

**SUPPORTING STATEMENT**  
**Southeast Region Logbook Family of Forms**  
**OMB CONTROL NO. 0648-xxxx**

This request is for a temporary new information collection for the Southeast Region Logbook Family of forms. This request is associated with a proposed rule for Regulatory Identification Number (RIN) 0648-BH72. After OMB approval, this temporary new information collection would be merged into OMB Control No. 0648-0016.

**A. JUSTIFICATION**

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

The Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) requires that the National Marine Fisheries Service (NMFS) and regional fishery management councils prevent overfishing and achieve the optimum yield from federally managed fish stocks on a continuing basis. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires the collection of reliable data essential to the effective conservation, management, and scientific understanding of the nation's fishery resources.

The Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council) and South Atlantic Fishery Management Council (South Atlantic Council) have submitted the Gulf For-hire Reporting Amendment for approval and implementation by NMFS. The Gulf For-hire Reporting Amendment includes amendments to the Fishery Management Plan (FMP) for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), and the FMP for Coastal Migratory Pelagic (CMP) Resources of the Gulf of Mexico and Atlantic Region (CMP FMP).

NMFS is drafting a proposed rule that would implement management measures in the Gulf For-hire Reporting Amendment and the proposed collection-of-information requirements. The proposed rule, identified by RIN 0648-BH72, would apply to owners and operators of charter vessels and headboats (for-hire vessels) with federal Gulf of Mexico charter vessel/headboat permits for either Gulf reef fish or Gulf CMP species. Although exceptions exist, a charter vessel generally carries six or fewer passengers for hire, and a headboat generally carries more than six paying passengers.

The proposed temporary new information collection would create new reporting requirements for charter vessel owners and operators. For headboat owners and operators, the temporary new information collection would revise and expand upon existing reporting requirements. The temporary new information collection would only affect a portion of the approved information collection under OMB Control Number 0648-0016, specifically the Southeast Region Headboat Logbook.

The proposed rule would require an owner or operator of a for-hire vessel with a federal charter vessel/headboat permit for Gulf Reef Fish or Gulf CMP to submit an electronic fishing report for each fishing trip before offloading fish from the vessel, using NMFS-approved hardware and

software. Headboats are currently required to submit an electronic fishing report on a weekly basis. The proposed rule would make the reporting deadline for headboats consistent with the proposed reporting deadline for charter vessels. The proposed rule would also require vessel operators to submit fishing reports via NMFS-approved hardware and software with global positioning system (GPS) capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS. Lastly, the proposed rule would require a for-hire vessel with a federal charter vessel/headboat permit for Gulf Reef Fish or Gulf CMP to notify NMFS prior to departing on any fishing trip and declare whether they are departing on a for-hire trip, or on another trip type.

The purpose of the proposed rule is to increase and improve recreational fisheries information collected from federally permitted for-hire vessels in the Gulf. The information is expected to improve recreational fisheries management of the for-hire component in the Gulf.

NMFS has existing regulations that require specific types of record keeping and data submissions, and the information collection is approved under OMB Control Number 0648-0016. These data collection and submission regulations are intended to provide reliable and accurate information from the fishing industry and communities that support scientifically based management actions to achieve NMFS' stewardship responsibilities. Currently, one data collection program within the Southeast Logbook Family of Forms, the headboat survey trip report, uses an electronic data collection - the Southeast Region Headboat Survey (SRHS).

The headboat trip reports, and now the SRHS, have been used to collect catch and fishing effort data from the headboat portion of the for-hire component of the recreational sector since 1972. These trip report data have been extremely valuable in stock assessments of reef fishes and pelagic species in the U.S. southeast region (North Carolina through Texas).

Currently, fishing effort and catch from charter vessels in the Gulf reef fish and Gulf CMP fisheries is monitored through the survey conducted by the Marine Recreational Information Program (MRIP), which is managed by Office of Science and Technology within the National Oceanic and Atmospheric Administration (NOAA). Fishing effort is calculated based on a monthly phone sample of 10 percent of federally permitted charter vessels. Catch rate observations and catch sampling are provided through dockside monitoring, also conducted by MRIP. This charter vessel catch information is reported to NMFS 2 months at a time, with preliminary reports available approximately 45 days after the end of each 2-month period. The MRIP survey of charter vessels would continue if NMFS implements the proposed rule to validate the data collected through the proposed for-hire electronic reporting program until adequate calibration of the two programs is complete.

Accurate and reliable fisheries information about catch, effort, and discards is critical to stock assessment and management evaluations. In addition, catch from federally permitted for-hire vessels represents a substantial portion of the total recreational catch for fish species managed by the Gulf Council, such as red snapper, gray triggerfish, greater amberjack, and mutton snapper. The Gulf Council has determined that electronic reporting on a per trip basis for federally permitted for-hire vessels could provide more timely information than the current MRIP survey and SRHS reporting deadlines, and more accurate and reliable information for many species with low catches, small ACLs, or for species that are only rarely encountered by fishery participants.

The Gulf Council expects that electronic reporting on a per trip basis by all federally permitted for-hire vessels to enhance data collection efforts and provide for better fisheries management, such as through more data-rich stock assessments and improved data accuracy.

**2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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 data requested on logbooks are used by various offices of NMFS, regional fishery management council staff, the 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 data are used by NMFS, the regional fishery management councils, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff, and the public to answer questions about the nature of the Nation's fishery resources.

These data serve as input for a variety of uses, such as biological analyses and stock assessments; Executive Order 12291<sup>1</sup> regulatory impact analyses; quota and allocation selections and monitoring; economic profitability profiles; trade and import tariff decisions; allocations of grant funds among states; identify ecological interactions among species. NMFS would be significantly hindered in its ability to fulfill the majority of its scientific research and fishery management missions without these data.

The logbook family of forms has evolved as a means of collecting data from specific user groups within fisheries that are managed under federally implemented FMPs. The Southeast Fisheries Science Center (SEFSC) has the responsibility for both preparation of stock assessments (estimation of maximum sustainable yield or other indexes of species biomass) and collection of the scientific data that are required to perform the assessments. A secondary data collection responsibility is to provide information 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 logbook forms or electronic reporting systems in OMB Control Number 0648-0016, although a few variables may be specific to one fishery or type of management technique controlling harvest.

a) Information such as name and address of operator and owner is used to identify the respondent and the legal entity controlling the fishing practices of the vessel. The legal entity requirement is essential in monitoring the compliance of the reporting requirement, where revocations of the operators permit or fines are 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

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<sup>1</sup> Executive Order 12291 (1981) is a Presidential requirement for cabinet-level Departments to conduct a benefit-cost analysis for major changes in rules.

standardize differences in productivity among vessels or fishing grounds by establishing a rate of 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 catch per unit effort (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., if the level of harvest is beyond the level that is sustainable by growth and reproduction of the stock.

c) Area fished, depth of fishing, and latitude and longitude are variables that are used to establish fishing locations. This information can be 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 spawning 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 pelagic species, are individually weighted 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) Trip cost information such as fuel, tackle, bait, ice, labor, and miscellaneous expenses associated with the effort data for individual trips is use for evaluating regulatory proposals and to better understand how the cost of fishing varies with changes in fishing effort. With a better quantitative understanding of these relationships, NMFS can provide better estimates of the potential impacts of management regulations on fishing effort.

g) A separate form or response is required for many of the logbook reporting forms in 0648-0016 when a vessel does not fish during an entire calendar month or another defined period. These “no-fishing” forms are necessary to assure NMFS that the vessel did not fish instead of failing to report. The information on the no-fishing form is minimal, i.e., only the vessel ID, vessel name, the duration in which the vessel will not be fishing, and the permits that vessel has been issued (a check box is provided for ease of identifying the permits). The no-fishing forms are located in the back of the applicable logbook booklets and are to be submitted via mail in the self-addressed, stamped envelopes provided by NMFS. Because of the nature of the reporting, no-fishing reports are not required for the SRHS, the aquacultured live rock report, the annual fixed cost survey, the cost-earnings form (this information is included on the regular coastal logbook

form), and the supplemental discard form.

There are several components to this temporary new information collection resulting from the proposed rule. The proposed rule would require a for-hire owner or operator to submit a trip notification to NMFS before any trip on the vessel. The trip notification would include whether the vessel will be departing on a for-hire trip or another type of trip, such as a commercial trip. If the vessel will be departing on a for-hire trip, the owner or operator would also report the expected trip completion date, time, and landing location. The Gulf Council determined that a trip notification would improve effort estimation for charter vessels and headboats, and improve the ability of port agents and law enforcement to meet a vessel at end of a trip for biological sampling and landings validation. This validation would improve the data being collected in the electronic reporting program. The trip notification would be accomplished using a NMFS-approved device, such as the GPS or VMS unit, or by other approved electronic reporting hardware. As a proxy for the trip notification form not yet finalized, a similar approved landing notification form from OMB Control Number 0648-0551 is included in this temporary new information collection package for reference.

A no-fishing form, as described in paragraph (g) above, would not apply for the proposed Gulf for-hire electronic reporting program. For the purpose of verifying whether a vessel is at the dock, the proposed rule would require location monitoring by a satellite-linked GPS that is permanently affixed to the vessel and has an uninterrupted power supply, unless NMFS grants a specific GPS power-down exemption. For vessels that want to turn off the GPS unit to conduct repairs, or otherwise have the vessel out of the water, the proposed rule would require an owner or operator of a for-hire vessel to submit a GPS power-down exemption request form to NMFS. The request would need to be approved by NMFS prior to turning off the vessel's GPS unit. The GPS power-down exemption request form would be available for fishermen to download electronically and print, and then to submit to NMFS by mail or fax. NMFS is developing an electronic method for fishermen to submit the GPS power-down exemption request form, which would need to be completed and approved by NMFS prior to turning off the vessel's GPS unit. NMFS expects this electronic method to be available by the effective date of any final rule.

The owner of a for-hire vessel that already has a NMFS-approved vessel monitoring system (VMS) installed may use the VMS instead of installing another GPS unit, and may also request and be granted a VMS power-down exemption by using the existing VMS Power Down Exemption Request form approved under OMB Control Number 0648-0544. The VMS Power Down Exemption Request form is available from the NOAA Office of Law Enforcement, Southeast Division by calling (800) 758-4833 to request the forms be sent by mail or email. As a proxy for the GPS power-down exemption request form not yet finalized, the existing, approved VMS Power Down Exemption Request form from OMB Control Number 0648-0544 is included in this temporary new information collection package for reference.

The proposed rule would require that vessels with Federal charter vessel/headboat permits for Gulf reef fish or Gulf CMP species have NMFS-approved hardware and software with GPS capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS, which could include sending data through a cellular or satellite-based service. The location information would be transmitted electronically to NMFS, along with all other required reporting information, prior to offloading fish at the end of each trip, or within 30

minutes after a trip is completed if no fish were landed. To meet these proposed requirements, separate hardware devices may be required to record and submit fishing reports and GPS locations. If it is necessary to submit separate fishing and location reports at the end of each trip, NMFS estimates there would be a small additional reporting burden to submit location information.

NMFS and the respective state fishery agencies 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 the 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 subject to quality control measures and a pre-dissemination review pursuant to Section 515 of the 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.**

Currently, only owners and operators of federally permitted headboats in the Gulf of Mexico and South Atlantic use electronic reporting. These fishermen report detailed, trip level data for the SRHS trip report. This electronic reporting platform is accessible through a computer or mobile device with internet access. Sample screenshots of the SRHS are included in this temporary new information collection package for reference and as a proxy for other software not yet finalized.

The proposed rule for 0648-BH72 would require owners and operators of all for-hire vessels with federal permits for Gulf reef fish or Gulf CMP species to submit an electronic fishing report for each trip before offloading fish from the vessel, through NMFS-approved hardware and software. NMFS-approved hardware could include electronic devices such as computers, tablets, and smartphones that allow for internet access and are capable of operating approved software. Hardware could also include VMS units, which are already required for vessels with Gulf commercial permits and may be approved by NMFS for the proposed electronic for-hire reporting program in the Gulf. Many software applications are available for data collection and submission including web, smart phone, and tablet-based technology. NMFS is currently evaluating potential software applications for the proposed Gulf electronic for-hire reporting program and is considering the use of existing software applications already being used by partners in the region, including eTRIPS online and eTRIPS mobile, which are reporting products developed by the Atlantic Coastal Cooperative Statistics Program. If NMFS implements the proposed rule, NMFS may eventually approve a number of reporting software programs that can maintain minimum data standards and security protocols. The appearance of each NMFS-approved software application may vary by vendor; however, regardless of the software layout, each vendor's software would satisfy the same data collection requirements and specifications. NMFS would post the approved hardware and software on the NMFS Southeast Region website upon publication of any final rule to implement the Gulf for-hire electronic reporting program.

Forms required by the proposed rule would be available electronically when possible. As stated in the response to question 2, NMFS is developing an electronic method for fishermen to submit the GPS power-down exemption request form, which would need to be completed and approved

by NMFS prior to turning off the vessel's GPS unit. NMFS expects this electronic method to be available by the effective date of any final rule. At the time of the proposed rule publication, the form would only be available electronically to download and print. The form would then need to be returned to NMFS by mail or fax. The existing VMS Power Down Exemption Request form is included in this temporary new information collection package for reference and as a proxy for the GPS power-down exemption request form not yet developed or approved. The owner of a for-hire vessel that already has a NMFS-approved vessel monitoring system (VMS) installed may use the VMS instead of installing another GPS unit, and may also request and be granted a VMS power-down exemption by using the existing VMS Power Down Exemption Request form approved under OMB Control Number 0648-0544. The VMS Power Down Exemption Request form is available from the NOAA Office of Law Enforcement, Southeast Division by calling (800) 758-4833 to request the forms be sent by mail or email.

This proposed rule would require an owner or operator of a federally permitted charter vessel or headboat to submit a trip notification to NMFS before departing for any trip. The trip notification would indicate whether the vessel is departing on a for-hire trip or another type of trip, such as a commercial trip. If the vessel will be departing on a for-hire trip, the owner or operator would also report the expected trip completion date, time, and landing location. The trip notification would be completed using a NMFS-approved device, such as the GPS or VMS unit, or by other electronic reporting hardware. As a proxy for the trip notification form not yet finalized, a similar electronic Notification of Landing form from OMB Control Number 0648-0551 is included in this temporary new information collection package for reference.

NMFS estimates that approximately 90 percent of responses would be gathered electronically at early stages of the electronic reporting program. NMFS expects that the percentage of responses gathered electronically would increase over time.

The SEFSC is also investigating various methods of recording and reporting CPUE data from vessels in other fisheries. However, the large number of vessels involved in the affected fisheries and the cost per participant for the electronic and telecommunication equipment must be considered before mandating its use by fishermen. These costs significantly limit the options available for electronic reporting by vessels.

#### **4. Describe efforts to identify duplication.**

The Magnuson-Stevens Act's operational guidelines require each FMP and FMP amendment to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. The membership of each fishery management council is comprised of state and federal officials responsible for resource management in their area. This joint participation enables identification of other collections that may be gathering the same or similar information. In addition, each FMP and FMP amendment undergoes extensive public comment periods where potential applicants review the proposed management measures. Therefore, NMFS is confident it would be aware of similar collections if they existed.

Detailed information on catch, effort, and species composition by gear and area is not available from other sources. Some states, notably Florida, Georgia, Louisiana, North Carolina, and Texas, have programs to collect landings by species for individual fishing trips (i.e., operational trip

ticket programs), but these programs do not include the detailed information on fishing location and effort that are required in the reporting requirements for the proposed rule and this temporary new information collection request. Furthermore, these programs collect the data from seafood processors, and not fishermen, whereas logbooks are submitted directly by the fishermen.

In 2017, an estimated 377 for-hire vessels had federal permits to harvest species managed by both the Gulf Council and the South Atlantic Council. Among these vessels, approximately 239 primarily operate as charter vessels and 138 primarily operate as headboats. NMFS has published a proposed rule for RIN 0648-BG75 to require electronic reporting for federally permitted charter vessels in the South Atlantic and, similar to the proposed rule for the Gulf, modify the reporting frequency for headboats. To address potential issues with multiple or duplicative reporting requirements, the proposed rule for the South Atlantic electronic reporting program would allow for reports submitted under other electronic reporting programs, such as proposed by the Gulf Council, to fulfill the requirements of the South Atlantic electronic reporting program if the reporting requirements in those other programs are more stringent than those proposed for the South Atlantic and meet the core data elements identified by the South Atlantic Council. Because the reporting requirements under the Gulf proposed rule are expected to meet these criteria, any for-hire vessel that has both Gulf and South Atlantic charter vessel/headboat permits and that is required to submit electronic reports under the Gulf proposed rule would not be subjected to additional reporting requirements under the South Atlantic Council's proposed for-hire electronic reporting program. However, some for-hire vessels that possess a Gulf reef fish or Gulf CMP permit may also possess one or more federal for-hire permits to harvest species managed in other regions. An owner or operator of a vessel issued federal for-hire permits in other regions would also have to comply with any applicable reporting requirements under those permits. It is unknown how many vessels currently fit this description; however, the number is expected to be small. To the extent possible, NMFS intends to approve software that would allow fishermen with federal for-hire permits in other regions to submit one report that would meet the requirements of multiple 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 analytical needs of NMFS would be requested from respondents.

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

The purpose of the proposed rule for RIN 0648-BH72 is to increase and improve fisheries information collected from federally permitted for-hire vessels in the Gulf. The additional information is expected to improve recreational fisheries management of the for-hire component in the Gulf. If this temporary new information collection request is not implemented or includes fewer vessels, NMFS would be unable to make changes recommended in the Gulf For-hire Reporting Amendment and associated proposed rule.

Accurate and reliable fisheries information is important to fulfill the management obligations of



the Gulf and South Atlantic Councils, and NMFS. The Gulf Council believes pre-trip notification, submitting GPS tracks, and reporting harvest before off-loading fish at the end of the trip will provide more timely and accurate data than the current MRIP survey. The Gulf Council also believes that the recall bias will be reduced, which means better data will be collected.

The consequence of not having more detailed catch, effort, and socio-economic data could hinder the ability of NMFS to decrease the uncertainty associated with stock assessments and other management evaluations that inform sound management decisions. The trip report data provide critical information on the type and amount of effort. Without these data, NMFS cannot determine whether changes in total catch are due to changes in fishing effort or changes in the abundance of the resource, or both.

The reporting of effort and harvest data with less bias is expected to be an improvement to collected recreational data. In addition, the trip notification would include an expected return time to alert NMFS and its partners that a vessel will be landing and could be intercepted to validate harvest or collect biological samples. Because fishermen would not know if an enforcement agent would be present at the dock upon their return, advance notice of the trip completion is expected to increase the accuracy of harvest reporting.

Not having discard data would also hinder NMFS' ability to decrease the uncertainty associated with the stock assessments. Furthermore, many federally managed fisheries lack scientifically collected information on discards, and consequently, it is difficult to determine the existence or degree of any problems.

If the economic data were collected less frequently or not at all, then economists would be less able to estimate the effects of regulations on financial performance or fishermen's expected reactions to regulatory changes. Another consequence of not having representative economic data could be judicial remand of conservation regulations challenged on grounds of inadequate analysis of economic impacts.

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

No special circumstances are associated with this information collection.

**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.**

NMFS will publish a proposed rule for RIN 0648-BH72 in the *Federal Register* to solicit public comment on the proposed information collection, coincident with this request. NMFS will respond to any relevant public comment that addresses the proposed temporary new collection of

information.

Because these data collection programs are part of FMPs, the fishery management councils' scientific and statistical committees and constituent advisory committees have reviewed all aspects of the information collection programs submitted to OMB for approval. 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.

**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.**

As stated on the forms, data collected for this temporary new information collection are treated as confidential in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Reports are considered confidential under the Trade Secrets Act. In addition, landings statistics are considered to be in an entrepreneurial capacity and will be exempt from the Privacy Act concerns. It is NMFS' policy that confidential data are not to be released to non-authorized users, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, NMFS ensures that information identifying the financial business activity of a particular vessel is not identified.

The information is covered by the Privacy Act System of Record Notice [COMMERCE/NOAA-6](#), Fishermen's Statistical Data.

**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.**

This temporary new information collection request would not collect sensitive information.

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

The proposed rule for RIN 0648-BH72 is not expected to cause the number of respondents to fluctuate greatly, because the two federal for-hire permits that the proposed rule applies to are for limited access fisheries. It is normal for the number of valid permits to vary during a year as permits are issued and expire. Therefore, the number of respondents and responses here is based on the number of issued permits given in the proposed rule.

For the purposes of this analysis, NMFS conservatively estimates the number of respondents is equal to the number of federally permitted for-hire vessels. The same person or business can own multiple vessels; however, federal for-hire permits are routinely purchased and sold, and

therefore, the number of respondents also can change. In 2017, there were 1,376 vessels (respondents) with at least 1 valid federal charter vessel/headboat permit to fish for Gulf reef fish or Gulf CMP species that would be required to comply with the proposed rule and proposed information collection requirements. Although the application for a federal charter vessel/headboat permit collects information on the primary method of vessel operation (charter vessel or headboat), the permit issued does not identify the vessel as either a charter vessel or headboat, and vessels may operate in either capacity on separate trips. As of February 2017, there were 73 federally permitted for-hire vessels operating in the Gulf that were identified as primarily operating as headboats and were reporting to the SRHS. Among the 1,376 federally permitted vessels estimated to be directly affected by the proposed rule, 73 of them are expected to primarily operate as headboats, and 1,303 are estimated to primarily operate as charter vessels. Although the 73 headboats have already been electronically reporting on weekly basis, they will still be affected by requirements in the proposed rule, some of which include the time requirement to submit a fishing report with location information before off-loading fish from the vessel, and the GPS location tracking requirement.

Based upon MRIP surveys, NMFS estimates that Gulf federally permitted for-hire vessels make approximately 128,700 fishing trips per year (responses).

If NMFS implements the proposed rule, owners and operators of headboats with federal for-hire permits for Gulf reef fish or Gulf CMP species would no longer be required to submit a no-fishing report if no trip was made during a reporting week. Therefore, the time burden associated with submission of a no-fishing report would be removed from OMB Control No. 0648-0016, once merged this temporary new information collection is merged with OMB Control No. 0648-0016.

### *Installation*

To verify whether a vessel is at the dock or at sea fishing, the proposed rule would require vessel location monitoring via GPS locations with capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS, which could include sending data through a cellular or satellite-based service. The vessel's location tracking device would have to be permanently affixed to the vessel and must have uninterrupted power, unless the owner or operator applies for and is granted a power-down exemption, e.g., if the vessel is removed from the water for repairs. For vessels that do not have compatible hardware or software already installed, e.g., a VMS unit approved for the Gulf electronic reporting program, NMFS estimate the time to install such equipment at 5 hours per vessel. While NMFS assumes that every for-hire vessel has a GPS device already installed, not every unit may be compatible with the requirements in the proposed rule. Therefore, NMFS estimates that approximately 25 percent of charter vessels would need to install compatible hardware and software; NMFS assumes that headboats, which are already subject to reporting requirements, already have compatible hardware installed. Therefore, 25 percent of 1,303 charter vessels is approximately 326 vessels. The estimated one-time installation time burden to charter vessels would be 1,630 hours; annualized over 3 years, the installation time burden is 543 hours.

### *Reporting*

Prior to each fishing trip, the trip notification would require an estimated 2 minutes to complete. After each trip, NMFS estimates that an electronic fishing trip report would require approximately 10 minutes. If it is necessary to submit separate fishing and location reports at the end of each trip, due to hardware or software configurations on a vessel, NMFS estimates the reporting burden to submit location information at an additional 2 minutes per trip. Therefore, the time burden to report fishing and location information could be up to 12 minutes per trip.

While NMFS assumes at least some hardware and software functionality would allow fishermen to submit fishing and location information simultaneously, NMFS does not currently have the information to make a more precise estimate and, therefore, conservatively estimates that all trips would require the submission of separate fishing and location reports. Therefore, NMFS estimates the total time burden on vessel owners or operators to complete the trip notification, and to separately report fishing and location information at 14 minutes per trip.

As stated previously, the GPS portion of the hardware would need to be permanently affixed to the for-hire vessel and have uninterrupted power, unless the owner or operator applies for and is granted a power-down exemption. NMFS estimates each power-down exemption request would require approximately 5 minutes per response. Because NMFS does not have data to estimate the ratio of fishing responses to power-down exemption requests on charter vessels or headboats, NMFS estimates that approximately 25 percent of the total number of respondents would submit GPS power-down exemption requests during a year, or approximately 344 per year. At this time, it is not possible to estimate the duration of each power-down exemption request, or how it would affect the annual number of fishing trips and the associated responses. See the table below for the estimated annual time burden for for-hire vessels resulting from the proposed rule.

	No. of Respondents	Responses (n)	Time per Response (min)	Total Time (hr)
Installation of GPS or VMS Monitoring Unit	326 (charter only)	326 ( <b>109</b> annualized)	300 (5 hr)	<b>545</b> (annualized)
Subtotal		326		543
Reporting Requirements	No. of Respondents	Responses (trips)	Time per Response (min)	Total Time (hr)
Trip Notification	1,376 (all)	128,700	2	4,290
Fishing Report (per trip)	1,376 (all)	128,700	10	21,450
Location Reporting	1,376 (all)	128,700	2	4,290
Power-Down Exemption Request	344 (25% of all)	344	5	29

Reporting Subtotal		386,444		30,059
Grand Total		386,553		30,604

If NMFS implements the proposed rule and OMB approves this temporary new information collection request, the estimated annual time burden for federally permitted for-hire vessels in the Gulf would be 30,604 hours.

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

NMFS estimates respondents (the owner and operators of federally permitted for-hire vessels) would incur costs as a result of the proposed rule. For example, these costs may include the purchase and installation of NMFS-approved hardware and associated service charges. Potential cost burdens to respondents were estimated for several general hardware options including a tablet-based system, a handheld GPS, and a smartphone-based system, where the smartphone is hardwired to a vessel’s GPS unit. If a vessel does not already have NMFS-approved hardware, the estimated startup costs for the hardware and installation on each affected vessel under the options listed above, which use cellular and not satellite-linked VMS technology, could be approximately \$1,500 in the first year of implementation - \$1,000 for equipment and \$500 for installation. This estimate assumes that for-hire vessel owners and operators already have a basic data plan through a wireless service provider. The proposed rule may affect some vessels differently depending on their existing technology assets and data service plans at the time of implementation, as well as the availability of wireless service coverage at their port of landing. For the affected vessels that currently do not have any wireless carrier contract, the estimated additional cost for an unlimited data plan would be up to approximately \$100 per month. This is an upper bound estimate based on advertised rates from four major wireless service providers in 2017 and cheaper plans would likely be available. NMFS conservatively estimates that, per applicable respondent, first year costs for cellular-linked hardware, installation, and service fees would be approximately \$2,700.

If a vessel offloads fish or docks at a location that does not have cellular service, respondents would potentially need to purchase and install an approved VMS unit. The estimated startup costs for the VMS hardware, installation, and service fees on each affected vessel would be up to \$4,800 in the first year of implementation.

Although it is possible that some federally permitted for-hire vessels in the Gulf already have hardware installed that would comply with requirements in the proposed rule, especially vessels in the SRHS, NMFS does not have an estimate at this time. Therefore, NMFS conservatively estimates that approximately 25 percent of charter vessels (326) would need to purchase (estimated at \$326,000) and install cellular-linked hardware (estimated at \$163,000), and pay the associated service fees, \$1,200 per year. This cost estimate could be an overestimation, and it could include any owners and operators that would potentially need to purchase and install the more expensive satellite-linked hardware on for-hire vessels. The estimated cost burden to vessel owners and operators would be approximately \$2,140,377 in the first year.

NMFS does not have data to support a precise estimate of the cost burden after the first year but expects the estimated cost burden to vessel owners and operators to be less, because most costs would be limited to the monthly or annual service fees. If no purchase and installation costs are required, the expected costs could be a minimum of approximately \$137,600 per year, assuming a monthly service fee of \$100 per vessel, or \$1,200 annually, which may be an overestimation. As data becomes available, NMFS would update the estimated annual cost burden to respondents resulting from the proposed rule. To account for some unknown number of vessel owners and operators that may need to purchase and install hardware, NMFS conservatively estimates the estimates the cost burden at \$1,814,377 per year, instead of only in the first year.

The proposed rule would require constant location monitoring of a federally permitted for-hire vessel, unless a vessel owner or operator requested and was granted an exemption to power-down the location monitoring equipment on the vessel. NMFS estimates that 25 percent of the owners and operators of all 1,376 for-hire vessels would request a power-down exemption each year. Assuming all 344 power-down exemption request forms are submitted by mail and not submitted electronically, the estimated annual cost would be \$177 (344 responses x \$0.50 for envelope, postage). See the table below for the estimated annual cost burden to for-hire vessels resulting from the proposed rule.

	Respondents (n)	Responses (per year)	Cost (\$ per response)	Cost (\$ per respondent per year)	Total Cost (\$ per year)
Purchase of Monitoring Unit	326	1 per respondent	1,000	1,000	326,000 <b>(109,000 annualized)</b>
Installation of Monitoring Unit	326	1 per respondent	500	500	163,000 <b>(54,000 annualized)</b>
Reporting Requirements*	1,376	≈94 per respondent; 128,700 total	≈0.01	1,200	1,651,200
*Trip Notification	Included	Included	Included	Included	
*Fishing Report per Trip	Included	Included	Included	Included	
*Location Reporting	Included	Included	Included	Included	
Power-Down Exemption Request	344	1 per respondent	0.50	0.50	172
<b>Grand Total</b>					<b>1,814,372</b>

Note: The total cost column is calculated by multiplying the number of respondents by the cost per respondent. The number of responses for reporting requirements does not affect the total cost because NMFS assumes respondents would select an unlimited data plan.

Because details of the NMFS-approved hardware and software have not yet been determined, all cost estimates provided here are subject to change based on the technology that NMFS ultimately approves and the data that are required to be reported.

The overall estimated annual cost burden to respondents for this temporary new information

collection would be \$1,814,377.

**14. Provide estimates of annualized cost to the Federal Government.**

NMFS expects the proposed rule for 0648-BH72 would increase annual costs to the Federal Government, because there would be an increased administrative burden, as all federally permitted for-hire vessels would be required to submit electronic records to NMFS. This would be a large increase in the number of vessels reporting electronically. Currently, no SEFSC application is configured to accept this information, so a software platform and database would also have to be developed or existing programs modified. NMFS is planning to minimize these costs by evaluating existing software applications used by partners in the region, including eTRIPS online and eTRIPS mobile, which are reporting products developed by the Atlantic Coastal Cooperative Statistics Program. To operate the Gulf electronic for-hire reporting program and this temporary new information collection, NMFS estimates the annual cost would be \$1,900,000.

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

This is a temporary new information collection.

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

The results from this temporary new information collection are not expected to be published, but may be used as empirical input to stock assessments, economic analyses, and other analyses of proposed or existing fishery management regulations prepared by NMFS.

**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.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

The collection does not employ statistical methods.