

Dated: May 17, 2017.

Louise P. Wise,

Acting Assistant Administrator, Office of
Chemical Safety and Pollution Prevention.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170113076-7463-01]

RIN 0648-BG60

Fisheries of the Northeastern United States; Regulatory Omnibus Framework Adjustment To Modify Reporting Requirements for Electronic Vessel Trip Reports by Federally Permitted Party and Charter Vessel Operators in the Mid-Atlantic Region

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Proposed rule, request for
comments.

SUMMARY: The Omnibus Electronic
Vessel Trip Report Framework proposes
management measures to increase the
timeliness, accuracy, and quality of
fisheries data submitted to NMFS while
also reducing the burden on the charter
and party fishing fleets. The electronic
vessel trip report Framework would
implement a requirement for charter
and party vessels that hold a permit to
fish for Atlantic bluefish, black sea bass,
scup, summer flounder, tilefish, squid,
Atlantic mackerel, and/or butterflyfish,
while on a trip carrying passengers for
hire, to submit required VTRs by
electronic means. These proposed
measures are intended to improve the
timeliness and accuracy of charter and
party vessel trip reporting.

DATES: Public comments must be
received by June 23, 2017.

ADDRESSES: Copies of supporting
documents used by the Mid-Atlantic
Fishery Management Council, including
the Proposed Framework Adjustment
with Regulatory Impact Review (RIR) is
available from: Dr. Christopher M.
Moore, Executive Director, Mid-Atlantic
Fishery Management Council, 800 North
State Street, Suite 201, Dover, DE 19901,
telephone (302) 674-2331. The
Proposed Framework/RIR is also
accessible via the Internet at [http://
www.greateratlantic.fisheries.noaa.gov](http://www.greateratlantic.fisheries.noaa.gov).

You may submit comments, identified
by NOAA-NMFS-2017-0043, by either
of the following methods:

—**Electronic Submission:** Submit all
electronic public comments via the
Federal e-Rulemaking Portal. Go to
www.regulations.gov/
#!docketDetail;D=NOAA-NMFS-2017-
0043, click the “Comment Now!”
icon, complete the required fields,
and enter or attach your comments.
—**Mail:** Submit written comments to
NMFS, Greater Atlantic Regional
Office, 55 Great Republic Drive,
Gloucester, MA 01930. Mark the
outside of the envelope “Comments
on Omnibus eVTR Framework.”

Instructions: Comments sent by any
other method, to any other address or
individual, or received after the end of
the comment period, may not be
considered by NMFS. All comments
received are a part of the public record
and will generally be posted for public
viewing on www.regulations.gov
without change. All personal identifying
information (e.g., name, address, etc.),
confidential business information, or
otherwise sensitive information
submitted voluntarily by the sender will
be publicly accessible. NMFS will
accept anonymous comments (enter “N/
A” in the required fields if you wish to
remain anonymous).

Written comments regarding the
burden-hour estimates or other aspects
of the collection-of-information
requirements contained in this proposed
rule may be submitted to the Greater
Atlantic Regional Fisheries Office and
by email to [OIRA_Submission@
omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT:
Daniel Luers, Fishery Management
Specialist, (978) 282-8457, fax (978)
281-9135.

SUPPLEMENTARY INFORMATION:

Background

For the past 25 years, NMFS has
mandated reporting of catch, landings,
and trip information through vessel trip
reports (VTRs). Between 1992 and 1996,
NMFS implemented this requirement
for most vessels holding Federal fishing
permits in Northeast Atlantic fisheries.
In 2004, mandatory electronic reporting
by federally permitted dealers was
implemented for almost all federally-
managed species. Requirements for
weekly submissions of VTRs were
implemented in 2010 for fisheries under
catch shares, with weekly reporting later
expanded to herring, mackerel, and surf
clam/ocean quahog IFQ fisheries. In July
2011, the NMFS Greater Atlantic
Regional Fisheries Office approved the
use of electronic reporting of VTRs on

a limited and voluntary basis for a
segment of the groundfish fleet, and, in
2013, NMFS made electronic vessel trip
reports (eVTRs) available as an
alternative to submitting handwritten
hardcopies for all Mid-Atlantic and New
England Fishery Management Council
fishery management plans (FMPs).

Owners and operators of vessels
possessing permits for fisheries
managed by Mid-Atlantic Fishery
Management Council (MAFMC) FMPs
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.
MAFMC-managed species that include a
for-hire VTR requirement include black
sea bass, bluefish, scup, summer
flounder, tilefish, Atlantic mackerel,
squid, and butterfish.

Current regulations require vessel
owners or operators with permits for
MAFMC-managed species to submit
VTRs monthly to NMFS's Greater
Atlantic Regional Fisheries Office
(GARFO) by the 15th day of the month
following the month in which the trip
occurred. The Atlantic Mackerel, Squid,
and Butterfish FMP requires weekly
VTR reporting. If a trip encompasses
multiple NMFS statistical areas, a
separate VTR must be submitted for
each statistical area where fishing
activity takes place. A separate VTR is
also required for each reporting period.
If a vessel does not land any fish on a
trip, all trip information must be
completed and “No Catch” entered in as
the species code name. A VTR is
required regardless of where fishing
occurs, meaning that a vessel subject to
these requirements in the Greater
Atlantic must report even if they fish in
the Southeast or any other region (does
not apply to vessels holding only an
American lobster permit). Since VTRs
are in addition to any other reports
which may be required by other Regions
or plans, multiple reports may be
required. VTRs, and any records upon
which the reports were based, must be
kept on board the vessel for at least one
year and retained by the owner/operator
for a total of three years after the date
of the last entry on the report.

Proposed Measure

The Omnibus eVTR Framework
would require charter and party vessels
that hold a permit for species managed
by MAFMC FMPs, while on a trip
carrying passengers for hire, to submit
VTRs by electronic means. These
vessels would also be required to submit
the eVTRs within 48 hours following
the completion of a fishing trip.
Federally permitted vessel owners and
operators on commercial fishing trips

will maintain the option to submit VTRs through hardcopy by mail or through electronic means.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Mackerel, Squid, and Butterfish FMP; the Bluefish FMP; the Summer Flounder, Scup, and Black Sea Bass FMP; the Tilefish FMP; other provisions of the Magnuson-Stevens Act; and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The proposed action contains collection-of-information requirements subject to review and approval by the Office of management and Budget (OMB) under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval under Control Number 0648–0212. Public reporting burden for the new eVTR requirement is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to the Regional Administrator (see **ADDRESSES**), and email to *OIRA_Submission@omb.eop.gov*, or fax to (202) 395–5806.

Notwithstanding any other provisions of the law, no person is required to, nor

shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: http://www.cio.noaa.gov/services_programs/prasubs.html.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

Vessels that hold charter or party (for-hire) Federal permits for species managed under Mid-Atlantic Council FMPs were identified as business entities affected by this action. Any entity with combined annual fishery landing receipts less than \$7.5 million for for-hire entities and \$11 million for commercial entities is considered a small business. In 2015, 869 for-hire permits were owned by 785 entities. Of these entities, 171 were categorized as commercial fishing entities, 394 were categorized as for-hire entities, and 220 had no revenue in 2015. All of the 785 entities with Mid-Atlantic charter or party permits are classified as small businesses based on their revenue.

Complying with the proposed eVTR requirements can be accomplished for no cost with only a personal computer (or tablet) and internet connection. The ubiquitous nature of computers and internet availability in private homes and businesses, as well as free access to both in most public libraries and other locations, provides a free or minimal cost means for permit holders to submit eVTRs. Therefore, there is little to no direct negative economic impact to permit holders. Although this low-cost option is available, for-hire captains may voluntarily choose a different reporting mechanism, additional services, or upgraded hardware options that would increase their costs to varying degrees, but those would be voluntary and not a direct result of the proposed eVTR submission requirements. Because the proposed action is not expected to have a

significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: May 18, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.7, paragraphs (b)(1)(iii) and (f)(2)(iii) are added to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(1) * * *

(iii) *Charter/Party vessel permit owners and operators.* The owner or operator of any fishing vessel that holds a Federal charter/party (for-hire) permit to fish for Atlantic bluefish, black sea bass, scup, summer flounder, tilefish, Atlantic mackerel, squid, and/or butterfish, when on a trip carrying passengers for hire, must submit the required Vessel Trip Report by electronic means. The report must contain all applicable information outlined in paragraph (b)(1)(i) of this section.

* * * * *

(f) * * *

(2) * * *

(iii) Charter/Party vessel electronic log reports, required by paragraph (b)(1)(iii) of this section, must be submitted within 48 hours after entering port at the conclusion of a trip.

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