



Commercial eVTR Framework FMAT Webinar Meeting Summary May 10, 2019

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

Others Present: Special Agent Todd Smith (OLE), Andy Loftus (eVTR Outreach Contractor)

The FMAT received an update on the discussion during the MAFMC and NEFMC April Council Meetings and subsequent framework development. Law enforcement was invited to participate in discussion of the enforcement considerations of potential regulatory changes. The FMAT provided feedback on the presented information and discussed framework development.

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

Enforcement Considerations

In day to day dockside patrol, enforcement doesn't often use the 1-year and 3-year record keeping regulations, however they do look at VTRs from the last few trips occasionally. There is a lot of value in the requirement that fishermen maintain records for some period of time, but we need to better understand what that looks like in the electronic age. Ultimately, enforcement would like to be cooperative with changing technology but would rather see nothing changed with the record keeping requirements. Enforcement cares more about making sure vessel operators can bring up their VTR information when asked.

The FMAT agreed that it makes sense to have a standardized form to present to enforcement so that individual officers don't have to understand each app interface. Currently, the NMFS Northeast Region eVTR technical requirements¹ for software addresses this with the following language: "When requested by authorized personnel, a vessel must present for inspection vessel trip reports from the previous twelve months. Thus, the product must have the capability to display a facsimile of the paper VTR form with a separate 'page' for each sub-trip." However, the way users download their own information and how it is stored varies by application.

Enforcement is also concerned that in some instances there are discrepancies between the VTR and dealer reports, as well as other cases of potential misreporting. To remedy this, all versions of a submitted VTR should be tracked by managers.²

¹National Marine Fisheries Service Northeast Region Electronic Vessel Trip Reporting (eVTR) Technical Requirements [chrome-extension://oemmnecbldboiebfnladdacbfmadadm/https://www.greateratlantic.fisheries.noaa.gov/aps/evtr/doc/evtr_tech_requirements.pdf](https://www.greateratlantic.fisheries.noaa.gov/aps/evtr/doc/evtr_tech_requirements.pdf)

² Post-FMAT meeting it was confirmed with GARFO that all changes to a previously submitted VTR are already tracked in a database.

The FMAT also discussed the issue that attempts to submit an eVTR aren't documented, and an eVTR is only timestamped when a record is successfully submitted and accepted. Users in the for-hire sector have brought this up and have asked that their attempts to submit be timestamped in order to prove they tried to be compliant.³ Based on discussions during the for-hire action, eVTR records are retained on the device, so users wanting to login to a different device with their eVTR app would not have their past VTR records available. However, if a device goes overboard, app providers can restore their past VTRs onto a new device.

One FMAT member recommended consulting NOAA's general counsel (GC) on how GARFO is going to handle documentation and record retention in the electronic age. Their guidance would be helpful especially if electronic record keeping has already been taken up by GC in different regions or contexts.

Framework Alternatives

The FMAT discussed the difference between an alternative that has a 7-day reporting deadline versus a weekly deadline and felt this was worth clarifying. Weekly reporting can be anywhere from 3-9 days and is the current requirement for many of the Mid-Atlantic FMPs, so a weekly alternative would mean *status quo* reporting deadlines for many permit holders. This may have been the intent behind the motion that added alternatives during the MAFMC meeting in April although the wording was "7 days". Weekly electronic reporting is also the current requirement for dealers. One FMAT member noted that monthly reporting is antiquated and creates quite a data lag.

The FMAT also felt it was worth considering that the for-hire fleet wants to move to a 72-hour deadline from 48 hours because in practice, there were times that they failed to comply. One FMAT member said that 72 hours was appealing on the commercial side and that it felt attainable. In their experience, successful electronic reporting works best when an operator incorporates their reporting into an established routine.

One FMAT member wondered if we should use this action to align the for-hire reporting deadline. Another member thought that we should not muddy the waters with adding the for-hire sector to this action due to the number of affected commercial users and the potential for joint action with the New England Council. However, it makes sense to consider a reporting deadline right now that can work towards future alignment of all sectors if possible.

One FMAT member preferred weekly across dealers and commercial vessels and would argue for as much consistency as possible. Another FMAT member commented that a weekly reporting

³ GARFO has previously issued a response to this, stating that attempts to submit are not recorded and for technical reasons, this will not be pursued. Further, the legal requirement is to submit a record and tracking attempted submissions has no real utility.

requirement is closer to the idea of switching from paper to electronic with everything else *status quo*, while still achieving some alignment in reporting.

Analyses

It would be helpful to know how many permit holders currently only have permits that require monthly reporting and the FMAT thought that this is likely a small number. This would help show the impacts of different reporting deadline changes.

For the upcoming June NEFMC Council meeting some FMAT members felt it would be worthwhile to have a breakdown of the different scenarios (joint action, no joint action, action only on dogfish plan, etc) and the number of users affected under each scenario.

Applications/Outreach

Due to public comments received at both April Council meetings, the FMAT discussed the importance of communicating that the NEFSC's eVTR application FLDRS is not available for full scale eVTR deployment during this action. Staff in charge of FLDRS have been actively referring vessels interested in eVTR to eTrips Mobile or Fish Online. One exception to this is the Surfclam and Ocean Quahog fleet because eClams/FLDRS is the only eVTR app that accommodates their reporting requirements. The NEFSC is working to accommodate those vessels. During outreach it will also be important to be clear that operators currently using FLDRS to submit eVTRs are already compliant and it will continue to be used for cooperative research purposes.