

**SUPPORTING STATEMENT
PACIFIC ISLANDS LOGBOOK FAMILY OF FORMS
OMB CONTROL NO.: 0648-0214**

INTRODUCTION

This Supporting Statement describes a renewal of the existing information collection under OMB Control No.: 0648-0214.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Western Pacific Fishery Management Council (WPFMC), to develop fishery management plans (FMPs) for fisheries in the U.S. Exclusive Economic Zone (EEZ). These plans, if approved by the Secretary of Commerce (Secretary), are implemented by Federal regulations and enforced by the National Marine Fisheries Service (NMFS) and U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMPs regulate fishing to ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S.

The WPFMC has jurisdiction over fisheries in the Pacific Ocean in Federal waters seaward of American Samoa, Guam, Hawaii, the Commonwealth of the Northern Mariana Islands (NMI), and the Pacific Remote Island Areas (PRIA).¹ The WPFMC has prepared, and the Secretary has approved and implemented through regulations, FMPs for crustacean, precious coral, pelagic, bottomfish/seamount groundfish fisheries, and coral reef ecosystems in the western Pacific. The regulations include, but are not limited to, permit requirements, gear restrictions, closures, harvest guidelines, reporting requirements, and protected species mitigation measures. The reporting requirements are crucial to ensure that the NMFS will be able to monitor the fishery and that the WPFMC and NMFS have fishery-dependent information to evaluate the effectiveness of management measures, determine whether changes in fishery management programs are necessary, and estimate the impacts and implications of alternative management measures. Information on vessel monitoring system (VMS) units is collected under another clearance (OMB Control No.: 0648-0441 and 0648-0519). VMS units installed on longline vessels in the western Pacific send periodic reports to NMFS on the position of the vessels. NMFS uses the reports to monitor the vessel's location and activities to enforce area closures. Under another clearance (OMB Control No.: 0648-0490), information is collected from fishery participants who obtain fishing permits and experimental fishing permits from NMFS. Permit information provides a means of assessing the size and characteristics of the fishery and identifying those who might be affected by management measures. This submission addresses information needed on actual fishing activities to determine how different participants might be affected and how stocks and other living marine resources might be affected by changes in regulations governing the fishery.

¹Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll, Midway Atoll, and Kingman Reef.

Specific reporting requirements for the individual fisheries identified with the relevant section of 50 CFR 665 are as follows:

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|--------------------------------|--|
| Pelagic (Longline only) | <ul style="list-style-type: none"> - Logbooks: catch and effort data and protected species interactions (§665.14) - Transshipment logbooks (§665.14) - Dealer records (no form) (§665.14) - Pre-trip notification (no form) (§665.23(a)) - Observer placement meeting (no form) (§665.28(d)) - Protected species zone entry/exit notification (no form) (§665.23(b)) - Claim for reimbursement for lost fishing time (no form) (§665.28(i)) |
| Pelagic (Troll and handline) | <ul style="list-style-type: none"> - Logbooks: catch and effort data and protected species interactions (§665.14(a)) |
| Crustacean | <ul style="list-style-type: none"> - Logbooks: catch and effort data and protected species interactions (§665.14(a)) - Sales report (§665.14(c)) - Dealer packing/weigh-out slips; records (no form) (§665.14(d); §665.14(f)(2)) - Pre-landing notice (no form) (§665.43(a)(1)) - Pre-offloading notice (no form) (§665.43(a)(2)) - At-sea catch report (no form) (§665.50(c)) |
| Bottomfish/Seamount Groundfish | <ul style="list-style-type: none"> - Logbooks: catch and effort data and protected species interactions (§665.14(f)(3)) - Pre-trip notification (no form) (§665.63) - Pre-landing notification (no form) (§665.63) - Observer placement meeting (no form) (§665.65(b)) |
| Precious Coral | <ul style="list-style-type: none"> - Logbooks: catch and effort data (§665.14(a)) - Sales report (in logbook) (§665.14(a)) |
| Experimental Fishing Permits | <ul style="list-style-type: none"> - Experimental fishing reports (no form) (§665.17(e)(vi)) |

As indicated, these data are needed to monitor the fisheries, determine whether the current management measures are having the intended effects, and evaluate the benefits and costs of changes in management measures.

Pre-trip notifications are required for the American Samoa longline, Hawaii longline and Northwestern Hawaiian Islands (NWHI) bottomfish fisheries to determine whether vessels should be required to carry observers to collect detailed information on the fishery, including total catch and discards, interactions with protected resources, and biological characteristics of the catch. Observers are able to collect more detailed information than could be expected of fishermen. In cases where an observer placement is needed, this collection also provides time for a pre-trip meeting between the vessel operator and NMFS staff to arrange the observer placement. This meeting ensures that the vessel operator and the observer have common information concerning the roles and responsibilities of the operator, crew, and observer during the trip. Pre-trip notices from vessels may also provide a basis for targeting enforcement efforts to determine compliance with management measures.

Logbooks (crustacean, pelagic longline, precious coral, and pelagic troll or handline gear vessels in the western Pacific) are required to obtain catch and effort information. These data are especially needed for determining the condition of the stocks. Drastic changes in catch per unit effort (CPUE) are often indicative of significant shifts in the size and structure of the stock and suggest that changes in management measures may be appropriate to respond to declines or increases in stock sizes.

State of Hawaii logbooks provide NWHI bottomfish catch and effort information which is used by NMFS, among other things, to evaluate and determine the eligibility of vessel owners for renewal of NWHI bottomfish limited access permits (§665.61). There is currently no Federal logbook reporting requirement for the NWHI bottomfish fishery because of NMFS reliance on the State's reporting requirement. The State's bottomfish logbook information is also used for annual reports on the status of the NWHI fishery.

Sales and transshipment reports (crustaceans, precious coral, pelagics) are used to ensure full reporting of all landings and sales of fish from the management unit. The sales report portion of the precious corals logbook provides the basis of understanding the economic value associated with the fishery, which is needed to evaluate the magnitude and distribution of impacts from changes in management regulations.

Catch, effort, and sales reports from lobster fisheries in the western Pacific are required. Pre-landing and pre-offloading notifications would facilitate enforcement of fishery regulations and sampling of the catch to obtain better information on the species and size composition of the landings.

The requirement to report lobster traps left at sea is intended to monitor the impacts of and, when possible, to ensure quick removal of gear that could adversely impact protected Hawaiian monk seals. Although there have been no reports of monk seals interacting with traps, there is still a potential for entanglement while seals are foraging for food.

Reports on protected species interactions (pelagics, crustaceans, bottomfish) are required to ensure that adequate information is collected on any direct impacts of the fishery on the protected species.

Experimental fishing permits (EFPs) are available to all western Pacific fisheries to potentially allow fishing using gear, techniques, or strategies that are otherwise prohibited under the respective fishery management plans. These permits may allow fishermen to experiment with new gear and techniques that might increase catch per unit effort and reduce the catch of incidental species. They also allow fishermen to engage in data collection activities during a closed season in support of NMFS fishery research and management programs or to achieve other desirable objectives. The FMPs require that there be reports of the results of fishing under the EFPs so that there will be a basis for determining whether to change the regulations to allow the new gear or techniques in the fishery. The reports are needed to establish whether the objectives of granting the EFP were achieved.

In rare situations, a longline or bottomfish vessel operator or owner may incur "lost fishing time"

due to observer injury or illness. If so, the operator or owner may file a claim for compensation based on information about average catches per day at sea the previous two years and current fish prices. While no such claims are expected, the estimate of burdens includes the estimated paperwork associated with one claim per year as a “worst case” scenario.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

On a broad level, the reporting requirements provide the information needed by NMFS to regulate and monitor the fisheries managed under the FMPs and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks or to address economic problems in the fishery. The information is also used to provide the basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Without the information, the WPFMC and NMFS would be unable to determine whether management is achieving the objectives of the FMPs and preventing overfishing, the principal requirement of the Magnuson-Stevens Act.

Information from mandated logbooks, sales reports, and, if necessary, packing/weigh-out slips, is used to determine specific changes in fishery patterns, such as seasonal shifts and areas which are more important than others to the stocks or to the fishermen. Information from the logbooks, as well as ancillary dealer records, is used by enforcement agents of NMFS, State, and USCG to monitor compliance with fishing regulations and reporting requirements. Information from pre-trip reports is used by NMFS to determine whether to place observers on selected vessels to obtain detailed information on fishing practices (including interactions with protected species) and the characteristics of the catch.

NMFS observer placement meetings ensure that there is common understanding of the roles and responsibilities of the vessel operator, crew, and observer during a trip. Information from pre-landing reports is used by NMFS to monitor compliance with the fishery regulations. Other users and uses of information under this collection include required documentation submitted by longline vessel operators or owners to receive compensation from NMFS for lost fishing time due to serious injury or illness of a NMFS observer and allowing NMFS to monitor for potential adverse impacts to protected species and the ecosystem.

Reports provided by fishermen as required under the experimental fishing program allow NMFS to use and disseminate the results of prohibited fishing activities which, when conducted under the NMFS-specified controlled conditions, can yield much needed information on the resources and fisheries.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all

applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical, or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554, as well as laws and policies controlling distribution of fisheries information.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

NMFS and the WPFMC are continuing to investigate information technology advances that would simplify the collection and reduce the burden. For example, reporting of catch and effort data electronically in association with vessel monitoring system (VMS) units is already being done on a limited basis. None of the collection elements that comprise this overall proposal is difficult or burdensome, and the specifications for electronic reporting are being refined to provide a strong basis for its adoption by all participants in fisheries managed by NMFS in the western Pacific. Logbook data are currently entered daily on forms provided by NMFS to prevent data quality problems from faulty recall. Pre-trip notifications are easily made by telephone, fax, or email, as are pre-landing/off-loading notifications.

4. Describe efforts to identify duplication.

NMFS carefully considered whether there were collections by other Federal agencies or state or territorial agencies that might meet the information needs presented above. It was concluded that no other collections, besides the requested collecting information, would meet these reporting requirements.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All of the vessels in the federally-managed fisheries in the western Pacific region are small business entities of similar sizes and are affected comparably. No special measures are needed to accommodate different sized businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Without this collection or if it is conducted less frequently, NMFS and the WPFMC will be unable to make management decisions effectively and in a timely manner. In turn, the long-term economic and biological health of the fisheries may be compromised.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

This collection is consistent with OMB guidelines, except that the frequency of the collections exceed the minimum quarterly reporting schedule and in most cases the collections require a

response time of less than 30 days. The reporting frequency and response time for fishery-dependent data vary with specific reporting requirements. Daily logbooks were deemed most appropriate for detailed catch and effort data needed to assess the status of the stocks and the impacts of the fishery on the stocks, as well as the impact of regulations on the fisheries. Telephone notifications before and after the trips for selected fisheries are required on a trip-by-trip basis to ensure the ability to place observers on a sound basis and to enhance compliance monitoring. EFP reports would be on an event basis. Transshipment reports would be required only for days when such activity occurs. Collecting data less frequently would diminish NMFS' and the WPFMC's ability to make timely management decisions.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Public comment has been solicited on this renewal collection to OMB Control No.: 0648-0214 in a *Federal Register* Notice published March 30, 2006 (71 FR 16121). No comments were received in regards to this collection.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Under Section 402(b) of the Magnuson-Stevens Act and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. This includes personal and propriety information contained in the logbooks.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

There are currently 220 respondents in the collection. The estimated total number of burden hours was revised to 2,436. The estimated number of responses per year is 45,330, for logbooks, protected species interaction reports, sales and transshipment reports, reports of gear left at sea, lost fishing time reports, observer placement meetings, area closure request forms, experimental fishing reports, and pre-trip and post-landing notifications.

Estimate of logbook and reporting burden minutes/hours

| | Number of Trips/Reports | Min. per Report | Burden hours/minutes |
|--|--------------------------------|------------------------|-----------------------------|
| Pelagic: | | | |
| WP daily longline logbook | 23,000 | 5 | 1,917 hours |
| Pre-trip notification | 22,000 | 1 | 367 hours |
| Observer placement meeting | 130 | 60 | 130 hours |
| WP longline transshipment log | 10 | 5 | 50 minutes |
| Dealer record | 0 | 5 | 0 |
| Protected species zone notification | 0 | 1 | 0 |
| Claim for reimbursement | 1 | 240 | 4 hours |
| WP-PRIA troll and handline log | 2 | 5 | 10 minutes |
| Bottomfish/Seamount Groundfish: | | | |
| WP daily bottomfish log | 75 | 5 | 6 hours |
| Pre-trip notification | 40 | 1 | 40 minutes |
| Pre-offloading notification | 40 | 1 | 40 minutes |
| Observer placement meeting | 8 | 60 | 8 hours |
| Precious Coral: | | | |
| WP precious coral harvest log | 5 | 5 | 25 minutes |
| WP precious coral sales log | 5 | 5 | 25 minutes |
| Crustacean: | | | |
| WP daily lobster catch report | 7 | 5 | 35 minutes |
| WP lobster sales report | 7 | 5 | 35 minutes |
| Dealer packing/weight slips | 0 | 3 | 0 |
| Pre-landing notification | 0 | 3 | 0 |
| Pre-offloading notification | 0 | 3 | 0 |
| At-sea catch report | 0 | 3 | 0 |
| Report of gear left at sea | 0 | 5 | 0 |
| Experimental Fishing Permits | 0 | 240 | 0 |
| Totals | 45,330 | | 2,436 hours |

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There is no “start up” capital cost for complying with this requirement. The annual total cost to respondents is estimated at \$1,048, which includes pre-trip notification telephone calls (\$675) and miscellaneous postage and telephone calls (\$373). VMS costs included in the last renewal submission were eliminated from the total annual cost to respondents because this equipment was purchased by NMFS and because ongoing VMS requirements are covered under OMB Control No.: 0648-0441 and 0648-0519, as stated earlier.

14. Provide estimates of annualized cost to the Federal government.

The estimated annual cost to the Federal government to administer this collection of information is \$2,820. This includes the cost for printing daily catch and effort log forms at \$1,680 per year, which is calculated by the cost of staff time for receiving and transmitting the report forms to appropriate NMFS personnel for analysis (84 hours x \$20/hr); and the cost to administer the pre-trip notifications at \$1,140 (76 hours x \$15/hr).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Adjustments were made both in hours and costs:

Due to some burden duplication with OMB Control No.: 0648-0441 and 0648-0519, 390 hours were subtracted from this collection. However, more detailed description of remaining burden by each information collection, response time required, and number of responses for each, 336 hours were added. Thus, there is a net decrease of 54 hours.

As stated in #13, VMS costs of \$3,352 included in the last submission were eliminated from the total annual cost to respondents because this equipment was purchased by NMFS, and the ongoing costs are covered in OMB Control No.: 0648-0441 and 0648-0519.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No formal scientific publications based on these collections are planned at this time. The data will be used for fisheries management and protected species reports, FMP amendments, and evaluations by NMFS and the WPFMC. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The expiration date will be shown on the report forms used under this collection.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.