

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/27/2013

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman

FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/27/2013

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201312-0648-021

AGENCY ICR TRACKING NUMBER:

TITLE: Gulf of Mexico Electronic Logbook

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0543

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 12/31/2016

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	3,600	110	0
New	500	251	460,000
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-3,100	250	460,000
Change due to Agency Adjustment	0	-109	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Gulf of Mexico Electronic Logbook			50 CFR 622.5

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
GULF OF MEXICO ELECTRONIC LOGBOOK
OMB CONTROL NO. 0648-0543**

INTRODUCTION

This is a resubmission of a request for revision and extension of this information collection, in conjunction with Final Rule 0648-BD41. There were two comments on the proposed rule related to cost. The only change to this request is to significantly lower the annual data transfer costs, per negotiation with the wireless provider, from \$720 to \$240. Comments and responses are included in Question 8.

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. The National Marine Fisheries Service (NMFS) manages the shrimp fishery in the waters of the Gulf of Mexico (GOM) under the Shrimp Fishery Management Plan (FMP). A final rule implementing Amendment 13 to the FMP, RIN 0648-AS15, required owners and operators of permitted vessels, if selected by NMFS, to install an electronic logbook (ELB) on their vessel. The ELBs are provided by NMFS. Regulations implementing Amendment 13 to the FMP may be found at [50 CFR §622.51\(a\)\(2\)](#). A proposed rule implementing a Framework Action to the FMP, RIN 0648-BD41, requires owners and operators of permitted vessels, if selected by NMFS, to install a new ELB on their vessel. These new ELBs are provided by NMFS and operate differently from the prior ELBs. Regulations implementing the Framework Action to the FMP remain unchanged and continue to be found at 50 CFR §622.51(a)(2).

Nine hundred additional vessels will be selected for ELBs.

A. JUSTIFICATION

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

There are currently approximately 1,516 valid and renewable federally permitted Gulf shrimp vessels (as of July 8, 2013) that harvest shrimp from the Exclusive Economic Zone (EEZ), and the Council estimates that there are over 13,000 boats that fish in state waters¹. With such a large number of vessels of differing sizes, gears used, and fishing capabilities compounded by seasonal variability in 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. Using ELBs to estimate fishing effort results in more precise bycatch estimates for the Gulf shrimp fleet.

¹ We are not attempting to estimate or monitor fishing effort and bycatch for these vessels; this is solely an illustration of the magnitude of ongoing shrimp fishing.

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.

NMFS determined the need for improved estimates of effort by the shrimp industry to better determine the amount and type of bycatch. The ELB provides data on fishing effort and location. Ten of the older ELB units will remain in place to monitor the transition to the newer ELB units. NMFS contract personnel will collect the older ELB units' information in the same manner as done previously: the ELB information will be collected every 2-3 months. For the newer ELB units, ELB information will be electronically transmitted to maintain 10-minute time interval updates to fishing effort. All vessels selected by the SRD (up to 1,500 vessels) must participate in the NMFS-sponsored ELB program. Once a vessel is selected, it remains part of the sample. It is expected that at most 1,500 vessels would be active and have a newer ELB unit onboard at any one time. Thus, 1,500 participants are estimated for this collection.

Originally, the ELB program started with a sample of 250 vessels. In 2009, NMFS secured additional funding for another 250 vessels, which brought the total to 500 vessels with ELBs. NMFS added another 100 vessels to the ELB program in 2012, for a total of 600 vessels. An additional 900 ELBs are being added at this time. ELBs improve the accuracy and precision of the data being collected in the shrimp fishery.

It is anticipated that the information collected 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 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 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.

All recordkeeping is electronic and passive. Previously, it required 6 minutes for bimonthly chip replacement; that will no longer be needed except for a few continuing older units.

4. Describe efforts to identify duplication.

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. Each Fishery Management Council membership 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 Vessel Monitoring Systems (VMS) for some of its 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 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 current and future needs of NMFS' fisheries management are requested from the vessel owners.

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

If we 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 would be in violation of the Magnuson-Stevens Act Section 303 (a) (11) if bycatch amount and type is 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 current methods and data. Due to this seasonality it is essential that the data be collected at regular intervals.

7. Explain any special circumstances that require the 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. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Proposed changes to Management Measures, RIN 0648-BD41, published on October 22, 2013 (78 FR 62579), soliciting public comment.

NMFS received two comments regarding the costs associated with this information collection.

One comment stated that the cost sharing program will impose a financial burden on fishermen who already have high expenses because of increased operating costs and a depressed economy. NMFS responded that the Council considered several funding alternatives for continuing the

ELB program, and NMFS agrees with the Council's choice to implement the cost-sharing program. The Council and NMFS recognize the burden of the cost-sharing program on the vessel permit holders in the Gulf shrimp fishery. As analyzed in the framework action, NMFS will cover the cost of the ELB equipment, software development, data storage, effort estimation analysis, and archival activities. Vessel permit holders in the Gulf shrimp fishery selected to participate in the ELB program will cover the costs of installing and maintaining the ELB units and the cost of data transmission from the units to a NOAA server. The installation cost of approximately \$200 per vessel is a one-time cost; maintenance costs are periodic; and the data transfer cost is annual. The cost of data transfer, which is the major cost to the vessel permit holders in the Gulf shrimp fishery selected to participate in the ELB program, was previously estimated at \$720 per vessel annually. Negotiations with the wireless provider have substantially reduced this cost to approximately \$240 per vessel annually. The division of cost is similar to that for the Gulf reef fish VMS program. NMFS will constantly evaluate the ELB program, including its costs, particularly with respect to the burden on the vessel permit holders in the Gulf shrimp fishery.

The additional comment stated that NOAA should fund the entire program. NOAA should have put the ELB program in the budget and could use BP funds to support it. NMFS responded that NMFS does not have the resources to fund the entire ELB program. NMFS' current budget is restricted from adding new programs for funding. It should be noted that just because a program is not placed within the Federal budget, it does not lessen its importance to the government mission. There are many high priority programs which the Federal government oversees that may not have appropriations to fully fund them on an annual basis. Cost-sharing with user groups is one method that is used to fund high priority programs that do not have enough appropriations to be implemented solely under the Federal budget. Further, no funding has been made available for this program as a result of the Deepwater Horizon MC252 incident. If outside funding becomes available in the future to cover the cost of the entire ELB program, cost-sharing may not be needed. If additional funding is acquired that is less than the total cost of the new ELB program, the vessel permit holders in the Gulf shrimp fishery's portion could be covered or reduced with that funding.

Because this data collection program is part of a FMP, all aspects of the program have been reviewed by both statistical and constituent advisory committees. 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. During the Council's Shrimp Advisory Panel meeting concerns were raised regarding costs to industry of installing and maintaining the new ELB units. No public comments were received regarding this issue during the Gulf Council meeting held in June 2013 in Pensacola, Florida. General opposition has been voiced at Council meetings to the cost burden placed on industry with the newer ELB units. Individuals are pursuing outside funding to support cost burden to industry.

The ELB program originated as a voluntary program and became a cooperative effort between the industry and NMFS. Because the program was fully embraced by the industry, it became mandatory for certain vessels. The industry embraced the program because they saw the value in collecting better shrimp effort data through the ELB program.

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.

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 and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

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

The current OMB inventory includes 110 hours.

For the older ELB units, the estimated public reporting burden for this collection of information is 1 minute x 6 for each removal/reinstallation of the ELB memory chip for each of the 10 vessels that continue to have the older ELB units. Because the respondents are participating in both ELB programs, no new responses are counted. This results in a total of 1 burden hour being retained in the collection. Burden is no longer needed for initial installation of the older ELB units (50 hours) or for installation/removal of the memory chip of the logbooks for 590 of the current 600 ELB units (59 hours). This removes 109 hours.

For the newer ELB units, the estimated public reporting burden for this collection of information is 30 minutes for the initial installation (for all 1,500 vessels potentially selected to participate in the program). This results in 1,500 responses and 750 burden hours (30 minutes per initial installation for the new 1,500 units), annualized to 500 responses and 250 hours.

Total annual burden: 1 hour for bimonthly memory chip renewal + 250 for installation: 251.

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).

No costs to the 10 respondents for older ELB units; their costs will be only for the new units.

Initially, the estimated public reporting burden for this collection of information is \$660,000 (\$200 for the initial ELB installation and \$240 for data transmission fees for each of the 1,500 vessels potentially selected to participate in the program).

After the first year of implementation, respondents will only be responsible for the data transmission costs of \$240 per year for each of the 1,500 vessels potentially selected to participate in the program. The estimated public reporting burden for this collection of information after the first year is \$360,000.

Annualized costs over 3 years: \$460,000: Capital costs of \$300,000 (\$200 x 1,500), annualized to \$100,000, plus annual operations and maintenance costs of \$360,000.

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

The estimated annual cost to the Federal government is \$313,791. This cost includes the salary of a new full-time programmer/analyst as well as other NMFS salary needed for database management and data analysis.

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

Program Changes:

The number of respondents will increase by 900 for this collection due to the expansion of the ELB program. NMFS purchased 1,500 ELB units in 2013. To date, 600 vessels have been outfitted with ELB units, therefore, 900 additional vessels will participate in the ELB program. The increase in burden hours for the new ELB units totals 750 burden hours (*i.e.*, 30 for initial installation for the new 1,500 units), annualized to 250 hours. This information collection will retain 1 hour for the 6 periodic downloads and removals for the 10 older ELB units that will be retained in the fishery.

Costs for installation and data transmission fees result in a new total annualized cost of \$460,000.

Adjustment: Burden is no longer needed for initial installation of the older ELB units (50 hours) or for installation/removal of the memory chip of the logbooks for 590 of the current 600 ELB units (59 hours). This removes 109 hours.

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

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

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

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

**SUPPORTING STATEMENT
GULF OF MEXICO ELECTRONIC LOGBOOK
OMB CONTROL NO. 0648-0543**

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

For the first three years, a random sample of 10% (250) of the then 2,500 federally permitted vessels was chosen using the permits database. In the next three years, we doubled the random sample to 500. One hundred vessels were added in 2012 for a total of 600, out of 1,563 vessels. Nine hundred vessels will be added in 2013 for a total of 1,500, out of 1,516 vessels. It is expected that at most 1,500 vessels would be active and have a newer ELB onboard at any one time. Thus, 1,500 participants are used for this collection. Since the selected vessels are required to have the ELBs installed, the response rate is 100%.

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

It is expected that at most 1,500 vessels would be active and have a newer ELB onboard at any one time. Thus, 1,500 participants are used for this collection.

For the older ELB units, data are collected continuously, but with no burden to the respondents other than the removal and re-installation of the ELB every 2-3 months.

The newer ELB units are data recording devices that are simple time-stamped global positioning system (GPS) units that record and hold a vessel's location at 10-minute time intervals. From these time-stamped locations, vessel speed between points can be estimated and then evaluated with mathematical algorithms (i.e., stopped, towing, moving between towing points). Thus, effort by location can be calculated for a given fishing trip. Shrimp catch data for the trip is then used to estimate catch-per-unit-effort for the trip at various fishing locations. Monthly shrimp effort estimates for various locations, time periods, or vessels are provided to NMFS each trimester (i.e., 4-month time period). Vessels selected for the program must also provide the size and number of shrimp trawls deployed for each set and the type of bycatch reduction device and turtle excluder device used, as approved under OMB Control No. 0648-0345. The data will be transmitted to agency servers via a cellular phone connection activated when the vessel is within non-roaming cellular range.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for

the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

As this collection is mandatory if the participant is selected and passive once the ELB is installed, there is no nonresponse.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

No additional tests will be conducted.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Dr. James Nance, NMFS Southeast Region Science Center, Galveston Lab (409) 766-3507 will analyze the data and provides consultation on the statistical aspects of the design.

The data are collected by NMFS contract personnel, who change according to the re-solicitation for these services.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title

50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. Amend § 17.12(h) by adding entries for *Agave eggersiana*, *Gonocalyx concolor*, and *Varronia rupicola*, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.
* * * * *
(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
* <i>Agave eggersiana</i>	* None	* U.S.A. (VI)	* Agavaceae	E	*	NA	NA
* <i>Gonocalyx concolor</i>	* None	* U.S.A. (PR)	* Ericaceae	E	*	NA	NA
* <i>Varronia rupicola</i>	* None	* U.S.A. (PR); British VI.	* Boraginaceae	T	*	NA	NA
*	*	*	*		*		*

* * * * *
Dated: September 3, 2013.

Rowan W. Gould,
Acting Director, U.S. Fish and Wildlife Service.
[FR Doc. 2013–22742 Filed 10–3–13; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130710605–3605–01]
RIN 0648–BD41

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Establish Funding Responsibilities for the Electronic Logbook Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed changes to management measures; request for comments.

SUMMARY: NMFS proposes to establish funding responsibilities for an upgrade to the shrimp electronic logbook (ELB) program as described in a framework action to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico (Gulf) Fishery Management

Council (Council). Newer and more efficient ELB units have been purchased by NMFS for the Gulf shrimp fleet and are available for installation on Gulf shrimp vessels. If the framework action is implemented, the proposed changes to the management measures would include establishing a cost-sharing program to fund the ELB program. The proposed changes would require NMFS to pay for the software development, data storage, effort estimation analysis, and archival activities for the new ELB units, and vessel permit holders in the Gulf shrimp fishery to pay for installation and maintenance of the new ELB units and for the data transmission from the ELB units to a NOAA server. The purpose of the proposed changes is to ensure that management of the shrimp fishery is based upon the best scientific information available and that bycatch is minimized to the extent practicable.

DATES: Written comments must be received on or before November 6, 2013.

ADDRESSES: You may submit comments on the proposed changes to the management measures, identified by “NOAA–NMFS–2013–0127” by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0127, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the framework action, which includes a Regulatory Flexibility Act analysis and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/index.html.

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed changes to the management measures may be submitted in writing to Anik Clemens, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL

33701; and OMB, by email at *OIRA Submission@omb.eop.gov*, or by fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, Southeast Regional Office, NMFS, telephone: 727-824-5305; email: *Susan.Gerhart@noaa.gov*.

SUPPLEMENTARY INFORMATION: The shrimp fishery of the Gulf is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The final rule implementing Amendment 13 to the FMP, which published on September 26, 2006 (71 FR 56039), established the requirement for an ELB program for the Gulf shrimp fishery. The program is administered by NMFS and is a cost-effective way to accurately determine the amount and location of effort occurring in the shrimp fishery in the Gulf exclusive economic zone (EEZ). Current regulations require vessels to participate in the ELB program, if selected by the NMFS Science and Research Director (SRD).

The ELB program provides data on Gulf shrimp fishing effort that are critical to both the Council and NMFS in performing annual assessments of the status of shrimp stocks. The ELB program is also a key component in the Council's red snapper rebuilding plan because accurate estimates of juvenile red snapper mortality attributable to the shrimp fishery are essential data for red snapper stock assessments. Accurate estimates of shrimp fishing effort from the ELB program are also used to generate mortality estimates on a number of other species captured as bycatch in the shrimp fishery. In particular, the effort information from the ELB program is used to estimate and monitor incidental sea turtle takes.

Currently, NMFS funds the deployment of ELB units on approximately 500 shrimp vessels, roughly one-third of the offshore fleet. The previous contract expired on March 31, 2013; a new contract with the Gulf States Marine Fisheries Commission extended the services and will expire December 31, 2013. The contract for the current ELB program will lapse because funding is not available at this time. NMFS recently purchased newer and more efficient ELB units and they are now available for installation. To continue the ELB program, additional funding is needed regardless of the

equipment used. Therefore, the Council voted for a framework action to require vessel permit holders in the Gulf shrimp fishery to share in the cost of the ELB program. If additional funding becomes available, the current ELB units could be continued to be used for multiple years to allow a smoother transition to the new ELB units, and sharing the costs of the ELB program with the shrimp fishery may not be necessary.

Cost-Sharing for the Gulf Shrimp ELB Program

NMFS purchased the new ELB units for each of the vessel permit holders in the Gulf shrimp fishery through the NMFS vessel monitoring system (VMS) program, an estimated one-time cost of \$1,100,000 for 1,500 vessels. If the cost-sharing program is implemented, NMFS would pay for the software development, data storage, effort estimation analysis, and archival activities, which are estimated to cost approximately \$313,791 annually. Vessel owners would pay for installation and maintenance of the new ELB units and the data transmission from the ELB units to a NOAA server. The initial installation cost would be approximately \$200 per vessel, and the annual wireless provider contract (data transmission) cost is estimated to be \$720 per vessel. This division of costs between NMFS and the shrimp fishery is similar to the Gulf reef fish VMS program, and other cost sharing data reporting programs within NMFS throughout the U.S.

NMFS initially sent a letter to each vessel permit holder in the Gulf shrimp fishery outlining the upgraded ELB program. This letter included the timeline and process for installation of the new ELB units.

If the cost-sharing program is implemented, NMFS will, in a subsequent letter, inform vessel owners that they have been selected to participate in this program, and that they have a total of 90 days to comply with the regulations to install and activate their new ELB units including 30 days to activate a wireless account and 60 days to install the new ELB unit after it has been shipped by NMFS and received by the vessel owner. These vessel owners must contact Verizon Wireless, the wireless provider, by email at *VZWGulfCoastELB@VerizonWireless.com*, or by phone: 888-211-3258, to initiate service for the new ELB unit.

No Changes to Regulatory Text

The framework action and the proposed changes would not require any changes to the current regulatory

text within § 622.51(a), "Commercial vessel owners and operators," regarding the requirements for the Gulf shrimp ELB program. This is because the current regulations specify that the SRD will select the vessel owners who will participate in the ELB program and how the ELB program is administered, and this would not change in this rulemaking. The proposed changes would revise the funding responsibilities for the ELB program, which are described in the FMP; however, the regulatory text would not change. The changes to the management measures are being proposed pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the framework action is consistent with FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

The proposed changes to the management measures have been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) for the proposed changes to the management measures, as required by section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603. The IRFA describes the economic impact that the proposed changes, if implemented, would have on small entities. A description of the action, why it is being considered, and the objectives of and legal basis for this action are contained in the preamble. A copy of the full analysis is available from the NMFS (see **ADDRESSES**). A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for the proposed changes to the management measures. No duplicative, overlapping, or conflicting Federal rules have been identified.

The ELB program for the Gulf shrimp fishery, established through the final rule to implement Amendment 13 to the FMP in 2006, required selected vessels to carry ELB units. The proposed changes to the management measures would require selected vessels to carry new ELB units that are more modern and technologically advanced. From the standpoint of technical and professional skills needed, the new ELB units do not materially differ from the current ELB units. In fact, the new ELB units would no longer require a technician to meet vessels to pull and program the memory card. Data collected by ELB units would

be automatically transmitted to NMFS servers via a cellular phone connection activated when the vessel is within non-roaming cellular range. A key feature introduced by the proposed changes is that the vessel permit holders in the Gulf shrimp fishery would share the cost of the ELB program, whereas currently all costs of the ELB program are borne by the government. Each federally permitted shrimp vessel would be responsible for the one-time cost of installing the ELB unit (\$200) and the annual cost of data transmission (\$720) through a contract with the service provider. The vessel permit holders would also be responsible for the cost of repairing or replacing the ELB unit. The replacement of one ELB unit is estimated at about \$425.

NMFS expects the proposed changes to the management measures to directly affect commercial fishermen with valid or renewable Federal Gulf shrimp permits for harvesting penaeid shrimp in the Gulf Exclusive Economic Zone (EEZ). The Small Business Administration has established small entity size criteria for all major industry sectors in the United States, including fish harvesters. A business involved in fish harvesting is classified as a small business if independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of \$19.0 million from finfish fishing (NAICS code 114111), or \$5.0 million from shellfish fishing (NAICS code 114112), or \$7 million from other marine fishing (NAICS code 114119) for all of its affiliated operations worldwide. For for-hire vessels, all qualifiers apply except that the annual receipts threshold is \$7.0 million (NAICS code 713990, recreational industries).

The Federal Gulf shrimp permit has been placed under a moratorium since 2007. At the start of the moratorium, 1,915 vessels qualified and received Gulf shrimp permits. Over time, the number of permitted shrimp vessels declined, and in 2012 there were 1,582 such permitted vessels. According to the Southeast Regional Office Web site, the Constituency Services Branch (Permits) unofficially listed 1,431 holders of Gulf shrimp permits as of June 25, 2013.

During 2006 through 2010, an average of 4,582 vessels fished for shrimp in the Gulf EEZ and state waters, of which 20 percent held Gulf shrimp permits. Despite being fewer in number, vessels with Gulf shrimp permits accounted for an average of 67 percent of total shrimp landings and 77 percent of total ex-vessel revenues. Of all vessels with Gulf shrimp permits, 73 percent were active

and 27 percent were inactive (*i.e.*, did not commercially fish).

During 2006 through 2010, an average permitted shrimp vessel generated revenues from commercial fishing ranging from around \$205,000 to \$244,000. An average active permitted vessel had revenues from commercial fishing ranging from around \$233,000 to \$274,000. As may be expected, revenues from commercial fishing for an average inactive permitted vessel were practically none.

Based on the revenue figures above, all permitted shrimp vessels are expected to be directly affected by the proposed changes to the management measures and are determined for the purpose of this analysis to be small business entities.

Because all directly affected entities have been determined, for the purpose of this analysis, to be small entities, NMFS determined that the proposed action would affect a substantial number of small entities.

Because NMFS determined that all entities expected to be affected by the proposed changes to the management measures are small entities, the issue of disproportional effects on small versus large entities does not arise in the present case.

The vessel permit holders' share of the cost of the ELB program consists of a one-time cost of installing the ELB unit, an annual cost of transmitting data from the ELB unit to NMFS servers, and a periodic cost of repairing or replacing defective ELB units. On a per vessel basis, the installation cost is \$200 and the annual data transmission cost is \$720. In the event of equipment failure, the cost of repair could run from a small amount to \$425, which is the cost of replacing an ELB unit.

During 2006 through 2010, an average permitted shrimp vessel had negative net operating revenues in all years, except 2009. Its net profits (*i.e.*, net operating revenues plus net receipts from non-operating activities, such as government payments) were positive in 2006 (\$2,961), 2009 (\$1,238), and 2010 (\$94,279). However, it should be noted that the 2010 profits came mainly from earnings associated with the Deepwater Horizon MC252 (DWH) oil spill in the form of damage claims and revenues from the vessel's participation in BP's clean-up program. Without these oil spill related revenues, net profits in 2010 would have been negative \$2,480.

For active permitted shrimp vessels, net operating revenues were negative in all years during 2006 through 2010. In addition, profits in all years were negative, except in 2010. Again, the positive net profits in 2010 were due to

revenues associated with the DWH oil spill. The situation is worse for inactive permitted shrimp vessels, with net revenues and profits (except for 2010) being more negative than those of active permitted shrimp vessels. The average inactive permitted shrimp vessel had higher net profit in 2010 than the average active permitted shrimp vessel.

The cost of the ELB program would impose a significant impact on the profits of an average permitted shrimp vessel. The effects would be even more significant for vessels that are not active in the fishery. It is noted that there are some vessels that are substantially more profitable than the average vessel, and thus would be able to absorb the per vessel cost of the ELB program. However, there are other vessels that are only slightly more profitable than the average vessel, and very likely the impacts on their profits would be significant.

The following discussion analyzes the alternatives that were not selected as preferred by the Council.

The proposed action would continue the ELB program. Being adjudged and proven to be very effective in collecting shrimp effort data in the Gulf EEZ, continuation of the ELB program has been deemed necessary so that NMFS could effectively carry out its mandate to base conservation and management measures on the best scientific information available and to minimize bycatch to the extent practicable. Therefore, no other alternative to collect shrimp effort data was considered.

However, three alternatives, including the preferred alternative, were considered for funding the ELB program. As noted above, the preferred alternative would provide for cost sharing between NMFS and the vessel permit holders in the Gulf shrimp fishery. The second alternative would require NMFS to bear the entire cost of the ELB program. NMFS has recognized the vital role the ELB program has played in estimating shrimp effort in the Gulf, but due to tight budget constraints, NMFS cannot fully fund the ELB program. The third alternative would require the vessel permit holders to fund the entire cost of the ELB program. For several years now, the Gulf shrimp industry has been in relatively dire financial condition, thus the Gulf shrimp fishery indicated that funding the entire cost of the ELB would not be possible.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork

Reduction Act (PRA), unless that collection-of-information displays a currently valid Office of Management and Budget (OMB) control number.

The proposed changes to the management measures contain collection-of-information requirements subject to the PRA. NMFS estimates the requirement for the Gulf shrimp fishery to share in the costs of the new ELB units, which includes installation (\$200) and data transmission (\$720), to average 1 hour and \$920 per response for the first year. After the first year, NMFS estimates the requirement for vessel permit holders in the Gulf shrimp fishery to share in the costs of the new ELB units, which includes data transmission, to average 1 hour and

\$720 per response. These estimates of the public reporting burden include the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection-of-information.

These requirements have been submitted to OMB for approval. NMFS seeks public comment regarding: Whether this proposed collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection-of-information,

including through the use of automated collection techniques or other forms of information technology. Send comments regarding the burden estimate or any other aspect of the collection-of-information requirement, including suggestions for reducing the burden, to NMFS and to OMB (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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