

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Gulf of Mexico Electronic Logbook
OMB Control No. 0648-0543

Abstract

This request is for extension of a current information collection.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. NMFS manages the commercial shrimp fishery in Federal waters of the Gulf of Mexico (Gulf) under the Fishery Management Plan for the Shrimp Fishery of the Gulf. The electronic logbook (ELB) regulations for the Gulf shrimp fishery may be found at 50 CFR 622.51(a)(2). The ELB is a device that records the position of the vessel every ten minutes. The tracks of the vessels can be examined to determine when and where shrimp trawling is occurring.

As of May 1, 2023, there are approximately 1,319 valid or renewable Federal permits to commercially harvest shrimp from the exclusive economic zone (EEZ) in the Gulf. Monitoring shrimp vessels, operating together with many other fishing vessels of differing sizes, gears types used, and fishing capabilities, is made even more challenging by seasonal variability in shrimp abundance and price, and the broad geographic distribution of the fleet. ELBs provide a precise means of estimating the amount of shrimp fishing effort. Using ELBs to estimate fishing effort serves an important role to help estimate bycatch in the Gulf shrimp fleet.

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.

The National Marine Fisheries Service (NMFS) manages the shrimp fishery in federal waters of the Gulf of Mexico (Gulf) under the Shrimp Fishery Management Plan (FMP). Regulations implementing the FMP require owners and operators (permit holders) of federally permitted shrimp vessels, if selected by NMFS, to install an electronic logbook (ELB) on their vessel and participate in the NMFS-sponsored electronic logbook reporting program. Regulations requiring ELBs on federally permitted Gulf shrimp vessels selected by NMFS may be found at [50 CFR 622.51\(a\)\(2\)](#).

As of May 1, 2023, there are approximately 1,319 vessels with valid and renewable federal permits to harvest shrimp from the exclusive economic zone (EEZ) of the Gulf. Monitoring shrimp vessels, operating together with many other fishing vessels of differing sizes, gear types used, and fishing capabilities, is made even more challenging by seasonal variability in shrimp abundance and price, and the broad geographic distribution of the fleet. ELBs provide a more precise means of estimating the amount of fishing effort than paper logbooks. ELBs provide a precise means of estimating the amount of shrimp fishing effort. Using ELBs to estimate fishing effort serves an important role to help estimate bycatch in the Gulf shrimp fleet.

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.

NMFS determined there is a need for precise estimates of fishing effort by vessels harvesting shrimp in the Gulf EEZ to better determine the amount and type of bycatch. The ELB provides data on fishing effort and location, and improves the accuracy and precision of the data being collected in the shrimp fishery. ELB information is electronically collected to maintain 10-minute time interval updates to fishing effort. Specifically, the ELB collects vessel position information. All vessels selected by NMFS (up to 1,319 vessels) must participate in the NMFS-sponsored ELB program. Once a vessel is selected, it remains part of the sample. Because the Gulf shrimp fishery requires a limited-access federal permit, and there is a moratorium on new federal Gulf shrimp permits until October 26, 2026, the maximum number of vessels that could be active and have an ELB unit on board at any one time is 1,319. Thus, 1,319 participants (respondents) are estimated for this collection.

NMFS anticipates that the collected information will be disseminated to the public or used to support publicly disseminated information. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See also the response to Question 10 below 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, NMFS will subject the information 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 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.

The ELB unit automatically collects fishing effort data on a Secure Digital (SD) card. Twice per year the NMFS Galveston Laboratory mails replacement SD cards to the permit holders. The card in the ELB unit must be removed by the shrimper and mailed to the NMFS Galveston Laboratory, and replaced in the unit by the newly one received. The ELB units once transmitted these data via a cellular phone connection activated when the vessel is within non-roaming cellular range. However, since the 3G cellular technology was discontinued in 2020, the manual collection of memory cards is the new collection method. NMFS, the shrimp industry and the Gulf of Mexico Fishery Management Council are developing a plan to phase out this manual process, and test and implement a modernized replacement device that will automatically collect fishing effort data and transmit those data via a cellular phone connection activated when the vessel is within non-roaming cellular range.

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

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. The membership of each fishery management council is comprised of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be

gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident it is aware of similar collections, if they exist. The other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication. Although the Southeast Region uses satellite-based vessel monitoring systems (VMS) to monitor some of the commercial fishing fleets, currently, no such program exists in the Gulf shrimp fishery; therefore, no duplication exists between the ELB and VMS programs.

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

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

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

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

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

8. 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.

On June 9, 2023, NMFS published a notice in the Federal Register that solicited public comments on the renewal of the information collection under OMB Control No. 0648-0543 (88 FR 37862, June 9, 2023). No comments were received.

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

No payment nor gift to respondents are provided.

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior 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.

No questions of a sensitive nature are asked.

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

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)
Gulf of Mexico Electronic Logbook	Vessel Operator	610	2	1220	1	1220	\$ 18.21	\$ 22,216.20
Totals				1220		1220		\$ 22,216.20

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).

NMFS pays for the shipping cost and the SD cards, there is no out of pocket cost for the selected participants.

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.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP-4	\$ 226,962	5%		\$ 11,348
Other Federal Positions	ZP-3 (x3)	\$ 161,520	10% (x3)		\$ 48,456
Contractor Cost					
Travel					
Other Costs: See note.					\$ 283,333 (annualized)
TOTAL					\$ 343,137

This Program is a Cost-Share Government Mandated Program. The cost-share program is divided between NOAA Fisheries and the permitted commercial fishermen.

Note: The amount of government funds available to run this program fluctuates with some years having no extra funding except for basic operation (salary/data storage) to times like this year where NMFS was provided \$850,000 to implement the Early Adopter Program of testing and re-outfitting each participant with a new model of electronic devices. The \$850,000 is obligating those funds to award a contract to reimburse selected program participants for the cost of device and installation of said device, along with educating and coordinating the participants to getting set up with new devices and cellular service accounts in which will once again be the cost share each participant will bear for the remainder of the time they hold a SPGM permit. This amount of funding is a single opportunity of funds dedicated to implementing this new early adopter program and not guaranteed or to be assumed available after this fiscal year.

In other words, the intention of these funds is to implement, test and disseminate the newer model replacement devices through a contract vehicle. While the contract is underway, current participants who are mandated and required currently to swap out the SD memory cards twice a year from the old devices would continue to do so as the devices are slowly being phased out and discontinued. NMFS pays for the shipping cost and the SD cards, there is no out of pocket cost for the selected participants.

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

Information Collection	Respondents	Responses	Burden Hours	Reason for change or
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	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	adjustment
Gulf of Mexico Electronic Logbook	610	1,410	1220	1,410	1220	4,230	See narrative.
Total for Collection	610	1410	1220	1410	1220	4230	
Difference		-800		-190		-3010	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Gulf of Mexico Electronic Logbook	\$ 22,216.20	Not previously calculated.	0	\$ 338,400	See narrative.
Total for Collection	\$ 22,216.20		0	\$ 338,400	
Difference		22216.2	\$	(338,400.00)	

After submitting Supporting Statement Part B for review, it was brought to NMFS’s attention that we (NMFS) needed to explain the methodology and sampling techniques used for this program, but this was not addressed in previous submissions. All staff that originally put this program together are no longer employed by NMFS. NMFS did the best we could from the minimal documentation that was made available.

The conclusion as to why the sampling method was not addressed in earlier submissions is that the previous sponsor(s) were considering the full "universe" of active permits at each renewal of the package as the maximum possible participants available, and did not understand the need to report the sample size instead. There have been many discussions in Gulf Council meetings and working groups that a full census needs to be put in place to distribute fairness throughout all permit holders. However, that full implementation to provide an electronic logbook device to the entire pool of permit holders is not an option at this current time. Discussions to full consensus with the new program design is a high priority and has a good possibility of happening.

This program has become messy and complicated, but now there is a real push to revamp and modernize this program. The program has undergone and is still undergoing severe changes, be it staff changes or the fact that the entire operation is about to change from phasing out the old device and onto a new device once approved by the end of 2026. Meanwhile, this program has undergone major challenges since the onset in 2014, from increasing the sample size to offset the attrition of SPGM permits (year unknown), the constant transfer of ownership of SPGM permits, and ultimately the discontinuation of 3G cellular technology that immediately changed the method of data collection from automatic transmissions to now requiring the participants to manually swap out SD memory cards twice a year. NMFS is again being required to change and redesign the program to newer and more modernized devices that will restore data collection back to being cellular and automatic. Once that happens, (a good estimate is by the end of 2026) this program will ultimately be making another selection of participants or perhaps actually moving to the full consensus of all SPGM permits participating in order to forego bias or unfair burden on a selected few.

The pool of active SPGM permit holders as of May 2023 was an estimated count of 1,319. This pool is where NMFS pulls the sample, and in the past renewals (including the recent 60-day FRN) that universe

was the maximum number of possible participants. However, the program selected a stratified random sample from the pool of permit holders to participate back in 2014. The number of active SPGM permits was much greater back in 2014 than it is today. The sample has not changed except to increase a single time the number of selected due to attrition of available SPGM permits. The pool of moratorium permits (the Universe) will decrease each year through attrition in the nature of a moratorium. It is believed that the previous PRA renewals and extensions of this program focused on the "universe" and not the selected participants. Currently, 43% of those active SPGM permits today are participating in this program by having an electronic logbook (GPS tracking unit) onboard their vessel which is associated with the SPGM permit selected. Fishing regulations of this type of federal fishing permit states that it is a mandatory requirement to participate in this program if selected.

1. **Q12. Are the number of respondents calculated differently from the last renewal to this one?** The same selected permits have not changed, but the nature of a moratorium permit decreases the number of participants each year on whether the permit is renewed or allowed to terminate. When an already selected permit terminates, NMFS did not "reselect" a new participant to replace the permit that left the pool. Therefore, the sample gets smaller each year along with the universal "pool". **It appears that the last renewal used the entire universe of permit holders as the Number of Respondents, even though only 43% were sampled.** The same selected permits remain from the onset of this program back in 2014. The pool of active moratorium permits (the universe) decreases each year through attrition because of the nature of a moratorium. This program has not reselected new participants each year if/when a selected permit terminated, and the pool and thus sample decreased each year. The same permits that were selected in 2014 that kept the permit renewed and active are the same permits today. Those that transferred into the program by purchasing an already selected permit were automatically participating in the program.
2. **Q12. Why has the response burden time decreased from 3 hours to 2 hours?** The decrease in time (hours) from 3 to 2 is based on what we (NMFS) determined was the amount of burden put on the participants. The actions we require them to do has changed over the lifetime of this program. NMFS is focusing on the major change of when the current device became non-cellular. In Dec 2020, the burden immediately changed for each selected participant. The participants were previously required to pay a monthly cellular service account (maintaining a good credit card on file, paying monthly invoices, troubleshooting the issues of the device to remain functional) and previous burden estimates determined that amount of time was roughly 3 hours annually. Currently, the amount of time it takes to swap out a SD memory card twice a year and return that card in a pre-paid envelope should only take roughly 1 hour annually, while the other hour was estimated as the amount of time it takes to keep the device operational and maintained. Thus, the decrease in "burden" time. **Based on the Supporting Statement, it appears that there are 2 responses annually by respondents (submission of the SD card) and approximately 1 hour of dealing with the ELB during each 6-month reporting period. Does NMFS have any information from respondents or others that indicated that the previous 3 hour response time was excessive?** NMFS does not have any information directly from respondents that paying a monthly service bill or swapping out SD cards takes X amount of time. It was an estimate based on the amount of time it takes to set up an automatic billed service account with the cellular provider and maintain the unit throughout the year. This time estimate has been reduced since it does not take much time or effort from an individual to check the mail twice a year, open a shipped SD card, swap it out of the device, and return it in the pre-paid envelope back to the government. Maintaining the unit is even less of a burden now that the unit does not transmit data cellularly, and only needs to be powered up to work properly. Very minimal to no maintenance is required compared to previous years when the respondents needed to actively move the cellular antennas to have a direct angle to the sky for good cellular reception.

3. Q13. Why are there no longer any annual costs to the respondents for this collection? The previous renewal indicated annual costs of \$338,880 (\$240 per each permit holder for data transmission costs) and the current renewal indicates that there are no data transmission costs. In December 2020 when 3G cellular technology was discontinued, it was out of the control of both the participants and the government and immediately changed the nature of our program that only required participants to pay a monthly bill and keep the unit maintained. Now, they no longer have a cellular service account to pay for and are required to swap out the memory cards instead. Thus, the dramatic decrease in annual costs from the participants. Essentially, the participants no longer pay for "anything" to participate in the program. Being selected is what each of them consider to be their "burden".

To be as transparent as possible regarding changes:

- 1) Past renewal submissions for this program apparently were not completed correctly in that they did not address the sample size vs the universe of potential SPGM participants that are required to participate, if selected. Previous submissions for renewal "misrepresented" the universe as 100% consensus of the SPGM active/renewal permits that decreased through attrition, instead of showing the actual selected participants from that pool of permits.
- 2) Available funding and annual costs have changed and will continue to change each fiscal year. There is no cost at this time for participants to have the current model of ELB device operational and swap out the SD memory cards to remain compliant with this program's requirements on SPGM permit holders. There are costs associated with keeping the program operational: staff salary, data collection, data server and storage costs. The Early Adopter Program will be reimbursing the purchase and installation costs of those few participants that get on board with the newly approved cellular devices. Current participants in the program will be required to continue to swap SD cards as long as they have the old model. The new model will require a cellular service account be paid by the participants for the life of that device and this program. The participants will have to purchase a new replacement device of these newly approved devices when the first (reimbursed) unit is destroyed or malfunctioning. It is unknown if the the vendors of these newly approved devices will have a warranty.
- 3) What is considered a "burden" is not clear. Some consider the amount of time burden to swap out SD memory cards and maintain devices is a cumbersome burden to the program participants in that the 3G devices used to be automatic transmitted data. A good estimation of the amount of time it takes to swap out a card and mail it back to NMFS twice a year is roughly less than an hour, but we added the time of maintenance.
- 4) The fishing regulations state that every SPGM permit holder is subject to being selected to participate in this program. This is the only assumption as to why the previous submissions were shown to be the full 100% consensus of active SPGM permit and did not address the random sample.
- 5) The SPGM permit itself can and does sometimes get sold/transferred to new ownership multiple times per year. Once the vessel that has a device installed is sold to a new owner, the "new" owner now has the previous owner's *burden* of being selected and all the requirements that permit entails. Once the previous owner no longer owns a SPGM permit through transfer, they are out of the responsibility of this program until they purchase another (and possibly previously selected) permit.
- 6) The program was not in a position to outfit the entire pool of SPGM permit holders with cellular logbook devices at the onset of the program in 2014, nor did it have the funds to do so for the remainder of the life of this program. The selected sample remained unchanged except for termination of permits over time. Once the 3G cellular devices no longer transmitted it was painfully clear that a new modernized program needed to replace the outdated and non-cellular program. It has taken years to get that moving along to where we stand today.

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.

The results from this collection are not planned for statistical publication, although NMFS may distribute the results for general information.

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 is willing to display the expiration date for OMB approval of the information collection on all instruments. However, this information collection does not use printed forms, so it is not possible to display the expiration date.

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

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