

CORRESPONDENCE



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

June 25, 2021

Mr. John Carmichael
Executive Director
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dear John:

This letter is in regard to the new reporting requirements implemented in January 2021 through the Southeast For-Hire Electronic Reporting Program that apply to all for-hire permit holders issued by the NOAA Fisheries Southeast Regional Office. While we are strong advocates for timely reporting and fishery dependent data programs, we have concerns about the additional data fields that are now required for dolphin/wahoo permit holders.

As you are aware, for-hire vessels with dolphin/wahoo permits are found throughout the New England and Mid-Atlantic regions. As a result of the SERO reporting program, these vessels now must enter 12 additional data elements after each trip to meet the new requirements, regardless of whether they target and(or) catch dolphin/wahoo. It is unclear how these data from permit holders in the GARFO and SERO region will be used, particularly on trips that do not land dolphin/wahoo. We would like to request an explanation of how each of these new data elements, most of which are socio-economic in nature, are to be utilized in management moving forward.

It is not our intent to limit another Council's ability to collect the data they feel is necessary to manage their fisheries; however, our concern is that without continued work to improve reporting tools and address inconsistencies in reporting requirements, reporting accuracy and compliance may suffer. As you may already be aware, the New England and Mid-Atlantic Fishery Management Councils have adopted electronic reporting in all fisheries under their jurisdiction. Most recently, starting in 2019, both Councils worked closely with the Greater Atlantic Regional Fisheries Office (GARFO) to develop a joint omnibus framework that will implement consistent electronic vessel trip reporting requirements for all commercial vessels in the Greater Atlantic Region in November 2021. Development of this action took careful consideration of the overlap of permit holders for species managed by the NEFMC and MAFMC as a way to ensure that eVTR requirements were consistent across the region and that measures were satisfactory in meeting the data needs for management, science, and enforcement for both Councils. We point to this example of coordination between Councils with the hope of starting a discussion around collaboratively developing ways to ease the reporting burden for fishermen across the Greater Atlantic and Southeast Regions.

Sincerely,

Thomas A. Nies
Executive Director



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

July 6, 2021

Ms. Kelly Denit
Director, Office of Sustainable Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway, Room 14743
Silver Spring, MD 20910

Dear Ms. Denit:

Thank you for providing the New England Fishery Management Council the opportunity to review the draft procedural directive “Information Law Application for Data and Supporting Guidance in Electronic Monitoring Program for Federally Managed U.S. Fisheries” (04-115-04). This directive answers many questions that are asked when we discuss electronic monitoring (EM) programs for our fisheries. Please consider the following comments as this directive is finalized.

We suggest that the objective of the directive may need to be revised, or later sections of the directive should be revised to be consistent with it as written. The current text reads “This procedural directive provides guidance in the application of Information Law to raw EM data that are made and retained by NOAA fisheries, or a third-party in EM programs.” While much of the directive addresses this objective, sections III.2.A. and III.2.B do not. These sections refer to video review standards and cost effectiveness and are not explicitly linked to information law. Further comments on these sections are provided below.

We think footnote number 4 to Table 1 is confusing. According to the table, the Federal Records Act (FRA) does not apply to raw EM data maintained by a NOAA Fisheries Contractor or a Federal Financial Assistance Recipient. Footnote 4, however, says that NOAA Fisheries could include a provision in a contract or award that overrules this general statement. It would be helpful to clarify why such a choice would be made, as it would increase the cost of the program (some of which may be the responsibility of the industry).

Section III.2.A describes the use of a web portal for conducting secondary video review of a third-party. This section notes that the agency must retain any such record used for agency business, and would thus need to obtain a copy and preserve it as a federal record. While this is

an information law issue, the discussion of the appropriate level of view review is not and could be deleted.

During our review of Section III.1.B, some Council members expressed concern that a third-party EM provider might be considered the submitter of confidential data to the agency and could authorize release of that information in accordance with section 402(b)(1)(F) of the MSA. It was clarified during the meeting that in all cases the vessel owner/operator is considered the submitter and maintains control over the data. It may be helpful to make this clear in the procedural directive.

Most of Section III.2.B does not seem consistent with the objective of the directive. Ostensibly this section addresses requirements for third-party performance monitoring, but this is only discussed in the third paragraph (“Monitoring third party performance”). The first paragraph notes that that reporting alternative costs must be evaluated for the purposes of regulatory impact analysis. This does not seem to have any relationship to information law. The second paragraph is even more problematic. This paragraph notes that narrowly-focused industry-funded program may forgo opportunities for streamlining and integrating other monitoring requirements. The implication is that and industry-funded EM program could augment or replace other monitoring and reporting requirements. What is not addressed is how costs will be apportioned should the EM program be assigned data collection that is currently the responsibility of the agency (for example, the observer programs for marine mammals or biological sampling). On the surface, it would seem this could shift the costs of those programs onto the industry. The possibility that such mission creep will increase industry costs is of great concern. These first two paragraphs appear misplaced and, in our opinion, should be removed from this directive.

On the whole, this procedural directive will clarify how EM data will be managed. We believe our suggestions will better focus this directive. Please contact me if you have questions.

Sincerely,



Thomas A. Nies
Executive Director

cc: Regional Fishery Management Council Executive Directors
Michael Pentony
Dr. Jon Hare



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

July 9, 2021

Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

I am writing to comment on the Proposed Rule for Framework Adjustment 61 to the Northeast Multispecies (Groundfish) fishery management plan, published in the Federal Register on June 24, 2021 (86 FR 33191).

I am raising one minor issue in the draft regulation text – a reference to “Northeast Multispecies” rather than the correct term “regulated multispecies and ocean pout”. Northeast Multispecies, as defined in the regulations, also includes silver, red, and offshore hake.

Our concern is that use of the incorrect term could lead to confusion with respect to this section of the proposed rule:

“(C) No vessel may participate in the Redfish Exemption Program in any areas that are otherwise closed to fishing for Northeast multispecies or fishing with trawl gear, including but not limited to year-round closed areas, seasonal closed areas, or habitat closures.”

Since fishing for silver, red, and offshore hake is limited to specific areas in the Gulf of Maine, this paragraph could be interpreted to also limit the redfish exemption to a smaller area than what is proposed in Framework 61. We believe that problem is avoided if the term “regulated multispecies and ocean pout” is used instead of “Northeast Multispecies.”

Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

From: Michael Pentony - NOAA Federal <michael.pentony@noaa.gov>

Sent: Tuesday, July 20, 2021 3:50 PM

To: Hank Soule <shsector@gmail.com>

Cc: Sarah Bland <Sarah.Bland@noaa.gov>; Peter Christopher <Peter.Christopher@noaa.gov>; Kyle Molton <kyle.molton@noaa.gov>; Claire Fitz-Gerald <claire.fitz-gerald@noaa.gov>; comments <comments@nefmc.org>; Amy Morris <FGSector@gmail.com>; Dan Salerno <nefsector5@gmail.com>; David Leveille <nefs02@gmail.com>; Deven Franco <nefsvii@gmail.com>; John Haran <sector13@comcast.net>; Libby Etrie <libby.etrie@gmail.com>; Linda McCann <nbsector07@comcast.net>; Mary Hudson <mary@mainecoastfishermen.org>; Paula Lynch <paulasectorx@yahoo.com>; Stephanie Sykes <stephanie@capecodfishermen.org>

Subject: Re: Please see attached letter requesting action today on fixing sector EVTR noncompliance restrictions

Hello Hank and sector managers,

Thank you for bringing this issue to my attention. The staff at the Greater Atlantic Regional Fisheries Office (GARFO) were first made aware of this issue on Thursday, July 15. Since that time, GARFO and Northeast Fisheries Science Center (NEFSC) staff have been working diligently to fix the problem. As of this morning, the majority of the missing electronic vessel trip report data have successfully transmitted from the NEFSC to GARFO's data systems and are available in the Sector Information Management Module. However, there are still a small number of trips in the NEFSC database that have not been transferred to GARFO's data systems. We will continue to work on identifying the reason for this data issue. In the meantime, we will lift the 5-percent noncompliance Annual Catch Entitlement transfer threshold so as not to penalize sectors for the agency's data issues. This change will take effect today and will remain in effect until we fully resolve this issue, though we expect this to be a short-term solution as we're working to fully resolve this data disconnect as soon as possible. Please let me know if you have questions.

Mike

On Tue, Jul 20, 2021 at 9:57 AM Hank Soule/SHS <shsector@gmail.com> wrote:

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Michael Pentony

Regional Administrator

[Greater Atlantic Regional Fisheries Office](#)

55 Great Republic Drive

Gloucester, MA 01930

Phone: 978-281-9283



50 Years of Science, Service, and Stewardship

July 20 2021

Mike Pentony, Regional Administrator
GARFO
55 Great Republic Ave.
Gloucester, MA 01930

Dear Mike,

This letter requests immediate relief (relief granted today) from sector ACE trading prohibitions resulting from unexplained software problems somewhere within the NOAA, NEFSC and/or GARFO systems.

A few dozen vessels in the groundfishery use the EVTR software reporting program FLDRS. EVTRs are transmitted to the NOAA/NEFSC for processing, then passed through to the GARFO. For some reason, the NEFSC has not been transmitting those EVTRS to GARFO for the past few weeks – or, the GARFO system is not accepting them.

As a result, over 100 trip EVTRs across multiple sectors (concentrated in one) have not been received by GARFO. Each trip is thus considered ‘noncompliant’ by GARFO, as if the operator had submitted no EVTR at all.

Some of these ‘noncompliant’ trips have now reached the 35-day window where if the noncompliant cumulative total exceeds 5% of a sector’s total trips, the sector is prohibited from trading.

As of yesterday, two sectors whose vessels recently harvested nearly one third of New England’s groundfish catch are prohibited from acquiring allocation from other sectors because of NOAA software bugs. Another will be prohibited by the end of the week. Not only are the ‘noncompliant’ sectors impacted, but so are compliant sectors who might wish to lease allocation to them.

The ‘noncompliant’ sectors manage 25% of the fleet’s ACE. Well over 200 MRIs are or are about to be unable to lease their allocations to other sectors through no fault of their own, or their sector. Holding this ACE hostage to NOAA software bugs is not acceptable.

The ‘noncompliant’ sectors are also currently unable to accurately report their sectors’ ACE use because certain data elements are not being received or provided by GARFO.

We ask you to immediately raise the sector VTR noncompliance threshold to a level which stops sectors from being punished by whatever software problem NOAA is experiencing. We ask for a response to this request today. There seems to be no sense of urgency from the GARFO regarding this issue, which has been ongoing for a few weeks.

We wrote you recently about raising the VTR noncompliance threshold over concerns about general havoc once EVTR becomes mandatory. This is an example of why we requested that. Submission and software glitches occur now, and we expect them to increase in November. We hope this situation will lead you to act favorably on that request.

Sincerely,

Dan Salerno
NEFS V and XI

Amy Morris
Fixed Gear Sector

Paula Lynch
NEFS XII

David Leveille
NEFS II and VI

Stephanie Sykes
Mooncusser Sector

Mary Hudson
Maine Coast Community Sector

Linda McCann
NEFS VIII

Hank Soule
SHS I and III

cc: Pete Christopher, GARFO
Sarah Bland, GARFO
Claire Fitz-Gerald, GARFO
Kyle Molton, GARFO
New England Fishery Management Council



Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101 Portland, OR 97220-1384
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | www.pcouncil.org
Marc Gorelnik, Chair | Charles A. Tracy, Executive Director

July 21, 2021

Ms. Janet Coit, Assistant Administrator for Fisheries
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910

SUBJECT: Council Recommendation to Delay Final Rule Effectiveness for Electronic Monitoring Program Regulations for the West Coast Until 2023

Dear Ms. Coit:

First, I would like to offer congratulations on your appointment as Assistant Administrator for Fisheries on behalf of the Pacific Fishery Management Council (Council). We look forward to working with you on fishery issues, and hope we have an opportunity to meet each other in the near future.

The Council appreciates all the work National Marine Fisheries Service (NMFS) has done to develop the information and engage the industry to support implementation of the electronic monitoring (EM) program regulations for the West Coast Trawl Catch Share Fishery, which are currently set to be effective January 1, 2022. The Council has a strong desire to continue working collaboratively with NMFS and affected stakeholders to develop and implement a program that effectively meets our goals and objectives with particular emphasis on the cost-effectiveness of the program for the groundfish industry and the wise use of public funds. In 2011, the Council began investigating the use of EM in the Trawl Catch Share Fishery to assist the industry in reducing observation costs, particularly for the bottom trawl industry, and create flexibility in choosing between human observers and EM to conduct catch accounting, which is especially important in small and remote ports where human observer availability can be limiting. The Council and the industry still think that the future success of the groundfish fishery hinges on a successful, cost-effective, and flexible monitoring program; however, we remain concerned about how the program will be funded by the industry and NMFS in the future.

Given the importance of this program, the need to have strong industry buy-in, and our collective desire to build on the successes we have achieved thus far using Exempted Fishing Permits (EFPs), the Council strongly recommends that NMFS delay implementation of the EM Program regulations. The Council also thinks that it is imperative NMFS change the [2019 EM final rule](#) prior to its implementation to, among other things, remove the requirement for third-party video review contained in the rule.

The Council request would provide additional time for the industry to continue to work with NMFS and Pacific States Marine Fisheries Commission (PSMFC) to examine ways to develop a mechanism for the industry to fund video review and storage by PSMFC and reduce concerns regarding confidentiality and Federal record retention.

The Council would also like information as to how NMFS may use the authority of the 2007 Reauthorized Magnuson-Stevens Fishery Conservation and Management Act to implement a sole-source contract with PSMFC:

“Section 402 (d) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if— (1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or (2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.”

The Council believes that application of this authority may not be consistent within the agency across regions and so requests clarification and guidance on how it may be applied to help meet the objectives of the West Coast Trawl Catch Share EM program. For example, it is the Council’s understanding that recent discussions at the North Pacific Fishery Management Council (NPFMC) indicate that NMFS may be able to use PSMFC as a sole-source contractor to conduct video review and storage on behalf of the Bering Sea pollock industry, and to use cost recovery money to cover those costs. The Pacific Council would like to be able to consider this option, and in fact requested this in [April 2017](#); however, at that time [NMFS responded](#) “We have determined that NMFS cannot designate PSMFC, or any other service provider, as the sole provider for video review, because NMFS cannot favor one company over another, including PSMFC.” The Council would like to understand if there has been a policy shift, and if a mechanism similar to that proposed by the NPFMC could be used in the West Coast EM Program.

The Council recognizes that application of 402(d) authority would require NMFS to cover the cost of a sole-source contract with PSMFC to conduct video review, and that [NMFS policy](#) is industry should be responsible for the cost of video review. Therefore, during several Council meetings, and in particular, June 2021, the Council expressed support for use of cost recovery dollars under the Trawl Catch Share Program (up to the 3 percent cap) to offset NMFS’ costs associated with a grant to PSMFC for video review and storage both when the program is under permanent regulations and in the interim under EFPs. The Council believes there is room under the 3 percent cap to cover those costs for the mothership whiting sector, and cover or nearly cover those costs for the shoreside trawl sector, based on the cost estimates provided by NMFS at the June 2021 Council meeting. Those estimates assumed 100 percent review rates, which are expected to decline through time and further reduce costs.

The Council also understands that NMFS is planning on creating an audit program to review the accuracy of third-party video review providers in the West Coast Trawl Catch Share EM program, a costly expense that includes new staff that would not be needed with a sole-source contract with PSMFC (PSMFC would be exempt from the audit as a trusted partner, as they currently are under

the EFP program). The cost of the audit program would be recoverable, and is [estimated](#) to be similar to the cost of a sole-source contract with PSMFC. Therefore, it seems likely that the overall cost of a third-party review model with a NMFS audit could approximately double the cost of a PSMFC contract model. Industry would bear the full cost of the third-party review, and the audit costs would be borne largely if not entirely by industry through cost recovery. Therefore, the Council believes cost efficiency could be gained by both industry and NMFS by using the PSMFC sole-source contract approach. In addition, efficiency and program consistency may also be gained for vessels that use EM in both the Bering Sea pollock and West Coast whiting trawl fisheries (about 19 vessels fish in both fisheries).

The Council requests NMFS investigate potential use of the cost recovery funding mechanism to charge the mothership and shorebased sectors for reimbursement to NMFS for the PSMFC's actual cost for video review and data storage. The Council recognizes that reimbursement of funds from the industry directly to NMFS may not be possible at this time and if there is a shortfall in the cost recovery funds a mechanism may be needed to reimburse PSMFC unless NMFS would consider using the "savings" from the audit program to cover those costs.

In 2019 NMFS delayed the implementation date of the final rule based on a conclusion that an additional year of EM implemented through an enhanced EFP through 2021 would provide valuable information that will lead to a more successful, stable, and economically viable EM regulation. The Council believes an additional delay and extension of the EM EFPs through at least 2022 is needed to continue investigating efficient catch handling and discard options that could provide lower costs and encourage more acceptance of EM use in the trawl catch share fishery and to establish a cost-effective funding mechanism for video review and storage that is consistent with other EM programs across regions. The Council and NMFS may also want to consider aligning the timing of the regulatory processes in the West Coast trawl and Bering Sea pollock fisheries to help ensure consistency and fairness.

In summary, the Council requests that NMFS delay implementation of the EM regulations and extend the EM EFPs until such time that the Council can develop a recommendation to amend the final rule in a manner that takes full advantage of all the tools at our disposal to achieve a cost-effective and fair EM program. The Council may take action at the September 2021 Council meeting to recommend a delay in implementation to examine amending the EM regulations that will allow use of a sole-source contract with PSMFC for video review and data storage, and to address the concerns associated with data confidentiality. Therefore, the Council requests that NMFS provide a response in time for full consideration of potential paths forward and Council action at the September 2021 Council meeting.

The Council strongly desires to continue working collaboratively with NMFS and affected stakeholders to develop and implement an EM program that effectively meets our goals and objectives relative to catch accounting and cost-effectiveness for the groundfish industry. Should you or your staff have any questions, please feel free to contact me or Executive Director, Chuck Tracy.

Sincerely,

A handwritten signature in black ink that reads "Marc Gorelnik". The signature is written in a cursive, flowing style.

Marc Gorelnik
Council Chair

BLW:kma

Cc: Pacific Council Members
Mr. Sam Rauch
Mr. Brett Alger
Ms. Melissa Hooper
Ms. Keely Kent
Ms. Abigail Harley
Mr. Justin Kavanaugh
Groundfish Electronic Monitoring Policy Advisory Committee
Groundfish Electronic Monitoring Technical Advisory Committee
RFMC Executive Directors



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

July 28, 2021

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Comments on Amendment 23 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

We completed our review of the draft Amendment 23 final environmental impact statement that the Council submitted on April 30, 2021. Enclosed are substantive comments addressing consistency with applicable law, as well as suggestions that may clarify the text and improve the document. Council and GARFO staff have already discussed the attached comments and have coordinated on how to incorporate the necessary changes. As requested, my staff provided a track changes version of the word file to your staff. For many of the comments enclosed, we provided suggested text in the track changes version of the document. If you have additional questions on the comments provided, or on the review of Amendment 23, please contact Mark Grant at (978) 281-9145. We appreciate your quick turnaround of this document, to ensure that we can file the final environmental impact statement with the Environmental Protection Agency and complete the amendment review and rulemaking process for implementation on May 1, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Michael Pentony".

Michael Pentony
Regional Administrator

Enclosure



Amendment 23 Final Environmental Impact Statement Comments

Section	Page	Comment	Type
Global		The document lacks the required Regulatory Flexibility Act analysis and the Regulatory Impact Review required by Executive Order 12866. However, we note that Council staff are waiting for NMFS staff to complete the analyses for inclusion in the document for formal submission.	Substantive
Global		We suggest you consider a 4-year time horizon for the economic analyses in the final environmental impact statement to align with the preferred alternative for a coverage target.	Suggestion
Global		Please insert additional text to address the updated Biological Opinion released on May 27, 2021. Text was sent to your staff on May 27, 2021.	Substantive
Global		We suggest replacing references to the Fisheries Sampling Branch (FSB) with the Fisheries Monitoring Operations Branch (FMO). Due to our recent reorganization, referring to FSB could confuse members of the public looking for information.	Suggestion
Executive Summary	8-9	We suggest clarifying what enforceability and compliance refers to in this section.	Suggestion
Table 1	10	We suggest clarifying what enforceability and compliance refers to in this table.	Suggestion
4.1.1	70	We suggest adding dockside monitoring (DSM) to the statement “Adequate coverage (combined NEFOP, ASM and EM) is required to generate accurate discard estimates with a known level of precision,” because estimates of catch for MREM vessels will be determined by the DSM shoreside.	Suggestion
4.1.1.1	71	We suggest expanding the description of the no action to include a description of the existing requirement for sector operations plans to include a monitoring program that is reviewed by NMFS as part of the operations plan approval process.	Suggestion
4.1.1.2.5	72	We suggest clarifying that the preferred alternative for setting a coverage target does not remove the requirement for sector operations plans to include a monitoring program that is reviewed by NMFS as part of the operations plan approval process to avoid confusion about how the fixed coverage target affects existing sector requirements.	Suggestion
4.1.3.2	79	We suggest clarifying the first sentence of the rationale to include all monitoring providers, rather than specifying at-sea monitoring providers, because Amendment 23 also approves EM.	Suggestion

Amendment 23 Final Environmental Impact Statement Comments

6.5		Please revise the affected environment section on protected resources to address the new biological opinion, consistent with the description in Framework Adjustment 61.	Substantive
6.6.10.1	234	We recommend adding EM to Table 63. EM is a suitable alternative to the ASM program, but it is not a direct replacement and does not collect the same level or type of data as ASM. Adding EM to this table would more clearly distinguish the differences among the monitoring programs. My staff has provided your staff with a table comparing the data collected by our monitoring programs that can be used to inform revisions.	Suggestion
6.6.10.2	238	We suggest revising the first full sentence to read, "The recommended coverage level is expected to sufficiently monitor and facilitate the enforcement of catch levels for Northeast multispecies sectors each year." This clarifies that monitoring itself is not an enforcement system.	Suggestion
6.6.10.3	240	We currently expect to be able to fund 100-percent coverage for at least 2 years and we suggest you consider including that in your discussion of available funding.	Suggestion
7.2	283	In the first full paragraph, we suggest revising point 1) to clarify that the reason high levels of monitoring could result in reduced effort is that sector quotas could become limiting if improved monitoring documents catch that otherwise would have been missed.	Suggestion
7.2.1.1	284	We suggest adding a parenthetical example of model diagnostics (<i>e.g.</i> , retrospective patterns) in long-term impacts bullet 3.	Suggestion
7.2.1.1.2.5	318	We currently expect to be able to fund 100-percent coverage for at least 2 years and we suggest you consider including that in your discussion of available funding.	Suggestion
7.4		We suggest revising the text in the Impacts on Endangered Species and Other Protected Species to discuss the possible trade-offs with a shift from human monitors to electronic monitoring and the possibility that EM adoption could result in less information being collected about protected species. My staff has provided a Word document in track changes reflecting this suggestion.	Suggestion
7.5		We suggest adding to the economic impacts on human communities section a brief summary of the cost-efficiency analyses in the Regulatory Flexibility Act analysis and Regulatory Impact Review.	Suggestion



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<https://www.fisheries.noaa.gov/region/southeast>

Christopher M. Moore, Ph.D
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Thomas A. Nies
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Chris and Thomas,

Thank you for your letters regarding the reporting requirements for the Southeast For-Hire Integrated Electronic Reporting Program (For-Hire Reporting Program). I appreciate the feedback on the additional southeast permit-specific data elements that were incorporated into the Atlantic Coastal Cooperative Statistic Program's (ACCSP) eTrips electronic reporting application. The regulations implemented for permit holders in the charter vessel/headboat Atlantic dolphin wahoo fishery, Atlantic coastal migratory pelagic fishery, and South Atlantic snapper grouper fishery, are requirements of the permit that apply regardless of where the permit holder fishes.

Regarding your concern over the collection of socioeconomic data, the Magnuson-Stevens Fishery Conservation Act (MSA) and the National Environmental Policy Act (NEPA) require NOAA Fisheries to assess the social and economic impacts of management actions. Although some economic data has been comprehensively collected by NOAA Fisheries for the commercial sector (price and revenue) and for headboats (fuel cost), the economic data that was collected from charter vessels historically was episodic and often based on small sample sizes. Further, that economic data was often outdated when socioeconomic analyses were needed for management and regulatory actions. Through the For-Hire Reporting Program, the detailed economic data entered by fishermen in real time through the additional questions added to the eTrips application will enhance the ability of NOAA Fisheries and the fishery management councils to understand potential impacts of proposed management and regulatory change(s) on the for-hire sector (e.g., changing bag limits, area closures, etc.). These data will also allow us to better monitor the economic health of the industry over time. In addition, the economic information will help fishery managers and scientists assess the value of the for-hire sector that will allow for economic recovery in the event of a fishery disaster. Fisheries economists will use these data in their cost-benefit and economic impact analyses for actions and amendments that propose regulatory changes. These data will always be used in a confidential manner. The information can also be used to inform quota allocation decisions, fisheries research, and disaster recovery damage assessments.



During the development of the For-hire Reporting Amendment, the South Atlantic Fishery Management Council (South Atlantic Council) identified all of the data elements to be included and determined that the collection of economic information was essential to the For-Hire Reporting Program.

The NOAA Fisheries' Southeast Regional Office (SERO) and Greater Atlantic Regional Fisheries Office (GARFO) staff identified approximately 300 permit holders that have both GARFO and SERO permits. These permit holders would be required to submit electronic logbook reports to both GARFO and SERO. However, in an effort to reduce possible duplication, ease the reporting burden on permit holders, and create a one-stop reporting platform, staffs from SERO, GARFO, and NOAA Fisheries' Highly Migratory Species Division (HMS) worked with the ACCSP staff to modify an existing reporting application (eTrips) to recognize these multi-region permit holders.

The eTrips application is able to determine which questions the permit holder should see and answer, based on the existing reporting requirements for SERO, GARFO and HMS. If the permit holder has a SERO permit, the eTrips form will include the required four socio-economic questions: fuel price per gallon, amount of fuel used, charter fee, and number of paying passengers. These questions *only apply* when a person has a SERO vessel permit. GARFO permit holders who do not have a SERO permit would not see these additional four socio-economic questions. In addition, eTrips also includes additional data element questions related to HMS (e.g., fight time, estimated weight, hook size, etc.) when any of six HMS species are landed (bluefin tuna, blue marlin, white marlin, roundscale spearfish, sailfish, and swordfish).

The For-Hire Reporting Program is a new data collection process for NOAA Fisheries SERO, and we know that modifications to the program may be needed to fine-tune the program in the future. However, the South Atlantic Council will need to review and recommend any changes to the structure of the program, including changes to the data elements. At their September 2021 meeting, the South Atlantic Council will receive an update on the For-Hire Reporting Program and plans to discuss the concerns you have outlined in your letters.

Sincerely,

Andrew J. Strelcheck
Acting Regional Administrator