

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
West Coast Region Non-Trawl Groundfish Logbooks (TEMP collection)
OMB Control No. 0648-0804

Abstract

The National Marine Fisheries Service (NMFS) West Coast Region (WCR) is submitting a temporary new information collection request (ICR) for a federally mandated logbook requirement for non-trawl groundfish fisheries that occur in the exclusive economic zone seaward of Washington, Oregon, and California. This temporary collection is necessary due to concurrent actions affecting OMB control number 0648-0782 and changes associated with final rule 0648-BK81. This temporary ICR will later be merged with the existing ICR for the West Coast Groundfish Trawl Logbook (#0648-0782) once all actions are completed.

Currently, the state of Oregon administers a fixed gear logbook, but no such reporting occurs in Washington or California fixed gear and other non-trawl fisheries, which only have partial observer coverage. A non-trawl logbook has broad applicability and utility for the management of the Pacific coast groundfish non-trawl fisheries. Data collected in a non-trawl logbook would contribute to stock assessments, inform managers about location-specific catch and discards on non-observed trips and vessels, support economic analysis, and provide effort information to quantify groundfish fishery effort to allow more precise estimation of bycatch of with Endangered Species Act (ESA) listed species, such as seabirds and humpback whales. In addition, implementation of a fixed gear logbook is a term and condition implementing Reasonable and Prudent Measure 4 of the 2017 Biological Opinion for Seabirds (FWS O1E0FWOO-2017-F-03 16). The Pacific Fishery Management Council's (PFMC) ESA Workgroup has recommended a fixed gear logbook numerous times ([June 2019](#); [April 2017](#); [June 2015](#)). Finally, a fixed gear logbook would provide vital area-specific catch information to support potential future actions such as opening up areas of the non-trawl Rockfish Conservation Area (NT-RCA).

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

During the June 2008 Council meeting, for the 2009-2010 Groundfish Harvest Specifications and Management Measures action, the PFMC recommended that NMFS initiate rulemaking for a mandatory logbook requirement for the limited entry and open access (OA) fixed gear fishing fleets. In the proposed rule for the 2009-2010 harvest specifications ([73 FR 80516; December 31, 2008](#)), NMFS determined that "development and implementation of a federal logbook system would take more time than is available for this rulemaking. Therefore, it is under consideration for implementation in the future" (pp 80538). However, implementation has yet to occur due to limited resources and competing workload priorities.

Similar to the trawl logbook, a fixed gear logbook has broad applicability and utility for the management of the OA and limited entry fixed gear (LEFG) commercial groundfish fisheries. Data collected in a fixed gear logbook would contribute to stock assessments, inform managers about location-specific catch and discards on non-observed trips and vessels, support economic analysis, and provide effort

information to quantify groundfish fishery effort to allow more precise estimation of bycatch of Endangered Species Act (ESA) listed species, such as seabirds and humpback whales. In addition, implementation of a logbook for fixed gear is a term and condition implementing Reasonable and Prudent Measure 4 of the 2017 Biological Opinion for Seabirds (FWS O1EOFWOO-2017-F-03 16). The Council's ESA Workgroup has recommended a fixed gear logbook numerous times (see the ESA Workgroup reports on the Council's website (pcouncil.org) for the June 2015, April 2017, and June 2021 meetings). Finally, a logbook for the OA and LEFG fisheries would provide vital area-specific catch information to support future actions such as opening up areas of the non-trawl Rockfish Conservation Area (NT-RCA).

Considering that it has been several years since the Council's recommendation on this action and aspects of the relevant fishery sectors have changed since then, NMFS requested additional guidance on the Council's intended scope for this action at their September 2021 meeting. First, NMFS asked the Council for clarification on whether they intended for the logbook requirement to apply to all OA sectors (*i.e.*, directed *and* incidental), or *only* the directed OA sector. The reason for this request was to confirm whether the Council intended for the logbook to be submitted by non-groundfish fisheries that land groundfish incidentally under OA trip limits (*e.g.*, the salmon troll fishery). Second, NMFS asked the Council to clarify whether they intended the logbook to apply to the "non-trawl" fleets as opposed to the "fixed gear" fleets; the terms are sometimes used interchangeably, however, although they include many of the same gear types (*e.g.*, pot gear), they do not include all of the same gear types (*e.g.*, troll gear is non-trawl gear, but is not fixed gear). In 2008, the Council used the term "fixed gear" in their recommendation. The reason for this clarification request is because the Council has recently expressed interest in collecting logbook information on non-trawl gears that do not meet the regulatory definition of fixed gear (*see* §660.11), namely troll gear. In addition, non-trawl gear types that are not fixed gears are being contemplated by the Council for legal use inside the NT-RCA, and the Council has indicated that any vessels authorized to fish inside the NT-RCA should be required to fill out a logbook.

In response to NMFS' request for clarification, at their March 2022 meeting, the Council made a final recommendation on the logbook that clarified the following:

- The logbook requirement would apply to the more inclusive "non-trawl" groundfish fleets as opposed to the "fixed gear" groundfish fleets.
- Vessels using non-trawl gear in the following fishery sectors would be required to submit the federal logbook to NMFS at initial rollout:
 - Directed OA for groundfish (not incidental OA for groundfish)
 - LEFG Primary Sablefish
 - LEFG trip limit
 - Vessels using non-trawl gear in the Shorebased Individual Fishing Quota (IFQ) program (referred to as "IFQ gear switchers")
 - The Council may recommend expanding the logbook requirement for additional non-trawl fisheries retaining groundfish in the future.

NMFS is moving forward with the development of a federal non-trawl logbook requirement in accordance with the above recommendations.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The data that would be collected in this logbook includes vessel and permit information (*e.g.*, vessel name, State or Federal permit numbers), sale information (*e.g.*, port of landing, fish ticket number),

effort data (*e.g.*, number of hooks), space (*e.g.*, depth of hooks), time data (*e.g.*, time of day hooks were set), and location data (*i.e.*, the coordinates of fishing locations).

This information will be collected from vessels that participate in federal non-trawl fisheries, including the directed OA, LEFG, and IFQ gear switching fishery sectors.

NMFS WCR is working on developing an electronic logbook for this new collection. Electronic reporting provides the most efficient and timely data for fisheries management purposes. However, given the small boat nature of some parts of the fixed gear fishery, the open access fishery in particular, NMFS is exploring ways to achieve the end goal of an electronic logbook without creating significant costs for compliance for vessels that do not already have onboard computers, tablets, or smartphones. Although most fishers have at least a smart phone for electronic applications, NMFS intends to allow paper logbook submissions for a minimum of one year after implementation. It is important for the validity of the data that to the extent practicable, logbooks are being filled out while fishing is occurring, however data transmission does not need to occur at sea.

The data collected from this logbook will be used regularly by NMFS WCR, the PFMC, the West Coast Groundfish Observer Program, NMFS Office of Law Enforcement, and the Coast Guard for fisheries management and enforcement. The data will provide vital effort and location data on fishing, and in combination with landings data provide the main data source for fisheries monitoring, management, and enforcement.

NMFS WCR will allow fishers to submit a paper form in lieu of electronic submission for a minimum of one year after implementation to provide time to those small vessels to establish a submission system (*e.g.*, gain regular access to a computer). NMFS WCR will issue a public notice 90 calendar days before the provision to use a paper logbook ends.

Logbook information will be required to be recorded on every fishing trip. Electronic logbook data will be required to be submitted within a 24-hour period after a trip is concluded. Any limited usage of paper logbooks would be collected on a monthly basis. Fishers can submit logbooks more frequently (*e.g.*, after each fishing trip) if preferred.

NMFS WCR will contract with the Pacific States Marine Fisheries Commission (PSMFC) to design and distribute the electronic logbook. The information collected from the logbooks will be shared with its respective state agencies (California Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, or Washington Department of Fish and Wildlife) and the PFMC upon request.

This is a temporary new ICR.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

See response in #2 above regarding NMFS WCR's plan to implement an electronic logbook with the temporary option to submit a paper form for small boats that are not accustomed to electronic submissions. NMFS intends for the logbook to be implemented by January 1, 2023.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

NMFS will create a provision such that any vessels already under a comparable logbook requirement for similar fishery activities. For example, Oregon state law requires vessels to submit a fixed gear or nearshore logbook, depending on the gear used and fishing location. NMFS is coordinating with the Oregon Department of Fish and Wildlife on an option to allow the submission of a single logbook to satisfy both the state and federal logbook requirement (*i.e.*, the submission of the state logbook would also satisfy the federal requirement, or vice versa). As another example, those vessels that fish in the Shorebased IFQ gear switching sector and use electronic monitoring (EM) in lieu of an observer currently record discards on a paper logbook form (*see* §660.604(s)). Those vessels would be required to transition to filling out the electronic non-trawl logbook, with the exception of the first year, when they would be permitted to continue to filling out the paper form as they adapt to the electronic application.

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

Although nearly all vessels in the groundfish non-trawl fisheries are categorized as small businesses, this ICR is unlikely to result in a meaningful change in their operations, as efforts are taken to minimize burden. NMFS will not require real-time data submission, and only require logbook submission within 24 hours of landing. During the first year of implementation when a paper logbook form is available, we would require monthly reporting, which should give fishers sufficient time to review and complete their logbook submissions.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If this ICR was not conducted, NMFS and the PFMC would continue to lack vital information on fishing effort, location, and bycatch in non-trawl fisheries. The location-specific catch and discard data as well as effort data that will be collected by the logbook is not available fleet-wide from any other source in the federal non-trawl fisheries. The OA sector, like the other non-trawl sectors, is subject to partial observer coverage. NMFS develops estimations of fleet-wide discards using the data from vessels that were observed, however, that information is not available on a location-specific basis. Landing receipts only provide retained catch information; they do not contain information on discards, specific catch location, gear configuration, or fishing depth. VMS data provides location data, but is not connected to catch and discard data by location. With more precise location-specific catch and discard information collected by the logbook, the Council and NMFS could be more targeted in management responses to, for example, a bycatch concern or catch at risk of exceeding a sector allocation or annual catch limit. These management actions could potentially close smaller areas, and disrupt fisheries less, because management concerns could be narrowed to a specific location.

In addition, there has been a significant push from the PFMC to open up and/or permit fishing with certain gear types inside the non-trawl RCA to allow access to healthy, rebuilding rockfish species. If this ICR was not conducted, NMFS will be unable to track any bycatch or effort data in these newly opened fishing areas. Finally, this collection will help gather essential information to improve the risk assessment for these fisheries with regards to ESA-listed seabirds. As stated above (*see* Abstract), implementation of a fixed gear logbook is a term and condition implementing Reasonable and Prudent Measure 4 of the 2017 Biological Opinion for Seabirds (FWS O1EOFWOO-2017-F-03 16). Without logbook information, NMFS, the PFMC, and the U.S. Fish and Wildlife Service will continue to lack set-level and trip-level data about fishing effort, which could maintain a very high level of uncertainty in estimates of ESA-listed seabird take.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

By requiring reporting on a trip-by-trip basis (electronic submission) and/or monthly reporting (paper submission), this collection would require more frequent submission than the OMB guideline of quarterly reporting. Per trip and monthly reporting is necessary in order to obtain data in a timely enough manner through which in-season management adjustments could be made. Landings data for this fishery are collected immediately, and the logbook data that would be collected under this collection are used to corroborate landings data as needed. Therefore, in order to maintain some of the primary utility of this logbook, NMFS must require monthly submissions. This collection is consistent with all other OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications 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.

A proposed rule (0648-BK81) was published on July 5, 2022 (87 FR 39792). NMFS received a total of seven public comments. Although none of the comments directly addressed the PRA, three fishery participants commented that the non-trawl logbook requirement is duplicative of data already collected through other means, including VMS units, landing receipts, and observer data. NMFS provided the below response:

The location-specific catch and discard data as well as effort data that will be collected by the logbook is not available fleet-wide from any other source in the federal non-trawl fisheries. The OA sector, like the other non-trawl sectors, is subject to partial observer coverage. NMFS develops estimations of fleet-wide discards using the data from vessels that were observed, however, that information is not available on a location-specific basis. Landing receipts only provide retained catch information; they do not contain information on discards, specific catch location, gear configuration, or fishing depth. VMS data provides location data, but is not connected to catch and discard data by location. With more precise location-specific catch and discard information collected by the logbook, the Council and NMFS could be more targeted in management responses to, for example, a bycatch concern or catch at risk of exceeding a sector allocation or annual catch limit. These management actions could potentially close smaller areas, and disrupt fisheries less, because management concerns could be narrowed to a specific location.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There will be no payment or gifts awarded to logbook respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

All logbook data is subject to confidentiality under the Magnuson Stevens Act section 402(b) as amended in 2006 (16 U.S.C. 1801, et seq.).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There is no information of a sensitive nature in this collection.

12. Provide estimates of the hour burden of the collection of information.

In order to estimate burden hours, we tabulated the annual number of fish tickets, which were assumed to equal one fishing trip each, across all non-trawl groundfish sectors, for the fishing years 2016-2019. Directed fisheries for groundfish using non-trawl gear include vessels that participate in the directed OA, LEFG (*i.e.*, primary sablefish and LE trip limit fisheries), and the IFQ gear switchers. We did not use data from 2020 or 2021, as fishery participation was lower than normal in those years due to COVID-19, and therefore 2020 and 2021 are not considered representative fishing years.

The average number of fishing trips taken between 2016-2019 was 10,942 trips across the three affected sectors. We estimate that the electronic logbook will take approximately 30 minutes or 0.5 hours per submission to complete. Assuming 1 submission per fishing trip, we anticipate annual burden hours to amount to: $((10,942 \text{ fishing trips per year} \times 30 \text{ minutes per submission}) / (60 \text{ minutes per hour})) = 5,471$ hours per year.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (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)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Non-Trawl Logbook - Directed Open Access for groundfish	Fishing Occupation 45-0000	7,751	1	7,751	0.5	3,876 hours	\$26.16	\$101,396
Non-Trawl Logbook - LEFG (Primary sablefish, LE trip limit)	Fishing Occupation 45-0000	3,055	1	3,055	0.5	1,527.5 hours	\$26.16	\$39,946
Non-Trawl Logbook - IFQ gear switchers	Fishing Occupation 45-0000	136	1	136	0.5	68 hours	\$26.16	\$1,779
Totals				10,942		5,472		\$143,121

13. Provide an estimate for the total annual cost burden to respondents or record keepers

resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

There are no capital costs or ongoing operation and maintenance costs associated with the electronic logbook portion of this information collection. The electronic logbook application would be available to download free of charge on a smart phone, a tablet, or a desktop computer (all fishers have at least one of these devices). Additionally, there will be no charge for logbook submissions.

For at least the first year of implementation, NMFS will allow the optional submission of a paper logbook form in lieu of electronic submission in order to allow a grace period for adapting to electronic submission. The total annual cost burden for the paper logbook form is offset by NMFS and the PSMFC providing both the forms and pre-addressed envelopes in which to return the forms. Therefore, the only cost burden to respondents would be to photocopy the forms in order to retain records of the logbooks. This would only apply if a fisher chooses to keep hard copies over electronic copies (*i.e.*, photos or scanned copies) of the logbook form. These photocopies are estimated to have an annual cost burden of less than \$50 per respondent.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

NMFS estimated the number of start-up burden hours used by government employees to develop this logbook action, including time spent on preparing PFMC reports, meeting with the PFMC and its advisory bodies, meetings with the PSMFC, drafting documents for the rule package, and reviewing the rule package documents. NMFS also estimated the ongoing burden hours spent to maintain the logbook by both NMFS employees and PSMFC employees.

Based on the most recent Standard Pay Tables (<https://www.commerce.gov/sites/default/files/2022-01/rpStandard-22.pdf>), the wage rate for the Band III employee is estimated at \$38 per hour, and the wage rate for the Band IV employee is estimated at \$47 per hour. For a Band III NMFS employee, approximately 5 hours per week from September 2021 to November 2022 will be spent on logbook development and implementation, totaling 300 hours at \$38 per hour, or \$11,400 startup labor cost. For a Band IV NMFS employee, an estimated 1 hour per week from September 2021 to November 2022 will be spent on logbook development and implementation, totaling 60 hours at \$47 per hour, or \$2,820 startup labor cost. Once implemented, PSMFC will handle the majority of ongoing maintenance, therefore we anticipate no more than 24 and 12 hours per year for Band III and Band IV NMFS employees, or \$912 and \$564 ongoing labor hours per year, respectively.

NMFS awarded \$210,000 of Fisheries Information System (FIS) funds to PSMFC for their staff to develop this electronic logbook. This includes the development of the electronic application, as well as labor for a part-time staff member to gather and document requirements for the system from data users and partners. The PSMFC estimates approximately 20 hours per week (*i.e.*, 80 hours per month), at an assumed rate of \$38 per hour, will be spent on ongoing maintenance of the logbook, which includes verifying logbook information against fish tickets, fixing logbook entry errors, answering industry questions, coordinating information requests for NMFS and the PFMC, etc.

Cost Summary:

Band III Startup: 5 hours per week September 2021 – November 2022

5 hours/week x 4 week/month x 15 months x \$38 per hour = **\$11,400 startup**

Band III Ongoing: 2 hours per month

2 hours per month x 12 months per year x \$38 per hour = **\$912 per year**

Band IV Startup: 1 hour per week September 2021 – November 2022

1 hour/week x 4 week/month x 15 months x \$47 per hour = **\$2,820 startup**

Band IV Ongoing: 1 hour/month x 12 months/year x \$47 per hour = **\$564 per year**

PSMFC Startup: **\$210,000 FIS funds** + \$7,860 additional for printing of paper log forms.

PSMFC Ongoing: 80 hours/month x 12 months/year x \$38 per hour = **\$36,480 per year**

Total Startup: \$232,080

Total Ongoing per year: \$37,956

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP-III	\$79,040	1%		\$912
Other Federal Positions	ZP-IV	\$97,760	1%		\$564
Federal Startup					\$14,220
Other Costs: PSMFC Startup					\$217,860
Other Costs:: PSMFC Ongoing					\$36,480
TOTAL					270,036

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

This is a temporary new ICR that will later be merged with the existing ICR for the West Coast Trawl Logbook (#0648-0782).

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

No logbook data would be published as a regular procedure. However, the information collected would be used to inform fishery management and may be published in analyses (e.g., PFMC Groundfish Management Team analyses), to the extent allowable under confidentiality rules.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The agency certifies compliance with all other requirements under [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).