

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Gulf of Mexico Charter Vessel and Headboat Electronic Reporting Program**  
**OMB Control No. 0648-0770**

This request of a temporary new information collection is for the Gulf of Mexico Charter Vessel and Headboat Electronic Reporting Program. This request is associated with the final rule for Regulatory Identification Number (RIN) 0648-BH72. After OMB approval, NMFS will merge this temporary new information collection into OMB Control No. 0648-0016, Southeast Region Logbook Family of Forms.

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.**

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 has drafted a final rule that implements management measures in the Gulf For-hire Reporting Amendment and the associated collection-of-information requirements. The final rule applies to owners and operators of charter vessels and headboats (for-hire vessels) with federal charter vessel/headboat permits for either Gulf reef fish (e.g., grouper) or Gulf CMP species (e.g., mackerel). For ease of comprehension, this supporting statement refers to the persons affected by the final rule as "Gulf for-hire permittees".

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 temporary new information collection creates new reporting requirements for charter vessel owners and operators. For headboat owners and operators, the temporary new information collection revises and expands upon existing reporting requirements approved under OMB Control Number 0648-0016. After NMFS merges the temporary new information collection with 0648-0016, the only affected portion of that collection will be the Southeast Region Headboat Logbook.

The 0648-BH72 final rule requires a Gulf for-hire permittee to submit an electronic fishing report (also referred to as a logbook), using NMFS-approved hardware and software, for each fishing trip before offloading fish from the vessel. A relatively small number of Gulf for-hire permittees (primarily headboats) are already required to submit an electronic fishing report on a weekly basis. However, the final rule makes the reporting deadlines consistent for all Gulf for-hire permittees. The final rule also requires a Gulf for-hire permittee to notify NMFS prior to departing on any trip and declare whether they are departing on a for-hire trip, or on any other trip type. Lastly, the final rule requires that a Gulf for-hire permittee use NMFS-approved hardware and software with GPS location capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS.

The purpose of the final 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 of the reef fish and CMP fisheries 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 electronic data collection - the Southeast Region Headboat Survey (SRHS).

NMFS has used the headboat trip reports, and now the SRHS, 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 (less than 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 in 2-month intervals during the year, with preliminary reports available approximately 45 days after the end of each 2-month period. The MRIP survey of charter vessels will continue after NMFS implements the final rule to validate the data collected through the Gulf for-hire reporting program until adequate calibration of both 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. The Gulf Council determined that electronic reporting on a per trip basis for federally permitted for-hire vessels will 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. 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 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.

In the U.S. southeast, NMFS has been collecting data from specific user groups within fisheries that are managed under federally implemented FMPs, for example, through the Southeast Region Logbook Family of Forms. 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 operator's 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 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

<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.

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 used 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.

There are several components to this temporary new information collection resulting from the final rule as stated in the response to question 1. The final rule requires a Gulf for-hire permittee to submit an electronic fishing report for each fishing trip before offloading fish from the vessel. Because a relatively small number of Gulf for-hire permittees (primarily headboats) are already required to submit an electronic fishing report on a weekly basis, the final rule makes the reporting deadlines consistent for all Gulf for-hire permittees. The final rule also requires a Gulf for-hire permittee to notify NMFS prior to departing on any trip and declare whether they are departing on a for-hire trip, or on any other trip type. Lastly, the final rule requires that a Gulf for-hire permittee use NMFS-approved hardware and software with GPS location capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS. The final rule requires a Gulf for-hire permittee to submit a trip declaration to NMFS before any trip on the vessel. The trip declaration includes whether the vessel will be departing on a for-hire trip, another type of trip, such as a commercial trip, or a non-fishing trip. If the vessel will be departing on a for-hire trip, the owner or operator will also report the expected trip completion date, time, and landing location. The Gulf Council determined that a trip declaration will 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 for-hire trip for biological sampling and landings validation. This validation will improve the data being collected in the Gulf for-hire reporting program. The trip declaration will be accomplished using a NMFS-approved device, such as a cellular- or satellite-linked vessel monitoring system (VMS) unit, or by other approved electronic reporting hardware.

For the purpose of verifying whether a vessel is at the dock, the final rule requires location monitoring by a cellular or satellite VMS unit that is permanently affixed to the vessel and has an uninterrupted power supply, unless NMFS grants a specific exemption to power-down the cellular or satellite VMS unit.

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 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.**

Forms required by the final rule will be available electronically when possible. NMFS estimates that approximately 90 percent of responses would be gathered electronically at early stages of the Gulf for-hire reporting program. NMFS expects that the percentage of responses gathered electronically will increase over time.

The final rule requires that vessels 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 VMS. 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 requirements, separate hardware devices may be required to record and submit fishing reports and GPS locations. The specific forms required to implement the Gulf for-hire reporting program are summarized below.

*VMS Installation and Activation Certification form*

Only a cellular or satellite VMS unit that NMFS has approved for use in the for Gulf for-hire reporting program may be used, and the cellular or satellite VMS unit must be properly registered and activated with an approved communications provider for the new vessel. Additionally, a qualified marine electrician must install it. When installing and activating the NMFS-approved unit, the vessel owner or operator must: (1) follow procedures indicated on the VMS installation and activation certification form, as applicable; and (2) submit the completed form with the statement certifying compliance, as prescribed.

The VMS installation and activation certification form for the Gulf for-hire reporting program will be available from the NMFS Southeast Region website, <https://www.fisheries.noaa.gov/southeast/et>. The completed form must be submitted to the

NMFS, Southeast Region Permits Office, St. Petersburg, FL 33701; phone (877) 376-4877.

### *Trip Declaration form*

The final rule requires a Gulf for-hire permittee to submit a trip declaration to NMFS before departing for any trip. The trip declaration indicates whether the vessel is departing on a for-hire trip or another type of trip, such as a commercial or non-fishing trip. If the vessel will be departing on a for-hire trip, the owner or operator also needs to report the expected trip completion date, time, and landing location. This temporary new information collection requires landings only at verified landing locations.

The trip declaration will be completed using a NMFS-approved device, such as the cellular or satellite VMS unit or other electronic reporting hardware. The Trip Declaration form is included in this temporary new information collection package for reference.

### *Landing Location Request form*

Landing locations must be verified by NMFS before they can be used by fishermen, to ensure the sites exist, and so that port sampling agents and law enforcement can access the sites to meet a vessel at end of a trip for biological sampling and landings validation. This validation will improve the data being collected. A similar form to request approval of a landing location for federally permitted commercial reef fish vessels is already approved under OMB Control Number 0648-0551. This temporary new information collection adds a version of that form to this collection, so fishermen on federally permitted for-hire vessels can request a new landing location if necessary.

If a desired landing location is not already approved or verified by NMFS, fishermen must submit a Landing Location Request form to NMFS. NMFS will accept the form electronically online and also via mail, as a scanned and emailed copy, or fishermen can call the NMFS Southeast Regional Office to submit the information via the telephone.

### *Gulf of Mexico Charter Logbook and Gulf of Mexico Headboat Logbook fishing report forms*

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 final rule requires all Gulf for-hire permittees to submit an electronic fishing report for each trip before offloading fish from the vessel, through NMFS-approved hardware and software. The two forms for the electronic fishing report are the Gulf of Mexico Charter Logbook and the Gulf of Mexico Headboat Logbook. A Gulf for-hire vessel owner or operator that has been reporting to the SRHS will continue to submit fishing reports to that program upon implementation of the final rule. However, those vessel owners or operators reporting to the SRHS must now report before offloading fish from the vessel, or within 30 minutes after the end of each trip if no fish were landed.

NMFS-approved hardware will include electronic devices such as computers, tablets, and smartphones that allow for internet access and are capable of operating approved software.

Hardware can also include cellular or satellite VMS units. Satellite VMS units are already required for vessels with Gulf commercial permits and, if they meet the requirements in the final rule, will be approved by NMFS for the Gulf for-hire reporting program. Many software applications are available for data collection and submission including web, smartphone, and tablet-based technology. NMFS evaluated potential software applications for the electronic reporting program, and specified approved software applications, including eTRIPS online and eTRIPS mobile, which are products of the Atlantic Coastal Cooperative Statistics Program and used by partner organizations in the region. 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 will post approved hardware and software on the NMFS Southeast Region website for the Gulf for-hire reporting program.

#### *VMS Power-Down Exemption Request form*

For vessel owners or operators that want to turn off the cellular or satellite VMS unit to conduct repairs, or otherwise disconnect power, the final rule requires an owner or operator to submit a VMS power-down exemption request form to NMFS. Approval from NMFS is required prior to turning off the vessel's VMS unit. The VMS power-down exemption request form will be available for fishermen to download electronically and print from the NMFS Southeast Region website, <https://www.fisheries.noaa.gov/southeast/et>, and then to submit to NMFS OLE by email or mail. NMFS also continues to work on developing an electronic form version that respondents could complete and submit online, but NMFS does not expect it to be available until after the effective date of the 0648-BH72 final rule. NMFS will provide vessel owners and operators with any new information about the available methods to submit the power-down exemption request form on the NMFS website for the Gulf for-hire reporting program, <https://www.fisheries.noaa.gov/southeast/et>.

A Gulf for-hire permittee that already has a NMFS-approved VMS unit installed on their vessel may use the VMS unit if it is approved for the Gulf for-hire reporting program, and may also request and be granted a VMS power-down exemption by using the existing VMS Power-Down Exemption Request form, which is approved under OMB Control Number 0648-0544 for the Gulf commercial reef fish fishery. The VMS Power-Down Exemption Request form is available from NMFS OLE, Southeast Division by calling (800) 758-4833 to request the form be sent by mail or email.

#### **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, South

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 final 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 2018, an estimated 365 for-hire vessels had federal permits to harvest species managed by both the Gulf Council and the South Atlantic Council. Among these vessels, up to 70 may primarily operate as headboats in the Gulf; the number of charter vessels that primarily operate in the Gulf is unavailable at this time. NMFS has published a final rule for RIN 0648-BG75 to require electronic reporting for federally permitted charter vessels in the South Atlantic and, similar to the final rule for the Gulf, modify the reporting frequency for headboats. To address potential issues with multiple or duplicative reporting requirements, the rule for the South Atlantic for-hire reporting program allows for reports submitted under other electronic reporting programs to fulfill the requirements of the South Atlantic for-hire reporting program if the reporting requirements in those other programs are more stringent and meet the core data elements identified by the South Atlantic Council. Because the reporting requirements under the Gulf final rule will meet these criteria, any for-hire vessel that has both Gulf and South Atlantic federal charter vessel/headboat permits and that is required to submit electronic reports under the Gulf final rule will not be subjected to additional reporting requirements under the South Atlantic Council's for-hire 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 will 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 will allow fishermen with federal for-hire permits in other regions to submit one report that will 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 will 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 final rule for RIN 0648-BH72 is to increase and improve fisheries information collected from Gulf for-hire permittees. 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 implement changes approved by the Secretary of Commerce in the Gulf For-hire Reporting Amendment and associated final 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 declaration, submitting location information, 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 declaration will 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 will not know if an enforcement agent will 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. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe 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.**

On October 26, 2018, NMFS published a proposed rule for RIN 0648-BH72 in the *Federal Register* to solicit public comment on the temporary new information collection, coincident with this request (83 FR 54069). NMFS received public comments relating to socio-economic implications and potential impacts of the final rule on small businesses. Those public comments and NMFS' responses are included in the final rule and also in this supporting statement below. NMFS made no changes to the temporary new information collection as a result of these public

comments.

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.

*Comment 15:* NMFS should not require reporting of economic information. Requiring operators to submit their financial information leads to a lack of buy-in and trust among participants. There are other methods to collect this information such as surveying websites, directly surveying permit holders, or simply asking the question on a random basis rather than for every trip.

*Response:* NMFS disagrees that reporting economic information should not be required. With implementation of this final rule, NMFS will require the reporting of five economic values per trip: the charter fee, the fuel price and estimated amount of fuel used, number of paying passengers, and the number of crew for each trip. During the development of the Gulf For-hire Reporting Amendment, NMFS and the Gulf Council discussed data elements to be reported through the Gulf for-hire reporting program, including economic data. The collection of economic information will enhance the Gulf Council and NMFS' ability to monitor and assess the economic effects of fishing regulations and environmental factors. This information will improve the best scientific information available for regulatory decision-making; will increase the accuracy of economic impacts and value estimates specific to the for-hire industry; and will support further value-added research efforts and programs aimed at increasing net benefits to fishery stakeholders and the U.S. economy. Also, this information will help generate estimates of lost revenue when a disaster occurs (e.g., hurricane, oil spill). For example, information collected by the Individual Fishing Quota programs was instrumental during the 2010 Deepwater Horizon MC 252 oil spill to account for lost revenue. Information reported by individuals and businesses will be kept confidential, as explained in response to Comment 12.

Economic information collected as part of the electronic logbooks will be superior, in terms of quality and usefulness, to information that can be obtained from websites or separate surveys. Data gathered from websites or separate surveys are frequently outdated, often suffer from small sample size issues, and are not linked to trip characteristics. By capturing the variation in these economic data across trips, NMFS can extract information about the value of individual trip characteristics (e.g., the marginal value per fish for a given species). Using available regional averages for fuel prices in particular would fail to capture differences in prices at a more localized level or by fuel grade.

*Comment 16:* Daily or weekly reporting is frequent enough and trip-level reporting is unnecessary for for-hire data collection. Reporting before fish are off-loaded or within 30 minutes after the trip has ended does not give Gulf for-hire vessel owners or operators enough time to complete their electronic reports and submit them. The time allowed for transmitting an electronic report should be longer.

*Response:* NMFS disagrees that trip level reporting is unnecessary and that Gulf for-hire vessel owners or operators will not have enough time to complete and submit their reports. NMFS estimates that it will take about 10 minutes per trip to complete each report. NMFS expects that some of the approved software programs will allow some data to be stored or auto-populated to

make it quicker and easier to input data. NMFS also notes that this final rule requires submission of an electronic fishing report within 30 minutes of completing each trip only if no fish are on board, in which case the report would be very short. If fish are on board, the report must be submitted any time before offloading the fish, but not within any specific time period.

NMFS expects these reporting requirements to increase data accuracy, as well as provide more timely information of charter vessel activity. Reporting on a per trip basis is also expected to reduce recall bias. Additionally, NMFS expects this requirement to help improve validation because law enforcement and port agents will be provided the opportunity to inspect and verify landings after the reports are submitted. As explained in the response to Comment 11, more timely collection of harvest data will make it easier for NMFS to track landings and constrain harvests to the annual catch limits. Harvest overages have the potential to severely impact fish stocks, which may lead to lower catch rates and more stringent harvest limits in the future. In turn, this may reduce revenue and profits for fishing businesses, including industry support businesses, and diminish fishing opportunities for anglers and associated economic value.

*Comment 23:* Commenters expressed several concerns regarding the functioning of the location tracking devices, stating: 1) the location tracking system could fail and the vessel would not be able to go fishing or have to return to port, which could cause significant economic and social harm; 2) it is not clear what a vessel owner or operator should do if GPS signal fails during a trip and does not record the position of the vessel; 3) the GPS unit may not function while being stored under roofs, awnings, or in enclosed buildings; and 4) having the GPS unit on all the time could drain the vessel's battery.

*Response:* 1) NMFS acknowledges that for-hire businesses may incur financial losses if the location tracking system fails and results in the cancellation of for-hire trips. Therefore, NMFS encourages Gulf for-hire permit holders to consider having an appropriate backup as for other necessary equipment. An outright cancellation would result in an average loss of approximately \$648 in net operating revenue (NOR) (2 percent of estimated average annual net income), based on NMFS' estimate that charter vessels earn approximately \$162 (2018 dollars) NOR per angler per trip and assumes an average of four anglers per trip. For headboats, NMFS estimates that a cancellation would result in an average loss of approximately \$1,749 in NOR (2 percent of estimated average annual net income), based on estimated earnings of approximately \$53 (2018 dollars) in NOR per angler per trip, and assuming an average of 33 anglers per trip. These values are rough estimates only. Individual for-hire businesses may earn more or less per trip depending on the prices they charge, variable trip costs, and their number of paying passengers. Additionally, some for-hire vessels may take multiple trips in any given day, increasing the potential cost of system malfunctions. Unexpected cancellations or early termination of trips may negatively affect customer satisfaction and future booking rates for the affected for-hire businesses, leading to an additional loss in economic value. It is difficult to estimate the failure rate of the location tracking devices or resultant economic effects with available data. However, the failure rate of satellite VMS units in the commercial reef fish fishery is estimated to be less than one percent of commercial trips.

2) If the GPS unit fails during a trip, the vessel must return to port, and the vessel owner or operator should make NMFS aware that the unit failed, and await instructions on how to make any necessary correction to the data for that trip.

3) NMFS agrees that satellite-based VMS units may be disrupted by structures but is testing the ability of a number of cellular-based VMS units to transmit under different conditions. In general, these cellular-based VMS units will work anywhere a cellular phone would work, including in buildings. NMFS encourages permit holders to choose the appropriate device for

their situation.

4) NMFS does not expect that a continually operating VMS unit will drain the vessel's battery. VMS units have been required for vessels with Federal commercial permits for Gulf reef fish since 2006. Some of those vessels are relatively small and have not reported any problems with batteries draining due to the VMS units being on all the time. The VMS units vary in amperage draw, but the units generally draw less than 1,000 milliamperes while active. NMFS may approve solar-powered cellular VMS units that can store power lasting for 1 to 2 weeks. Furthermore, some units may allow a Gulf for-hire vessel owner or operator to use a 4-hour position reporting option when in-port, which would further reduce battery usage.

*Comment 24:* Explain the costs and monthly fees for the location tracking devices.

*Response:* NMFS is currently testing six cellular-based units that range in purchase price from \$150 to \$800. The monthly service fee for these units range from \$10 to \$40 per month. The unit vendor determines these costs; NMFS has no input on pricing for the devices. The NMFS VMS re-imbursement program is available to fishermen for the purchase of approved satellite-based VMS units, and NMFS OLE is undergoing rulemaking that would also make reimbursement available for cellular-based VMS units. Satellite-based VMS that are currently approved for the commercial Gulf reef fish program cost approximately \$3,000 per unit. Monthly service fees, which NMFS expects to range from approximately \$40 to \$75, will be the responsibility of the fisherman.

*Comment 25:* The monthly service fee for VMS units will be too high. A 2012 study from Louisiana State University found that smaller operators owe substantial sums on the loans on their vessels. Not only does the owner or operator's net income need to be considered but also their cash flow. These operators cannot afford to decrease their net incomes or cash flow for the sake of gathering information. The logistical and financial burden that the regulations would put on vessel owners is concerning.

*Response:* NMFS understands there will be additional costs to vessel operators to pay for data collection. NMFS also acknowledges that charter and headboat businesses may have substantial loan payments and other operating costs, such as insurance, overhead, maintenance, and trip costs (e.g., fuel, labor, supplies, etc.), that affect both their net income and cash flow. NMFS cannot reference the study to which the commenter referred to, because no additional detail about the study or source was provided. According to the best scientific information available, which includes a 2012 study published by the Center for Natural Resource Economics and Policy, Louisiana State University, average monthly cash outflows (fixed and variable costs) for charter and headboat businesses are estimated to be approximately \$5,171 (2018 dollars) and \$15,758, respectively. In comparison to existing costs, NMFS believes the ongoing monthly fee (estimated at \$10 to \$40 per month) would not materially alter cash flows, profits, or the solvency of for-hire businesses.

NMFS expects that reporting on a trip level basis before off-loading fish will result in more effective and timely management, which is a potential benefit that will outweigh the costs that would be incurred by the industry and NMFS.

**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-19](#), Permits and Registrations for United States Federally Regulated Fisheries.

**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 will not collect sensitive information.

12. Provide an estimate in hours of the burden of the collection of information. For wage costs use [www.bls.gov/oes](http://www.bls.gov/oes) , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Installation of cellular or satellite VMS unit	Fishermen	325 (charter only)	0.33	325; <b>109 annualized</b>	5 hr	542	\$14.49	\$7,853.58
Landing location request	Fishermen	1,368 (all)	0.29	1,200; <b>400 annualized</b>	0.0833 (5 min)	33	\$14.49	\$478.17
Trip declaration	Fishermen	1,368 (all)	94	128,700	0.033 (2 min)	4,290	\$14.49	\$62,162.10
Fishing report (per trip)	Fishermen	1,368 (all)	94	128,700	0.166 (10 min)	21,450	\$14.49	\$310,810.50
Power-down exemption request	Fishermen	1,368 (all)	0.25	342	0.0833 (5 min)	29	\$14.49	\$420.21
<b>Totals</b>				<b>258,251</b>		<b>26,344</b>		<b>\$381,724.56</b>

The final rule for RIN 0648-BH72 is not expected to cause the number of respondents to fluctuate greatly, because the two federal for-hire permits for which the final rule applies 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 final 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 June 2018, there were 1,368 vessels (respondents) with at least 1 valid federal charter vessel/headboat permit to fish for Gulf reef fish or Gulf CMP species that are required to comply with the final rule and 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 June 2018, there were 70 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 1,368 federally permitted vessels estimated to be directly affected by the final rule, 70 of them are expected to primarily operate as headboats, and 1,298 are estimated to primarily operate as charter vessels. Although the 70 headboats have already been electronically reporting on weekly basis, they will still be affected by requirements in the final 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).

Upon implementation of the final rule, owners and operators of headboats with federal for-hire permits for Gulf reef fish or Gulf CMP species will 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 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 final rule requires 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 will 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 commercial reef fish fishery, NMFS estimates the time to install such equipment at 5 hours per vessel. While NMFS assumes that every for-hire vessel has a simple GPS device already installed, not every unit may be compatible with the requirements in the final rule. Therefore, NMFS estimates that approximately 25 percent of charter vessels will 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 1,298 charter vessels is approximately 325 vessels. The estimated one-time installation time burden to charter vessels is 1,625 hours; annualized over 3 years, the installation time burden is 542 hours.

### *Landing Location*

The final rule will require fishermen to land at landing locations approved by NMFS. If a desired landing location is not already approved by NMFS, fishermen must submit a Landing Location Request form to NMFS, so the location can be verified before a location can be used. NMFS estimates that the average reporting burden to request additional landing locations for approval will require 5 minutes per response, and NMFS estimates approximately 1,200 responses over the 3-year term of this information collection by the same number of respondents; annualized, NMFS estimates approximately 400 responses. Therefore, at 5 minutes per response, the total estimated time burden to request the approval of additional landing locations will be 33 hours annually.

### *Reporting*

Prior to each fishing trip, the trip declaration will require an estimated 2 minutes to complete. After each trip, NMFS estimates that an electronic fishing trip report will require approximately 10 minutes. Location information will be transmitted automatically and therefore will not require any

time for submission. Therefore, the time burden to report could be 12 minutes per trip.

As stated previously, the cellular or satellite VMS will 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 will 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 (1,368) will submit GPS power-down exemption requests during a year, or approximately 342 per year. At this time, it is not possible to estimate the duration of each power-down exemption request, or how it will affect the annual number of fishing trips and the associated responses.



**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).**

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c)=(a) x (b)	Cost Burden / Response (h)	Total Annual Cost Burden (i) = (c) x (h)
Purchase of monitoring unit	325	1	325	\$1,000	\$325,000; <b>\$108,000 annualized</b>
Installation of monitoring unit	325	1	325	\$500	\$162,500; <b>\$54,167 annualized</b>
Landing location request	n/a	n/a	132	\$0.60	\$79 annualized
Reporting requirements total	1,368	= 94	128,700	≈ \$0.01	\$1,395,360
Trip declaration	included	included	included	included	
Fishing report per trip	included	included	included	included	
Location reporting	included	included	included	included	
Power-down exemption request	342	1	342	\$0.60	\$205
<b>TOTALS</b>					<b>\$1,557,811</b>

NMFS estimates that respondents (Gulf for-hire permittees) will incur costs as a result of the final 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 final 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 will be up to approximately \$85 per month. This is an upper bound estimate based on advertised rates from four major wireless service providers in 2019 and cheaper plans will likely be available. NMFS conservatively estimates that, per applicable respondent, first year costs for cellular-linked hardware, installation, and service fees will be approximately \$2,520.

Any costs to respondents to submit the Landing Location Request form will be limited to those that submit the form through the mail. Because of a lack of information otherwise, NMFS assumes an equal proportion of respondents will mail the form, submit a scanned form through email, or call NMFS to submit the information over the telephone. One-third of the estimated 400 annual responses is approximately 132. Annual costs will be limited to postage and an envelope, and therefore, NMFS assumes each response would cost approximately \$0.60, and therefore, annual costs will be approximately \$79.

If a vessel offloads fish or docks at a location that does not have cellular service, respondents will potentially need to purchase and install an approved satellite-based VMS unit. The estimated startup costs for the VMS hardware, installation, and service fees on each affected vessel will 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 will comply with requirements in the final rule, especially vessels with commercial permits for Gulf reef fish, NMFS does not have an estimate at this time. Therefore, NMFS conservatively estimates that approximately 25 percent of charter vessels (325) will need to purchase (estimated at \$325,000) and install cellular-linked hardware (estimated at \$162,500), and pay the associated service fees, \$1,020 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 is approximately \$1,883,105 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 will 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 \$85 per vessel, or \$1,020 annually, which may be an overestimation. As data becomes available, NMFS will update the estimated annual cost burden to respondents resulting from the final 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 \$1,557,740 per year, instead of only in the first year.

The final rule requires 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 1,368 for-hire vessels will request a power-down exemption each year. Assuming all 342 power-down exemption request forms are submitted by mail and not submitted electronically, the estimated annual cost will be \$205 (342 responses x \$0.60 for envelope, postage).

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 is \$1,557,811.

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

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
<b>Federal Oversight</b>					
Program Manager	GS-13	150,000	100		150,000
VMS Technician (4)	GS-11	100,000	100		400,000
QA/QC Technician (5)	GS-11	100,000	100		500,000

Compliance Agent (4)	GS-11	100,000	100		400,000
<b>Contractor Cost</b>					
Customer Service Rep (2)	Contractor	60,000	100		120,000
Port Agents (10)	Contractor	75,000	100		750,000
Travel	Annual Purchase	20,000			20,000
Sampling Design	One-Time Purchase	10,000			10,000; annualized 3,333
Sampling Equipment	Annual	10,000			10,000
Vehicles (10)	One-Time Purchase	35,000			350,000; annualized 116,667
Fuel	Annual Purchase	17,000			17,000
Vehicle Maintenance (10)	Annual Purchase	1,000			10,000
Sampling Equipment	Annual Purchase	10,000			10,000
Computers (25)	One-Time	1,500			37,500; annualized 12,500
Phone Line	Annual Purchase	1,000			1,000
<b>TOTAL</b>					<b>\$2,520,500</b>

**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.**

The expiration date will be displayed on all instruments.

**18. Explain each exception to the certification statement.**

There are no exceptions for compliance with provisions in the certification statement.

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

The temporary new collection does not employ statistical methods.