

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Greater Atlantic Region Lobster Electronic Harvester Reporting Program
OMB Control No. 0648-XXXX

Abstract

This request is for a new temporary collection. The National Marine Fisheries Service (NMFS) is promulgating a rule (RIN 0648-BF01) to implement an electronic Harvester Reporting Program for Federal American lobster permit holders in the Greater Atlantic Region. To date, all commercial and for-hire fishing vessels permitted by GARFO, except Federal lobster permit holders, are required to submit vessel trip reports (VTR) electronically within 48 hours of the end of a trip. We are proposing expand the mandatory electronic harvester reporting requirements to Federal lobster permit holders and add the collection of several additional data elements in the electronic form, no earlier than January 1, 2023, as recommended by the Atlantic States Marine Fisheries Commission (Commission). The submission of electronic vessel trip reports (eVTR) is being proposed to align the reporting requirements for Federal lobster permit holders with the existing reporting requirements for all other fisheries permitted by GARFO.

Due to the timing of the rulemaking and the timing of the renewal of the collection of information 0648-0212, Greater Atlantic Region Logbook Family of forms, NMFS is submitting a request for creation of a temporary collection. NMFS will submit a request to merge this new temporary collection with 0648-0212 upon publication of the final rule RIN 0648-BF01.

Justification

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act), the Mid-Atlantic and New England Fishery Management Council (the Council) and the Atlantic States Marine Fisheries Commission (the Commission) are responsible for conservation and management of marine fishery resources off the east coast. NMFS approves, partially approves, or disapproves Council actions and enacts complementary regulations to Commission actions.

The Magnuson-Stevens Act requires that conservation and management measures must prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery. These measures must be based on the best scientific information available. The Atlantic Coastal Act oversees coastal fishery resources that migrate, or are widely distributed, across the jurisdictional boundaries of two or more of the Atlantic States and Federal government. The use of harvester reports/vessel logbooks are essential tools in the management of fishery resources. Section 303(a)(5) of the Magnuson-Stevens Act specifically identifies the kinds of data to be collected for fishery management plans (FMPs), and the Greater Atlantic Regional Fisheries Office (GARFO) obtains much of this data through logbook, and vessel monitoring system (VMS) (which is approved under the 0648-0212 information collection) data. Logbooks are also known as Vessel Trip Reports (VTRs).

International, federal, state, and local fishery management authorities recognize the value of harvester/logbook data and use the data as a part of their management systems. Resulting data are used by economists, biologists, and managers to develop, monitor, and enforce controls on fishery harvests. Mandatory harvester/logbook reporting requirements are applied to all vessels permitted under the Atlantic mackerel, squid, butterfish, Atlantic sea scallop, Atlantic surf clam, ocean quahog, Northeast (NE) multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, tilefish, red crab and skate FMPs. If a vessel is permitted in more than one of these fisheries, only one report needs to be submitted to fulfill reporting requirements for all species. For vessels with NE multispecies, Atlantic herring limited access, and Atlantic mackerel Tier 3 permits, logbooks reporting fishing activity must be submitted weekly by Tuesday of the following week. For all other permits, logbooks reporting fishing activity must be submitted monthly within 15 days after the end of the reporting month.

In early 2020, the New England and Mid-Atlantic Fishery Management Councils approved a joint action requiring vessels holding permits under their management authority to submit mandatory electronic vessel trip reports. In addition, this action advances the submission requirement for all Federal fisheries under Council jurisdiction to 48 hours after the conclusion of a trip. On November 10, 2020, we published a final rule (85 FR 71575) implementing the requirement for all limited access commercial fisheries managed by the Councils to submit VTRs electronically, beginning November 10, 2021, which eliminates the option to submit paper VTRs.

Currently, Federal lobster permit holders are not required to submit VTRs unless they possess a permit for another species that requires logbook reporting. Dual permit holders (state and federal) may have state reporting requirements, however, Federal permit holders, with only a lobster permit, do not have any Federal reporting requirements. This has resulted in a lack of essential information on the lobster fishery that could be used to inform lobster management decisions, facilitate fishery enforcement, and assist in mitigating the interactions between fishing gear and large whales.

In February 2018, the Commission's Lobster Management Board approved Addendum XXVI to Amendment 3 of the Interstate Fishery Management Plan for American Lobster. This addendum adopted a 5-year timeline for all state agencies to implement 100% harvester reporting (or VTRs) to improve the spatial resolution of data for the lobster fishery. In the addendum, the Commission recommended that NMFS to implement complementary regulations as soon as practical that would require all Federal lobster permit holders to submit trip-level harvester reports. Currently, only about half of all 3,000 plus Federal lobster permit holders must submit a trip level VTR because they hold another Federal fishery permit that requires it. The majority of Federal lobster permit holders who are not required to submit a VTR hail from Maine ports. Because Maine accounts for more than 90 percent of the annual lobster harvest, brining all these permit holders under the reporting requirements will help to fill a major geographic gap in lobster fishery dependent data.

Additionally, the Commission also recommended the collection of several additional data elements in the electronic form, no earlier than January 1, 2023. In addition to the existing reporting elements of the Federal VTR, Addendum XXVI recommended that we collect Lobster Management Area fished, 10-minute square fished, number of traps hauled, trip length, and total number of buoy lines in the water. As states and NMFS moved to consider modifying databases to accommodate the collection of these elements, the Commission convened a Data Working Group during 2020, consisting of state and

Federal partners, Atlantic Coastal Cooperative Statistics Program (ACCSP) staff, and the Commission’s lobster policy staff. The Working Group provided guidance for how jurisdictions should collect these data, which resulting in a March 8, 2021 letter revising the additional data elements recommended for collection, including: Total number of traps hauled by chart area, total number of traps in the water in chart area fished, average number of traps per string hauled in a chart area fished, total number of buoy lines in a chart area fished, and total number of buoy lines in the water.

Therefore, to complement the Commission’s recommendations, this action considers implementing electronic reporting requires for all Federal lobster permit holders. Additionally, this action considers the collection of the following additional information:

Table 1. New eVTR Data Elements

Data Element	Description
Lobster management area fished	If a chart area spans multiple Lobster Management Areas, the Lobster Management Area where the majority of fishing effort occurred. This corresponds to the latitude/longitude already reported on the VTR.
10-minute square fished	If multiple 10-minute squares are fished in a single chart area, the 10-minute square where the majority of fishing effort occurred. This corresponds to the latitude/longitude already reported on the VTR.
Trip length	The length of time away from port. This should correspond to the difference between Date and Time Landed and Date and Time Sailed on the VTR.
Total number of traps hauled by chart area	This data element includes the direct collection of the number of traps hauled in a chart area. This data element could be calculated from data that is collected, but has been recommended for direct collection.
Number of traps in chart area fished	In addition to total number of traps in the water already on the VTR, this data element includes the direct collection of the number of traps in a given chart area at the beginning of each trip.
Average number of traps per string hauled in the chart area fished	In addition to average number of traps per string already on the VTR, this data element includes the average number of traps per string in the chart area fished.
Number of buoy lines in the chart area fished	This data element includes the direct collection of the number of buoy lines in a given chart area at the beginning of each trip.
Total number of buoy lines in the water	This data element includes the direct collection of the total number of buoy lines in the water.

2. **1Explain how, by whom, how frequently, and for what purpose the information will be used. 1If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The information collected using VTRs will be used by several offices of NMFS, the U.S. Coast Guard, the Commission, the Councils, and state fishery enforcement agencies under contract to NMFS. The information is used to develop, implement, and monitor fishery management strategies.

VTR data serve as inputs for a variety of uses, including biological analyses and stock assessments, regulatory impact analyses, quota allocation selections and monitoring, economic profitability profiles, trade and import tariff decisions, allocation of grant funds among states, and analysis of ecological interactions among species. Additionally, the data serve as an important means to facilitate enforcement and mitigate the impacts of interactions between fixed fishing gear and endangered whales. NMFS would be unable to fulfill the majority of its scientific research and fishery management missions without these data. The information collected on the VTRs is outlined below (NOAA Form 88-30).

Vessel name and permit number/documentation number. The vessel permit number is a unique number assigned to each vessel issued a Greater Atlantic Region Federal permit. This information is needed to accurately identify each fishing vessel for which a logbook report has been submitted. Requiring both the vessel name and permit number allows NMFS staff to cross-check both pieces of information to confirm the correct identity. Permit numbers are especially important for monitoring compliance with the reporting regulations and for matching the logbook data submitted by the vessels with the reports of fish purchases provided by dealers.

Trip type, number of crew, and number of anglers. Trip type is used to differentiate between commercial, party, and charter trips. The number of crew and number of anglers is needed to assign economic values to both the commercial and recreational segments of the fishing industry. The collection of number of crew also allows for enforcement of crew size limits in particular fisheries. This data is also used in evaluating Catch per Unit Effort (CPUE).

Date sailed/landed, trip length, number of hauls, duration of tows or sets, gear type, units and size of gear, and mesh size. This information is used 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. This information allows comparisons over time and space of catches made by a variety of harvesters. Comparisons of catch and CPUE over time are significant indicators of the biological status of the fisheries. Declining CPUE's can indicate over fishing beyond the level of harvest that is sustainable through natural growth and reproduction of the stock.

Chart area fished, depth, latitude/longitude, Lobster Management Area fished, 10-minute square fished. These variables are used to establish locations of fish capture, which can then be related to other biological and oceanographic information to predict species availability and likely future abundance. In addition, area fished is used to cross-reference locations where fishing is not permissible and monitor fish catch in particular areas.

Pounds landed and discarded, by species. Such species information is the basic measure of fishing success from which fishermen, biologists, and economists draw conclusions about the status of a fishery. Landings information is also needed because controlling the quantity of fish harvested is often the means for ensuring continued harvests of renewable resources over time.

Name of buyer, dealer number, date sold, and port of landings. These data are used in enforcing fishery regulations to cross-reference the quantity of fish appearing in the market. Enforcement officers

conduct inspections at fish off-loading sites to ensure regulations are being met. These data elements are especially useful when monitoring quotas or when other constraints on harvest are used. It allows NMFS to track the resulting quantity of transactions on land between buyers and sellers.

Name of operator/owner. This information is used to identify the respondent and legal entity controlling the fishing practices of the vessel. Violations of quota regulations may be uncovered during an at-sea boarding and inspection, resulting in a fine, permit suspension, or catch seizure. As vessels may be owned by corporations, the identification of owner and operator on the logbook form allows NMFS to sanction the corporation as well as the operator as necessary. Information on the vessel and permit number is also used for further identification.

Signature of Operator and date. This is required so that the vessel trip report is official. It is important to know when the report was sent in so that we use all of the fields as mentioned above appropriately.

Total number of traps hauled by chart area, Number of traps in chart area fished, Average number of traps per string hauled in the chart area fished, Number of buoy lines in the chart area fished, Total number of buoy lines in the water. These data will be used to better assess the risks of commercial lobster trap gear to Endangered Species Act and Marine Mammal Protected Act species, including whales and sea turtles. When used in combination with other data on the VTR, we be able to assess where gear is fished, how many buoy lines are used, and will be able to determine how gear shifts throughout the year. When combined with whale or sea turtle location or habitat data, risk can be better assessed.

The information collected will be made available to the public and used to support other publicly disseminated information. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. The information is made available to the public, particularly for use by state agencies and other entities for the purposes of fishery and marine resource management. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The New England and Mid-Atlantic Fishery Management Councils initiated and approved a joint action requiring vessels holding permits under their management authority to submit mandatory electronic VTRs. In addition to changing the submission method, this action advances the submission requirement for all Federal fisheries under Council jurisdiction to 48 hours after the conclusion of a trip. We published a final rule (85 FR 71575) requiring electronic submission of VTRs for Council-managed fisheries on November 10, 2020 and implemented this requirement for all limited access commercial fisheries managed by the Councils, which eliminated the option to submit VTRs using a paper form, in November 2021. This trend, and the recommendations of the Commission and others to expand harvester reporting to the lobster fleet, have prompted us to consider a universal approach to revising harvester reporting requirements.

Therefore, this action builds off past work and would implement mandatory trip-level electronic harvester reporting of existing data elements for all Federal lobster permit holders, beginning 6 months from publication of a final rule and no earlier than January 1, 2023,. This action would implement consistent reporting requirements, method, and timing of submission across all Greater Atlantic Region fisheries. We are specifically requesting comment on the timing of this requirement.

4. Describe efforts to identify duplication.

Some of the information provided in other reports, such as Interactive Voice Response (IVR) reports, by vessel owners or operators will be duplicated in vessel logbooks. This duplication is unavoidable and is purposely required so that data from IVR reports can be matched with logbooks to ensure there are no reporting errors. IVR and logbook reports can be matched by date and vessel permit number.

Additionally, we are seeking comment on the utility of the additional fields to minimize duplication.

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

The majority of fishermen that are required to submit information as a part of this collection are considered small businesses. In order to minimize burden, only the minimum data to meet the logbook objectives are requested from respondents. The logbook instructions note which fields are mandatory and which are voluntary. In addition, the logbook format has been developed in cooperation with the respondents to ensure ease of use and to obtain feedback on the variables to be maintained. The result is that some fishermen use the logbook as their personal business record, which increases business efficiency and reduces overall burden related to reporting requirements.

Additionally, the logbooks will be required to be submitted electronically which will save the fisherman time and money by not having to maintain and mail paper copies.

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

Currently, Federal permit holders, with only a lobster permit are not required to report. As described above, approximately half of Federal lobster permit holders have to submit VTRs because they have permits for other fisheries with a mandatory reporting requirement. Approximately half of Federal lobster permit holders only have a lobster permit and, to date, have not had to submit reports. Failing to require mandatory harvester reporting, or requiring a different method or submission timeframe would cause unnecessary inequalities amongst lobster permit holders. The lobster fishery has also expanded effort offshore and a significant data gap exists on fishing effort and stock characteristics. Mandating the collection of this data as soon as possible is essential to improve the science and management of the lobster fishery, the co-occurrence of the fishery with protected species, and to support our ability to determine impacts from other marine activities.

Less frequent collection would jeopardize the value of the vessel logbooks as a crosscheck on the information provided by seafood dealers and would render other NMFS data collection programs useless. Without this frequency of response, NMFS would be unable to accomplish in-season

management of fisheries. If the collection were not conducted, more conservative management alternatives which protect the stock would have to be chosen, which would adversely affect fishermen's income and employment.

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 and the data collection is fully consistent with OMB guidelines.

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.

The temporary new collection will be announced at future New England and Mid-Atlantic Fishery Management Council meetings following publication of the proposed rule RIN: 0648-BF01. The announcement will include a summary of the information collections included in the new collection and encourage affected parties to submit comments.

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, all data will be kept confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). Confidentiality is also required by Section 402(b) of the Magnuson-Stevens Act. Logbooks are also considered confidential under the Trade Secrets Act.

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, 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.

To determine the number of respondents and responses, we retrieved the average number of lobster permit holders submitting reports and the average number of reports submitted over the previous three years (2018–2020) from the production VTR database. The number of annual responses per respondent was calculated using the number of vessel trip reports submitted by lobster permit holders that currently have a reporting requirement for other species. The average number of responses was divided into two categories: Inshore fishermen and offshore fishermen, as trip duration and reporting frequency varies. Inshore fishermen take more trips in a week than offshore fishermen, so a different number of responses and total burden was calculated for these categories. Based on this, 1,945 inshore and 93 offshore lobster permit holders will be required to report.

To determine the burden hours/response, we calculated the average response time per field from estimates in 0648-0212 and expanded that response time by the number of additional fields that will apply only to lobster permit holders. The current estimated response time for the reporting burden for VTRs is 5 minutes (0.083 hours). To account for the additional fields, we assumed a rate of 0.003 minutes per field in the VTR (0.083 minutes per report/27 fields). With a new total of 35 fields (27 old fields + 8 new fields), the new burden hours/response is 0.105 minutes per report (35*0.003 minutes per field), or 6.3 minutes. Given that this is a new reporting requirement, we round this up to 7 minutes per report, or 0.117 hours per report

Table 2 below describes the new burden estimate for lobster permit holders, including both harvesters who previously reported and those who will be newly reporting, using the new response time.

Table 2. Total Lobster Permit Holder eVTR Burden

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)
Vessel Trip Report-Inshore ²	Fishermen	1945	43	83,282	0.117	9,744	\$14.49	\$150,935
Vessel Trip Report-Offshore ³	Fishermen	93	30	2,743	0.117	321	\$14.49	\$4,651
Totals	Fishermen	2,038		84,788		10,065		\$155,586

²Inshore includes vessels that hold any A1, A2, A4, A5, A6, or AOC and do NOT hold an A3 permit

³Offshore includes vessels that hold an A3 permit. Area 3 permit holdings were a good indicator of offshore fishing activity.

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).

While GARFO-approved electronic reporting applications are free and most can be easily installed on a mobile phone or tablet and would not require the space and expense of a computer, they do still involve

the purchase and connection (mobile data or Wi-Fi) of that mobile or tablet device. We estimate that a device may cost between \$0-200, and monthly wireless carrier fees may reach up to \$50 per month. However, these devices are ubiquitous in society for personal use, making these costs effectively discountable.

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

No costs are expected to be incurred to the Federal Government. Electronic submission automates review of reports, declines submission should an error be present, and requires corrections prior to an eVTR being successfully submitted. This review and send-back process when errors were detected were previously performed by GARFO staff when paper report were accepted.

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.

Results from this collection may be used in scientific, management, technical, or general informational publications such as the annual Fisheries of the United States reports, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

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.