

**SUPPORTING STATEMENT
AN OBSERVER PROGRAM FOR AT-SEA PROCESSING VESSELS IN THE PACIFIC
COAST GROUND FISH FISHERY
OMB CONTROL NO.: 0648-0500**

INTRODUCTION

The U.S. groundfish fisheries off the Washington, Oregon, and California (WOC) coasts are managed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as amended in 2006, and the Pacific Coast Groundfish Fishery Management Plan (FMP). Regulations implementing the FMP appear at [50 CFR part, 660 Subpart G](#).

The [Magnuson-Stevens Act](#) at 16 U.S.C. 1853(b)(8), as amended in 2006, provides that an FMP may require that one or more observers be carried on-board a vessel of the United States engaged in fishing for species that are subject to the FMP, for the purpose of collecting data necessary for the conservation and management of the fishery. The Pacific Coast Groundfish FMP provides that all catcher/processors and at-sea processing vessels operating in the groundfish fishery may be required to accommodate on-board observers for purposes of collecting scientific data.

The WOC at-sea Pacific hake fishery is a mid-water trawl fishery that is composed of large catcher-processor and mothership vessels. The catcher-processors harvest and process catch while the motherships rely on smaller catcher vessels to deliver unsorted catch for processing. These large processing vessels primarily operate in the Alaskan pollock (*Theragra chalcogramma*) fisheries, but move south to the WOC to fish for hake between pollock seasons. While they participate in the pollock fishery, they are subject to 50 CFR Part 679, which specifies requirements related to observer services for the North Pacific (Alaskan) Groundfish fisheries.

Since 1991, the large at-sea hake processing vessels have each voluntarily carried at least one National Marine Fisheries Service (NMFS) trained observer to provide data for estimating total landed catch and discards; monitoring the attainment of annual groundfish allocations; estimating catch rates of prohibited species; and assessing stock conditions. NMFS has come to depend on data from hake observers to provide information critical to conservation and management of the marine resources. For the most part, the at-sea hake fishery has been satisfactorily monitored as a voluntary program. However, NMFS's ability to assure the integrity and availability of observer data in the future and to maintain safe working conditions for observers is constrained by the lack of regulations. To assure the integrity and availability of observer data in the future, NMFS established a mandatory observer program and mandatory observer coverage levels for all at-sea processing vessels in the Pacific Coast groundfish fishery. At-sea processing is currently confined to the Pacific hake fishery. The rule requires at-sea processing vessels greater than 125 ft (38.1 m) in length to carry two NMFS-certified observers while participating in the groundfish fishery. Vessels less than 125 ft (38.1 m) in length are required to carry one observer. Observers must be obtained, and paid for by the vessels, through third-party observer provider companies operating under permits issued by the NMFS Alaska Region. The rule also specifies that certification and decertification requirements for observers be administered by the Northwest Region of NMFS in Seattle, Washington, which defines the responsibilities of observers and processing vessels.

A. JUSTIFICATION

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

Data collected by hake observers are used by NMFS to estimate total landed catch and discards, monitor the attainment of annual groundfish allocations, estimate catch rates of prohibited species, and as a component in stock assessments. These data are necessary to comply with the Magnuson-Stevens Act requirements to prevent overfishing. In addition, the terms and conditions in Section 7 of the Endangered Species Act (ESA) consultation on the Pacific Coast groundfish fishery requires 100% observer coverage to account for incidental take of ESA listed salmon.

The regulations for this observer program define certification, observer responsibilities and prohibited behaviors. They also establish probation, suspension, and decertification measures that NMFS may take to discipline problem individuals. This process provides NMFS with a tool to ascertain if observers are fulfilling their responsibilities and duties as prescribed by NMFS. This process allows observers to submit evidence and to argue in opposition to a suspension or a decertification notice. Information submitted by observer provider companies (transcripts, training and debriefing registration, notification of physical examination, projected observer assignments, observer weekly deployment/logistics reports, observer debriefing registration disclosure statement, and reports of observer harassment, observer safety concerns, or observer performance problems) is used to efficiently and effectively deploy well-qualified and trained fisheries observers to monitor the at-sea sectors of the Pacific hake fishery.

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.

Information submitted by the observer providers will be used as follows:

Training/Briefing Registration. Prior to the beginning of a scheduled observer certification training session observer providers send the following information: date of requested training; a list of observer candidates that includes each candidate's full name (i.e., first, middle and last names), date of birth, and sex; a copy of each candidate's academic transcripts and resume; and a statement signed by the observer candidate under penalty of perjury which discloses the candidate's criminal convictions. The requested information ensures that sufficient class space will be reserved for the candidates during the training session requested and that each potential, new observer meets the observer educational qualification standards. The disclosure statement of criminal record is a new requirement intended to disclose the candidate's past criminal record that demonstrates an absence of criminal records related to: embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property, or the commission of any other offense indicating a lack of integrity or honesty that would seriously and directly affect the fitness of an candidate to fulfill the observer responsibilities.

Notification of Observer's Physical Examination. Physical examinations are necessary because working aboard vessels or in processors is a dangerous occupation. An individual must be

physically fit with no safety-endangering conditions. Notification of the physical examination allows NMFS to verify that all observers meet standards in the program.

Projected Observer Assignments. This information is used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) in the training or briefing class. The instructor also uses it when giving “special project” assignments to students. This information must be submitted to the Observer Program Office prior to the completion of the training or briefing session and includes the following: the observer's name, vessel, port of embarkation Observer Weekly Deployment/logistics Reports. An observer contractor must provide NMFS with a weekly deployment/logistics report during the period of time that an observer is deployed. The deployment/logistics report includes: the observer’s name, cruise number, and current vessel. This information is used for routine record keeping in the NMFS observer database. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also important should emergencies arise while an observer is deployed at sea.

Observer Debriefing Registration. This information allows for an efficient and effective debriefing process of an observer with NMFS personnel through a one-on-one interview. Observer debriefing registration information must include: the observer's name, cruise number, vessel, and requested debriefing date.

Reports of Observer Harassment, Observer Safety Concerns, or Observer Performance Problems. Review of these reports provides NMFS with an effective tool to monitor and enforce standards observer conduct and to identify problems on vessels that may compromise the observer’s health and well-being. Reports on the following topics must be submitted to the Observer Program by the observer provider within 24 hours after the observer provider becomes aware of the problem: 1) observer harassment, 2) any prohibited action against observers concerns about vessel or processor safety, 3) any illness or injury that prevents the observer from completing his/her duties, 4) any information, allegations or reports regarding observer conflict of interest or breach of the observer standards of behavior.

The rule specifies certification and decertification requirements for observers and establishes probation, suspension, and decertification measures that NMFS may take to discipline problem individuals. The appeals process provides observers with a way to submit evidence and to argue in opposition to a suspension or decertification notice. This information is used by the NMFS observer program staff to ascertain if observers are fulfilling their responsibilities and duties as prescribed by NMFS. Observers voluntarily submit information for an appeal. Not all individuals are expected to respond. It is anticipated that a maximum of two observers per year will submit responses within 30 day of being notified that they are suspended or decertified. The information collected, from observer providers (transcripts, training and debriefing registration, notification of physical examination, projected observer assignments, observer weekly deployment/logistics reports, observer debriefing registration disclosure statement, and reports of observer harassment, observer safety concerns, or observer performance problems) and the information collected from observers (evidence and to argue in opposition to a suspension or decertification notice) will not be disseminated to the public or used to support publicly disseminated information.

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 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and 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.

No improved information technology has been identified as a practical means for reducing the burden on the public. The appeals process and submission of documentary evidence or petitions are unique to each observer's situation and must be signed by the individual submitting the documents. A maximum of two submissions are expected annually.

The periodic reports and information submitted by observer providers consist of extractions of the required data from their existing database systems into a report form that is then submitted by FAX transmission or e-mail to NMFS.

4. Describe efforts to identify duplication.

Information collections provided voluntarily by observer providers in the hake fishery, are similar to collections required by regulation in the federal groundfish fishery off Alaska. Approval for the collection of information for observers in the Alaska fisheries has been approved under Office of Management and Budget (OMB) Control No.: 0648-0318. The hake observer program is currently administered by the Northwest fishery Science Center in cooperation with Alaska fishery Science Center's North Pacific Groundfish Observer Program. Because the observer providers that supply observers for the hake fishery are permitted to provide observers for the Alaska groundfish fishery, the information collections are provided in the same manner as is done for observers deployed in Alaska. If an individual observer has been deployed in the Alaska groundfish fishery prior to the hake fishery, information such as the notification of the observer's physical examination, and portions of the training/briefing registration materials are already available to NMFS and do not need to be resubmitted for the hake fishery.

The documentary evidence or petitions from observers that have been issued notices of suspension or decertification will be unique to the individual observer and their performance in the hake fishery. There is no overlap with their performance while deployed as an observer in Alaska. Therefore, there is no duplication with the regulations at 50 CFR 679.50 which pertain only to an observer's performance as an observer in the Alaska groundfish fishery.

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

The application procedures and reporting requirements for observer providers do not have a significant impact on small entities.

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

The information is required for the efficient operation of an observer program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the observer program and the effective management of the west coast groundfish fishery. NMFS believes that data quality will be maintained by creating a regulatory structure for managing observer and observer provider performance.

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

No special circumstances exist that would require information collection to be conducted in a manner inconsistent with OMB Guidelines except for the weekly reports which are needed more frequently for effective management of the program.

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.

A Federal Register notice was published on May 22, 2007. No comments were received.

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

No payment or gifts to respondents are provided under this collection.

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

Because the information collected is from commercial operations, under the Magnuson Act (16 U.S.C. 1801 et seq.), all data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. The information collected under this regulatory package is managed by NMFS on a computer network in accordance with relevant IT security policies and regulations such as the standards set out in Appendix III, A Security of Automated Information Resources, @ OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

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 collection of information does not include any sensitive information.

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

See Table 1 for details. Respondents total 12, responses total 230, and hours total 50 (note: hours below were rounded to nearest half hour, but ROCIS calculations yielded the four non-whole numbers “0.49” instead of “0.5” and thus rounded down). Total labor costs are \$1,041.

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).

See Table 1 for details. Miscellaneous costs total \$920.

Table 1. Burden and Cost

Type Of Response	Respondents	Responses Per Respondent	Total Responses	Time Per Response	Total Hours Per Response	Total Labor Cost	Misc. Cost Per Response	Total Misc. Cost
Obtain college transcript & prepare disclosure statement*	8 (25 % x 30 = 7.5)** observers	1	8	15 minutes	2	\$50 (@ \$25/hr)	\$6 (\$5 to obtain transcript and \$1 to mail docs)	\$48
Appeal suspension & decertification	2 (5% x 30 = 1.5) observers	1	2	4 hours	8	\$240 (@ \$30/hr)	\$1 postage	\$2
Training/ briefing registration	4 observer providers	7.5 (30 observers/4 providers)	30	7 minutes	3.5 (per ROCIS, 3)	\$105 (@ \$30/hr)	\$12 faxing	\$360
Notification of observer physical	4 observer providers	7.5	30	2 minutes	1	1 (@ \$30/hr)	0	0
Observer physical	4 observer providers	2	8**	2 hours	16	NA	@\$45 per exam) + \$6 faxing = \$51	\$408
Observer assignments	4 observer providers	7.5	30	7 minutes	3.5 (per ROCIS, 3)	\$105 (@ \$30/hr)	\$0.60 faxing: 10 records per page, \$6 per page	\$18 for 3 pages
Weekly deployment/ logistics report	4 observers	22.5	90 (30 deployments x 3 weeks)	7 minutes	10.5 (per ROCIS, 10)	\$315 (@ \$30/hr)	\$0.60 faxing: 10 records per page, \$6 per page	\$54 for 9 pages
Debriefing registration	4 observer providers	7.5	30	7 minutes	3.5 (per ROCIS, 3)	\$105 (@ \$30/hr)	\$0.60 faxing: 10 records per page, \$6 per page	\$18 for 3 pages
Reports on observer harassment, safety, or performance concerns	4 observer providers	0.5	2	2 hours	4	\$120 (@ \$30/hr)	\$6 faxing	\$12
TOTALS	12		230		52 (per ROCIS, 50)	\$1,041		\$920

* Note: The observer candidate’s time and cost in preparation of a resume is excluded from the estimated burden of this information collection because resumes routinely are required by most employers, including observer providers. However, NMFS’s requirement that candidates successfully complete specified college course work requires that college transcripts be submitted. Thus the time and costs associated with submitting transcripts, as well as the disclosure statement on any criminal record are included.

** The number of observers is multiplied by 25% because most are prior observers and submit the information for participation in the Alaska groundfish fishery and would not be required to submit again.

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

The review of suspension or decertification appeals from observers is estimated to take NMFS staff about 1 hour per appeal. Since it is estimated that a maximum of 2 appeals will be received annually, the total burden to NMFS is expected to be 2 hours.

The training, briefing and debriefing registration information, including the notice of physical examinations, is estimated to take about 20 minutes per observer to process and enter into the NMFS database. With 30 observers per year this is estimated to be about 10 hours annually.

The projected observer assignments and weekly deployment/logistics reports are expected to take about 10 minutes per response to process and enter into the NMFS database. It is estimated that (30 assignment +90 deployment) 120 reports per year will be received for a total annual burden of 30 hours.

The review of and response to reports of observer harassment, safety or performance concerns is estimated at 1 hour per report. With an estimate of 2 reports per year this is expected to be an annual burden of 2 hours.

The total annual burden on the government for review and processing information from observer providers is 44 hours. At \$24 dollars per hour this would be an annual cost of \$1,056.

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

There are no changes other than adjustments for errors in calculations in the previous submission, mainly due to rounding errors. Responses are 230, not 222, and hours, 50, not 51. In addition to some calculation errors for miscellaneous costs (not multiplying cost by total respondents in some cases), costs of faxing and mailing added \$14 to what should have been a total of \$896, rather than \$756, in the previous submission. However, neither type of adjustment (for error or increased mailing/faxing costs) affected the rounded off figure on the 83i.

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

No plans exist for publishing the information collected.

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.

No forms would be developed by NMFS or its designated agent that would need to display the expiration date.

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

There are no exceptions to the certification statement in this proposed collection of information.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

