

**SUPPORTING STATEMENT
NORTHEAST REGION OBSERVER PROVIDERS REQUIREMENTS
OMB CONTROL NO.: 0648-0546**

INTRODUCTION

Amendment 13 to the Atlantic Sea Scallop Fishery Management Plan (Scallop FMP) implemented an industry funded observer program which included reporting requirements for both observer service providers as well as the scallop fishing industry. Framework 19 proposes to further refine this program.

Observer coverage in the scallop fishery is necessary to monitor the bycatch of finfish including yellowtail flounder, skates, monkfish, cod, and other species. Monitoring of yellowtail flounder bycatch in the Scallop Access Areas within the year round closed areas under the Northeast (NE) Multispecies FMP is of particular concern because the scallop fishery is constrained by a fishery-specific Total Allowable Catch (TAC) of yellowtail flounder, which is part of the stock-wide yellowtail flounder TAC set by the NE Multispecies FMP to achieve specified mortality targets for the species. Observer coverage is also needed to monitor interactions of the scallop fishery with endangered and threatened sea turtles.

A. JUSTIFICATION

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

In Regulation Identifier Number (RIN) 0648-AV90, Framework 19 to the Scallop FMP proposes the following measures to further refine and improve the industry funded observer program as implemented through Amendment 13 to the Scallop FMP:

- Service providers would provide and maintain an updated list of contact information for all observers. This would facilitate the ability of the National Marine Fisheries Service (NMFS) Northeast Fisheries Observer Program (NEFOP) to contact observers.
- Service providers would provide and maintain a listing of whether or not the observer is “in service”, indicating when the observer has requested leave and/or is not currently working for the Industry-Funded program. This would facilitate the ability of NMFS/NEFOP to confirm observer availability.
- Service providers must submit to NMFS/NEFOP, if requested, copies of any materials developed and distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc. This would allow NMFS/NEFOP to ensure information that is distributed to industry is accurate and in keeping with the objectives of the observer program.
- Service providers must submit to NMFS/NEFOP, if requested, a copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services. This would allow NMFS/NEFOP to ensure contractual

information is accurate and in keeping with the objectives of the observer program and to help resolve disagreements between industry and the service provider.

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.

Framework 19 to the Scallop FMP would implement additional reporting requirements that would be used by NMFS/NEFOP to more effectively administer the scallop observer program.

The updated observer contact list would facilitate the ability of NMFS/NEFOP to contact an observer when necessary. This list would be updated by the service provider as necessary.

The observer status report would facilitate the ability of NMFS/NEFOP to confirm observer availability, or the lack thereof, when a provider notifies NFMS/NEFOP of instances when no observers were available for deployment. This list would be updated by the service provider as necessary.

NMFS/NEFOP may request service providers to provide copies of materials provided to the fishing industry. This would allow NMFS/NEFOP to ensure such materials are accurate and in keeping with the objectives of the program. This information would likely be solicited when changes to such materials are made.

NMFS/NEFOP may request service providers to provide a copy of each type of signed and valid contract between the observer provider and those entities requiring observer services. This would allow NMFS/NEFOP to resolve contract disputes between the provider and industry, and to ensure provider contracts with their employees are in keeping with the objectives of the observer program. This information would likely be solicited when changes to such materials are made.

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 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 observer providers submit materials to NMFS/NEFOP via e-mail, fax or postal service.

4. Describe efforts to identify duplication.

The application processes and information submissions for the observer provider are unique to this program, and direct duplication with other collections does not exist.

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

This collection of information does not impose 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.

All information is required for the efficient operation of the 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 scallop fishery.

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

Service providers would be required to submit observer contact and availability information as necessary, which may be more often than quarterly. This to ensure NMFS/NEFOP observer data is accurate and up to date.

NMFS/NEFOP may request service provider materials as necessary, which may be more frequent than quarterly. This is to ensure materials provided to industry and observers are accurate, up to date, and in keeping with observer program objectives and policies.

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 proposed rule, RIN 0648-AV90, will solicit public comment on these information collection requirements.

The Council held 10 public meetings that received public comment during the development of Framework 19 to the FMP. These meetings took place from November 2006, through October 2007.

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

No payment or gift to respondents is provided under this program for observer service providers who choose to apply.

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

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1881a, et seq.).

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 request any information that are of a sensitive nature.

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

Total estimated respondents affected by Framework 19: 2. Total estimated responses resulting from Framework 19: 316 (12 observer contact list updates, 300 observer availability updates, 2 service provider material submissions, 2 service provider contract submissions) . Total estimated burden hours resulting from Framework 19: 8 (1 hour for observer contact list updates, 5 hours for observer availability updates, 1 hour for service provider material submissions, 1 hour for service provider contract submissions). Total estimated labor cost resulting from Framework 19: \$120.

Total estimated respondents for entire information collection: 805 (unchanged). Total estimated responses: 1,740. Total estimated burden hours: 619. Total estimated labor cost: \$14,323.

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).

Total estimated miscellaneous costs resulting from Framework 19: \$10 in mailing costs (\$5 mailing cost for service provider material submissions, \$5 mailing cost for service provider contract submissions). Total estimated miscellaneous costs: \$6,269.51.

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

Total estimated government costs resulting from Framework 19: \$180. Estimated total cost: \$22,560.

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

Burden and costs would increase by approximately 316 responses, 8 hours and \$10 as a result of Framework 19.

Maintaining an up-to-date observer contact list is estimated to entail 5 minutes per response, 12 responses per year, for a total of 1 burden hour annually. These updates do not have any associated miscellaneous costs, as they are expected to be transmitted via e-mail.

Maintaining an up-to-date observer availability list is estimated to entail 1 minute per response, 300 responses per year, for a total of 5 burden hours annually. These updates do not have any associated miscellaneous costs, as they are expected to be transmitted via e-mail.

It is estimated that NMFS/NEFOP would request copies of service provider outreach materials once a year. It is estimated it would take 30 minutes to submit this information, for a total burden of 1 hour. It is estimated the service providers would incur a total of \$5 in mailing costs to submit these materials.

It is estimated that NMFS/NEFOP would request copies of service provider contracts once a year. It is estimated it would take 30 minutes to submit this information, for a total burden of 1 hour. It is estimated the service providers would incur a total of \$5 in mailing costs to submit these materials.

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

NMFS has no plans to tabulate or publish the results of this information collection

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 are used in this collection. The information is collected through a written narrative, reports without forms, and by phone. NMFS will display the Office of Management and Budget (OMB) number and expiration date on information outlining the requirements provided to prospective observer service providers.

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

No exceptions to the certification statement are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.