

**SUPPORTING STATEMENT  
FRAMEWORK ADJUSTMENT 4 TO THE MONKFISH  
FISHERY MANAGEMENT PLAN  
OMB CONTROL NO.: 0648-xxxx**

**INTRODUCTION**

This submission requests Office of Management and Budget (OMB) clearance of information collection provisions for the vessel permit requirements proposed under Framework Adjustment 4 (Framework 4) to the Monkfish Fishery Management Plan (FMP) developed under the authorization of the Magnuson-Stevens Fishery Management and Conservation Act. This information collection builds upon the information collection submission previously approved under OMB Control No.: 0648-0202 (Northeast Region Permit Family of Forms). The National Marine Fisheries Service (NMFS) intends to integrate the information collection for Framework 4 into OMB Control No.: 0648-0202 when circumstances allow.

The New England and Mid-Atlantic Fishery Management Councils (Councils) are proposing Framework 4 to the Monkfish FMP to achieve the stock rebuilding objectives contained in the FMP. The Councils adopted a rebuilding plan for the monkfish resource in 1999 with their approval of the FMP. The original FMP was subsequently modified, through the implementation of Framework Adjustment 2 (68 FR 22325; April 28, 2003), to include an annual measure of the status of both monkfish stocks and adjustment to management measures as needed, in order meet the stock rebuilding schedule. Despite initial increases in stock biomass, the biomass indices for both stocks have declined in recent years and are lagging behind their respective rebuilding schedules. In fact, both stocks are below their minimum biomass threshold ( $B_{\text{threshold}}$ ), and are considered to be overfished. As a result of this trend, the Councils began development of Framework 4 during the spring of 2006 to ensure that goals of the 10-year rebuilding plan would be met by the end of FY 2009 (April 30, 2010).

This action proposes one measure that will modify an existing collection of information burden. Under the proposed measure, a limited access monkfish vessel intending to, or anticipating the possibility that they will, exceed the monkfish incidental catch limit would be required to declare a monkfish days-at-sea (DAS) when fishing in the Northern Fishery Management Area (NFMA). Vessels can declare a monkfish DAS either through the interactive voice response system (IVR) system, or through the Vessel Monitoring System (VMS). The IVR system is a voice prompted telephone call-in system whereby a fisherman calls a specified number, enters his permit number and established password, and follows a series of voice prompts to declare his fishing activity. The VMS system is a computer-based system that is located on the vessel itself. This system sends position reports via satellite to NMFS, and is also used to declare fishing activities. The VMS provides several screens through which fishermen can select the intended fishing activity. Prior to Framework 4, vessels fishing in the NFMA were not required to declare a monkfish DAS to land more than the applicable incidental catch limit, but could utilize their allocated Northeast (NE) multispecies DAS to land the same trip limit allowed under a monkfish DAS. In other words, a limited access monkfish vessel fishing in the NFMA had the same trip limit if it declared a monkfish DAS or a multispecies DAS. Since most vessels fishing in the NFMA have a limited access NE Multispecies DAS permit, and are required to use a NE multispecies DAS in conjunction with any monkfish DAS used under the regulations implementing the Monkfish

FMP, these vessels tend to use only to declare a NE multispecies DAS. This change in type of declaration does not change the overall burden estimate for declaring DAS. However, a provision contained in this management measure would provide any limited access monkfish vessel fishing in the NFMA the ability to change its DAS declaration through its VMS unit from a NE multispecies Category A DAS to a monkfish DAS while at sea if the vessel catches more than the applicable monkfish incidental catch limit on a given trip. This ability to change the vessel's DAS declaration at sea adds to the existing DAS declaration burden estimate currently contained under OMB Control No.: 0648-0202.

## **A. JUSTIFICATION**

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the U.S. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and NMFS. The New England and Mid-Atlantic Fishery Management Councils have joint responsibility over the management of the monkfish fishery along the Northeast Atlantic coast. The Councils are proposing Framework 4 to the Monkfish FMP to achieve the stock rebuilding objectives contained in the Monkfish FMP.

A management measure in Framework 4 contains a provision that would enable a limited access monkfish vessel fishing in the NFMA to change its DAS declaration through its VMS from a NE multispecies Category A DAS to a monkfish DAS while at sea; i.e., before crossing the VMS demarcation line upon the vessel's return to port or leaving the NFMA. VMS units are now required on all NE multispecies vessels that use multispecies DAS. This requirement was implemented through Framework 42 to the NE Multispecies FMP and approved through a separate PRA submission.

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

The information requested would be used by several offices of NMFS and the U.S. Coast Guard for the monitoring, implementation, and enforcement of the provisions outlined in the Monkfish FMP, as revised by Framework 4.

The information gathered from a vessel's declaration of a monkfish DAS in the NFMA would enable NMFS to monitor the overall fishing effort being directed upon the monkfish resource within this management area, and be used in subsequent analyses for determining if additional management action is necessary to rebuild monkfish stocks. On an individual vessel level, this information will be used by NMFS to monitor DAS usage by limited access monkfish vessels fishing in the NFMA, and for determining if these vessels have exceeded their annual allocation of monkfish DAS.

It is anticipated that the information collected would be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraph, the information gathered has utility. NMFS would retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information would be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The change in DAS declaration, from a NE multispecies Category A DAS to a monkfish DAS, would be accomplished through a vessel's VMS unit. All limited access NE multispecies DAS vessels intending to use a NE multispecies DAS must now have an operational VMS unit installed as a result of the regulations implementing Framework 42 to the NE Multispecies FMP, which became effective on November 22, 2006. The use of VMS represents the most advanced means of reporting information relating to vessel operations in the NE multispecies and monkfish fisheries to date.

**4. Describe efforts to identify duplication.**

NMFS is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

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

The only vessels impacted by the proposed collection of information are those that have both limited access monkfish and limited access NE multispecies DAS permits (Category C and D monkfish vessels). Because all of these vessels would already be required to obtain a VMS unit under the NE Multispecies FMP, this action does not increase the burden related to the purchase of a VMS unit. This action merely provides these vessels with the opportunity to change their NE multispecies Category A DAS declaration to a monkfish DAS if the vessel exceeds the applicable monkfish incidental catch limit on a given trip. As a result, this proposed measure would enable vessel owners to more efficiently utilize their monkfish DAS. Because only the minimum data needed to meet the DAS declaration requirements are requested from all participants, the burden to individual vessels is minimized. All of the respondents are considered to be small businesses according to Small Business Association size standards.

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

The consequences of not conducting the collection of information described above would effectively prevent the provision contained in Framework 4 from being implemented. In fact,

this provision to enable vessels to change their DAS declaration while at sea is directly tied to the management measure requiring vessels to declare a monkfish DAS in the NFMA. Therefore, not conducting the collection of information would eliminate this measure and effectively eliminate the directed monkfish fishery in the NFMA since it would be equivalent to implementing the no action alternative (no monkfish DAS in the NFMA) considered in Framework 4. Under the no action alternative, vessels would be subject to the applicable incidental catch limit while fishing under a NE multispecies Category A DAS in this area.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The proposed collection of information may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow that respondents be required to report more often than quarterly, requirements for the VMS DAS declaration requested with this submission would require more frequent reports. This information collection (i.e., declaring a monkfish DAS) is required to be submitted by any limited access monkfish vessel fishing in the NFMA under a NE multispecies Category A DAS that exceeds the monkfish incidental catch limit prior to crossing the VMS demarcation line on its return to port or leaving the NFMA. This ability for a vessel to change its DAS declaration is necessary to promote vessel safety and reduce discards. Otherwise, vessels that encounter more monkfish while fishing under a NE multispecies Category A DAS than intended would be required to stay at sea long enough to account for the additional monkfish (since the incidental catch limit is based on NE multispecies DAS usage), or discard the overage. This information would be used to by NMFS Office of Law Enforcement to enforce the DAS usage and possession limit provisions of the Monkfish FMP.

**8. Provide a copy of 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.**

The Councils held many Council and Monkfish Oversight Committee meetings during the development of Framework 4 during the period of March 2006 through December 2006, during which there were opportunities for public discussion of proposed management strategies. The Councils approved the measures contained in Framework 4, on November 15, 2006, and December 13, 2006. The information collections contained in this submission are part of a proposed rule, RIN 0648-AU34 to implement management measures outlined in Framework 4 to the Monkfish FMP. This rule announces the VMS DAS declaration provision described above and solicits public comment on the program and the information collection requirements necessary to implement this program. Once public comments have been considered, a final rule outlining the measures to be implemented, as modified by public comment, will be published in the Federal Register.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

Neither payments nor gifts are given to the respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

All data would be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). In addition, any information submitted according to the provisions outlined in Framework 4, or any other management action implemented by NMFS, would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of sensitive nature contained in the proposed collection of information.

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

The universe of vessels potentially affected by this action consists of all limited access monkfish vessels that also possess a limited access NE multispecies DAS permit, and fish in the NFMA. During the 2005 fishing year (FY), there were 756 limited access monkfish vessels (according to the 2005 Stock Assessment and Fishery Evaluation (SAFE) Report contained Section 4.0 of Framework 4). Of these vessels, 555 vessels also held limited access NE multispecies DAS permits. However, not all of these permits were active in the fishery during FY 2005. According to the economic analysis contained in Section 5.3 of Framework 4, 150 limited access monkfish vessels fished exclusively in the NFMA and 251 limited access monkfish vessels fished in both management areas during FY 2005. In order to account for additional vessels that are not currently active in the monkfish fishery, but that may become active in the future as the fishery rebuilds, this burden estimate assumes that 450 limited access monkfish vessels (150 + 251 + 49 potential additional vessels) would be affected by the proposed collection of information. Since all vessels fishing in the NFMA would be allocated 31 monkfish DAS under the management measures contained in Framework 4, the potential number of items per entity is 31. At a burden estimate of 5 minutes per VMS DAS declaration (0.083 of an hour), the estimated total burden hours associated with the proposed collection of information is approximately 1,158 hours (450 vessels x 31 declarations x 0.083). This new burden estimate is provided in Table 1 at the end of the text.

**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 #12 above).**

Under the proposed management measures contained in Framework 4, a vessel fishing in the NFMA under a NE multispecies Category A DAS would have the ability to change its DAS

declaration to a monkfish DAS prior to crossing the VMS demarcation line on its return to port, or when leaving the NFMA, if the vessel exceeds the applicable monkfish incidental catch limit. Each VMS declaration costs \$0.50. Assuming that 13,950 such trips could be taken in the NFMA (450 vessels at 31 DAS), the annualized cost burden of this requirement would be an additional \$6,975.

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

NMFS currently operates a VMS system for several fisheries in the NE, including the monkfish fishery. The ongoing (recurring) costs associated with the administration of the VMS system amount to \$352,293 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system (see Table 2). These costs are not expected to increase substantially with the VMS declaration requirement proposed in Framework 4. These declarations are performed through the VMS and are automatically entered into computer databases.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

The original Monkfish FMP, which became effective on November 9, 1999, met Magnuson-Stevens Act requirements to adopt formal rebuilding programs for overfished fisheries, and to end overfishing. The need to reduce fishing effort on both the NFMA and SFMA stocks of monkfish in order to maintain progress along the rebuilding program requires a number of new measures under Framework 4. The proposed data collection would be used to implement a measure that requires vessels to use a monkfish DAS when fishing in the NFMA if the vessel exceeds the monkfish incidental catch limit. This measure contains a provision that enables a limited access monkfish vessel fishing in the NFMA to change its declaration from a NE multispecies Category A DAS to a monkfish DAS during the course of a trip if the vessel exceeds the applicable monkfish incidental catch limit. This provision requires a new information collection and would be considered a program change. The net public burden and cost associated with this provision include in Framework 4 is estimated as 1,158 hours with a net increase in costs of \$6,975.

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

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

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

This collection does not include a new form, but only updates the burden estimate associated with VMS DAS declarations to include the universe of vessels potentially affected by this

regulatory action. All VMS related forms display the relevant OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

All instances of this submission comply with 5 CFR 1320.9.

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

No statistical methods are employed in the information collection procedures.

**Table 1: Burden Associated with the Collection of Information Requirements Contained in Framework 4 to the Monkfish FMP.**

Permit Requirement	Annualized # of Entities	Items Per Entity	Total # of Items	Response Time	Total Burden	Cost to:	
						Public	Govt. <sup>(1)</sup>
<b>VMS DAS Declaration</b> (time burden and message cost)							
Change in DAS declaration for monkfish vessels fishing in the NFMA	450	31	13,950	0.083	1,158	\$6,975	\$0

(1) No additional cost associated to Government since included in annual operating costs of Northeast Region's VMS Program (see Table 2).

**Table 2: Current Costs to the Government from VMS Monitoring.**

<b>Annual Costs</b>	Salary and Benefits <sup>1</sup>	\$230,000
	Internet Connection <sup>2</sup>	\$7,500
	Equipment <sup>3</sup>	\$20,000
	Back-up System <sup>4</sup>	\$38,960
	Software Licensing	\$3,500
	Supplies <sup>5</sup>	\$11,000
	Training and Travel	\$8,000
	<b>Total Ongoing Costs</b>	<b>\$318,960</b>
<b>Start-up Costs</b>	Software Adaptations	\$100,000
	<b>Annualized Start-up Costs (at 3-year amortization)</b>	<b>\$33,000</b>
<b>Total Annual Costs<sup>6</sup></b>		<b>\$352,293</b>

1. Salary and benefits, three program support personnel
2. 24-hour maintenance of secure internet note at Gloucester, MA
3. Lease and maintenance contract on CPU and monitor
4. Lease and maintenance contract on CPU and monitor
5. Optical storage discs, repairs, and supplies associated with non-lease equipment (modem, router, thermal paper, WORM drive)
6. Estimated by adding up the start-up costs to ongoing costs