

**SUPPORTING STATEMENT
SOUTHWEST REGION LOGBOOK FAMILY OF FORMS
OMB CONTROL NO.: 0648-0498**

A. JUSTIFICATION

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

The Magnuson-Stevens Fishery Conservation and Management Act (**Magnuson-Stevens Act**), amended in 2006, established regional fishery management councils, including the Pacific Fishery Management Council (Pacific Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG) with the cooperation of state agencies to the extent possible. The Pacific Council submitted for approval the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS), which was then partially approved by the Secretary of Commerce on February 4, 2004. On April 7, 2004, NMFS published a final rule to implement the approved portions of the FMP HMS (**69 FR 18444**). The FMP is intended to ensure conservation and promote the achievement of optimum yield of FMP HMS throughout their ranges, both within and beyond the U.S. EEZ, to the extent practicable. The NMFS establishes basic conservation and management measures applicable to U.S. vessels fishing for managed species. Among the conservation and management measures are permit and reporting requirements for commercial and charter fisheries for HMS as described in this proposal. The final rule became effective May 7, 2004, except for various record keeping and reporting elements (e.g., permits and logbooks). These elements became effective on February 10, 2005, upon notice in Federal Register of the approval by the Office of Management and Budget (OMB) of collection-of-information requirements for this action.

The following species are included as management unit species under the FMP HMS:

Billfish/Swordfish:

striped marlin (Tetrapturus audax)

swordfish (Xiphias gladius)

Sharks:

common thresher shark (Alopias vulpinus)

pelagic thresher shark (Alopias pelagicus)

bigeye thresher shark (Alopias superciliosus)

shortfin mako or bonito shark (Isurus oxyrinchus)

blue shark (Prionace glauca)

Tunas:

north Pacific albacore (Thunnus alalunga)

yellowfin tuna (Thunnus albacares)

bigeye tuna (Thunnus obesus)

skipjack tuna (Katsuwonus pelamis)
northern bluefin tuna (Thunnus orientalis)

Other:

dorado or dolphinfish (Coryphaena hippurus)

These species are highly migratory and are harvested in U.S. waters and on the high seas by U.S. fishermen and fishermen of other nations. In the U.S., the migratory patterns of many of the species potentially bring them in varying degree under the jurisdiction of three councils: the Pacific Fishery Management Council, the Western Pacific Fishery Management Council, and the North Pacific Fishery Management Council. The Western Pacific Council has implemented a Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP Pelagics) governing management of many of the same species in the EEZ of Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and other U.S. possessions in the western Pacific region. Jurisdiction in the western Pacific extends only to the various EEZs in the western Pacific and to those vessels that may fish on the high seas with permits issued under the authority of the FMP Pelagics. The Pacific Council's FMP HMS will complement the western FMP Pacific but will not establish duplicate requirements, even for vessels that sometimes fish in waters under both jurisdictions.

The regulations implementing the FMP HMS essentially require that operators of any commercial fishing vessels and recreational charter vessels engaged in fishing for HMS maintain and submit logbooks to NMFS or state authorities recording catch and effort for that fishing. These requirements are met for some vessels by reporting in accordance with existing laws and regulations. In several fisheries, vessel operators are already required under state law to maintain and submit logbooks to state agencies. The regulations will require that state reporting requirements be met in the manner and on the forms required by the states. Currently, the State logbook requirements for drift gillnet, harpoon and recreational charter vessels are used to satisfy Federal information needs under the FMP HMS. Thus, there is no Federal burden associated with the reporting requirements for these fisheries.

In addition, logbooks recording daily catch and effort statistics are required for fishing activity by vessels fishing on the high seas under the authority of the High Seas Fishing Compliance Act (HSFCA), including longline, high seas troll/baitboat, and high seas purse seine fishing. Those requirements would continue, although submitting forms provided by the Southwest Region can meet them, NMFS, for reporting under the FMP HMS. A Federal Pacific Albacore Logbook has been developed and distributed to FMP HMS troll and baitboat permit holders, including HSFCA eligible participants. The fleet is being instructed to use this logbook as the primary means for meeting the FMP HMS and HSFCA reporting requirements.

An electronic vessel monitoring system utilizing global positioning by satellite is required equipment on all longline vessels managed under the authority of the FMP. The system is being implemented as a way to monitor vessels to ensure that fishing occurs only in times and areas open to longline fishing, without the need for vessel operators to report positions or for the Coast Guard to commit substantial resources to verifying the effectiveness of the closed areas through sea patrols or aerial surveillance. The system will ensure the ability to track these very mobile and distant water fishing vessels as they shift across high seas fishing areas. Most of the longline

vessels now fish out of Hawaii due to the re-opening of the shallow-set longline fishery in April, 2004. Shallow-set longline fishing was prohibited west of 150 degrees west longitude under the FMP HMS regulations and east of 150 degrees west longitude under an Endangered Species Act regulation. The Hawaii-based vessels are authorized to land fish on the West Coast and provision to continue fishing under the Pelagics Limited Entry longline permit. These vessels must have Vessel Monitoring System (VMS) units on board. If any of these vessels call to the west coast, vessel operators would have to allow NMFS agents to verify the operational status of the units. The Pacific Council has instructed its HMS Management Team and Advisory Sub-panel to develop some alternatives in regards to re-establishing a West Coast-based shallow-set longline fishery. The use of VMS will be a part of the Council deliberation and decision making process.

NMFS also has included in the final rule a requirement for operators of longline fishing vessels notify NMFS prior to departing on a fishing trip so that NMFS can determine whether an observer should be placed on the vessel. The final rule (along with the previously mentioned rule published under the authority of the ESA) essentially prohibits longline fishing for swordfish because of concern for excessive takes of sea turtles. However, longline fishing for tuna and other species would be permitted. It is not known if targeting tuna would have comparable rates of take of sea turtles (or seabirds or other bycatch). NMFS needs to take advantage of the potential to place observers on all trips in which tuna would be targeted so that prospective impacts on sea turtles, seabirds, and other bycatch can be determined.

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.

The logbooks and VMS requirements meet two purposes. The first is basic monitoring of the fishery to obtain information needed by NMFS, the U.S. Coast Guard, and the Council to monitor the activities of the participating vessels and the performance of the fisheries. Knowing the number of vessels, the size of the vessels, and the type of gear employed enables effective monitoring of vessel activity for enforcement and assessment purposes. Logbooks provide critical information on catch and effort to support stock assessments and evaluation of the effects and effectiveness of the management program. VMS units provide confirmation of reported vessel fishing activity locations and can help in validation of logbook records accuracy.

The requirements would also generate information for evaluating the magnitude and distribution of impacts from any changes in regulations that might occur in the future. The information collected is basic data on catch and effort by species over time. When added to landings data and sales information, this provides a basis for evaluating the monetary and economic values of the fisheries over time and measuring the impacts of changes in regulations. This in turn can provide a basis for determining that changes in conservation and management measures may improve the economic performance of the fishery or for determining the potential adverse effects of more restrictive management measures. Without this information, the likelihood is great that management decisions will be inappropriate and possibly have unintended adverse consequences.

The requirement for longline vessels fishing from west coast ports to carry VMS enables enforcement personnel to determine whether or not vessels are fishing in closed areas. The FMP proposes to close the EEZ on the west coast to longline vessels but fishing may be conducted on the high seas. A longline fishery closed area under the Pelagics FMP is incorporated into the Pacific Council's FMP. VMS reports provide a basis for targeted air and surface patrols by the U.S. Coast Guard that result in more cost effective and efficient enforcement.

The requirement for longline vessel operators to contact NMFS prior to a trip departure enables NMFS to plan on placement of an observer when it is necessary and appropriate. It is not known if targeting tuna would have comparable rates of take of sea turtles (or seabirds, or other bycatch for that matter), so NMFS needs to maximize the potential to place observers on any trips in which tuna would be targeted.

The information collected is anticipated to support publicly disseminated information. 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 National Oceanic and Atmospheric Administration (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 meets all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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.

The Southwest Region (SWR) web site at <http://nmfs.swr.noaa.gov> will be used to inform the public about logbook and other management program requirements. A Small Entity Compliance Guide has been prepared and posted on the NMFS website to assist permit holders in understanding the requirements that must be met, including reporting requirements. Required Federal forms and instructions are available online along with an explanation of the process for returning them to NMFS. The SWR will also work with state agencies and the Pacific Council to use their web sites and license issuing offices to increase the distribution of information about logbook and other requirements. The SWR conducts annual FMP HMS Informational Port Meetings to instruct the public on the regulations and conservation measures outlined in the FMP HMS.

4. Describe efforts to identify duplication.

There are collections underway in the form of logbooks required by NMFS and the States of California, Oregon, and Washington that meet some of the needs of NMFS and the Pacific Council for carrying out the FMP. As noted above, these collections will be used in those cases to minimize duplication, and fishery participants will be required to file reports in the manner and form required by State laws and regulations. When new Federal collections are required, existing logbook formats that fishery participants are familiar with will be used to the extent practicable to minimize confusion and incorrect reporting. Through the Pacific Fishery

Information Network and other cooperative arrangements and the Pacific Council, NMFS already works closely with states to minimize collective burdens on the fisheries. This approach was adopted after consulting with the California Department of Fish and Game, the Oregon Department of Fish and Wildlife, and the Washington Department of Fish and Wildlife during the planning process.

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

All fishing operations involving vessels in the highly migratory fisheries, except the large scale tuna purse seine vessels, can be categorized as small businesses. However, the reporting burden for filling out a logbook is slight relative to the overall cost of fishing. The requirement of VMS equipment is the most costly provision. Fishermen may also connect other communications equipment to the VMS unit to improve their own ability to communicate. No special measures are needed to offset any disproportionate effect on small businesses.

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

An effective logbook system requires that the daily catch during each fishing trip be recorded. The data will not support assessments of the status of stocks if aggregated over time and area of fishing. Further, determinations of the economic status of the fishery are likely to be improved because daily records of catch and effort provide better information for determining fishing costs and cost differentials between days fishing and days searching. However, logbooks that have to be submitted to NMFS will not be due until 30 days following the end of each trip, regardless of the length of the trip.

Daily VMS reports (and more frequent if a vessel is near a closed area) are necessary to ensure adequate monitoring of vessel movements to determine compliance with time and area controls and to facilitate cost effective use of enforcement patrols. Less frequent reports would likely result in higher likelihood of non-compliance with low probability of detection of violations.

Reports made too far in advance of a vessel's departure are likely to result in changes in vessel plans as fishery conditions change rapidly; reports after a departure don't allow NMFS to make a decision to place an observer before the vessel leaves port. In both cases, there is likely to be a resulting loss of data collection opportunity, which could result ultimately in inappropriate management decisions because of poor data. This could adversely affect the fisheries.

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

This collection is not consistent with the guidelines on frequency of reporting with respect to VMS requirements. Only one copy of a logbook needs to be submitted. The regulations do not require that any records be retained past the point of submitting a copy of the logbook to NMFS, although fishers are expected to retain a copy for their own use. Reporting by VMS is automatic

and does not require individuals to make reports. Nevertheless, a reporting burden is noted, consistent with the calculation for the VMS system for the longline fishery in the western Pacific.

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.

A Federal Register notice for public comment was published on May 22, 2007. No comments were received.

NMFS has consulted with the fishing industry, the public, the California Department of Fish and Game, the Oregon Department of Fish and Wildlife, and the Washington Department of Fish and Wildlife. The fishing industry includes members of the Pacific Council's Highly Migratory Species Advisory Subpanel, a group made up of members of the fishing industry and public appointed to provide guidance during plan development. Meetings of the Advisory Subpanel and of the plan development team assigned by the Pacific Council to write the FMP were public. The consultations occurred during the planning process of developing the provisions of the FMP and the associated draft regulations, which was from June 1999 to November 2002, and during the implementation phase of the FMP HMS reporting and recordkeeping requirements which became effective March, 2005, to the present.

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

There are no payments or gifts to respondents.

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

Data submitted on logbook forms will be managed as confidential data, consistent with Section 402(b) of the Magnuson-Stevens Act, which stipulates that data required to be submitted under an FMP shall be confidential and shall not be released except to Federal employees and Council staff responsible for FMP monitoring and development or when required under court order. Data will also be handled consistent with the requirements of NOAA Administrative Order 216-100.

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 are asked of a sensitive nature.

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

As noted above, under other laws and regulations, a number of vessels engaged in fishing for HMS out of West Coast ports are required to maintain and submit logbooks of catch and effort data that will contribute to effective monitoring of the fisheries. Reporting under these requirements (including using forms now in use) satisfies the reporting requirements under the FMP HMS. These include:

Drift gillnet: Under the regulations of the states of California and Oregon, drift gillnet vessels are currently required to submit logbook records for all their fishing, and that requirement has continued with the implementation of the FMP. They are not required to report directly to NMFS under any Federal regulations. NMFS has data sharing and cooperative agreements with the States in question for acquisition of the necessary data for fisheries management purposes. Therefore there is no Federal burden under the regulations.

Purse seine: Logbooks are already required by Federal Regulations at 50 CFR 300.22 implementing the Tuna Conventions Act of 1950. The regulations implementing the FMP HMS require that logbook reports be submitted to the Southwest Regional Administrator and not to the Inter-American Tropical Tuna Commission (IATTC). However, no new burden is imposed as a result of the FMP HMS.

Harpoon: Harpoon vessels are required to maintain and submit logbooks under State of California law, and that requirement will continue when the FMP is implemented. Therefore, there is no Federal reporting burden.

Charter: Recreational charter vessels are required to submit logbooks for each trip under state laws, and those requirements will continue when the FMP is implemented. Therefore, there is no Federal reporting burden.

Troll/Baitboat Fleet

At the present time, troll and baitboat albacore fishing vessels are required to report on their fishing on the high seas under the HSFCA, but are not required to report on their fishing in the EEZ. Under the regulations to implement the FMP, troll and baitboat albacore fishing vessels will be required to maintain and submit logbooks for all fishing in the EEZ. The troll/baitboat fleet is estimated to consist of 736 vessels, all of which are expected to fish some of the time in the EEZ in an average year. The duration of a fishing trip varies, but for fishing in the EEZ, the majority of vessels take several trips per year lasting only 1-3 days, and the vessels fish fairly close to port. A smaller number of larger vessels (especially high seas vessels) take longer trips (30-60 days) following the fish on their migration along the coast. For purposes of estimating the burden of this collection, it is estimated that the average fishing trip is 11 days. At 5 minutes per page, it takes just under one hour to complete a logbook for the average trip. Assuming that all 736 vessels must report their local fishing, and an average of 3 trips per year, the following annual reporting burden is estimated:

736 vessels x 3 trips per year = **2,208 responses.**
2,208 responses x 1 hour per trip = **2,208 hours.**

Vessel Monitoring System

Longline vessels fishing under longline-limited entry permits under the FMP Pelagics must have VMS, which has been installed at the expense of NMFS. Many if not most of the 20 longline vessels fishing from West Coast ports already have VMS because they originated in Hawaii, where VMS units were required for vessels with western Pacific longline limited entry permits. However, there may be as many as 5 vessels that do not have VMS because they were not Hawaii vessels or they had the VMS units removed or disconnected when they shifted operations to the west coast. At the least, some of these vessels will have to be boarded to have their VMS units inspected and reactivated, possibly with some servicing required. While NMFS will pay for the units and installation, vessel owners whose vessels are not equipped will have to contact NMFS to arrange for installation and initiation of the VMS unit. Also, NMFS will have to check and maintain all 20 units annually.

VMS reporting varies by the type of activity in which the vessel is engaged. When in port, a single, daily position report is made with a burden of 24 seconds per report. When at sea, a daily position report (24 seconds per report) is made once per hour, or 24 reports per day. It is estimated that the 20 longline vessels in the fishery will make an average of 6 trips each year, with an average of 15 days at sea for each trip. Thus, the average vessel will report as follows:

$$\begin{aligned} 90 \text{ days at sea} \times 24 \text{ reports/day} &= 2,160 \text{ responses} \times 24 \text{ sec/report} = 14.40 \text{ hours} \\ \underline{275 \text{ days in port} \times 1 \text{ report/day}} &= \underline{275 \text{ responses} \times 24 \text{ sec/report}} = \underline{1.83 \text{ hours}} \\ \text{Total per vessel per year: } &2,435 \text{ responses} \times 24/\text{sec/report} = 16.23 \text{ hours} \end{aligned}$$

The total VMS responses for the fleet: $20 \times 2,435 = \mathbf{48,700}$.

The total VMS response burden hours: $20 \times 16.23 \text{ hours} = \mathbf{324.6 \text{ hours}}$.

VMS installation will be required for the estimated 5 vessels that do not now have VMS units on board. It is estimated that 4hrs/vessel (including time to contact NMFS and make vessel available for installation of VMS unit) will be required for each installation, for a total burden of 20 hours. This is a one-time cost and, for purposes of deriving an annual burden, this is annualized on the same time frame as the permits, or five years; thus the annualized responses would be 0.2 per vessel or a total of 1 response, and the burden is **4 hours**.

VMS maintenance will be required annually for all 20 vessels at an estimated burden of 2 hours per vessel (including time to contact NMFS and make VMS unit on vessel available for inspection annually), or a total of 20 responses and **40 hours**.

Based on these figures, the estimated total burden associated with the VMS requirement is (including the time to contact NMFS and arrange for installation) is 368.6 hours.

Pre-trip Reports

It is estimated that no more than 5 vessels will engage in fishing for tuna with longline gear in any year, and the average vessel will make no more than 5 trips. The average pre-trip report will take 5 minutes or less x 5 vessels x 5 trips = 25 reports = 125 minutes (**2 hours**) for this collection.

Total

The total new information collection burden is:

Type of response	Total responses	Total hours per response
Logbooks	2,208	2,208
VMS	48,721	368.6
Pre-trip reports	25	2
Totals	50,954	2,578.6 (2,579)

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).

A. Mailing Costs

An average trip of 11 days will generate 11 daily logsheets, and assuming that 5-6 logsheets weigh one ounce, then each trip will generate a mailing cost of \$0.64 (\$.41 first ounce + \$.23 each additional ounce). It is estimated that 736 vessels will make 3 trips per, generating a mailing cost per vessel of \$0.64 per trip. Thus, the total estimated mailing cost is 736 vessels x 3 trips per year x \$0.64 per trip = \$1,413.12 per year.

B. VMS

There are no monetary costs to respondents with regard to VMS.

C. Pre-trip Reports

The estimated notification cost is \$1.00 per phone call, or \$25.00 per year (assuming \$1 per call using toll calls to Long Beach from the Port of Los Angeles).

Total costs: \$1,413.12 + \$25.00 = \$1,438.12.

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

Maintain logbook data base system: 10hr./month x \$36.36/hr. x 12 months = \$4,363.20

Maintain VMS monitoring station: 1hr./day x 365 days x \$36.36/hr. = \$13,271.40

Pre-trip notices: No cost

Total: \$17,634.60.

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

The number of Troll/Baitboat vessels has decreased from 886 to 736 vessels, reducing responses and hours by 454, and cost by \$290. In addition, 10 longline vessels previously were estimated not to have VMS, and to need installation, while currently, only 5 are estimated to need installation, thus subtracting 1 response and 4 hours (annualized). These are the actual decreases from the status at the time of the 2004 renewal.

The currently approved responses, while correctly reflected in the 2004 renewal, were not added correctly, and should have been 51,409, not 5,096. Hours were not added correctly, and should have been 3,037, not 3,034.

In summary, a reduction in responses resulted in a decrease of 458 hours, and a correction of a calculation added three hours, resulting in a net decrease of 455 hours.

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

There are no plans at this time for publications based on the collections.

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 dates for the collection would be displayed.

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

There are no exceptions to the certification statement in Item 19 of OMB 83-I, Paperwork Reduction Act Submission form.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.