

**SUPPORTING STATEMENT
NORTHWEST REGION PACIFIC WHITING SHORESIDE FISHERY
MONITORING AND CATCH ACCOUNTING PROGRAM
OMB CONTROL NO.: 0648-XXXX**

INTRODUCTION

This statement is a request from National Marine Fisheries Service (NMFS), Sustainable Fisheries Division, Northwest Region (NWR) to the Office of Management and Budget (OMB) for approval of a Pacific Whiting Shoreside Fishery Monitoring and Catch Accounting Program data collection. The existing clearance for a portion of this program is under OMB Control No.: 0648-0203, Exempted Fishing Permits (EFPs).

Since 1992, vessels participating in the Pacific whiting shoreside fishery have been issued EFPs that allow unsorted catch to be retained until the catch is offloaded at shoreside processing facilities. The retention of catch until offloading has allowed the catch to be monitored on shore. In 2007, the NWR is taking steps to implement federal catch accounting requirements for Pacific whiting fish processors and first receivers. In addition, the NWR is taking steps to implement Federal regulations for a broader and long-term monitoring and catch accounting program for vessels and processors participating in Pacific whiting shoreside fishery.

The Pacific whiting EFP for 2007 has evolved into a management and monitoring program that is significantly different from other EFPs, in anticipation of Federal regulations to implement a long-term monitoring and catch accounting program. The NWR believes it is appropriate to separate the whiting EFP Paperwork Reduction Act (PRA) collection hours from OMB Control No.: 0648-0203 at this time. NWR anticipates that a revision will be made to this collection regulations are implemented for the long-term monitoring and catch accounting program.

This data collection is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) developed by the Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, U.S.C. 1801 et seq (**Magnuson-Stevens Act**), as amended in 2007. The FMP governs the groundfish fishery off Washington, Oregon, and California.

In 1992, when significant landings were expected to be harvested by the Pacific whiting shoreside fishery, an observer program was established with EFPs. EFPs allow vessels to engage in activities that are otherwise illegal for the purpose of collecting information that may lead to a management decision or to address specific environmental concerns (50 CFR 600.10 and 600.745.) Each year since 1992, EFPs have been issued to vessels in the Pacific whiting shoreside fishery to allow unsorted catch to be landed where it is sorted and reported on state fish tickets. Without an EFP, groundfish regulations at 50 CFR 660.306(b) require vessels to sort their catch at sea. The Vessels fishing under the EFPs are required to deliver catch to “designated processors”. Each of the three states that sponsor and oversee the EFP activities has written “designated processors” agreements with the Pacific whiting shoreside processors. These agreements define the terms and conditions for processors participating in the fishery. The Pacific whiting shoreside fishery needs to have a catch reporting system in place to

adequately track the incidental take of Chinook salmon as required in the Endangered Species Act (ESA) Section 7 Biological Opinion for Chinook salmon catch in the Pacific whiting fishery. NMFS has issued Biological Opinions under the ESA pertaining to the effects of the Pacific Coast Groundfish FMP fisheries on Chinook salmon on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999. The August 1992 Biological Opinion included an analysis of the effects of the Pacific whiting fishery on listed Chinook salmon. The Biological Opinions have concluded that Chinook is the salmon species most likely to be affected by the Pacific whiting fishery, while other salmon species are rarely encountered in the Pacific whiting. The analysis determined that there was a spatial/temporal overlap between the Pacific whiting fishery and the distribution of ESA listed Chinook salmon such that it could result in incidental take of listed salmon. The 1992 Biological Opinion included an incidental take statement that authorized the incidental take of 0.05 salmon per metric ton of Pacific whiting. The Biological Opinion identified the need for continued monitoring of the fishery to evaluate impacts on salmon, and specifically emphasized the need to monitor the shoreside fishery because fishing patterns and bycatch rates were likely to differ from those observed on the at-sea processors.

The Pacific whiting fishery is managed under a "primary" season structure where vessels harvest Pacific whiting until the sector allocation is reached and the fishery is closed. This is different from most other Pacific Coast groundfish fisheries, which are managed under a "trip limit" structure, where catch limits are specified by gear type and species (or species group) and vessels can land catch up to the specified limits. Incidental catch of groundfish in the Pacific whiting shoreside fishery, however, is managed under the trip limits structure. In addition, certain overfished species are managed with fleetwide bycatch limits.

With bycatch limits, the industry has the opportunity to harvest a larger amount of Pacific whiting, providing they keep the total catch of specific overfished species within the specified bycatch limits. All sectors of the non-tribal commercial whiting fishery are managed with bycatch limits. Without bycatch limits, the availability of whiting to each sector would likely be constrained by the projected catch of overfished species. To date, bycatch limits have been established for darkblotched, canary and widow rockfish. The Pacific Coast groundfish regulations provide for the automatic closure of the commercial (non-tribal) portion of the Pacific whiting fishery upon attainment of a bycatch limit. This is different from the bottom trawl fishery where harvest availability of target species is generally constrained by the projected catch of overfished species.

In November 2006, NMFS received an application requesting renewal of the Pacific Whiting Shoreside Fishery EFP for 2007. Issuance of EFPs to Pacific whiting vessels will continue through 2007 while NMFS is working on a regulatory action that eliminates the need for continued issuance of Pacific whiting EFPs. At this time, NMFS is taking action to establish catch accounting requirements for Pacific whiting shoreside processors that include recordkeeping, reporting, catch sorting, and weighting requirements for individuals who receive, buy, or accept 4,000 lb or more of Pacific whiting from vessels using midwater trawl gear during the primary season for the shore-based sector. This action is needed to assure that the data needed to manage the Pacific whiting fishery are available to fishery managers.

At its June 2007 meeting, the Pacific Fishery Management Council will consider recommending that NMFS adopt provisions into Federal regulation that are similar to the EFP requirements. If approved, a broader and long-term program could be implemented by the start of the 2008 Pacific whiting shoreside season.

A. JUSTIFICATION

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

The Pacific whiting shoreside fishery needs to have a catch accounting system in place to: 1) adequately track the incidental take of Chinook salmon as required in the ESA Section 7 Biological Opinion for Chinook salmon catch in the Pacific whiting fishery; and 2) to track the catch of Pacific whiting and other groundfish species, including overfished groundfish species, such that the Optimum Yields (OYs), harvest guidelines, sector allocation and bycatch limits are not exceeded and that the fishing industry is not unnecessarily constrained.

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 following data will be collected:

EFP Application: EFPs are issued to applicants for fishing activities that would otherwise be prohibited under a FMP and/or by regulation. On a voluntary basis, applicants initiate a request for an EFP by submitting a letter to the Agency. An application for an EFP must contain all information required for an EFP application given at 50 CFR 600.745 (b)(2). A narrative description of the proposed activity is required to fully document the intended operation. The application also includes a statement of the purposes and goals of the exempted fishery, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; anticipated impacts on marine mammals or endangered species and description of any other pertinent activities. EFP applications have been required annually and are used by the NWR to assess the merits of the activity and to determine whether or not to approve or disapprove the submission. As with all EFPs in the Pacific Coast groundfish fishery, prior to submitting the application to NMFS, the applicant provides a copy to the Pacific Fishery Management Council where it is made available for public review and comment.

Participating vessels: The name, address and telephone number, date of birth of the vessel operator and/or vessel owner; vessel name and official number; Pacific Coast Groundfish limited entry permit number; and date of the application are collected from each participating vessel. This information is used to identify the permit applicant and the legal ownership of the vessel to be registered to the permit. The collection of this information is essential to comply with the regulations and for enforcement purposes. The date of birth allows enforcement to conduct an enforcement check prior to issuing the EFP. For example, violations of catch regulations may result in suspension or

revocation of a permit. Since many vessels are owned by corporations, identification of the owner on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone numbers are required so that NMFS staff can call applicants to resolve outstanding issues in a quick and efficient manner.

An authorized representative must sign the application to certify that the information provided is correct and true and that the applicant is eligible to receive a permit. The signed document provides the Agency evidence that the applicant attests to the authenticity of the application. If there are false statements or misrepresentations made by the applicant, a signed document will be important in successfully taking legal actions against the permit holder. This information is provided one time per respondent prior to the issuance of the EFP.

Electronic Monitoring Systems (EMS): EMS is a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders. The EMS is designed to independently monitor vessel fishing activities and provide accurate, timely, and verifiable data. In the Pacific whiting fishery, EMS has been used to document retention and/or discard of catch since 2004. Beginning in 2007, EFP participants will be required to pay the service provider directly for the cost of leasing EMS equipment. Requirements for vessels to have EMS in 2007 would continue to be specified in the terms and conditions of the EFP. Vessel responsibilities specified in the EFP would continue to include: requirement to have EMS coverage to conduct EFP fishing; requirement for EMS installations; prohibition from intentionally damaging EMS equipment; responsibility for scheduling EMS equipment maintenance and data retrieval; need to conduct regular system checks; and, responsibility for scheduling EMS removal. Violations of the terms and conditions of an EFP would continue to be a violation of Federal regulations at 50 CFR 660.306 (a) (4).

EMS is used by the NWR to monitor compliance with the catch retention requirements. Because EMS would be used as a compliance monitoring tool, NWR believes it is necessary for 100% of the Pacific whiting trips to be monitored from the time the gear is set to the time the vessel returns to port and offloads the catch. EMS images are not released to the public. Summary reports based on an analysis of the images would be available by March of the following year.

Reporting: The terms and conditions of the EFP require the states who are the applicants/sponsors of the EFP activity to submit inseason data reports to the NWR during the Pacific whiting season and after the end of the fishery for the year. At the beginning of the season, a weekly inseason data report is submitted to the NWR for tracking the catch of Pacific whiting, Chinook salmon, and overfished species. If an allocation, bycatch limit or ESA threshold is being approached then the rate that the inseason data reports are sent to NWR increases from weekly to every 1-3 days. The increased rate continues until the end of the fishery. Each inseason data reports includes all fish species or inseason species group and the amounts (weight or number) that were caught. Within 6 months from the end of the season a detailed project summary report is prepared that includes fish species, and amount (weight, number, or rate), disposition

(retained or discarded), and area or time of catch to monitor catch levels.

Data used to compile data reports is already being collected by a vessel during its regular course of business (with the possible exception of discard data), so additional information gathered under the EFP generally is a minor supplement to information that already is maintained. Because the Pacific whiting fishery is a maximized retention fishery, EFP holders are required to document all discard events at sea. Discarding of fish at sea should only occur on rare occasions and under specific conditions.

Electronic Fish Tickets: Pacific whiting shoreside processors will be required to use a NMFS approved electronic fish ticket program (or equivalent software that meets specifications) to send catch reports within 24 hours from the date of landing. The electronic fish tickets are based on information currently required in state fish receiving tickets or landing receipts (hereinafter referred to as state fish tickets). The reports would be used to track catch allocations, bycatch limits and prohibited species catch (including Chinook salmon) during the season.

An inseason catch summary of preliminary data for key species caught in the Pacific whiting shoreside fishery will be posted on the NWR web page as the fishing season progresses. This allows the industry participants to see the status of the fishery relative to the allocations, bycatch limits and ESA Section 7 take thresholds. Post season data will be finalized by Pacific States Marine Fish Commission using paper fish tickets submitted by the states.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will 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. The information collection described above is designed to yield data that meets 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.

Exempted Fishing Permits: EMS is a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders. EMS is used to create a data collection of vessel activities. EMS has been used successfully to document retention and/or discard of catch. The EMS is designed to independently monitor vessel fishing activities and provide accurate, timely, and verifiable data. The system requires little upkeep from vessel crew as it is designed to begin recording data and images when the vessel first sets the fishing gear and cease recording when the vessel arrives in port. Many trips are recorded before a download of the data is needed.

Electronic fish tickets: The electronic fish tickets are based on information currently required by the states on paper fish receiving tickets or landing receipts (fish tickets). Processors will provide the computer hardware and software necessary to support the electronic fish ticket program. The electronic fish ticket software will be provided at no cost. Data will be transmitted daily via email.

Reports: Catch reports sent during the season are data files that are transmitted via email.

4. Describe efforts to identify duplication.

Measures were taken to minimize duplication of the catch accounting requirements by providing fish ticket software that is based on the existing state systems and does not require additional data gathering. When state law allows, the electronic fish ticket can be used to print a paper copy for submission to the state. In Oregon, specified information may be submitted either on a paper fish ticket provided by the state or on a computer generated ticket provided specified data fields are included. However, in the States of California and Washington standard paper forms provided by the states must be used.

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

Measures were taken to minimize the costs of the catch accounting requirements by providing: 1) fish ticket software at no cost; 2) fish ticket software that used a standard operating system and common software already owned by most businesses; 3) fish ticket software that is compatible with the existing fish ticket requirements in each of the three states; and, 4) a software that can be used to print a paper copy for submission to the state, when state law allows. Because the information is already being gathered by the processors there is no requirement that additional data be gathered.

Some applicants are individuals or small companies and as such are considered small businesses. Given the relatively small numbers of applicants, separate requirements based on size of business have not been developed. Only the minimum data required to meet the permit objectives are requested from all applicants.

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

The Pacific whiting shoreside fishery needs to have a catch reporting system in place to: adequately track the incidental take of Chinook salmon as required in the ESA Section 7 Biological Opinion for Chinook salmon catch in the Pacific whiting fishery; and to track the catch of target and overfished groundfish species such that the fishing industry is not unnecessarily constrained and that OYs, harvest guidelines, sector allocation and bycatch limits are not exceeded.

Indirect biological impacts could result if catch data were inaccurate or delayed so that fishery specifications, including: bycatch limits, species allocations, OYs, and biological opinion thresholds could not be adequately monitored or the fishing stopped before one of the

specifications were exceeded. If bycatch limits of the most constraining overfished species were greatly exceeded due to delayed catch reporting, the risk of exceeding rebuilding based OYs is increased. This is particularly a concern for canary rockfish which is the most constraining species to the Pacific whiting fishery and whose rebuilding trajectory is very sensitive to changes in harvest levels. Although there are many variables that affect the time it takes a stock to rebuild, exceeding the rebuilding based OY could result in an extended rebuilding period for a overfished species. Exceeding Chinook salmon take thresholds could increase the risk to some more vulnerable Evolutionarily Significant Units (ESUs).

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

Daily inseason reports are necessary to track catch in relation to OYs, allocations, bycatch limits, and ESA thresholds.

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.

For the monitoring and catch accounting program, a proposed rule, RIN 0648-AV46, will be published for public comment.

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

No payments or gifts are provided under this program at this time.

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

Permit applications, including EFPs, are considered to be submitted in an entrepreneurial capacity and are thus exempt from Privacy Act concerns. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. However, information given on a limited entry permit is not confidential. Phone numbers, fax and email information are not released to the public. Electronic fish ticket data will be submitted to Pacific States Marine Fish Commission (PSMFC). The data is considered confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. The PSMFC currently receives and stores fish ticket data from the states. These data are maintained on the PacFin data base.

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

This information collection does not require the submission of information of a sensitive nature.

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

Table 12 – Total Annual Burden Hours

Exempted Fishing Permit (EFP)	No. of Respondents	Number of Annual Responses per Respondent	Total Annual Responses	Ave. Time per Response	Total Annual Time (Hrs)
Initial Application	1	1	1	10 hours	10
Participating vessel data					
Summary Report	1	1	1	10 hours	10
Inseason Data Report	1	Variable*	20	1 hours	20
EMS Installations	40	1	40	6 hours	240
Daily Transmissions**	NA	NA	NA	NA	NA
Data Downloads	40	1	40	4 hours	160
EMS Removal	40	1	40	2 hours	80
<i>New Total: EFP</i>	<i>41</i>	<i>--</i>	<i>142</i>	<i>--</i>	<i>520</i>
Electronic Fish Tickets	No. of Respondents	Frequency of Responses	Total Annual Responses	Ave. Time per Response	Total Time (Hrs)
Washington and California Processors	4	Variable	400	10 minutes	67
Oregon Processors	8	Variable	800	2 minutes	26
<i>Total Electronic fish tickets</i>	<i>12</i>	<i>--</i>	<i>1,200</i>	<i>--</i>	<i>93</i>
Overall Total for collection	53	--	1,342	--	613

* Generally weekly reports, but may be more frequent towards the end of the season

** No burden counted, completely passive

Electronic fish tickets: Up to 12 Pacific whiting shoreside processors receive approximately 1,200 Pacific whiting primary season deliveries each year, with approximately 400 of the deliveries occurring in Washington and California and the remaining 800 occurring in Oregon. The burden on processors in Washington and California to submit electronic fish tickets under Alternative 2 is estimated to be 67 hours annually over Status Quo. For processors in the State of Oregon, the additional burden is only the time it takes to send the electronic fish ticket (2 minutes), as the state laws already requires that the information be gathered and allows the submission of a printed and signed electronic formats. For processors in the State of Oregon, it is expected to take a total of 27 hours annually to submit electronic fish tickets. For all three states, a total of 93 hours annually are estimated for preparing and submitting electronic fish tickets.

EMS: Video cameras are automatically turned on when net winches start and turn off when vessel enters port.

The annual labor costs are as follows:

- EFP application preparation (10 hours @ \$17.02) = \$170.20
- EFP summary report preparation (10 hours @ \$17.02) = \$170.20
- EFP inseason report preparation (20 hours @ \$17.02) = \$240.40
- Electronic fish ticket preparation (53 hours @ \$17.02) = \$902.06
- Time to send electronic fish ticket (40 hours @ \$17.02) = \$680.80
- Total labor costs: \$2,163.66.**

[Using an estimate from the U.S. Census Bureau’s Non-employer Statistics, 2001, as a proxy for respondent annual income]

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).

The annual costs associated with the burden hours for the respondents are as follows:

EMS leasing = \$6,000 per vessel season* 40 vessels - \$240,000

Table 13 – Total Estimated Costs of Annual Cost Burden to Respondents	
Information Collection	Estimated Cost Amount
EMS leasing	\$240,000.00
Mailing Costs: \$2.00 x 1 (1 application)	\$2.00
Total Costs	\$240,002.00

It is assumed that all processors have an adequate personal computer, software, and internet access to support the electronic fish ticket software.

EMS The cost of EMS in addition to leasing includes the cost of system installation, system maintenance/in-season support, removal of the systems and analysis, summation and release of the data. The cost can be broken into two major components: the cost of the physical system and the cost of data analysis, summary and release. Vessels pay for the physical system and NMFS pays for summary and analysis.

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

The costs to NMFS incurred through the processing and issuance of EFPs are:

- 40 Applications x 1 hour per permit x \$25/hr. - (GS-7 equivalent salary) = \$1,000.00
- 10 FedEx mailings at \$ 5.50 per mailing = \$55.00.

Handling costs for the various is negligible and integrated with other analytical responsibilities.

The cost of data analysis is approximately \$150,000 per year (cost to EMS provider and 1 FTE for analysis and oversight).

Total costs to the Federal government are \$151,055.00.

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

This is a new collection. After the information collection request is approved, 520 hours will be transferred from OMB Control No.: 0648-0203 to this collection.

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

There are no plans for publishing.

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 identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.