

**JUSTIFICATION FOR CHANGE
SOUTHEAST REGION LOGBOOK FAMILY OF FORMS
OMB CONTROL NO. 0648-0016**

This change request would revise the frequency of headboat reporting for headboat owners and operators in the Gulf of Mexico and South Atlantic, and require that all reports be submitted electronically through the Southeast Region Headboat Survey. A final rule to implement the For-Hire Reporting Amendment which amends the Snapper-Grouper Fishery Management Plan (FMP), the Dolphin Wahoo FMP and Coastal Migratory Pelagic FMP in the South Atlantic Region (RIN 0648-BD21), and a final rule to implement a framework action to the FMPs for Gulf Reef Fish and Coastal Migratory Pelagics in the Gulf of Mexico (RIN 0648-BD49), will both require electronic weekly headboat reporting in the South Atlantic and in the Gulf of Mexico.

Currently, a headboat selected to report by the Science and Research Director (SRD), Southeast Fisheries Science Center (SFC), National Marine Fisheries Service (NMFS) must maintain a fishing record for each trip, or a portion of such trips, as specified by the SRD, and on forms provided by the SFC, and these forms are due on a monthly basis. As of January 1, 2013, the SRD requested that federally-permitted headboats report electronically. The two final rules would require that reports must be submitted electronically, unless catastrophic conditions exist, as determined by the Regional Administrator, Southeast Region, and must be submitted on a weekly basis. These actions are intended to obtain timelier fishing information from headboats to better monitor recreational annual catch limits, improve stock assessments, and improve compliance with reporting in South Atlantic and Gulf fisheries. The proposed rule for South Atlantic headboat reporting published on September 27, 2013 (78 FR 59641). The proposed rule for Gulf headboat reporting published on October 25, 2013 (78 FR 63946).

NMFS estimates the requirement for South Atlantic and Gulf headboat owners and operators to report electronically would result in a net zero effect on the reporting burden under OMB Control Number 0648-0016, because headboat owners and operators would continue to report all species harvested, however, now they would be required to report electronically instead of by paper. Currently, 95 percent of headboats are already reporting electronically and 80 - 90 percent of these headboats are reporting on time.

NMFS estimates the requirement for headboat owners and operators to report more frequently (weekly instead of monthly) would not create more burden on headboat owners and operators, because the headboat owners and operators would still be reporting the same amount of information, they would just be transmitting the data more frequently.

However, there would be a cost increase for an estimated 9 headboats. There are currently 75 headboats operating in the South Atlantic and 70 in the Gulf of Mexico (145 headboats in total). The SBA estimated in 2010 that approximately 94 percent of businesses had a computer (therefore 9 businesses are estimated to not have a computer) and 95 percent of these had internet service (therefore, 9 businesses are estimated to not have internet service). For those that do not currently have a computer or internet service, the cost is estimated to be around \$750 for a

computer (\$6,750 in total for 9 businesses, annualized to 2,250) and \$100 per month for internet service (\$1,200 per year; \$10,080 in total for 9 businesses). **Therefore, the new cost burden for this collection would total \$13,050. The respondents, responses, and total burden hours for this collection would remain the same at: 4,161 (unduplicated); 83,948, and 15,945, respectively.**

There were three comments submitted during the proposed rule stage for the headboat reporting amendments that related to the reporting burden on the public.

One comment stated, "Reporting by phone and /or by mail along with electronic reporting should be allowed, at least for a transition period during initial implementation of electronic reporting.

NMFS responded, "Since January 1, 2013, the NMFS Science and Research Director (SRD) has requested headboat operators report electronically. Therefore, headboats have already had a year to transition to electronic reporting. Currently, 95 percent of headboats are reporting electronically, and 80 to 90 percent of these headboats are reporting on time. This rulemaking expressly requires electronic headboat reporting and prohibits headboats from continuing to harvest fish if their electronic reports are not up-to-date, which should increase compliance even more. Alternative reporting methodologies (e.g., paper reporting) will be allowed under catastrophic conditions only, as determined by the NMFS Regional Administrator."

The second comment stated, "The rule would affect more businesses than forecasted; the projected reporting expense of \$374 per business per year "can have negative effects" on small businesses."

NMFS responded, "The analysis stated that the rule would directly affect all headboat businesses permitted to operate in the Gulf EEZ. Thus, all appropriate businesses were included in the assessment. With respect to the estimated reporting expense, the commenter misinterpreted this expense. As discussed in the proposed rule, this estimate equals the labor burden for reporting via either paper or electronic means. Because paper reports have been required, this estimate equals the current reporting labor cost as well as the reporting cost for electronic reporting and, thus, would not be a new business expense. Any new expense that might be incurred as a result of this rule would be associated with a possible need to purchase a computer and acquire internet access. However, as also discussed in the proposed rule, computers and internet access are believed to be routinely used by businesses in general and in this industry. Additionally, electronic reporting has been requested by the NMFS SRD since January 1, 2013. As a result, few, if any, of the businesses directly affected by this rule would be expected to have to incur any new expenses to meet the requirements of this rule."

The third comment stated, "The requirement to report weekly instead of monthly is too burdensome on fishermen."

NMFS responded, "The final rule requires reports to be submitted electronically, unless catastrophic conditions exist, as determined by the Regional Administrator, Southeast Region, and on a weekly basis. This requirement is intended to obtain timelier fishing information from headboats to better monitor recreational ACLs, improve stock assessments, and improve compliance with reporting in South Atlantic fisheries. NMFS estimates the requirement for headboat owners and operators to report more frequently (weekly instead of monthly) does not

create more burden on headboat owners and operators, because the headboat owners and operators will still be reporting the same amount of information, but just transmitting the data more frequently. Currently, 95 percent of headboats are reporting electronically, and 80 to 90 percent of these headboats are reporting on time.”