### **FMAT Membership**

Name	Contact	Expertise	Agency
Karson Coutre (chair)	kcoutre@mafmc.org	Fisheries management	MAFMC
Sam Ascì	sasci@nefmc.org	Fisheries management	NEFMC

Moira Kelly	moira.kelly@noaa.gov	Fisheries management	NMFS GARFO
Jay Hermsen	jerome.hermsen@noaa.gov	Analysis and Program Support	NMFS GARFO
Joshua Moser	joshua.moser@noaa.gov	Electronic reporting, Data Systems	NMFS NEFSC
Jen Anderson	jennifer.anderson@noaa.gov	NEPA	NMFS GARFO

## Affected Fisheries

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, Surf Clam, Ocean Quahog, and Spiny Dogfish.

## Applicable Laws

Name of law	Applicable to this action?
Magnuson-Stevens Act	Yes
National Environmental Policy Act	Yes – will require an Environmental Assessment or Environmental Impact Statement
Administrative Procedure Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Possibly; depends on effects of the action on the resources of the coastal states in the management unit
Endangered Species Act	Possibly; level of consultation will depend on the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13123 (Federalism)	Possibly; legal review will confirm
Information Quality Act	Yes

## Draft Timeline for Framework Development and Implementation

Task Description	Date (subject to change)
Initiation	December 2018
Formation of FMAT	January/February 2019

<b>Task Description</b>	<b>Date (subject to change)</b>
FMAT meeting to develop initial draft alternatives/discuss analyses	March 19, 2019
Joint AP meeting	March 25, 2019
Council meeting—Framework meeting 1	April 2019
Follow up FMAT meeting and other outreach	May 2019
Council meeting—Framework meeting 2 (potentially final action)	August 2019
Finalization of Framework document; submission to NMFS	October 2019
Workshops/outreach	August-December 2019
Proposed rule	January 2019
Final rule	Spring 2020



## **Commercial Electronic Vessel Trip Report (eVTR) Omnibus Framework**

### **Fishery Management Action Team (FMAT)**

#### **Webinar Meeting Summary**

**March 19, 2019**

**FMAT Members Present:** Karson Coutre (Council Staff), Moira Kelly (GARFO), Jay Hermsen (GARFO), Jen Anderson (GARFO), Josh Moser (NEFSC), Sam Ascii (NEFMC)

The FMAT received a draft Action Plan in advance of the meeting and MAFMC staff gave a brief presentation of the Framework initiation, timeline, and draft alternatives. The FMAT provided feedback on the presented information and discussed framework development.

#### **The following comments and recommendations were made by the eVTR FMAT:**

##### *Analyses*

- The ocean quahog and surf clam fleet will not be captured by summaries of submitted VTRs and need to be included in the analysis of affected users.
- The commercial eVTRs currently being submitted and what platform they are using should be summarized. Commercial VTRs submitted electronically by fishery, permit type, state, reporting application used, etc., should be explored to understand where eVTR is already occurring.
- Include a summary of reporting after one year of implementation of eVTR with for-hire sector including favored means of submission.

##### *Alternatives*

- There was concern by an FMAT member that the alternatives are currently all or nothing. An alternative considering phasing eVTR requirements in by fishery could help software providers and managers support the influx. There will likely be a bottleneck right before the deadline and it will be challenging to get everyone transitioned.
- In response, there was further discussion regarding the large degree of overlap between fisheries because fishermen often have multiple permits so affected users by fishery is hard to define. There may be other creative ways to phase in users during implementation such as during permit renewal that would not need to be addressed as an alternative.

##### *Outreach and communication*

- When discussing reporting requirements, it is helpful to remind everyone that multiple permit holders are held to the most stringent reporting requirements.
- Multiple FMAT members agreed that it would be beneficial to present to the New England Fishery Management Council (NEFMC) after the April Council meeting to provide an update on action details and timeline. Due to the large number of affected

users in New England, there should be communication with NEFMC at each stage of the process. If there aren't many New England participants in the upcoming AP meeting, more opportunities for comment should occur before final action is taken. The NEFMC June meeting is the week after the MAFMC June meeting so the only opportunity for providing updates at a NEFMC meeting is in April.

- There is concern that the NEFSC does not have the resources to support broad deployment of FLDRS.
- It will be crucial to engage with affected users to emphasize that there doesn't need to be a timeline for an individual fisherman, they can start using eVTR now, which can help decrease a bottleneck.
- It is important to give people time to come into compliance, plan for trainings and workshops at ports throughout the affected range while also engaging with port agents and communications teams throughout framework action timeline.

#### *Other comments*

- There is concern that the commercial fleet generally uses windows-based computers and may not want to use phone applications when choosing from available reporting applications.
- Clarity needs to be provided on whether fishermen can fill out paper VTRs at sea and enter the information into an approved electronic application upon returning to port. What are the considerations for the required records when at sea? During the for-hire action, managers were not able to fully describe the downstream implications of eVTR and record keeping requirements. For example, if you don't leave your tablets or phones containing VTR records on the boat, are you out of compliance?
- The FMAT should meet in May 2019 to discuss the April Council meeting outcomes and implications with the Office of Law Enforcement (OLE). The OLE should be invited to the May FMAT meeting in order to discuss compliance issues before the Council takes final action.

After the FMAT meeting, one member provided further comments via email. Another member asked a clarification question. These comments were not discussed by the full FMAT but are summarized below:

- There is concern over the collective ability of partner organizations managing eVTR data to provide required support to industry and it would be helpful to determine if these systems have the resources needed to support full commercial eVTR or if a phased approach should be considered to ensure supportability.
- There should be examination of ways to encourage voluntary participation as the mandate will lead to foreseeable bottlenecks for industry, software providers and NMFS.
- One FMAT member asked for clarification on whether this action would apply to permits under the FMPs that are jointly managed by MAFMC and NEFMC (i.e. monkfish, and dogfish). GARFO staff responded that the general rule has been that the lead-Council's plans are covered, but not the others, so dogfish would be included, and monkfish would not.



## **Commercial Electronic Vessel Trip Report (eVTR) Omnibus Framework Combined Advisory Panel Meeting Summary**

**March 25, 2019**

The Mid-Atlantic Fishery Management Council's (Council) Advisory Panels (AP) for species requiring commercial permits met via webinar March 25, 2019 to review and comment on the upcoming Commercial eVTR Omnibus Framework. These APs include Spiny Dogfish (DF), Tilefish (TF), Mackerel, Squid, Butterfish (MSB), Summer Flounder, Scup, Black Sea Bass (SFSBSB), Bluefish (BF), and Surfclam and Ocean Quahog (SCOQ). The Council is considering requiring commercial vessels with federal permits for species managed by the Council to submit their VTRs electronically. The Council will consider feedback provided by the APs at its April 2019 meeting.

**Advisory Panel members present:** Gerry O'Neill (MSB), Bonnie Brady (DF, SFSBSB), Greg DiDomenico (MSB), Jeff Kaelin (MSB), Emerson Hasbrouck, Jr. (MSB), Michael Plaia (SFSBSB), Katie Almeida (SFSBSB), Dr. Michael Ferrigno (SCOQ), Meghan Lapp (MSB), Howard King (SFSBSB), Skip Feller (SFSBSB, TF), Peter Himchak (SCOQ), Scott Curatolo-Wagemann (DF), Fred Akers (TF), Chris Spies (SFSBSB), Carl Benson (SFSBSB)

**Others present:** Karson Coutre (Council Staff), Kiley Dancy (Council Staff), Matt Seeley (Council Staff), Eric Reid (Council Member), Peter Hughes (Council Member), Barry Clifford (GARFO), Jay Hermsen (GARFO), John Hoey (NEFSC), Greg Power (GARFO), Torey Adler (GARFO), Steven Ellis (GARFO), Libby Etrie (NEFMC Member), Carrie Kennedy (MD DNR), Tara McClintock (Cornell), Zack Greenberg (Pew), Heidi Henninger (Atlantic Offshore Lobstermen's Association), "Drew", "GJW"

**Note: Advisor comments described below are not necessarily consensus or majority statements.**

### *Enforcement*

- Multiple advisors and one Council member voiced concern over how technical failures would be handled. If software crashes will there be some sort of waiver or will a backup paper VTR be allowed until an eVTR can be submitted?
- A NEFMC member wanted more clarity on reporting timing and what exactly is changing including whether VTRs still need to be filled out before hitting the dock.

### *Affected users and initial alternatives*

- Nearly all advisors who provided input as well as several other attendees present felt that the timeline discussed is too ambitious and that the commercial fleet will not be able to

meet it without significant issues. One advisor stated that the implications of this action have not been considered thoroughly enough to move forward. Another advisor stated it was too early in the development to support either alternative.

- One advisor recommended that this action consider small boat fisheries exemptions because it may be too hard to fill out VTRs electronically on a device before hitting the dock.
- Another advisor did not support exemptions and supports status quo until there are more programmatic improvements with FLDRS since it has been full of fits and starts. He would also support phasing in eVTR fishery by fishery. One advisor stated he can't support mandated eVTR now; he uses FLDRs through the study fleet but is worried about falling out of compliance so also submits paper VTRs. An NEFSC staff member stated that this is an ambitious timeline, but they will work together to respond to the Council action.
- One advisor asked if this action included Highly Migratory Species (HMS) permits and wondered why not. MAFMC staff noted that permit holders are still held to their strictest reporting requirements so if someone had an HMS permit and a commercial MAFMC managed species permit they would have to report electronically, for all species caught, should this action move forward. If they only held an HMS permit, they are not included in this action. MAFMC staff confirmed that if you have an incidental tilefish permit and an HMS permit that allows you to sell, eVTR would be required with this action.
- A Council member asked about planned outreach to the South Atlantic stakeholders and how many in that region will be affected.
- An NEFMC member stated she was participating as someone who works with the groundfish sector in New England and recommended being clear on the goals of this action and which redundancies were being reduced. She expressed concern over the large amount of New England stakeholders being affected.
- One advisor asked whether this action would allow for management benefits such as more timely closures and earlier paybacks and can those benefits be listed in the goals and objectives for the action.

#### *eVTR Applications, data, and technical support*

- Several advisors and a Council member voiced concern over whether there would be enough technical support for the various software applications, highlighting the need for in-person support at the dock. One advisor asked if port agents would be trained and brought in for ground support. GARFO staff responded that port agents currently provide some eVTR support and would be trained for future support.
- One advisor would like to see the breakdown of who is currently using the different eVTR applications in the commercial sector.
- Several advisors voiced concern over NGOs providing approved eVTR applications.
- A NEFMC member stated that NGOs are still held to the same standard as government applications and it would be helpful to include an explanation of how the data is handled by those organizations. People are using third party providers and may want to continue to use those applications. GARFO staff clarified that agencies and organizations that have

approved eVTR applications are only in possession of the data collected by their own applications.

- Three advisors recommended transitioning to eVTR by working with the NEFSC Cooperative Research group since they have worked with issues that arise using eVTR. An advisor also recommended more Wi-Fi hubs in ports as a means of decreasing the burden of electronic submission.
- One advisor asked whether there were any vessels with LaMonica Seafoods that are not currently using eCLAMS.
- One advisor noted that in the past there has been funding for the initial devices and asked if that would be a considered incentive with this action.
- A Council member wanted to know how eVTRs would feed into state data and state reporting requirements.
- An attendee who works with data management for the state of Maryland was concerned about data integration, how the information would be shared with the states and whether this would solve issues with duplicative reporting or create more issues. She also noted that the FACTs program is accessible by phone or tablet.

Note: Staff will continue to work with the FMAT to answer the questions raised by the AP and provide further clarification on potential implementation details, after receiving guidance from the Council.