

**SUPPORTING STATEMENT
HIGHLY MIGRATORY SPECIES VESSEL LOGBOOKS
AND COST-EARNINGS DATA REPORTS
OMB CONTROL NO. 0648-0371**

INTRODUCTION

This statement is submitted in support of a renewal of an information collection subject to the Paperwork Reduction Act that has been previously approved by Office of Management and Budget (OMB). This renewal would continue the successful Highly Migratory Species (HMS) Vessel Logbook program. Adjustments in this renewal would: 1) decrease the overall number of respondents based on recent information, 2) decrease the number of Atlantic Tunas, shark, swordfish and HMS Charter/Headboat permit holders based on recent information, 3) increase the number of Dolphin/Wahoo commercial and Charter/Headboat permit holders, and 4) decrease the burden estimate associated with the cost-earnings and logbook forms. The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone is the Magnuson-Stevens Fishery Conservation and Management Act (**Magnuson-Stevens Act**) and the **Atlantic Tunas Convention Act** (ATCA). Under this dual authority, the Secretary of Commerce has promulgated rules that require specific types of record keeping and data submissions.

A. JUSTIFICATION

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

Logbook forms

The National Marine Fisheries Service (NMFS) proposes to renew the information collection requirements of the Atlantic HMS Vessel Logbook program. This program is necessary to allow NMFS to manage Atlantic HMS consistent with legal mandates in the Magnuson-Stevens Act, ATCA, National Environmental Policy Act (NEPA), and others. Without the information collected through this mandatory logbook program, NMFS will not have the information needed to conduct stock assessment, monitor quotas, or prevent overfishing. Based on recent information regarding the number of permit holders, NMFS is decreasing the estimated number of respondents for the charter/headboat (from 4,167 to 3,941), Atlantic tuna fisheries (24,575 to 24,500), shark fisheries (610 to 527), and swordfish fishery (400 to 340), and increasing the number of respondents for dolphin/wahoo commercial and charter/headboat fisheries (from 106 to 193). This information collection would require vessel logbooks for 10 percent of all Atlantic Tunas (General, Harpoon, and Purse Seine Categories) and HMS Angling permit holders and 100 percent for all shark, swordfish, HMS charter/headboat, and dolphin/wahoo commercial and charter/headboat permit holders.

In 1999, NMFS issued a Fishery Management Plan for Atlantic swordfish, sharks and tunas (HMS FMP), an amendment to the FMP for Atlantic Billfish (Billfish FMP Amendment), and re-issued HMS regulations in a consolidated form at **50 CFR part 635**. In implementing the HMS FMP and the Billfish FMP Amendment, NMFS undertook a comprehensive approach to data collection for all HMS fisheries and made logbook programs existing at that time mandatory for

all HMS permit holders if selected. While this was already true for shark and swordfish vessels and tuna vessels that took swordfish and sharks, it was not true for tuna vessels that used gear types other than longline (e.g., rod and reel, harpoon, purse seine) or for charter/headboats. To improve data collection on fishing effort and catch in the tuna fisheries, NMFS selected ten percent of all permitted tuna vessels for the logbook reporting program including a portion from all gear categories. Additionally, all charter/headboat vessels fishing for HMS were selected for the logbook program. The HMS FMP and Billfish FMP were consolidated in 2006 which also maintained these data collection requirements. NMFS proposes to maintain these selection rates and has provided new estimates of burden hours based on new information regarding the number of permit holders. However, any selected tuna vessels or HMS charter/headboats already reporting through the Northeast Regional Office Multispecies logbook (OMB Control No.: 0648-0212) or other Southeast Regional Office logbooks (OMB Control No. 0648-0016) could continue to use those logbooks to meet the HMS requirement.

Under 50 CFR part 635.5, selected vessel operators are required to complete logbook forms within 24 hours of a set and submit the forms no later than the seventh day after the sale of the off-loaded catch from a trip. Selected vessels include all shark, swordfish, charter/headboats, dolphin/wahoo, and approximately 10 percent of all tuna vessels. The forms submitted consist of a fishing report (catch, discards, effort and fishing area data), or a no-fishing report if no fishing took place during the monthly reporting period. The 24 hour requirement results in more timely and accurate reporting of catch and bycatch in HMS fisheries. It also facilitates enforcement of catch restrictions both at sea and at the dock.

The U.S. fishery sectors that fish directly/indirectly for Atlantic tuna, shark, swordfish, and billfish that are impacted by the Consolidated HMS FMP record keeping requirements are as follows:

- For-hire Charterboats
- For-hire Headboats
- Longline Vessels
- Private/Recreational Angling Vessels
- Commercial Handgear Vessels
- Purse Seine Vessels
- Harpoon Vessels
- Gillnet Vessels
- Vessels using other gear

The HMS logbook is also used to report catches of dolphin and wahoo by commercial and charter/headboat fisheries.

The logbook package is distributed to all selected vessels and includes an instruction sheet, no-fishing reports, trip summary forms and costs-earnings forms (combined, see below), annual expenditure form, and pre-addressed postage-paid envelopes. Copies of tally sheets from dealers are required for all trips from which fish are sold. The logbook collects the following information: name and address of owner; vessel name and permit number; fishing location; gear; measures of effort; and number and disposition of catch (discarded-dead, alive, tagged, or kept) for each HMS caught. Information on the number and size is used to assess total and average weight of the target species being harvested. The effort expended allows estimation of Catch Per

Unit Effort (CPUE), a crucial component of scientific stock assessments. Additionally, information on discards is needed to account for total mortality and to evaluate bycatch reduction efforts required under the Magnuson-Stevens Act.

There are several forms used to report catch and effort data. A set form is provided for the fishermen to record (and submit) the catch and effort information for daily trips or, as applicable, for sets (deployment and retrieval of gear as for nets, longlines). To provide the information on the entire trip, fishermen are provided a trip summary form (combined with cost-earnings form). This form eliminates the need to record certain information that is redundant for every set or day of the fishing trip, e.g., the start and ending dates for the trip, the unloading site, etc. Cost-earnings data will be collected from a random selection of approximately 20 percent of the shark, swordfish, and charter/headboat fleet and 10 percent of the Atlantic Tunas and HMS Angling permit holders.

The HMS reporting regulations also require fishermen to include a copy of the unloading weigh-out receipt (i.e., tally sheet) for each trip where fish are sold. This receipt is provided by the seafood dealer as a normal business practice and does not constitute any additional reporting burden. However, because each species is weighed individually and the individual weights are listed on the tally sheet, these data provide the size frequency data that are a fundamental part of a stock assessment for these species. If the tally sheets were not provided, NMFS would have to use a very costly on-site sampling program to collect the same size frequency data.

This logbook program supplements data that are collected in the NMFS Marine Recreational Fisheries Statistics Survey (MRFSS), the For-Hire Survey (FHS), the Large Pelagic Survey (LPS), the Automated Landings Reporting System (ALRS), and the commercial landing cards for Atlantic bluefin tuna. Each of these information collections is discussed in detail below in relation to each of the applicable fisheries.

For-Hire Charterboats (All HMS)

The MRFSS is a survey designed to provide regional and state-wide estimates of recreational catch for the entire spectrum of marine fish species in the Atlantic. It was not designed to account for the unique characteristics of HMS recreational fisheries, although information on these species is frequently obtained by the survey. The MRFSS combines dockside intercept surveys with a random-dial telephone survey, restricted to coastal counties from Maine through Louisiana. The MRFSS does not cover the State of Texas nor does it cover the headboat fisheries from Virginia through Louisiana. Therefore, complete data about the headboat sector of the fishery are not collected under the MRFSS.

The ALRS collects data on total landings of recreationally-caught bluefin tuna (i.e., not sold). In 1997, NMFS instituted a mandatory catch reporting system to supplement monitoring of the recreational fishery for bluefin tuna. Although this call-in requirement is an integral part of the recreational monitoring system, it has not replaced traditional survey methods for data collection in the recreational fishery.

Important distinctions between the MRFSS, FHS, LPS, and Automated Catch Reporting System (ACRS) data collection activities and the charterboat logbook program are that the data are collected from different people for each individual program, and the data are collected over

different time frames. Dock samplers, under contract to NMFS for the MRFSS, intercept anglers as they have completed their charterboat fishing trips, and collect catch information from those anglers. Dock samplers also under contract to NMFS for the FHS; intercept vessel captains or the crew of charter vessels for the total catch data. Conversely, the LPS samplers only interview vessel captains or the crew of vessels with HMS charter headboat (CHB) permits for the total catch data. The ACRS collects only recreational bluefin tuna landing data, not incorporating catch, effort, or other HMS data.

In many fisheries, CPUE measures provide an important indication of stock size. Because charter vessels participate extensively in HMS fisheries, it is critical that effort and CPUE data be provided in order for a comprehensive stock assessment to be prepared. It should also be noted that CPUE data for this sector of the fishery has provided time series data to calculate an index of abundance for several HMS, and has been an integral part of the annual stock assessments for these species. Due to concern about respondent burden, the aforementioned survey techniques do not collect all data elements that might help to standardize effort and CPUE indices, yet they are the sole source of information at this time. Logbooks provide a more comprehensive data set.

The charter logbook collects information similar to that currently collected from the billfish tournament reporting form and the pelagic logbook used for commercial gear. All collected information is kept confidential. Vessels are required to complete the HMS logbook if their vessel is selected and they are notified in writing; NMFS selects all HMS longline and charter/headboat permitted vessels and 10 percent of Atlantic Tuna and HMS Angling permitted vessels. NMFS is evaluating the use of logbook data from charterboats, rather than survey data, for use in stock assessments.

For-Hire Headboats (All HMS)

Headboat fishing is considered recreational fishing, and like the charterboat sector, the logbook program collects effort and CPUE data from this small and specialized sector of the recreational fishing industry. However, an HMS Charter/Headboat permit is considered a commercial permit for the purposes of Atlantic tunas because the owner/operator is allowed to sell any tuna caught, subject to catch regulations. In the southeast, unlike the charterboat sector, sampling from headboat trips are not included in the MRFSS, however, it is included in ACRS. Total catch and effort for all HMS headboat fishing activities are collected from the headboat logbook program. The need for good quality, representative CPUE and species composition data from this sector of the recreational fishery is the primary reason that this logbook program was implemented. The headboat logbook collects information similar to that of the charter logbooks which are described above.

Longline Vessels (Tuna, shark, swordfish)

The objective of the logbook program for this fishery is to provide detailed, comprehensive data on catches, discards, effort and fishing location from fishermen that catch HMS, either as the primary (i.e., target) species or as secondary or incidental catch. The data collected is an integral part of the annual stock assessment for species. Because the variability in the amount of catches between longline sets is significant, scientists need the data recorded for individual sets. This

includes vessels in the shark and swordfish fisheries along with the Atlantic tunas incidental fishery. All permit holders are selected; NMFS provides all materials necessary for reporting.

Private/Recreational Vessels (Tuna only)

NMFS currently conducts statistical surveys of portions of the recreational fisheries. The primary survey vehicles of the recreational sector conducted by NMFS are the MRFSS and LPS. In addition, census data on landings of bluefin tuna are obtained through the ACRS (see charter vessel discussion). The MRFSS is designed to provide estimates of recreational catch for the entire spectrum of marine fish species in the Atlantic ranging from Maine through Louisiana. It was not designed to account for the unique characteristics of HMS recreational fisheries, although information on these species is frequently obtained by the survey. The LPS was originally designed to estimate the annual recreational catches of bluefin tuna from Virginia through New England, and the LPS collects catch information on other HMS at certain times and in certain areas. The purpose of the logbook is to provide detailed, comprehensive data on catches, landings, discards, effort and fishing location from fishermen that target HMS. Ten percent of current recreational tuna permit holders will be chosen at random to complete the logbook for one season. Selection will be stratified by geographic area and permit type (Atlantic HMS Angling and Atlantic Tunas or General Category). Those chosen will be notified by NMFS prior to the season opening. NMFS also provides all materials necessary for reporting. The logbook supplements and enhances these surveys to provide more detail than currently collected through the surveys.

The objective of the logbook program for this fishery is to provide detailed, comprehensive data on catches, effort and fishing location from fishermen that catch HMS as the primary (i.e., target) species. (Note, harpoon and hook and line fishermen complete one logbook report per trip, which is usually a day in duration). All permit holders are selected; NMFS provides all materials necessary for reporting.

Purse Seine Vessels (Tuna only)

The objective of the logbook program for the purse seine fishery is to provide detailed, comprehensive data on catches, discards, effort and fishing location from fishermen that catch HMS as a target species. This data will supplement and enhance the data currently collected through dealer landing reports. The ACRS, LPS, MRFSS, and FHS do not apply to purse seine vessels.

Harpoon Vessels (Tuna, shark, and swordfish)

This program enables NMFS to more accurately monitor the Harpoon fishery by collecting information pertaining to the species targeted and effort expended which may allow an estimation of CPUE. Information from Harpoon category vessels are not currently used for CPUE, particularly due to the lack of data on several important factors that affect fishing success. Detailed logbook information enhances NMFS' ability to create a CPUE index by enabling standardization of effort. The LPS, MRFSS, and FHS do not apply to harpoon vessels.

Gillnet Vessels (Shark)

The objective of the logbook program for this fishery is to provide detailed, comprehensive data on catches, discards, effort and fishing location from fishermen that catch shark, as the primary (i.e., target) species. The data collected is an integral part of the annual stock assessment for HMS because the variability in the amount of catches between drift gillnet sets is significant, and scientists need the data recorded for individual sets. This collection affects vessels in the directed shark fishery. The LPS, MRFSS, and FHS do not apply to shark gillnet vessels.

Indications from several stock assessments are that many shark species are being overfished. CPUE and good data on total effort will greatly assist NMFS to further manage these stocks. Logbook data also provide better data on the catches of individual species of sharks. Prior to the implementation of the logbook program, landings (purchases) data that were reported by seafood dealers were the only data available on the quantity of sharks that were being harvested. Landings data are usually reported by generic categories, i.e., sharks, and not by individual species. Thus, logbooks are providing better data on species composition.

Dolphin/Wahoo Commercial and Charter/Headboat

Prior to 2004, there was no Federal permit and, therefore, no reporting requirements for dolphin and wahoo. Logbooks are a source of comprehensive and accurate data necessary for estimating fishing mortality. Without sufficient data, it was difficult to determine the stock status of dolphin and wahoo. Some data was available because some vessels reported dolphin and wahoo if the vessel held another Federal permit, such as the South Atlantic snapper-grouper, king mackerel, or swordfish permits. Some commercial fishermen that specifically targeted dolphin and wahoo did not have any Federal permits and were not reporting catches of dolphin and wahoo. These “directed” fishermen probably have a higher CPUE than fishermen that catch dolphin and wahoo incidentally with other species, which made it important to collect the CPUE data from the fishermen catching, but not reporting, their fishing activity for dolphin and wahoo.

Once the dolphin/wahoo Federal permit was in place, all vessels targeting dolphin/wahoo were required to submit a logbook. Dolphin/wahoo permit holders that do not hold any other type of Federal permit are required to report their catch in the HMS logbook. The HMS logbook was selected to minimize the number of Federal logbooks and dolphin and wahoo were already listed in the HMS logbook. Those vessels already reporting in another Federal logbook do not have any additional reporting burden as long as the dolphin and wahoo catches were recorded in the other Federal logbook.

Cost-earnings form

NMFS proposes to continue the information collection requirements of the HMS Vessel Logbook such that the economic portion of the Trip Summary Form would be mandatory for selected vessels. NMFS will collect the cost-earnings data from a random selection of approximately 20 percent of the shark, swordfish, and charter/headboat fleet and 10 percent of the Atlantic Tuna and HMS Angling permit holders who were selected to report in the catch report forms. If selected, owners and operators of vessels with Federal permits for highly migratory species (tunas, swordfish, and sharks) must maintain and submit a trip expense and earnings report within 30 days of completing the fishing trip. The information on the cost-

earnings form includes the price and amount of fuel, bait, lightsticks, ice, and groceries used per trip, the total cost of the trip, the number of crew, the shares the owner, captain, and crew obtained from the trip, and for charter/headboats only, the number of passengers, the total fare receipts, and total costs for consumer goods and concession goods. NMFS also proposes to continue collecting economic data through an Annual Expenditures Form, which would be mandatory for selected vessels.

Mandatory submission of the economic data is needed to accurately assess the economic impacts of proposed fishery management regulations on fishermen and their communities as required by NEPA, Executive Order (E.O.) 12866, the Regulatory Flexibility Act (RFA), and National Standards 7 and 8 of the Magnuson-Stevens Fishery Conservation and Management Act. When the cost-earnings summary was initiated in 1996, there was a relatively high voluntary response rate (approximately 24 percent of all trips). However, in one year, the overall response rate fell to approximately 11 percent. In 1999, the overall response rate was approximately 10 percent. Additionally, analysis of the data revealed that self-selection resulted in an uneven data collection, with little to no information existing for some areas and a lot of information for other areas. In sum, a voluntary program resulted in a data collection that could not be used to represent all segments of the fleet.

Mandatory collection of trip-specific cost-earnings data was implemented in 2002 on a trip level and annual level. Overall, trip level economic data improves estimates of profitability and cash-flow; necessary elements for the regulatory impact analyses required by RFA and E.O. 12866. In addition, it improves estimates of the net benefits associated with different fishing areas, which is crucial for assessing effects of area and seasonal closures on fishermen. This economic information allows NMFS to better achieve resource conservation goals while mitigating economic impact on the fishermen, the vessel services sector, and dependent communities.

Additional impetus for mandatory economic data collection has resulted from the Small Business Regulatory Enforcement and Fairness Act of 1996, which amended the RFA to make compliance with the analytical requirements subject to judicial review, and the subsequent revision of NMFS' guidelines for economic analysis of fishery management actions, which focuses on the profitability of firms over both the short- and long-term. Analyses that can fully withstand legal challenges can only be performed with representative firm level economic data.

For some data, it is not necessary to collect information on a per-trip basis. Thus, the Annual Expenditures Form includes information such as the cost of repairs and maintenance, all fishing supplies, insurance, purchase of capital, boat dockage, loan payments, and business taxes. This form must be completed by fishermen who were selected for the cost-earnings reports. Fishermen will be required to submit the annual form by April 15 of the following calendar year so that they can use their accounting records as organized during the preparation of their income tax returns.

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 information requested on logbooks will be used by various offices of NMFS, Regional Fishery Management Council staff, the United States (U.S.) Coast Guard, and state fishery agencies under contract to NMFS to develop, implement, and monitor fishery management strategies. Analyses and summarizations of logbook and cost-earnings data are used by NMFS, the Regional Councils, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff and the public, to answer questions about the nature of our fisheries resources. Information on endangered species or marine mammals and their incidental take is required from those fisheries where such interactions are likely to occur. These data will help NMFS meet its requirements under the Marine Mammal Protection Act and the Endangered Species Act. If reports of such occurrences are common, NMFS can proceed to minimize the harvest of such species through the promulgation of regulations.

The data will serve as input for a variety of analyses, such as: biological opinions and stock assessments; E.O. 12866 regulatory impact analyses; quota and allocation selections and monitoring; economic profitability profiles; trade and import tariff decisions; and identification of ecological interactions among species.

The logbook evolved as a means of collecting data from specific user groups within fisheries that are managed under Federally implemented FMPs. For HMS, the Southeast Fisheries Science Center (SEFSC) has the responsibility for both preparation of stock assessments (estimation of maximum sustainable yield and/or other indexes of biomass) and collection of the scientific data that are required to perform the assessments. A secondary data collection responsibility is to provide information for HMS that is necessary to routinely monitor and evaluate the conditions in the fisheries under Federal management.

Similar data elements are required for most of the logbooks, although a few variables may be specific to one fishery or type of management technique controlling harvest.

a) Information such as name, signature, and address of operator and owner is used to identify the respondent and the legal entity controlling the fishing practices of the vessel. This latter requirement is essential in monitoring the compliance of the reporting requirement, where revocation of the operator's permit or fines is involved. Because many vessels are owned by corporations, identification of owner and operator on the logbook form allows NMFS to sanction the company as well as the individual vessel operator as necessary or required by the regulations. Information on the permit is obviously essential to monitoring reporting compliance.

b) Data on date of departure, date returned, days fished, duration of tows or sets, units of gear and mesh size used are all designed to quantify actual fishing effort. Fishing effort is needed to standardize differences in productivity among vessels or fishing grounds by establishing a rate catch per unit time. These data allow comparisons over time, area and gear type of catches made by a variety of harvesters. Comparisons of catch and CPUE over time are significant indicators of the biological status of the fisheries. Declining CPUE, especially if data on fishing effort are sufficiently detailed to adjust for changes in effort, can provide critical information on the status

of the stock, i.e., that the level of harvest is beyond the level that is sustainable by growth and reproduction of the stock.

c) Area fished loran bearing, depth of fishing, latitude and longitude are variables that are used to establish fishing locations. This information is related to other oceanographic and biological information to predict species availability and likely future abundance. For example, location of capture can be correlated to sea surface temperature measured by satellite to predict possible migration patterns. In addition, area or zone fished is used to cross reference locations where fishing is not permissible (such as closed areas).

d) Species information such as landings, discards, and sizes of fish is the basic measure of fishing success from which fishermen, biologists, and economists infer conclusions about the status of the fishery. Landings information is also needed because controlling the quantity of fish harvested is often the means for ensuring that harvests can be replenished over time.

e) Name of buyer, dealer number, and port of landing are data used to cross reference the quantity of fish caught with the quantity that is handled (processed) by the market. The important cross reference is between the total amount of catch, and the respective sizes of individual fish. It would be impossible for fishermen to measure individual fish as they are being caught and stored on board the vessels. However, many species of fish, especially the large pelagics, are individually weighed by the dealers and these weights are recorded as part of the sales transactions. By knowing the dealer that purchased the fish, cross references can be made between data submitted by the dealers and the data from the logbooks. Combining the data in this manner provides greater precision on the CPUE estimates and more information on the sizes of catches by location and time.

f) Cost-earnings information has been and will continue to be used by various NMFS' economists, Regional Fishery Management Council staff, and state fishery agencies under contract to NMFS to develop, implement, and monitor fishery management strategies. These data will be used to assess community impacts, conduct cost-benefit analyses, and, in particular, develop regulatory impact analyses of proposed regulations as required by the RFA and suggested in NMFS' guidelines for economic analyses. Note that under the RFA definition, all fishing operations in HMS fisheries are defined as small entities.

The data elements collected on the cost-earnings trip summary form include variable trip costs (fuel, bait, ice, light sticks, groceries, etc.), total shared costs and total costs. The specific form and instructions to be used are included in this submission.

The data elements collected on the Annual Expenditures Form include fishing gear, repair and maintenance expenses, insurance, dockage, etc. The specific form and instructions to be used are included in this submission.

Although the information collected is not expected to be disseminated directly to the public, it may be used in the development or review of fishery management plans, and is therefore subject to National Oceanic and Atmospheric Administration (NOAA)'s Information Quality Guidelines. 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. 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.

No improved information technology has been identified as a practical means for reducing the burden on the public. In the future, NMFS hopes to evaluate the use of electronic logbooks linked to vessel monitoring systems (VMS). Since the cost-earnings forms are a relatively small part of a larger data submission, there will be no change/improvement in the reporting process at this time.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP and regulatory amendment to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP or regulatory amendment. Each Regional Fishery Management Council membership is comprised of state and Federal officials responsible for resource management in their area. These evaluations enable NMFS to identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed information collection requirements. Therefore, NMFS is aware of all similar collections.

Detailed information on CPUE, effort and species composition by gear and area may be available from other sources. Some states have logbook programs to collect similar information as required in the Federal HMS logbook. Anyone filling out state logbooks with similar data fields would not be required to complete and submit a Federal logbook under this collection. The state logbook would suffice in lieu of the Federal, although a copy of the state logbook would need to be submitted to NMFS.

Likewise, selected respondents who indicate that they are participating in other Federal logbook programs under other FMPs, would be exempt from the requirements of this collection, provided copies of the other logbook are submitted on a timely basis. The number of dolphin/wahoo permits in Table 1 are vessels that do not hold a Federal permit for another Federal fishery; therefore these permit holders are not reporting in any other Federal logbook.

Some owners of tuna vessels selected for logbook coverage may participate in the bluefin tuna fishery. Bluefin tuna landings must be reported through the automated catch reporting system approved under OMB Control No. 0648-0328, thus there would be some duplication. However, the ACRS report is limited to harvest of bluefin tuna while the logbook would collect information on fishing effort and catch of all species. Therefore, the level of duplication would be extremely small and is warranted due to the need to collect real-time harvest information for bluefin tuna.

Trip expense data is not being collected by another state or Federal office for any gear group included in the HMS fishery. To the extent that vessels with HMS permits are reporting via other Federal fisheries logbooks (e.g., NE MultispeciesControl No. 0648-0212) and cost-earnings information is collected, vessel operators will be relieved of the duplicative requirements.

The Atlantic Coastal Cooperative Statistics Program (ACCSP) is conducting a pilot program that will collect economic information from randomly selected commercial fishermen who have volunteered to be part of the study. This pilot study will collect fixed and variable cost information for fishing businesses. More information about the ACCSP can be found at <http://www.accsp.org>. This program currently does not focus on HMS fishermen, does not collect information on a per trip basis, and is done voluntarily. As described above, voluntarily given information is not adequate to conduct the analyses required under NEPA, E.O. 12866, or RFA.

Individuals with an authorized exempted fishing permit are required to submit an interim and annual report for catches made while conducting the exempted activities. These catches must also be reported in the permit holder's logbook. This duplication in effort is necessary to monitor the exempted activities and to ensure compliance with the exempted activities. The catches made while engaged in the exempted fishing activity must also be recorded in the logbook to accurately monitor the level of harvest for quota managed species.

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

All of the applicants are considered small businesses; separate requirements based on size of business will not be developed. Individuals participating in other Federal fisheries with similar logbook requirements are not required to submit two logbooks. Likewise, state logbooks with similar data fields would not be required to complete and submit a Federal logbook under this collection. National Marine Fisheries Service annually provides the permit holders with the HMS logbook at no additional cost. The burden to the permit holder is minimized by providing postage- paid envelopes. The logbooks and cost earning forms are bound with carbon copies, so there are no photocopying costs associated with the record keeping requirements. The carbon copies allow the permit holder to keep a copy for their own financial records. Additionally, the individuals required to submit the cost-earning report are randomly selected, therefore the same individuals may not need to submit the detailed cost-earnings information each year.

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

The consequence of not having information on level of effort, gear type used, number and species of fish kept, number and species of fish discarded is to increase the uncertainty involved in managing HMS fisheries and the inability to comply with domestic and international obligations.

The consequence of not having a core set of economic data at the trip level is to increase the uncertainty associated with how fishermen will respond behaviorally to changes in regulations, fishing conditions, and/or market conditions. Moreover, without this information, it is impossible to assess the economic impacts from a proposed regulation or to select the policy

alternative that achieves a management goal at the lowest possible cost to the fisherman. To accurately capture fisherman behavior and assess economic impacts, it is necessary to have economic information at the trip level since fishing operations, choice of fishing grounds, gear modifications, and targeting and marketing strategies change over the course of the season due to changes in species abundance across fishing sites and market demand across seasons and regions. This is especially true for the HMS fisheries in which individual vessel activity may range throughout the Gulf of Mexico, Caribbean Sea, and off the Atlantic coast of Southeast, Mid-Atlantic, and New England states.

Another consequence of not having representative trip-level economic data could be judicial remand of conservation regulations challenged on grounds of inadequate analysis of economic impact to individual firms.

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

The reporting regulations require selected vessels to complete logbooks within 24 hours of making a set (or a trip for single day trips) and to submit all forms, except the cost-earnings form, no later than the seventh day after the sale of the catch off-loaded from a trip. It is critical that these data be timely. For fisheries that are significantly overfished and therefore subject to catch quotas, it is important to monitor fishing mortality. Also, the re-issuance of permits is predicated on compliance with the reporting requirements, and timely data are needed to determine whether fishermen are complying on a regular basis. Quality control of the logbook data is improved when the review and verification process is as close as possible to the actual time that fishing occurred.

The frequency of collection requirements for the cost-earnings form are the same under mandatory submission of the form as is under the voluntary submission. It is necessary to collect this information more often than quarterly because trip-specific information is required and recall bias is a concern if the information is recorded long after the trip. The information requested is readily available at the end of each trip after the vessel is offloaded and settlement with the fish dealer is completed. Thus, selected fishermen will be required to submit the cost-earnings form 30 days after the catch is off-loaded from a trip. For information that is not readily available at the end of each trip, fishermen will be asked to submit an Annual Expenditures Form.

8. Provide information on 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 soliciting public comment was published on February 25, 2008 (73 FR 10003). No public comments were received related to this proposed information collection.

9. Explain any decisions to provide payments or gifts to respondents, other than

remuneration of contractors or grantees.

There are no payments or other remunerations to respondents.

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

All data that are submitted to the NMFS will be treated in accordance with NOAA Administrative Order 216-100, Confidential Fisheries Statistics and this assurance is included on the forms. In addition, logbook data are considered to be in an entrepreneurial capacity and are protected under the Trade Secrets Act. It is Agency policy not to release confidential data, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the Agency ensures that information identifying the pecuniary business activity of a particular vessel is not identified.

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 will be asked.

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

Previously, 9,133 hours had been approved for the cost-earnings summary, based on expected compliance with a voluntary information collection, and 21,478 hours had been approved for the catch reports of the HMS Vessel Logbook, a mandatory information collection, based on the expected number of permit holders. The estimated number of respondents covered under this submission has decreased slightly since the last submission. The number of Atlantic Tunas permit holders has decreased from 24,575 to 24,500, while the HMS Charter/Headboat permit holders decreased from 4,167 to 3,941. The number of shark and swordfish permit holders decreased from 610 to 527 and 400 to 340, respectively. All swordfish permit holders are also required to hold a shark permit, however, they would only be required to complete the forms once per trip. The number of dolphin/wahoo commercial and charter/headboat permits not reporting under any other Federal permit, increased slightly from 106 to 193.

The estimated time to complete the cost-earnings data reports continues to take 30 minutes as was estimated previously. For some sectors, predominantly swordfish, tuna, and shark longline fishermen, the reporting burden estimate may be as high as 30 minutes per response. In other sectors, however, the reporting burden estimate could be significantly less. In the recreational Atlantic tunas fishery, for example, the burden is estimated at 10 minutes per trip because there is no labor information to be reported. However, because it is difficult to separate out those fishermen who use longlines and target tunas, swordfish, or sharks, NMFS submits a reporting burden estimate of **30 minutes for all fishermen**¹. At a maximum, it should take 30 minutes to complete the cost-earnings data trip summary report.

¹ Some permits are issued by species, not by gear type. That is, a swordfish permit holder may be a longline fisherman, rod and reel fisherman, or harpoon fisherman. There is a similar situation for shark permit holders, whereas tuna fishermen are issued permits by gear type.

NMFS will collect the cost-earnings data from a random selection of approximately 20 percent of the shark, swordfish, and charter/headboat fleet and 10 percent of the Atlantic Tuna and HMS Angling permit holders who were selected to report in the catch report forms. This random selection of fishermen would be stratified across all statistical areas and would be based on information provided when renewing permits and reported the previous year in logbooks. In other words, fishermen who were not active or did not have an HMS permit in the previous year would not be selected to report on the cost-earnings and annual expenditure forms.

Our estimated time of 30 minutes (0.5 hours) to complete the annual form was based on the presumption that fishermen would already have organized their expenses for end-of-year tax purposes.

The number of respondents, the estimated number of responses, the time per response and the total burden estimate for completing the additional economic questions on the trip and annual reporting forms are shown in Table 1. The estimates below are based on recently available permit holder information. The difference in estimated burden hours from those previously approved to those proposed here is outlined in Table 2.

We request a decrease of 184 hours (8,949 hours, down from 9,133 hours previously approved) for the cost-earnings and annual expenditure burden estimate and a decrease of 966 (20,512 hours, down from 21,478 hours previously approved) for the catch report portion. These decreases result in a net decrease of 1,151 hours and a revised total of 29,460 hours (Table 2).

The decreased burden estimate is reflective of the slight decreases in HMS permits, specifically HMS charter/headboat permits, and an increase in dolphin/wahoo commercial and charter headboat permits. The estimated burden hours by gear group are provided below. The estimated number of trips is based upon past activity by each gear group. For the purposes of this burden estimate, it is assumed that the HMS logbook will be completed on all of the trips selected, which is a higher response rate than is likely to occur. Note that some charter/headboats and shark vessels have the option of completing a regional logbook in lieu of the HMS logbook to the extent their participation in these fisheries also requires a logbook submission. Additionally, some charter/headboat permit holders also hold a shark or swordfish permit and some shark permit holders hold a swordfish permit. Thus, estimates for charter/headboat and shark burden hours can be considered a maximum.

Table 1. Summary of reporting requirements and estimated reporting burden estimates for respondents in HMS fisheries and Dolphin/Wahoo only permit holders.

	Fishery					Total
	Tunas	Sharks	Swordfish	HMS Charter/ Headboats	Dolphin/ Wahoo - commercial & CHB	
Number of permit holders	24,500	527	340	3,941	193	29,501
Selection for logbooks	10%	100%	100%	100%	100%	7,451
# of Respondents	2,450	527	340	3,941	193	
# of Trip Summary Reports w/Catch	24,500	5,270	6,800	59,115	1,930	97,615
	2,450 @ 10 trips/yr	527 @ 10 trips /yr	340 @ 20 trips/yr	3,941 @ 15 trips/yr	193 @ 10 trips/yr	
<i>Burden hours @ 12min/ trip summary report</i>	4,900	1,054	1,360	11,823	386	19,523
# Reports w/o Catch	4,900	NA	NA	19,705	NA	24,605
	2,450 @ 2 trips/yr			3,941 @ 5 trips/yr		
No-Fishing Reports	NA	3,162	680	NA	1158	5,000
		527 @ 6 months/yr	340 @ 2 months/yr		193 @ 6 months/yr	
<i>Burden hours @ 2 min/no catch or no fishing report</i>	163	106	23	657	39	988
Selection for cost-earnings data trip reports and annual expenditures form	10% of those selected for logbooks	20%	20%	20%	NA	
# of Respondents	245	106	68	788		1,207
# of Cost-earnings data Trip Reports	2,450	1,060	1,360	11,820	NA	16,690
	245 @ 10 trips/yr	106 @ 10 trips/yr	68 @ 20 trips/yr	788 @ 15 trips/yr		
<i>Burden hours @ 30 min/cost-earnings trip report</i>	1,225	530	680	5,910	NA	8,345
# of Annual Expenditures Forms	245	106	68	788	NA	1,207
<i>Burden hours @ 30 min/annual expenditures form</i>	123	53	34	394	NA	604
Total burden hours for Catch reports, including no catch or no fishing reports	5,063	1,160	1,383	12,480	425	20,511
Total burden hours for Cost-earnings and annual expenditures forms	1,348	583	714	6,304	NA	8,949
Total for Logbook Collection	6,411	1,743	2,097	18,784	425	29,460

Table 2. The difference in previously approved burden estimates and current burden estimates.

	Estimated Burden Hours
Revised burden hours for cost-earnings data reports	8,949
Revised burden hours for catch report forms	20,511
Total:	29,460
Previously approved burden hours for cost-earnings data reports	9,133
Previously approved burden hours for catch report forms	21,478
Total:	30,611
Net Decrease	1,151

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).

Currently, all forms are provided to fishermen with pre-addressed postage paid envelopes. While NMFS intends to continue to provide postage paid envelopes, it is possible that NMFS may discontinue paying postage in the future due to funding or other constraints. Additionally, while NMFS provides postage paid envelopes, it is possible that respondents could run out of envelopes or lose the envelopes and pay for postage on their own. Thus, for the purpose of this submission, it is assumed that all postage costs will be paid by the respondents. Previously, NMFS estimated that the cost of postage for all respondents would be \$75,678.00 (assuming an average cost of 50 cents for 151,356 reports). Due to adjustments in the number of permit holders, the estimated number of reports has decreased to 145,117. Assuming an average of 50 cents for postage, these results in a total estimated cost of postage of \$72,559.00, a decrease of \$3,119.00.

The logbook and cost-earnings forms are bound with carbon copies so there are no photocopy costs associated with the recordkeeping requirement for those forms. As the annual expenditures form is not carbon copied, there could be a minor cost of 10 cents to copy the form. The previous annual cost incurred for the annual expenditures form was \$120.90 (1,209 reports times \$0.10). Due to the slight decrease in the number of permit holders, the cost for the annual expenditures form has decreased only marginally (by \$0.20) to \$120.70 (1,207 reports times \$0.10).

Postage and copying costs result in a total annual cost for the entire program of \$72,680; a decrease of \$3,119.20 (\$3,119.00) from the previous combined cost of postage (\$75,678) and copying (\$120.90 (\$121.00)). These estimated costs should be considered a maximum cost because, as indicated above, NMFS currently provides postage paid envelopes.

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

Cost to the Federal government was previously estimated to be \$185,000 per year including printing costs, labor for sight review and data entry, form development, and program management costs. There are no incremental printing costs associated with this revision to logbook collection as all forms are provided with all logbooks regardless of the requirement to complete the cost-earnings summary. There are no incremental printing costs associated with the annual expenditure form which is two pages, including instructions. Agency costs would remain unchanged since there is no increase for data entry and analysis for additional information. Total

cost to the Federal government is therefore estimated to be \$185,000.

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

All changes are due to adjustments in estimates.

NMFS proposes a decrease of 1,151 hours to the total net annual burden hours. The decrease in burden hours is attributed to the decreased number of permit holders. The total number of permit holders decreased from 29,858 to 29,501. The largest decrease occurred with the HMS Charter/Headboat permits, decreasing by 226 permits (4,167 to 3,941).

NMFS previously estimated that 106 vessels were targeting dolphin and wahoo and did not hold another Federal permit. A final rule (69 FR 30235) implementing the Dolphin/Wahoo FMP required all commercial and charter/headboat vessels targeting dolphin and wahoo to obtain a permit. After implementation, the number of commercial and charter/headboat vessels with a dolphin/wahoo permit increased to 193.

Previously, NMFS estimated 133,092 reports for the logbook forms. Based on new estimates of the number of permit holders, NMFS now estimates the number of reports for logbook forms to be 127,220, for a decrease of 5,872 reports. This amounts to a cost decrease for the logbook forms of \$2,936.00 (5,872 reports times \$0.50 for postage).

Previously, NMFS estimated 17,055 cost-earnings reports. Based on new estimates of the number of permit holders, NMFS now estimates the submission of 16,690 cost-earnings reports, for a decrease of 365 reports. This amounts to a cost decrease the cost-earnings forms of \$183.00 (365 reports times \$0.50 for postage).

Additionally, NMFS previously estimated the submission of 1,209 annual expenditure forms. With the decreased number of permit holders, NMFS now estimates 1,207 annual expenditure forms, for a decrease of 2. This results in cost decreases of \$1.20 (2 less reports times \$0.50 for postage; plus 2 less reports times \$0.10 for photocopying).

These revised estimates result in a total cost decrease of \$3,119.00 (\$2,936.00 + \$183.00 + \$1.20).

NOTE: Rounding down of hours and costs in ROCIS resulted in a further decrease of 1 hour and \$1.

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

The results from this collection are not planned for statistical publication but will be used as empirical input for analyses conducted for management and scientific purposes. Data would be released to the public only in summary or tabular form.

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.

As regional logbooks (e.g., OMB Control No. 0648-0016) are used as the HMS vessel logbook in order to reduce duplication for vessels involved in regional fisheries, the expiration date assigned to this collection would not be displayed on logbooks already displaying another expiration date.

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

No exceptions are requested. However, regional logbooks (e.g., OMB Control No. 0648-0016) are used as the HMS vessel logbook in order to reduce duplication for vessels involved in regional fisheries. Therefore, the OMB control number assigned to this collection (OMB Control No.: 0648-0371) would not be displayed on logbooks already displaying another valid control number.