

**SUPPORTING STATEMENT
GULF OF MEXICO ELECTRONIC LOGBOOK
OMB CONTROL NO. 0648-0543**

INTRODUCTION

This is a resubmission of a request for revision and extension of this information collection, in conjunction with Final Rule 0648-BD41. There were two comments on the proposed rule related to cost. The only change to this request is to significantly lower the annual data transfer costs, per negotiation with the wireless provider, from \$720 to \$240. Comments and responses are included in Question 8.

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) authorizes the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. The National Marine Fisheries Service (NMFS) manages the shrimp fishery in the waters of the Gulf of Mexico (GOM) under the Shrimp Fishery Management Plan (FMP). A final rule implementing Amendment 13 to the FMP, RIN 0648-AS15, required owners and operators of permitted vessels, if selected by NMFS, to install an electronic logbook (ELB) on their vessel. The ELBs are provided by NMFS. Regulations implementing Amendment 13 to the FMP may be found at [50 CFR §622.51\(a\)\(2\)](#). A proposed rule implementing a Framework Action to the FMP, RIN 0648-BD41, requires owners and operators of permitted vessels, if selected by NMFS, to install a new ELB on their vessel. These new ELBs are provided by NMFS and operate differently from the prior ELBs. Regulations implementing the Framework Action to the FMP remain unchanged and continue to be found at 50 CFR §622.51(a)(2).

Nine hundred additional vessels will be selected for ELBs.

A. JUSTIFICATION

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

There are currently approximately 1,516 valid and renewable federally permitted Gulf shrimp vessels (as of July 8, 2013) that harvest shrimp from the Exclusive Economic Zone (EEZ), and the Council estimates that there are over 13,000 boats that fish in state waters¹. With such a large number of vessels of differing sizes, gears used, and fishing capabilities compounded by seasonal variability in abundance and price and the broad geographic distribution of the fleet, ELBs provide a more precise means of estimating the amount of fishing effort than paper logbooks. Using ELBs to estimate fishing effort results in more precise bycatch estimates for the Gulf shrimp fleet.

¹ We are not attempting to estimate or monitor fishing effort and bycatch for these vessels; this is solely an illustration of the magnitude of ongoing shrimp fishing.

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.

NMFS determined the need for improved estimates of effort by the shrimp industry to better determine the amount and type of bycatch. The ELB provides data on fishing effort and location. Ten of the older ELB units will remain in place to monitor the transition to the newer ELB units. NMFS contract personnel will collect the older ELB units' information in the same manner as done previously: the ELB information will be collected every 2-3 months. For the newer ELB units, ELB information will be electronically transmitted to maintain 10-minute time interval updates to fishing effort. All vessels selected by the SRD (up to 1,500 vessels) must participate in the NMFS-sponsored ELB program. Once a vessel is selected, it remains part of the sample. It is expected that at most 1,500 vessels would be active and have a newer ELB unit onboard at any one time. Thus, 1,500 participants are estimated for this collection.

Originally, the ELB program started with a sample of 250 vessels. In 2009, NMFS secured additional funding for another 250 vessels, which brought the total to 500 vessels with ELBs. NMFS added another 100 vessels to the ELB program in 2012, for a total of 600 vessels. An additional 900 ELBs are being added at this time. ELBs improve the accuracy and precision of the data being collected in the shrimp fishery.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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 to Question 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.

All recordkeeping is electronic and passive. Previously, it required 6 minutes for bimonthly chip replacement; that will no longer be needed except for a few continuing older units.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances 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 permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist. The other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication. Although the Southeast Region uses Vessel Monitoring Systems (VMS) for some of its commercial fishing fleets, currently, no such program exists in the Gulf shrimp fishery; therefore, no duplication exists between the ELB and VMS programs.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management are requested from the vessel owners.

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

If we cannot identify the effort of the Gulf shrimp industry, characterizing the amount and type of bycatch within the fishery becomes extremely difficult, if not impossible. The Southeast Region would be in violation of the Magnuson-Stevens Act Section 303 (a) (11) if bycatch amount and type is not identified in the shrimp fishery. In addition, due to the seasonal variability in abundance and price and the broad geographic distribution of the fleet, it is practically impossible to estimate the actual amount of fishing effort using current methods and data. Due to this seasonality it is essential that the data be collected at regular intervals.

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

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

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.

Proposed changes to Management Measures, RIN 0648-BD41, published on October 22, 2013 (78 FR 62579), soliciting public comment.

NMFS received two comments regarding the costs associated with this information collection.

One comment stated that the cost sharing program will impose a financial burden on fishermen who already have high expenses because of increased operating costs and a depressed economy. NMFS responded that the Council considered several funding alternatives for continuing the ELB program, and NMFS agrees with the Council's choice to implement the cost-sharing program. The Council and NMFS recognize the burden of the cost-sharing program on the vessel permit holders in the Gulf shrimp fishery. As analyzed in the framework action, NMFS will cover the cost of the ELB equipment, software development, data storage, effort estimation analysis, and archival activities. Vessel permit holders in the Gulf shrimp fishery selected to participate in the ELB program will cover the costs of installing and maintaining the ELB units and the cost of data transmission from the units to a NOAA server. The installation cost of approximately \$200 per vessel is a one-time cost; maintenance costs are periodic; and the data transfer cost is annual. The cost of data transfer, which is the major cost to the vessel permit holders in the Gulf shrimp fishery selected to participate in the ELB program, was previously estimated at \$720 per vessel annually. Negotiations with the wireless provider have substantially reduced this cost to approximately \$240 per vessel annually. The division of cost is similar to that for the Gulf reef fish VMS program. NMFS will constantly evaluate the ELB program, including its costs, particularly with respect to the burden on the vessel permit holders in the Gulf shrimp fishery.

The additional comment stated that NOAA should fund the entire program. NOAA should have put the ELB program in the budget and could use BP funds to support it. NMFS responded that NMFS does not have the resources to fund the entire ELB program. NMFS' current budget is restricted from adding new programs for funding. It should be noted that just because a program is not placed within the Federal budget, it does not lessen its importance to the government mission. There are many high priority programs which the Federal government oversees that may not have appropriations to fully fund them on an annual basis. Cost-sharing with user groups is one method that is used to fund high priority programs that do not have enough appropriations to be implemented solely under the Federal budget. Further, no funding has been made available for this program as a result of the Deepwater Horizon MC252 incident. If outside funding becomes available in the future to cover the cost of the entire ELB program, cost-sharing may not be needed. If additional funding is acquired that is less than the total cost of the new ELB program, the vessel permit holders in the Gulf shrimp fishery's portion could be covered or reduced with that funding.

Because this data collection program is part of a FMP, all aspects of the program have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen are routinely submitted, reviewed, and considered. Experience with

the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants. During the Council's Shrimp Advisory Panel meeting concerns were raised regarding costs to industry of installing and maintaining the new ELB units. No public comments were received regarding this issue during the Gulf Council meeting held in June 2013 in Pensacola, Florida. General opposition has been voiced at Council meetings to the cost burden placed on industry with the newer ELB units. Individuals are pursuing outside funding to support cost burden to industry.

The ELB program originated as a voluntary program and became a cooperative effort between the industry and NMFS. Because the program was fully embraced by the industry, it became mandatory for certain vessels. The industry embraced the program because they saw the value in collecting better shrimp effort data through the ELB program.

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 submitted under the proposed collection will be handled as confidential material in accordance with the Magnuson-Stevens Act, Section 402b, and [NOAA Administrative Order 216-100](#), Protection of Confidential Fishery Statistics. Respondents are given this assurance as a part of the initial package received with the ELB.

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.

The current OMB inventory includes 110 hours.

For the older ELB units, the estimated public reporting burden for this collection of information is 1 minute x 6 for each removal/reinstallation of the ELB memory chip for each of the 10 vessels that continue to have the older ELB units. Because the respondents are participating in both ELB programs, no new responses are counted. This results in a total of 1 burden hour being retained in the collection. Burden is no longer needed for initial installation of the older ELB units (50 hours) or for installation/removal of the memory chip of the logbooks for 590 of the current 600 ELB units (59 hours). This removes 109 hours.

For the newer ELB units, the estimated public reporting burden for this collection of information is 30 minutes for the initial installation (for all 1,500 vessels potentially selected to participate in

the program). This results in 1,500 responses and 750 burden hours (30 minutes per initial installation for the new 1,500 units), annualized to 500 responses and 250 hours.

Total annual burden: 1 hour for bimonthly memory chip renewal + 250 for installation: 251.

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 Question 12 above).

No costs to the 10 respondents for older ELB units; their costs will be only for the new units.

Initially, the estimated public reporting burden for this collection of information is \$660,000 (\$200 for the initial ELB installation and \$240 for data transmission fees for each of the 1,500 vessels potentially selected to participate in the program).

After the first year of implementation, respondents will only be responsible for the data transmission costs of \$240 per year for each of the 1,500 vessels potentially selected to participate in the program. The estimated public reporting burden for this collection of information after the first year is \$360,000.

Annualized costs over 3 years: \$460,000: Capital costs of \$300,000 (\$200 x 1,500), annualized to \$100,000, plus annual operations and maintenance costs of \$360,000.

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

The estimated annual cost to the Federal government is \$313,791. This cost includes the salary of a new full-time programmer/analyst as well as other NMFS salary needed for database management and data analysis.

15. Explain the reasons for any program changes or adjustments.

Program Changes:

The number of respondents will increase by 900 for this collection due to the expansion of the ELB program. NMFS purchased 1,500 ELB units in 2013. To date, 600 vessels have been outfitted with ELB units, therefore, 900 additional vessels will participate in the ELB program. The increase in burden hours for the new ELB units totals 750 burden hours (*i.e.*, 30 for initial installation for the new 1,500 units), annualized to 250 hours. This information collection will retain 1 hour for the 6 periodic downloads and removals for the 10 older ELB units that will be retained in the fishery.

Costs for installation and data transmission fees result in a new total annualized cost of \$460,000.

Adjustment: Burden is no longer needed for initial installation of the older ELB units (50 hours) or for installation/removal of the memory chip of the logbooks for 590 of the current 600 ELB units (59 hours). This removes 109 hours.

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, although NMFS may distribute the results of the observations for general information.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.