



NOAA
FISHERIES

Tab M, No. 5(a)

Proposed Rule on Atlantic Highly Migratory Species (HMS) Electronic Reporting Requirements

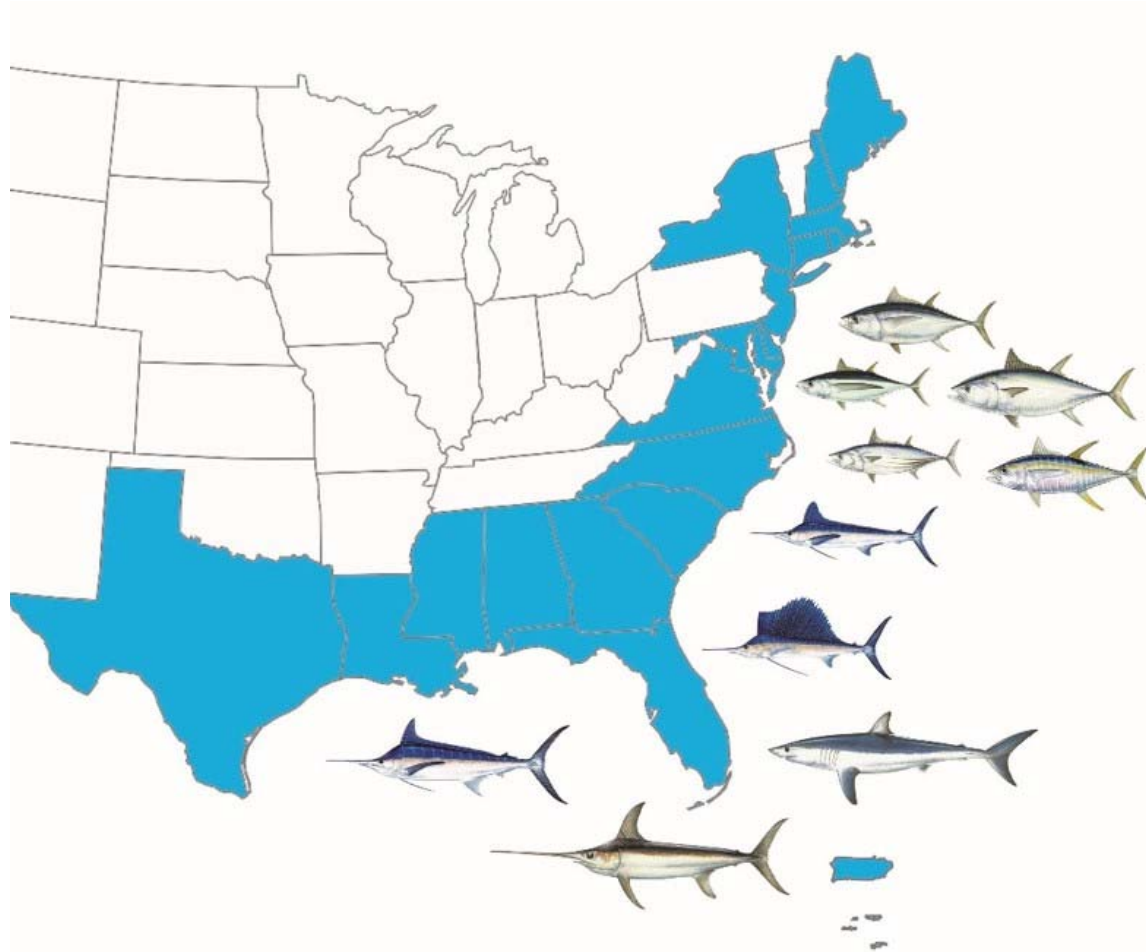
Gulf of Mexico Fishery Management Council

November 6, 2024

Outline

- Background
- Alternatives on reporting for:
 - HMS commercial limited access permits (LAPs):
 - Atlantic Tunas Longline category
 - Shark and Swordfish directed and incidental
 - Swordfish Handgear
 - HMS commercial and for-hire open access permits:
 - Atlantic Tunas General and Harpoon category
 - Swordfish General Commercial
 - HMS Charter/Headboat
 - HMS Angling permit
 - Dealer permits
- Request for public comments

Atlantic HMS Management – Maine to Texas and U.S. Caribbean; U.S. Flagged Vessels on the High Seas



- Tunas: Bluefin, Bigeye, Albacore, Yellowfin, Skipjack
- Billfish: Blue and White Marlin, Roundscale Spearfish, Sailfish
- Swordfish
- Sharks: 42 species (46 stocks) including Shortfin Mako, Thresher, Blacktip, Bull, and Tiger
- Prohibited Sharks: Sandbar, Dusky, Sand Tiger, White, Scalloped Hammerhead, Oceanic Whitetip

HMS are Managed Directly by NOAA Fisheries

Provisions of Magnuson-Stevens Act apply to HMS management (except Council-specific requirements)

- National Standards (Sec. 301)
 - Prevent overfishing
 - Promote safety at sea
 - Minimize bycatch
 - Use best scientific information available
- FMP content requirements (Sec. 303)
 - Contain measures necessary to rebuild overfished stocks
 - Describe and identify essential fish habitat
 - Cumulative impact assessment

Some provisions unique to HMS

- Advisory Panel (Sec. 302(g)(4))
- International considerations and FMP Requirements (Sec. 304(g)(1))

HMS vs. Council Process

<u>HMS Process</u>	<u>Regional Council Process</u>
HMS Advisory Panel recommendations <i>advisory</i> in nature	Advisory Panel: Members motion and vote. It is a panel recommendation that passed by majority vote and is presented to the Council for consideration. Council: Council members vote to approve/disapprove proposals to submit to NOAA Fisheries. Councils are considered advisory bodies.
NOAA Fisheries decides what actions to consider and implement	NOAA Fisheries decides what actions to approve, reject, or partially approve. Outside of Secretarial Amendments, NOAA Fisheries does not develop actions. The Council process is used to advise NOAA based on recommendations from APs and the SSC.
HMS staff seek input of Science Center staff and other experts; there is no Scientific & Statistical Committee	Scientific & Statistical Committees provide expert advice to Council
HMS Advisory Panel meets approximately 2x/year	Advisory Panel meeting 1-2x/year Councils meet approximately 4x/year
<i>Anyone</i> can nominate themselves to be considered for the HMS Advisory Panel	Council solicits applications for AP members that are appointed in a closed session
Limit of three <i>consecutive</i> terms on the AP; then must be off the AP for at least one year	3-year term limit. Can reapply for next term in consecutive years

Background



Advance Notice of Proposed Rulemaking (ANPRM) published May 12, 2023 (88 FR 30699).

Presented at May 2023 Advisory Panel meeting.

Presented to councils and Atlantic States Marine Fisheries Commission. Held five in-person hearings and two webinars.

Comment period closed August 18, 2023. Received 11 written comments.

<https://www.fisheries.noaa.gov/action/advance-notice-proposed-rulemaking-electronic-reporting-requirements-atlantic-highly>

Rulemaking Purpose

- Streamline and modernize reporting through electronic reporting and consolidation of reporting deadlines.
- Expand electronic logbook reporting to additional commercial and charter/headboat vessel owners.
- Collect additional information from dealers through existing electronic reporting mechanisms.
- Reporting requirements would create consistency with NOAA Fisheries' efforts in other fisheries and augment data necessary for fishery science and management.
- A step towards "One Stop Reporting."

HMS Permits in 2022

Permit or <i>Entity</i> type	Number of permits
Limited access permits	
Atlantic Tunas Longline category	240
Swordfish Directed	172
Swordfish Incidental	70
Shark Directed	206
Shark Incidental	241
Swordfish Handgear	77
<i>HMS limited access permit holders reporting in logbooks</i>	225
Open access permits	
HMS Charter/Headboat	4,259
Atlantic Tunas General category / Swordfish General Commercial	2,757
Atlantic Tunas Harpoon category	27
HMS Angling	23,607
<i>Permitted Dealers</i>	540



**NOAA
FISHERIES**

Vessel Reporting:

A Alternatives: HMS Commercial LAPs

Vessel Reporting:

A. HMS Commercial LAPs

- **Alternative A1.** Format for submission of logbooks and associated weighout slips.

Sub-alternative	Logbook Format
A1a Status quo	Vessel owners continue to report via submission of paper forms in either the Atlantic HMS logbook or the Coastal Fisheries logbook. The Atlantic HMS logbook includes trip and set report forms, weighout slips, no-fishing report form, and, for selected vessel owners, cost-earnings portion and annual expenditures form.
A1b Preferred	Vessel owners complete and submit logbook reports electronically; submit an uploaded file of the weighout slip with logbook submission. NOAA Fisheries offers a voluntary standardized weighout slip form.

Vessel Reporting:

A. HMS Commercial LAPs

- **Alternative A2.** Timing requirement for logbook submission.

Sub-alternative	Timing Requirements
A2a Status quo	Enter day's activities in logbook within <u>48 hours</u> . Submit logbook within <u>7 days</u> of offloading. If selected, submit cost-earnings portion within <u>30 days</u> of offloading.
A2b Preferred	Submit logbook reports within <u>7 days</u> of offloading, including the cost-earnings portion for selected vessel owners.
A2c	Submit logbook reports within <u>48 hours</u> of offloading, including the cost-earnings portion for selected vessel owners.
A2d	Submit logbook reports within <u>24 hours</u> of offloading, including the cost-earnings portion for selected vessel owners.

Commercial Vessel Reporting Requirement Comparison

Topic	HMS - proposed [^]	Gulf and South Atlantic commercial electronic logbook ^{^^}	GARFO*
Reporting Information	Includes all species caught, amount kept/discarded, and discard condition	Includes all species caught and amount kept, discards for a selection of vessels	Includes all species caught, amount kept/discarded in pounds
Reporting Level / Fishing Location Information	Set or Trip - fishing location (lat/long for set-level, reporting areas for trip-level)	Trip - fishing location (reporting area)	Reports include catch and effort reporting for each area fished
Reporting frequency	7 days after offloading	7 days after end of trip	48 hours after entering port
No Fishing Reports	Monthly No limit to how far in advance	Monthly No limit to how far in advance	Not required
Economic questions	Trip-level economic questions and additional annual survey for selection of vessels	Trip-level economic questions and additional annual survey for selection of vessels	None**

[^] Proposed HMS requirements are for HMS commercial limited access permits. ^{^^} Comprehensive Amendment Addressing Electronic Reporting for Commercial Vessels: Snapper Grouper Amendment 54, Dolphin Wahoo Amendment 4, Coastal Migratory Pelagics Amendment 35, Reef Fish Amendment 57. * Regulations from New England and Mid-Atlantic Council actions. ** Number of crew is included in the effort fields for each trip.



NOAA
FISHERIES

Vessel Reporting:

B Alternatives: HMS Commercial and For-hire Open Access Permits

Vessel Reporting:

B. HMS Commercial and For-hire Open Access Permits (Atlantic Tunas General and Harpoon Category, Swordfish General Commercial, and HMS Charter/Headboat Permits)

- **Alternative B1.** Electronic logbook requirements.

Sub-alternative	Reporting Requirements
B1a Status quo	Report only bluefin tuna (BFT) landings + discards; and for HMS Charter/Headboat, landings of swordfish and billfish. Report via electronic reporting system, telephone, or other means like catch cards.
B1b	B1a but remove reporting via telephone.
B1c Preferred	Expand species and trip reporting requirements via electronic logbook: <ul style="list-style-type: none">• All trips, regardless of whether fish are caught• All species caught (including non-HMS)• Fishing location information• Monthly no-fishing reports

For-Hire Vessel Reporting Requirement Comparison

Topic	HMS – proposed (HMS Charter/ Headboat; tunas and swordfish commercial open access permits)	SEFHIER Gulf - draft amendment options being considered	SEFHIER South Atlantic	Southeast Regional Headboat Survey	GARFO
Reporting Information	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded; and discard condition	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded (number of fish)
Reporting Level / Fishing Location Information	Trip - Primary fishing location (lat/long)	Trip - Primary fishing location (lat/long)	Trip - Primary fishing location (lat/long)	Trip - Primary fishing location (lat/long)	Reports include catch and effort reporting for each area fished
No Fishing Reports	Monthly No limit to how far in advance	Monthly	Weekly Limit to no more than 30 days in advance	Weekly Limit to no more than 30 days in advance	Not required

Vessel Reporting:

B. HMS Commercial and For-hire Open Access Permits

- **Alternative B2.** Timing requirement for electronic logbook submission.
 - Any sub-alternative under B2 would only be relevant if an electronic logbook is finalized (preferred Sub-alternative B1c).

Sub-alternative	Timing Requirements
B2a Preferred	Submit within <u>24 hours</u> of the end of the trip.
B2b	Submit within <u>48 hours</u> of the end of the trip.
B2c	For trips with BFT catch, submit within <u>24 hours</u> of the end of the trip. For trips with no BFT catch, submit within <u>48 hours</u> of the end of the trip.
B2d	For trips with BFT catch, submit within <u>24 hours</u> of the end of the trip. For trips with no BFT catch, submit within <u>7 days</u> of the end of the trip.

For-Hire Vessel Reporting Requirement Comparison

Topic	HMS – proposed (HMS Charter/ Headboat; tunas and swordfish commercial open access permits)	SEFHIER Gulf - draft amendment options being considered	SEFHIER South Atlantic	Southeast Regional Headboat Survey	GARFO
Reporting frequency	24 hours after end of trip	Prior to offload, or for each trip daily	Weekly	Weekly	48 hours after entering port*

* For GARFO recreational tilefish, eVTRs must be submitted within 24 hours after the conclusion of a trip.



Vessel Reporting:

B. HMS Commercial and For-hire Open Access Permits

- **Alternative B3.** Cost and earnings information.

Sub-alternative	Cost and Earning Information Requirements
B3a Status quo	Report cost and earnings information for each trip <i>if selected</i> , but selection has not occurred on a regular basis.
B3b	Report cost and earnings information via annual survey, <i>if selected</i> .
B3c Preferred	Report trip-level cost and earnings information for each trip in an electronic logbook. <i>If selected</i> , report additional annual expenditure information via annual survey.

For-Hire Vessel Reporting Requirement Comparison

Topic	HMS – proposed (HMS Charter/ Headboat; tunas and swordfish commercial open access permits)	SEFHIER Gulf - draft amendment options being considered	SEFHIER South Atlantic	Southeast Regional Headboat Survey	GARFO
Economic questions	Each trip, all vessels. Additional annual survey for selection of vessels	Each trip for all vessels or for selected vessels	Each trip, all vessels	Each trip, all vessels	None*

* Number of crew and number of paying passengers / anglers are included in the effort fields for each trip.





NOAA
FISHERIES

Vessel Reporting:

C Alternatives: HMS Angling Permit Reporting Requirements

Vessel Reporting:

C. HMS Angling Permit Reporting Requirements

Alternative	Reporting Requirements
C1 Status quo	Report BFT landings and dead discards, and non-tournament landings of billfish and swordfish. Report via electronic system, telephone, or State catch card.
C2 Preferred	C1 but remove reporting via telephone.
C3	C1 + Report pelagic sharks.
C4	C1 + Report bigeye, albacore, yellowfin, and skipjack (BAYS) tunas.

- **Preferred Alternative C2** would modernize and streamline the reporting system, while relieving some administrative time and cost for the Agency.



**NOAA
FISHERIES**

Dealer Reporting:

D Alternatives: Individual Fish Weights on Dealer Reports and Technical Change in BFT Reporting Requirements

Dealer Reporting:

D. Individual Fish Weights on Dealer Reports and Technical Change in BFT Reporting Requirements

Alternative	Individual Fish Reporting Requirements
D1 Status quo	Require individual fish weights for BFT. Other species can be reported individually or in aggregate. Submit bi-weekly BFT reports.
D2 Preferred	Require swordfish, BAYS tunas, and pelagic shark species to be reported individually on <i>all</i> federal dealer reports.
D3	Require swordfish, BAYS tunas, and pelagic shark species to be reported individually on federal dealer reports <i>only</i> when buying fish from vessels that do not submit weighout slips.
D4 Preferred	Remove required submission of bi-weekly BFT report.*

*This information is collected under other dealer BFT reporting requirements.



NOAA
FISHERIES

Request for Public Comments

Request for Public Comments

- Proposed rule published September 6, 2024
- Comment period closes on **January 6, 2025**
- Please submit comments at <https://www.regulations.gov> (Search “NOAA-NMFS-2023-0047”)

Public hearing webinars:

- October 16, 2024, 9 a.m.-11 a.m. ET
- October 29, 2024, 4 p.m.-6 p.m. ET
- December 2, 2024, 9 a.m.-11 a.m. ET
- Will consider requests for in-person public hearings.

Specific locations of interest?



For More Information

- Action webpage:
<https://www.fisheries.noaa.gov/action/proposed-rule-electronic-reporting-requirements-atlantic-highly-migratory-species>
- Contact: Carrie.Soltanoff@noaa.gov
- eReporting team: Heather Baertlein, Guy DuBeck, Erianna Hammond, Cliff Hutt, Delisse Ortiz, George Silva, Dianne Stephan, Ann Williamson, Jackie Wilson

Thank you!



Abbreviated Summary of Alternatives

A. HMS Commercial LAPs	B. HMS Tunas and Swordfish Open Access and Charter/Headboat Permits	C. HMS Angling Permit	D. HMS Dealer Reports
A1. Logbook format	B1. Reporting format	C1. Status quo	D1. Status quo
A1a. Status quo *A1b. Electronic submission	B1a. Status quo B1b. Status quo, no phone *B1c. Electronic logbook	*C2. Status quo, no phone C3. Report pelagic sharks	*D2. Report individual weights for BAYS tunas, swordfish, and pelagic sharks
A2. Timing	B2. Timing	C4. Report BAYS tunas	D3. Report individual weight for above species when buying from vessels that do not submit weighout slips
A2a. Status quo *A2b. 7 days A2c. 48 hours A2d. 24 hours	*B2a. 24 hours B2b. 48 hours B2c. Combo 24/48 hours B2d. Combo 24 hours/7 days		*D4. Remove bi-weekly BFT report
	B3. Cost-earning information B3a. Status quo B3b. Annual survey *B3c. Logbook and annual survey	* Preferred alternatives	



NOAA
FISHERIES

For-Hire Vessel Reporting Requirement Comparison

Topic	HMS - proposed [^]	SEFHIER Gulf - draft amendment options being considered	SEFHIER South Atlantic	Southeast Regional Headboat Survey	GARFO
Reporting Information	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded; and discard condition	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded	Logbook required for each fishing trip; Includes all species caught; amount kept/discarded (number of fish)
Reporting Level / Fishing Location Information	Trip - Primary fishing location (lat/long)	Trip - Primary fishing location (lat/long)	Trip - Primary fishing location (lat/long)	Trip - Primary fishing location (lat/long)	Reports include catch and effort reporting for each area fished
Reporting frequency	24 hours after end of trip	Prior to offload, or for each trip daily	Weekly	Weekly	48 hours after entering port*
No Fishing Reports	Monthly No limit to how far in advance	Monthly	Weekly Limit to no more than 30 days in advance	Weekly Limit to no more than 30 days in advance	Not required
Economic questions	Each trip, all vessels. Additional annual survey for selection of vessels	Each trip for all vessels or for selected vessels	Each trip, all vessels	Each trip, all vessels	None**

For-Hire Vessel Reporting Requirement Comparison - Declaration

Topic	HMS - proposed [^]	SEFHIER Gulf - draft amendment options being considered	SEFHIER South Atlantic	Southeast Regional Headboat Survey	GARFO
Declaration/ pre-landing hybrid	None	Require for for-hire activity vs. any fishing activity	None	None	No declaration, but required to complete logbook prior to landing.

Current Reporting Timing Requirements

Reporting	Region of permits	Timing Requirement
Commercial Atlantic HMS logbook and Southeast Coastal Fisheries logbook	HMS permits	Enter required information within <u>48 hours</u> . Submit logbook forms within <u>7 days</u> of offloading.
	SERO South Atlantic and Gulf permits	Submit logbook forms no later than <u>7 days</u> after the end of each fishing trip.
Commercial eVTR	GARFO permits	Complete eVTRs to the extent possible <u>prior to entering port</u> and submit within <u>48 hours</u> of offloading fish.
For-hire logbook	SERO South Atlantic permits	<u>Weekly</u> (by the Tuesday following each previous reporting week of Monday through Sunday).
	GARFO permits	Within <u>48 hours</u> of trip conclusion.
HMS Charter/Headboat reporting	HMS permit	Within <u>24 hours</u> of landing.
Atlantic Tunas General or Harpoon category reporting	HMS permits	Within <u>24 hours</u> of landing or the end of trip.

