



New England
Fishery Management
Council



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

Regulatory Omnibus Framework Adjustment to Modify Reporting Requirements for Electronic Vessel Trip Reports (eVTRs) by Commercial Vessel Operators Holding Federal Permits for Species Managed by the MAFMC and NEFMC

Fishery Management Plan Framework Numbers:

Atlantic Mackerel, Squid, and Butterfish: Framework 14

Bluefish: Framework 4

Summer Flounder, Scup, and Black Sea Bass: Framework 15

Surfclam and Ocean Quahog: Framework 3

Tilefish: Framework 5

Spiny Dogfish: Framework 4

Joint Action

Including a Regulatory Impact Review,
Regulatory Flexibility Analysis, and Justification for Categorical Exclusion

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2 Introduction

Commercial fishing vessels with federal permits for Mid-Atlantic Fishery Management Council (MAFMC) and New England Fishery Management Council (NEFMC) 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 Greater Atlantic Region federally permitted fisheries since 2013. Electronic submission of VTRs has been required for vessels with Federal for-hire permits for species managed under MAFMC Fishery Management Plans (FMPs) since March 12, 2018. According to Greater Atlantic Regional Fisheries Office (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.

Due to the administrative nature of the regulations that would result from the proposed action, this action is categorically excluded from the requirement to prepare an environmental assessment, in accordance with NOAA Administrative Order 216-6A.

3 Purpose and Need for Action

3.1 Purpose of the Action

The purpose of this action is to require commercial vessels with Federal permits for species managed by the Councils to submit currently required VTRs to NOAA through electronic means and change the VTR reporting deadline 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 would be an administrative modification in the method and timing for submitting VTRs.

3.2 Need for the Action

This action is needed to: 1) increase the timeliness (availability) of data submitted through VTRs; 2) reduce the reporting burden on data providers (commercial vessel operators) by eliminating the need for 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 fishery managers, and other data users. Transitioning to electronic reporting is a crucial step in transitioning to more consolidated reporting.

3.3 Timeline for Action

This action was initiated by the MAFMC in December 2018 with the approval of the 2019 Implementation Plan. A Fishery Management Action Team (FMAT) was formed and held

meetings on March 19, 2019 and May 10, 2019. Consultation with the MAFMC's Advisory Panels and interested public occurred on March 25, 2019. Framework meeting 1 occurred during the MAFMC meeting on April 10, 2019 in Avalon, NJ. In June 2019, the NEFMC initiated a joint action with the MAFMC to include all their species along with the two jointly managed plans, spiny dogfish and monkfish. Another Advisory Panel meeting occurred on July 23, 2019 via webinar. Framework meeting 1 for the NEFMC occurred in September 2019. The FMAT met via conference call on October 25, 2019. An evening public meeting via webinar was held November 20, 2019 to provide a demo of two eVTR applications and information before final action. MAFMC's Framework meeting 2 with MAFMC final action occurred at the December 2019 Council meeting and the NEFMC final action occurred in January 2020. The MAFMC and NEFMC selected alternative 1c to require VTRs be submitted electronically within 48 hours of trip completion. With the transition to required electronic reporting, NMFS has indicated that they would have an extended implementation deadline of up to a year after the final rule for adequate preparation and training for software developers, managers, and affected users.

4 Background

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 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. In 2018, mandatory electronic submission of VTRs was implemented for party/charter vessels with permits for MAFMC managed species.

4.1 Summary of Current Reporting Regulations

Under current VTR regulations, commercial 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. Owners and operators 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. VTR submission deadlines are not consistent across MAFMC and NEFMC managed commercial permits, with some plans reporting weekly and others reporting monthly (Table 1), and operators reporting for vessels with multiple permits are held to the permit with the strictest reporting requirements. Operators must have a trip report filled out with all required information, except for information not yet ascertainable, prior to entering port.

Table 1. Greater Atlantic Region Federal VTR Requirements by vessel permit type. Table retrieved from GARFO Vessel Trip Report (VTR) Reporting Instructions.

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

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 fishery managers and other data users. At present, paper-based reports often create a substantial time delay between the time when fishing activity occurs and when the data

are available to fisheries managers (Figure 1 and Figure 2). 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.

4.1.1 Electronic Reporting

Electronic submission of VTRs has been authorized for all Northeast Region federally permitted vessels since 2013. Approximately 10% of commercial VTRs in the Greater Atlantic region were submitted electronically in 2018. 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 working towards “one-stop” 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. Electronic submission of VTRs eliminates the need for operators to physically mail in paper forms, and once an eVTR is successfully submitted, it is available in GARFO’s VTR database nearly instantaneously.

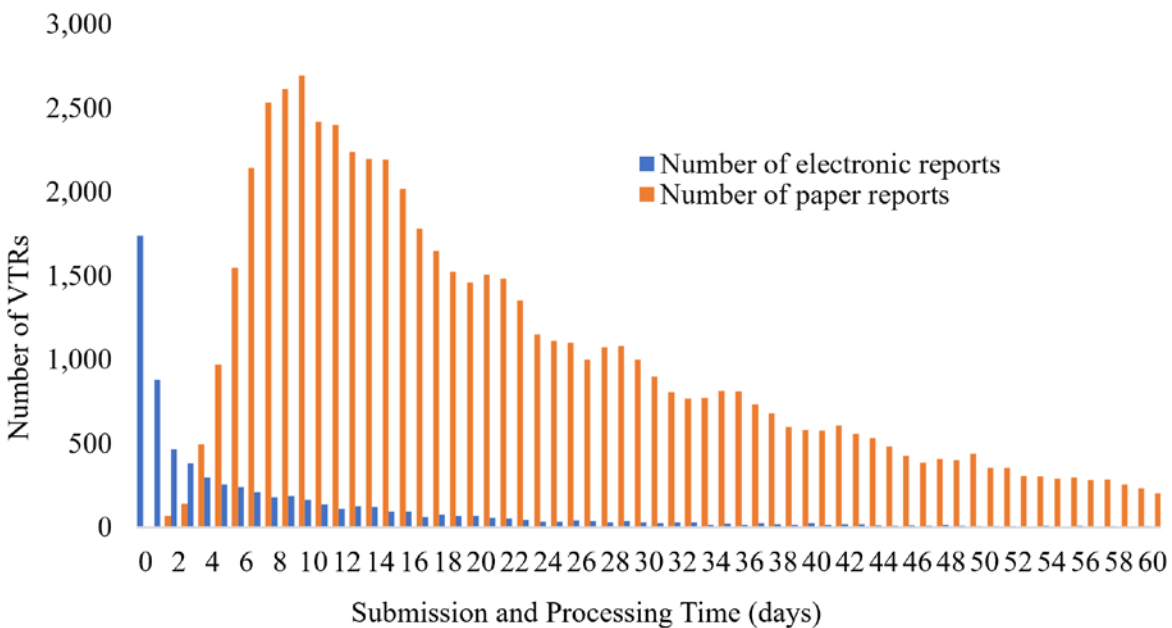


Figure 1. Commercial VTR submission time frequency distribution, January-December 2018. Submission time is the number of days between trip completion and the arrival of the VTR into GARFO’s VTR database. Through eVTR, this process is nearly instantaneous once the user

submits the eVTR through their selected application. Paper reports need to be scanned and entered into the database after receipt by GARFO.

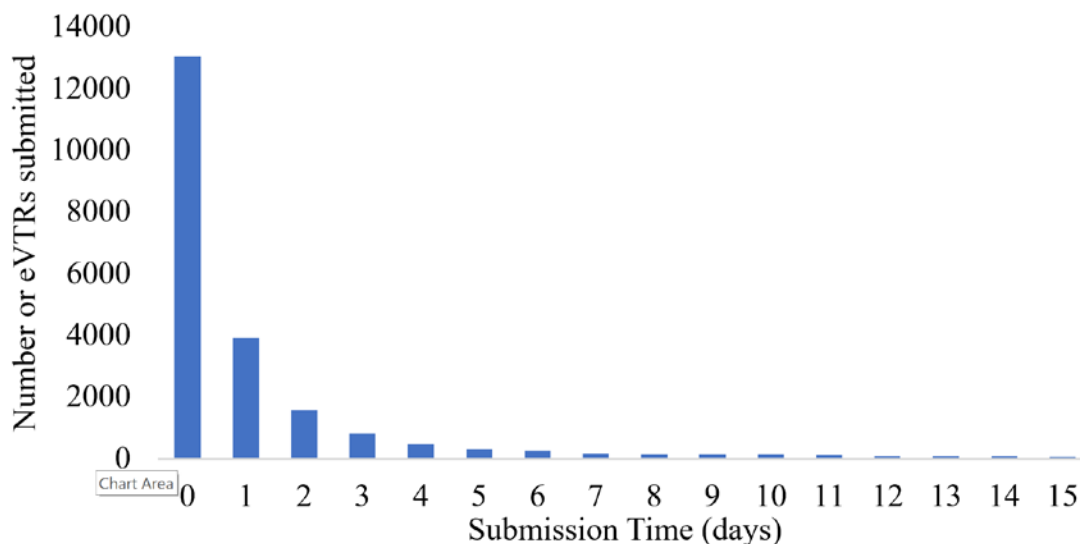


Figure 2. For-hire eVTR submission time frequency distribution from April-December 2018. Submission time is the number of days between trip completion and the arrival of the VTR into GARFO’s VTR database. Through eVTR, this process is nearly instantaneous once the user submits the eVTR through their selected application. The for-hire sector is included for informational purposes as they will not be impacted by this action.

There are several options currently available for submitting eVTRs outlined in Tables 2 and 3, below. Operators have a choice of which NMFS-approved eVTR application to use and can switch at any time. Additional systems may be developed and, upon approval by NOAA for submitting VTRs, would be added to this list. 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.

Table 2. 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.

Application (provider)	Compatible Devices
eTrips Mobile v1 and v2 (ACCSP)	Windows computer, Android, Windows 10, and Apple smartphones or tablets
eTrips Online (ACCSP)	Web browser
Fish Online (GARFO)	iPhone/iPad
FLDRS (NEFSC) ^a	Windows computer
Elog (Ecotrust) ^b	Windows computer, iPhone, Android, Windows tablet

^a FLDRS is a program to collect high resolution fisheries data for research that also satisfies eVTR requirements

^bThis program is currently used by a small number of vessels which are all involved in electronic monitoring

Table 3. NMFS-approved eVTR applications^a that charge fees and compatible devices. These applications generally have installation fees and monthly or annual fees.

Application (provider) ^a	Compatible Devices
FACTS (Electric Edge)	Windows computer
DDL (Olrac)	Web browser, Windows computer, Windows tablet

^a As of 11/19/2019 these applications were listed as “pending recertification” by NMFS on their eVTR webpage: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/resources-fishing/vessel-trip-reporting-greater-atlantic-region>.

4.2 Users Affected

This joint omnibus framework will affect all vessels with Federal commercial permits for species managed by the MAFMC (Atlantic bluefish, black sea bass, scup, summer flounder, tilefish, squid, Atlantic mackerel, butterfish, surfclam, ocean quahog, spiny dogfish) and the NEFMC (Atlantic herring, northeast multispecies, Atlantic deep-sea red crab, Atlantic sea scallop, monkfish, and northeast skate). If a vessel holds a permit for American lobster and no other Greater Atlantic Region vessel permit, they are not required to submit VTRs and will not be affected by this action. This action does not consider any changes to VTR requirements for the recreational for-hire sector.

The permit holder and VTR information described in tables 4-8 were reported by GARFO and accessed on 11/25/2019. The NEFMC and MAFMC are taking joint action due to the high degree of overlap in permit holders between regions and the joint management of dogfish and monkfish. Table 4 describes this permit holder overlap between regions while tables 5-8 represent information across both regions combined.

Table 4. Permit holder numbers for vessels issued a MAFMC or NEFMC commercial permit in 2018. Dogfish permit holders were included in the MAFMC permit numbers and Monkfish permit holders were included in NEFMC permit numbers.

Summary of Affected Users	2018
# of vessels issued a MAFMC commercial permit	2,726
# of the above vessels that submitted VTRs for commercial trips	1,648
# of vessels issued a NEFMC commercial permit	2,723
# of vessels issued both a MAFMC commercial permit and NEFMC commercial permit	2,520
# of MAFMC or NEFMC commercial permit holders	2,929
# of above vessels that submitted VTRs for commercial trips	1,723

Table 5. Number of paper and electronic commercial VTRs submitted in 2018. VTR numbers were reported by GARFO for vessels issued a MAFMC or NEFMC commercial permit in 2018.

# of Commercial VTRs Submitted in 2018	
Paper	73,132
Electronic	7,727

Table 6. The estimated number of MAFMC and NEFMC permitted vessels that submitted eVTRs in 2018 summarized by application provider. The for-hire sector shows overall higher application use due to their regulatory requirement of electronic submission starting in March 2018. The for-hire sector is included below for informational purposes and will not be impacted by this action. Note that some eVTR reporting applications have been available for multiple years while others are more recently developed, impacting the number of users.

Provider (app)	For-hire		Commercial	
	VTRs	Vessels	VTRs	Vessels
ACCSP (eTrips/Mobile)	16,351	292	1,065	81
GARFO (Fish Online)	6,847	141	760	44
NEFSC (FLDRS)			5,750	92
ECOTRUST (Elog)			152	7

Table 7. Proportion of all commercial VTRs for each gear type that were submitted electronically in 2018. VTR numbers were reported by GARFO for vessels issued a MAFMC or NEFMC commercial permit in 2018.

Gear Type	% eVTR
Trawl	15%
Pot/Trap	4%
Gill net	19%
Dredge	4%
Hand line/ Rod and Reel	20%
Longline	10%
Other	14%

Table 8. Proportion of all commercial VTRs for each state that were submitted electronically in 2018. VTR numbers were reported by GARFO for vessels issued a MAFMC or NEFMC commercial permit in 2018.

Landing State	% eVTR
ME	9%
NH	21%
MA	10%
RI	16%
CT	12%
NY	7%
NJ	4%
DE	0%
MD	1%
VA	1%
NC	1%

4.2.1 Implementation Considerations

Trainings on how to use eVTR applications will be conducted in-person throughout the geographic range of affected users and via webinar. Demos of the most popular free apps will be recorded and made available on the MAFMC eVTR webpage. After final action, 4-7 in-person workshops in the Mid-Atlantic and New England regions will be held with the help of industry liaisons. More workshops/webinars will be planned and conducted as needed. Resources will be compiled from application providers and made available on the Mid-Atlantic Council's website. Any video-based training provided by software providers will also be posted to the Mid-Atlantic Council's website. NMFS indicated that they would have an extended implementation deadline of up to a year after the final rule for adequate preparation and training for software developers, managers, and affected users.

5 Proposed Management Measures and Alternatives

Alternative 1: Modify administrative requirements to require commercial fishing vessels with Federal permits for MAFMC and NEFMC managed species to submit VTRs through electronic means.

There are multiple sub-options under alternative 1 that address different reporting deadlines for eVTR submission, with alternatives 1b-1e unifying the reporting deadline across MAFMC and NEFMC-managed commercial FMPs (current reporting deadlines by species are summarized in Table 1). None of the options under alternative 1 would change any of the requirements for data elements that are currently reported through paper based VTRs. Due to the electronic accessibility of VTR information to managers and law enforcement, copies of VTRs would no longer be federally required to be retained for 1 year on board the vessel and 3 years after the date the fish were last possessed, landed, and sold.

Because this proposed action deals entirely with the administrative mechanisms by which commercial fishing vessel permit holders submit reports, the alternative would not result in a substantial change in any of the following: Fishing location, timing, effort, authorized gear types, access to fishery resources or harvest levels. Therefore, there would be no impacts from the proposed action on any fishery resources or habitat managed under the Councils' FMPs, or on any associated protected resources.

Alternative 1a: Reports will be required to be submitted electronically with no change to reporting deadline.

This alternative addresses the need for action by requiring eVTR, however it would not unify reporting deadline requirements across commercial permit holders or increase the timeliness of data availability to the same extent as alternatives 1b-1e. For current reporting deadlines, see Table 1 in section 4.1.

Alternative 1b: Reports will be required to be submitted electronically within 24 hours following the completion of the fishing trip.

This alternative changes the NOAA-mandated reporting deadlines from the current requirement (either the Tuesday following the reporting week or the 15th of the month following the reporting

month depending on the species fished; see Table 1) to 24 hours after the fishing trip is completed. This alternative would unify the reporting deadline across MAFMC and NEFMC managed commercial FMPs and further expedite data availability for fisheries management purposes. Since all eVTR applications provide the ability for reports to be completed at sea and saved on the electronic device, reports should be ready for submission upon reaching the dock since under current regulations they must be completed prior to entering port. The 24-hour period is to provide vessel operators time to review data entry, correct any errors, and have time to reach an area with internet connection or cellular data to submit their report.

Alternative 1c (preferred alternative): Reports will be required to be submitted electronically within 48 hours following the completion of the fishing trip.

Similar to alternative 1b, this alternative would change the reporting deadlines, with alternative 1c requiring submission within 48 hours after completion of a trip. A 48-hour eVTR reporting deadline is already in place for the MAFMC for-hire sector so this alternative would unify reporting deadlines across all MAFMC FMPs and commercial NEFMC FMPs. After considering Advisory Panel and Fishery Management Action Team recommendations, the MAFMC and NEFMC selected alternative 1c to require VTRs be submitted electronically within 48 hours of trip completion.

Alternative 1d: Reports will be required to be submitted electronically within 72 hours following the completion of the fishing trip.

Similar to alternatives 1b and 1c, this alternative would change the reporting deadlines, with alternative 1d requiring submission within 72 hours after completion of a trip.

Alternative 1e: Reports will be required to be submitted electronically weekly following the completion of the fishing trip.

Similar to alternatives 1b-1d, this alternative would change the reporting deadlines, with alternative 1e requiring submission by midnight of the Tuesday following the reporting week (Sunday through Saturday). Operators holding permits for Squid, Atlantic Mackerel, Butterfish, Surfclam, Ocean Quahog (MAFMC managed), Atlantic Herring, and Northeast Multispecies (NEFMC managed) are already required to report weekly, therefore, under this alternative their reporting deadline would remain *status quo*. This alternative would also unify the reporting deadline across MAFMC and NEFMC managed commercial FMPs and commercial dealers.

Alternative 2: No Action, *status quo*.

Under this alternative, VTRs would continue to be submitted by paper or optionally through an approved eVTR application. This *status quo* would perpetuate the delay of the availability of VTR data for managers and the burden on permit holders to fill out and 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 indefinitely 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.

6 Impacts of the Proposed Action and Alternatives

As described below, this action is administrative in nature and would not result in any significant impacts or changes to the human environment. As defined in Appendix E of the Companion Manual for NOAA Administrative Order 216-6A, this action meets the requirements of CE category A1, “an action that is a technical correction or a change to a fishery management action or regulation, which does not result in substantial change in any of the following: fishing, location, timing, effort, authorized gear types, or harvest levels” and for which any cumulative effects are negligible. Additionally, this action does not involve any of the twelve extraordinary circumstances listed in Section 4 of the Companion Manual. As such, it is categorically excluded from the need to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

6.1 Impacts on Fishery Resources (including non-Target species)

Because the alternatives deal entirely with the administrative mechanisms by which Federal permit holders in MAFMC or NEFMC managed commercial 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 the Councils’ FMPs. This action may have indirect, low (not significant, individual or cumulative) positive impacts on the management capabilities for fishery resources by improving data available to fishery scientists and managers. There are no differences between the alternatives as far as direct impacts on fishery resources. Alternatives 1b-1e are more likely to produce improved data compared to alternatives 1a and 2 due to the reduction of reporting lag.

6.2 Impacts on Habitat

Due to the administrative nature of the measures under consideration, there would be no impacts on habitat, including essential fish habitat (EFH). The alternatives would not result in a substantial change in any of the following: Fishing location, timing, effort, authorized gear types, access to fishery resources or harvest levels. There are no differences between the alternatives as far as impacts on habitat/ EFH.

6.3 Impacts on Protected Resources

Similar to the impacts on habitat, due to the administrative nature of the measures under consideration, there would be no impact on protected resources. The alternatives would not result in a substantial change in any of the following: Fishing location, timing, effort, authorized gear types, access to fishery resources or harvest levels. There are no differences between the alternatives as far as impacts on any protected resources.

6.4 Economic Impacts

Table 2 summarizes the free NMFS-approved eVTR applications and compatible devices. Complying with eVTR submission requirements (Alternative 1) can be accomplished for no cost

under multiple scenarios. For example, a user who has a smartphone, tablet or laptop and access to internet or cellular data can use one of the approved free applications to submit their eVTRs. The ubiquitous nature of electronic devices, cellular data, and internet availability in private homes and businesses, as well as free access to internet in public libraries and other locations, provides a free to minimal cost means for permit holders to access electronic submission of VTRs.

Stakeholders will only need to purchase a device if they do not already have any of the compatible electronic devices or are unable to take them on their vessel. Low-cost portable electronic devices such as WiFi-capable tablets can be purchased for \$75-130. Although a free or low-cost option is available, users may voluntarily choose a different reporting mechanism, additional services, or upgraded hardware options that would increase their costs to varying degrees at their discretion.

In addition to the free options, NOAA-approved systems encompass a range of subscription fees and/or equipment costs (Table 9). Not all vendors of NOAA-approved systems provided exact pricing structures (or are only able to provide approximate anticipated pricing) since their business models were built around bulk sales to cover many users in entire fisheries (or sales of complete systems to organizations and government agencies).

Table 9. Minimum costs for various NOAA-approved eVTR systems and necessary equipment.

eVTR System	Software cost	Minimum equipment cost	Optional additions cost	Notes
eTrips mobile	\$0	If user has smartphone or tablet: \$0 Wi-Fi capable tablet: \$70-\$130	Waterproof case: \$15-100 Low cost cellular data plan: \$15/month	Assumes access to Wi-Fi within reporting deadline if no data plan is used
Fish Online				
DDL	Unknown			
FACTS	Unknown			
eLog	Included as part of electronic monitoring service			
FLDRS	\$0	Windows Laptop: \$150		Available to those already using it, those participating in NEFSC study fleet, and those needing to report from the ocean quahog and clam fishery
Note: All costs are approximate and reflect lower cost options from multiple retailers/providers researched November 2019. Higher end equipment and data plans are available and likely vary by area.				

There may be minor and temporary increased reporting burden as permit holders transition to electronic submission, but in the long run electronic submission should reduce reporting burden because reports can be pre-configured with lists of favorites and some data fields automatically filled-in. As these applications progress, electronic reporting can help reduce duplicate reporting because the reporting applications can be configured to submit data to multiple agencies. The ability to use electronic reporting programs also eliminates the time and cost of mailing in paper forms.

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 resources for administering this program are expected to be reduced resulting from efficiencies gained in data processing. Individual VTRs would not need to be manually scanned and error checked. There were 73,132 paper VTRs submitted by commercial permit holders in 2018 and each one was scanned and entered into the database. If there are errors, managers must mail VTRs back to operators. In time, the paper forms would no longer be printed and mailed. Further, 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.

7 Consistency with Applicable Laws

7.1 Magnuson-Stevens Fishery Conservation and Management Act

7.1.1 Compliance with the National Standards

National Standard 1. Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY from each fishery for the U.S. fishing industry.

The proposed action is limited to a modification of the mechanisms by which federally permitted commercial owners/operators report their fishing activity. The management measures associated with this action would have no direct impacts on overfishing or obtaining optimum yield in any fishery. However, the proposed action should provide higher resolution and more timely data on fish landings and effort, which should assist conservation and management.

National Standard 2. Conservation and management measures shall be based upon the best scientific information available.

The analyses conducted in support of the proposed action were conducted using information from the most recent complete year, 2018. The data used in the analyses provide the best available information on the number of federally permitted vessels in New England and the Mid-Atlantic, the number of vessels submitting VTRs, the number of VTRs submitted by those vessels, and the extent of use of electronic VTRs.

National Standard 3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The proposed action has no effect on the management units of any stocks of fish included in a Mid-Atlantic or New England FMP.

National Standard 4. Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be: (1) Fair and equitable to all such fishermen. (2) Reasonably calculated to promote conservation. (3) Carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The proposed action does not allocate or assign fishing privileges among various U.S. fishermen. The management measures associated with the proposed action would apply equally to all federally-permitted commercial vessels in the Mid-Atlantic and New England, regardless of the state in which they operate.

National Standard 5. Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

Improving the efficiency of the submission of VTRs by commercial operators and the processing of the resulting data by NOAA Fisheries is the primary objective of this action. The intent is that this action would also improve the efficiency of NOAA Fisheries in monitoring and managing all fisheries. Economic allocation was not a factor in the development of this action, nor of the selection of the proposed action from among the alternatives.

National Standard 6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The proposed action has no direct impact on any fishery, fishery resource, or catch. Variations among, and contingencies in, fisheries, fishery resources, and catches were considered to the extent that the development of the proposed action addressed the ways in which these variations and contingencies affect commercial operators and their submission of VTRs, and the use of resulting landings data by NOAA Fisheries and cooperating state fishery management agencies.

National Standard 7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

By providing several options for how federally permitted commercial operators may report their VTRs, including free applications, NOAA Fisheries has strived to minimize the costs to commercial operators associated with complying with the proposed action.

National Standard 8. Conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to: (1) Provide for the sustained participation of such communities; and (2) To the extent practicable, minimize adverse economic impacts on such communities.

None of the measures in the proposed action are likely to diminish in any way the sustained participation of any fishing community. The economic impacts of the proposed action on fishing communities is minimized by the nature of the action itself. The proposed action applies only to commercial operators, and only on the mechanisms and frequency by which they report their fishing activity. There are no measures proposed that would directly affect fishing harvest.

National Standard 9. Conservation and management measures shall, to the extent practicable: (1) Minimize bycatch; and (2) To the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

The proposed action has no bearing or relevance regarding the minimization of bycatch, as it is concerned solely with the administrative mechanisms by which federally-permitted commercial operators in the Mid-Atlantic and New England report fishing activity to NOAA Fisheries.

National Standard 10. Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

The proposed action is focused entirely on the administrative mechanisms by which federally-permitted for-hire operators in the Mid-Atlantic and New England report fishing activity to NOAA Fisheries. The safety of human life at sea is not affected by this action.

7.1.2 Compliance with Other Requirements of the Magnuson-Stevens Act

Section 303 of the Magnuson-Stevens Act contains 15 additional required provisions for FMPs, which are discussed below. Any FMP prepared by any Council, or by the Secretary, with respect to any fishery, must comply with these provisions.

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are-- (A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery; (B) described in this subsection or subsection (b), or both; and (C) consistent with the National Standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law

The proposed action is focused entirely on the administrative mechanisms by which federally-permitted commercial operators in the Mid-Atlantic and New England report fishing activity to NOAA Fisheries. For a description of the proposed measures and management alternatives intended to improve the management of the fisheries affected by this action, see section 5 of this

document. For a discussion of consistency with the National Standards, see section 7.1.1. For a discussion of the consistency with other applicable laws, see sections 7.2-7.10. Previous Amendments to the relevant FMPs, available at <http://www.mafmc.org/fishery-management-plans> and <https://www.nefmc.org/management-plans>, and the current regulations (<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=1e9802ffddb05d0243d9c657fade956c&rgn=div5&view=text&node=50:12.0.1.1.5&idno=50>) can be consulted for the relevant conservation and management measures.

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any.

For a description of the vessels affected, see Section 4. The proposed action does not directly affect quantity of fishing gear used; therefore, a description of these aspects of the fishery is not applicable. Recreational interests, foreign fishing, and Indian treaty fishing rights are not affected by this action. Previous Amendments to the relevant FMPs, available at <http://www.mafmc.org/fishery-management-plans> and <https://www.nefmc.org/management-plans>, provide additional fishery descriptions.

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification.

The proposed action is limited to a modification of the existing mechanisms by which federally permitted commercial operators in the Mid-Atlantic and New England report their fishing activity. Maximum sustainable yield and optimum yield of any fishery for which these reporting requirements are addressed in this action are not affected by the proposed management measures, but have been addressed in previous Amendments (<http://www.mafmc.org/fishery-management-plans>, <https://www.nefmc.org/management-plans>).

(4) assess and specify--(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3); (B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and (C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States.

The proposed action does not affect the capacity or extent to which fishing vessels of the U.S. would harvest the optimum yield of any fishery, the portion of such optimum yield which would not be harvested by U.S. fishing vessels and could be made available for foreign fishing, or the capacity and extent to which U.S. processors would process that portion of such optimum yield harvested by U.S. fishing vessels; therefore, a description of these aspects of the fisheries is not applicable to this action, but have been addressed in previous Amendments (<http://www.mafmc.org/fishery-management-plans>, <https://www.nefmc.org/management-plans>).

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors.

For a discussion of the reporting requirements associated with this action, see the description of the proposed action in section 5.

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery.

The proposed action does not affect the access of any fishing vessel to any fishery because of weather, ocean conditions, or any other potential concern; therefore, this element of the Magnuson-Stevens Act does not apply, but has been addressed in previous Amendments (<http://www.mafmc.org/fishery-management-plans>, <https://www.nefmc.org/management-plans>).

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat

EFH is described and identified for the affected fisheries in prior FMPs and amendments to those FMPs. The proposed action makes no changes to any EFH of any species. Section 6.2 describes the effects the proposed action, and the alternatives to the proposed action, is likely to have on the habitat, including EFH, of any fishery resources managed under a Mid-Atlantic or New England FMP. Due to the administrative nature of the measures in the proposed action, there would be no direct impacts on any habitat or EFH; therefore, an EFH consultation is not required.

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan.

All the FMPs covered by this action identify landings information as key data needed for effective monitoring and implementation of said FMPs. The proposed action is intended to improve the quality, timeliness, and reliability of data collected from commercial operators. For a complete description of the need for these data, see sections 3 and 5.

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--(A) participants in the fisheries and fishing communities affected by the plan or amendment; and (B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants.

For a description of the participants in the fisheries affected by the proposed action, see section 4.2.

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery.

The proposed action makes no changes or has any effect on the approved overfishing definitions for any fishery managed under a Mid-Atlantic or New England FMP.

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--(A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided.

This action deals only with the administrative mechanisms through which commercial operators report their fishing activity; therefore, this provision of the Magnuson-Stevens Act does not apply to this action.

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish.

This action proposes no related measures.

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors.

The only sector of the fisheries affected by this proposed action is the commercial sector. A description of those affected by this proposed action is provided in section 4. Additional details on the fishing sectors is available in previous Amendments (<http://www.mafmc.org/fishery-management-plans>, <https://www.nefmc.org/management-plans>).

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

The proposed action includes no management measures that could reduce the overall harvest in a fishery. Therefore, the allocation of harvest restrictions or recovery benefits among the commercial, recreational, and charter fishing sectors, beyond any allocations of such already made in the FMPs, is not necessary.

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

The proposed action includes no measures related to catch limits and only relates to the administrative mechanism through which commercial operators submit already required vessel trip reports.

7.2 National Environmental Policy Act

Due to the administrative nature of the proposed action as described in Sections 5 and 6 of this document, this action is categorically excluded from the requirement to prepare an environmental assessment, in accordance with NOAA Administrative Order 216-6A. This action would not result in any significant impacts or changes to the human environment. As defined in Appendix E of the Companion Manual for NAO 216-6A, this action meets the requirements of CE category A1, “an action that is a technical correction or a change to a fishery management action or regulation, which does not result in substantial change in any of the following: fishing, location, timing, effort, authorized gear types, or harvest levels” and for which any cumulative effects are negligible. Additionally, this action does not involve any of the twelve extraordinary circumstances listed in Section 4 of the Companion Manual. As such, it is categorically excluded from the need to prepare an EA or an EIS.

7.3 Regulatory Flexibility Analysis and Regulatory Impact Review

The Regulatory Flexibility Act (RFA), first enacted in 1980, and codified at 5 U.S.C. 600-611, was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a Federal regulation. Major goals of the RFA are: 1) to increase agency awareness and understanding of the impact of their regulations on small business; 2) to require that agencies communicate and explain their findings to the public; and 3) to encourage agencies to use flexibility and to provide regulatory relief to small entities.

The RFA emphasizes predicting significant adverse impacts on small entities as a group distinct from other entities and on the consideration of alternatives that may minimize the impacts, while still achieving the stated objective of the action. When an agency publishes a proposed rule, it must either, (1) “certify” that the action will not have a significant adverse impact on a substantial number of small entities, and support such a certification declaration with a “factual basis”, demonstrating this outcome, or, (2) if such a certification cannot be supported by a factual basis, prepare and make available for public review an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact of the proposed rule on small entities.

This document provides the factual basis supporting consideration of a certification that the proposed regulations will not have a “significant impact on a substantial number of small entities.” Certifying an action must include the following elements, and each element is subsequently elaborated upon below:

- A. A statement of basis and purpose of the rule
- B. A description and estimate of the number of small entities to which the rule applies
- C. Description and estimate of economic impacts on small entities, by entity size and industry
- D. An explanation of the criteria used to evaluate whether the rule would impose significant economic impacts
- E. An explanation of the criteria used to evaluate whether the rule would impose impacts on a substantial number of small entities
- F. A description of, and an explanation of the basis for, assumptions used

A – Basis and purpose of the rule

The bases of the rules proposed in this action are the provisions of the MSA for federal fishery management to prevent overfishing, achieve optimum yield, reduce bycatch to the extent practicable, and conserve non-target species. Optimum yield is defined as the amount of fish which will achieve the maximum sustainable yield, as reduced by any relevant economic, social, or ecological factor. The purpose of the rules associated with the preferred alternatives is to: 1) increase the timeliness (availability) of data submitted through VTRs; 2) reduce the reporting burden on data providers (commercial 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. To assist with further evaluation of the measures proposed in this document, a summary of the preferred alternatives is provided below. A full description of all alternatives is provided in Section 5.

Proposed Action:

The proposed action is to modify the administrative requirements to require commercial fishing vessels with Federal permits for species managed by the NEFMC and MAFMC to submit currently-required VTRs to NOAA through electronic means and to change the submission deadline to 48 hours after trip completion. No changes are proposed for the data types being collected; this is simply a change in the means of submission. After implementation, owners/operators of commercial fishing vessels with Federal permits for species managed by the NEFMC or MAFMC 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.

Non-preferred alternatives included requiring electronic submission of commercial VTRs without a change of timing for submission, no action (continue the current paper reporting), and implementing electronic reporting with deadlines of 24 hours, 72 hours, or weekly after trip completion.

B – Description and estimate of the number of small entities to which the rule applies

The measures proposed in this action apply to the vessels that hold commercial federal permits for species managed by the NEFMC or MAFMC. There were 3,832 affiliates that reported revenue from commercial landings in 2016, 2017, and/or 2018. Based on combined receipts in 2018, 3,820 of these commercial entities were classified as small businesses (Table 10) and 12 were classified as large businesses. When considering affiliates which reported revenues from commercial fishing activities, the three-year average (2016-2018) annual combined gross receipts from all commercial fishing activity was \$1.1 billion for all combined affiliates classified as small businesses and \$229,738,842 for all combined affiliates classified as large businesses. The SBA threshold for a small business is \$8 million for for-hire entities and \$11 million for commercial fishing entities.

Table 10. Average annual total gross receipts from all commercial fishing activities during 2016-2018 for the small businesses/affiliates likely to be affected by the proposed action. The businesses are grouped based on their average annual revenue from commercial fishing during 2016-2018. Businesses were classified as commercial fishing, or as small or large based on their revenues in 2018 only. Only those businesses which reported commercial fishing revenue during 2016-2018 are shown.

Revenue (millions of dollars)	Count of affiliates	2016-2018 avg. gross receipts (all firms combined)
<0.5	3,404	423,249,090
0.5 to 1	186	126,654,014
1 to <2	149	217,321,522
2 to <5	69	211,946,075
5 to <11	12	82,116,546
All affiliates	3,820	1,061,287,246

C – Description and estimate of economic impacts on small entities

Complying with the proposed eVTR submission requirements can be accomplished for no cost using several of the available eVTR applications with a smartphone, personal computer, or tablet and internet connection/cellular data. The ubiquitous nature of smartphones, computers and internet availability in private homes and businesses, as well as free access to Wi-Fi in most public libraries and other locations, provides a free to minimal cost means for permit holders to access eVTRs. Therefore, at its most basic level, there is little to no direct negative economic

impact to permit holders. Although this low-cost option is available, captains may voluntarily choose a different reporting mechanism, additional services, or upgraded hardware options that would increase their costs to varying degrees.

D/E – An explanation of the criteria used to evaluate whether the rule would impose significant economic impacts/ An explanation of the criteria used to evaluate whether the rule would impose impacts on a substantial number of small entities

Since the eVTR submission requirements can be accomplished at low/no cost, no adverse impacts are expected from the proposed measures, other than there may be some temporary reporting burden increase as permit holders are switching to electronic reporting. In the long run, electronic reporting should reduce reporting burden.

F – A description of, and an explanation of the basis for, assumptions.

The primary assumption is that the free software such as SAFIS eTRIPS mobile or GARFO's Fish Online eVTR applications continue to function. They have been approved for use by NMFS and are currently in use with no indications that they will not be available in the future.

REGULATORY IMPACT REVIEW

INTRODUCTION

Executive Order 12866 requires a Regulatory Impact Review (RIR) to enhance planning and coordination with respect to new and existing regulations. This Executive Order requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be "significant." Section 6 assesses the costs and benefits of the Proposed Action and found the impacts to be minimal. The analysis included in this RIR further demonstrates that this action is not a "significant regulatory action" because it will not affect in a material way the economy or a sector of the economy.

Executive Order 12866 requires a review of proposed regulations to determine whether the expected effects would be significant, where a significant regulatory action is one that may:

- 1* Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- 2* Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- 3* Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

4* Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

OBJECTIVES

The overall goals of the Councils' FMPs are to conserve the managed resources in order to achieve optimum yield. Detailed goals and objectives for each FMP are available at the MAFMC's website: <http://www.mafmc.org/fishery-management-plans> and the NEFMC's website: <https://www.nefmc.org/management-plans>.

AFFECTED ENTITIES

A description of the entities affected by this action is provided above.

PROBLEM STATEMENT

The purpose of this action is to require commercial vessels with Federal permits for species managed by the Councils to submit currently-required VTRs to NOAA through electronic means beginning 12 months after publication of the final rule in the Federal Register 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 data requirements associated with VTRs but is an administrative modification in the method for submitting VTRs.

This action is needed to: 1) increase the timeliness (availability) of data submitted through VTRs; 2) reduce the reporting burden on data providers (commercial 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 fishery managers, and other data users.

ANALYSIS OF ALTERNATIVES

Executive Order 12866 mandates that proposed measures be analyzed below in terms of: (1) changes in net benefits and costs to stakeholders, (2) changes to the distribution of benefits and costs within the industry, (3) changes in income and employment, (4) cumulative impacts of the regulation, and (5) changes in other social concerns. This action is administrative in nature with negligible impacts on permit holders, which supports a determination that this action is not significant for purposes of Executive Order 12866.

There should not be substantial distributional issues (all commercial permit holders are impacted similarly) and impacts on income and employment should be negligible. As described in Section 6, the Councils have concluded that this action is administrative in nature. There are no other expected social concerns.

DETERMINATION OF EXECUTIVE ORDER 12866 SIGNIFICANCE

Given the analysis in Section 6 and summary information above, the action overall should have neutral impacts on participants in the Councils' fisheries. In addition, there should be no interactions with activities of other agencies and no impacts on entitlements, grants, user fees, or loan programs. Similar electronic reporting has been required in both dealer reporting and for commercial vessels (via VMS), and as such does not raise novel legal or policy issues. As such, the Proposed Action is not predicted to have an adverse impact on fishing vessels, purchasers of seafood products, recreational anglers, and operators of party/charter businesses in excess of \$100 million.

7.4 Executive Order (E.O.) 12866 (Regulatory Planning and Review)

To enhance planning and coordination with respect to new and existing regulations, this Executive Order requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be significant. Section 7.3 above includes the Regulatory Impact Review, which includes an assessment of the costs and benefits of the proposed action, in accordance with the guidelines established by Executive Order 12866. The analysis shows that this action is not likely a significant regulatory action because it will not affect in a material way the economy or a sector of the economy.

7.5 Executive Order (E.O.) 13132 (Federalism)

This Executive Order established nine fundamental federalism principles for Federal agencies to follow when developing and implementing actions with federalism implications. The Executive Order also lists a series of policy making criteria to which Federal agencies must adhere when formulating and implementing policies that have federalism implications. However, no federalism issues or implications have been identified relative to the proposed measures. This action does not contain policies with federalism implications sufficient to warrant preparation of an assessment under Executive Order 13132. The affected states have been closely involved in the development of the proposed management measures through their representation on the Councils (all affected states are represented as voting members on the Councils). No comments were received from any state officials relative to any federalism implications that may be associated with this action.

7.6 Endangered Species Act

Section 7 of the ESA requires Federal agencies to insure that the actions they are conducting, authorizing, or funding do not jeopardize the continued existence of listed species or adversely affect designated critical habitat. Based on the administrative nature of the action, the Councils have concluded that there will be no direct or indirect impacts to endangered or threatened species or designated critical habitats.

7.7 Marine Mammal Protection Act (MMPA)

Based on the administrative nature of the action, the Councils have concluded that there would be no direct or indirect impacts on marine mammals, that the proposed action is consistent with

the provisions of the MMPA, and that the proposed action would not alter existing measures to protect the species likely to inhabit the management units of the subject fisheries.

7.8 Administrative Procedures Act (APA) and Paperwork Reduction Act (PRA)

The Paperwork Reduction Act concerns the collection of information. The intent of the Paperwork Reduction Act is to minimize the federal paperwork burden for individuals, small businesses, state and local governments, and other persons, as well as to maximize the usefulness of information collected by the federal government. The changes to the existing reporting requirements in this action have been previously approved for vessel logbooks in the Mid-Atlantic and New England Regions.

7.9 Coastal Zone Management Act

Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 requires that all Federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. Pursuant to the Coastal Zone Management Act regulations at 15 CFR 930.35, a negative determination may be made if there are no coastal effects and the subject action: (1) Is identified by a state agency on its list, as described in ' 930.34(b), or through case-by-case monitoring of unlisted activities; or (2) which is the same as or is similar to activities for which consistency determinations have been prepared in the past; or (3) for which the Federal agency undertook a thorough consistency assessment and developed initial findings on the coastal effects of the activity. This action would have no effect on any coastal use or resources of any state.

7.10 Data Quality Act

Pursuant to NOAA guidelines implementing section 515 of Public Law 106-554 (the Data Quality Act), all information products released to the public must first undergo a Pre-Dissemination Review to ensure and maximize the quality, objectivity, utility, and integrity of the information (including statistical information) disseminated by or for Federal agencies. The following section addresses these requirements.

7.10.1 Utility

The information presented in this document should be helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the measures proposed, and the impacts of those measures. A discussion of the reasons for selecting the proposed action is included so that intended users may have a full understanding of the proposed action and its implications, as well as the Councils' rationale.

Until a proposed rule is prepared and published, this document is the principal means by which the information contained herein is available to the public. The information provided in this document is based on the most recent available information from the relevant data sources. The

development of this document and the decisions made by the Councils to propose this action are the result of a multi-stage public process. Thus, the information pertaining to management measures contained in this document has been improved based on comments from the public, the fishing industry, members of the Councils, and NMFS.

The Federal Register notice that announces the proposed rule and the final rule and implementing regulations will be made available in printed publication, on the website for the Greater Atlantic Regional Fisheries Office, and through the Regulations.gov website. The Federal Register documents will provide metric conversions for all measurements.

7.10.2 Integrity

Prior to dissemination, information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NOAA Fisheries adheres to the standards set out in Appendix III, Security of Automated Information Resources, of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g. Vessel Trip Reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

7.10.3 Objectivity

For purposes of the Pre-Dissemination Review, this document is considered to be a Natural Resource Plan. Accordingly, the document adheres to the published standards of the Magnuson-Stevens Act; the Operational Guidelines, FMP Process; the EFH Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6A, Environmental Review Procedures for Implementing the National Environmental Policy Act.

This information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. The policy choices are clearly articulated in the management alternatives considered in this action. The supporting data upon which the policy choices are based, are described in Section 4 of this document. All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency.

The review process used in preparation of this document involves the responsible Councils and the Greater Atlantic Regional Fisheries Office. Review by staff at the Regional Office is conducted by those with expertise in fisheries management and policy, fisheries data collection (and electronic data collection), and compliance with the applicable law. Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting

regulations is conducted by staff at NOAA Fisheries Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget.

THIS IS THE FINAL PAGE OF THIS DOCUMENT