SUPPORTING STATEMENT
NMFS OBSERVER PROGRAMS' INFORMATION THAT CAN BE GATHERED ONLY THROUGH QUESTIONS
OMB CONTROL NO. 0648-xxxx

INTRODUCTION

This request is for a new collection, including some information approved under current collections (burdens to be adjusted after approval) and some information that had been collected without PRA clearance. The process of developing this comprehensive collection has taken quite some time. We had initially requested emergency review, and understand that it was not justified, as there was no statutory or Congressional mandate and deadline. However, we are **r***equesting review soon after the 30 day comment period, as it is urgent that we operate with full OMB approval.*

The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) deploys fishery observers on United States fishing vessels and to fish processing plants in order to collect biological and economic data. NMFS has at least one observer program in each of its six Regions. These observer programs provide the only reliable and/or most effective method for obtaining information that is critical for the conservation and management of living marine resources.

Observer programs primarily obtain facts or opinions through direct observations by employees or agents of NMFS or through non-standardized oral communication in connection with such direct observations; and such collections are not generally subject to the Paperwork Reduction Act (PRA) (5 C.F.R. §§ 1320.3(h). However, observer programs also collect the following information that requires clearance under the PRA: (1) standardized questions of fishing vessel captains/crew or fish processing plant managers/staff (includes fish buyers/dealers), which include gear and performance questions, safety questions, and trip costs, crew size and other economic questions; (2) questions asked by observer program staff/contractors to plan observer deployments; (3) forms that are completed by observers and that fishing vessel captains are asked to review and sign; (4) questionnaires to evaluate observer performance; (5) information used to ensure that the data for a specific trip are not provided to an individual (e.g., fisherman) who does not have authority to obtain that data under the confidentiality requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and/or the Marine Mammal Protection Act (MMPA); and (6) information on reimbursement forms. Economic information not available during the trip may be requested via a mail follow-up survey. NMFS has received PRA clearances for the second and fourth types of collections for some observer programs (Office of Management and Budget (OMB) Control Numbers 0648–0423, 0648–0202, and 0648-0374 for deployment questions and 0648–0550 and 0648–0536 for observer evaluations). The burden hours for the observer program questions in those collections are included in this national, comprehensive PRA submission and will be removed from the current collections once this request is approved.

The primary authorizations for NMFS to place observers on fishing vessels are included in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA); and each observer program was implemented by program or fishery specific regulations, at 50 C.F.R. 679 Subpart E (Alaska

Exclusive Economic Zone), 622 Subpart A (Fisheries of the Caribbean, Gulf and South Atlantic), 635 Subpart A (Atlantic Highly Migratory Species), 648 Subpart A (Fisheries of the Northeastern United States), 660 Subpart G (West Coast Groundfish Fisheries), 660 Subpart I (Coastal Pelagic Fisheries), 665 Subpart C (Western Pacific Pelagic Fisheries), and 229 Subpart A (MMPA Provisions). Sec. 303(b)(8) of the MSA states that any fishery management plan which is prepared by any Council, or by the Secretary of Commerce (Secretary), with respect to any fishery, 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 plan, for the purpose of collecting data necessary for the conservation and management of the fishery; Sec. 403(a) requires the Secretary to promulgate regulations for fishing vessels that carry observers; and Sec. 403(b)(1) requires the Secretary to establish programs to ensure that each observer receives adequate training in collecting and analyzing the information necessary for the conservation and management purposes. Similar authority to place observers on fishing vessels is provided by Sec. 118 of the MMPA (codified in 50 C.F.R. Part 229, Authorization for Commercial Fisheries under the MMPA) and the ESA (applicable sections codified in 50 C.F.R. Parts 222 (General Endangered and Threatened Marine Species), and 223 (Threatened Marine and Anadromous Species). Observers may also be required under ESA Section 7, Biological Opinions. However, no observer programs are currently implemented under the ESA authority.

Sec. 402(a)(2) of the MSA states that if the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery. Alternatively, a Council may initiate the implementation of such an information collection or observer program [Sec. 402(a)(1)]. Sec. 303(a)(5) makes it explicit that the information the Secretary is authorized to collect includes the "economic information necessary to meet the requirements of this Act."

A. JUSTIFICATION

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

Biological and economic information collection programs implemented by NMFS address statutory and regulatory mandates to conserve and manage living marine resources, which includes collecting information that can be use to: (1) monitor catch and bycatch; (2) understand the population status and trends of fish stocks and protected species, as well as the interactions between them; (3) determine the quantity and distribution of net benefits derived from living marine resources; and (4) predict the biological, ecological, and economic impacts of existing management measures and alternative proposed management measures. In particular, these biological and economic information collection programs contribute to analyses required under the MSA, the ESA, the MMPA, the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), Executive Order 12866 (EO 12866), as well as a variety of state statutes including Florida Statute 120.54, Hawaii Revised Statute 201M-2, New Jersey Permanent Statutes 52:14B-19, and Oregon Revised Statutes 183.335 and 183.540. NMFS observer programs are often the only reliable and/or most effective sources for some of the biological and economic information required to meet the legislative and regulatory mandates that define

the NMFS stewardship responsibilities for the conservation and management of living marine resources.

The lack of more complete economic information in the majority of Federally managed fisheries has stymied NMFS' ability to conduct these analyses and has led to lawsuits and regulatory challenges of fisheries policies in the last several years, resulting in overturned rebuilding objectives, biologically unsustainable total allowable catches, and eroded confidence in NMFS' decision making process and social sciences capability. Maintaining and expanding the fishery economic information collections will improve the scientific foundation of the Agency's policies and help decision makers weigh the economic impacts of their decisions.

It is important to note that a key feature of the Federal regulatory process is that NMFS cannot simply implement a regulation to achieve a conservation goal but instead must consider a suite of management alternatives. Economic analyses can identify the alternative that minimizes losses to stakeholders while still achieving conservation goals, allowing NMFS to be proactive, rather than reactive, in its resource management strategy.

For these reasons, the collection of economic information in fisheries has received a top priority in the NMFS Social Science Plan, the NMFS Strategic Plan, and the NOAA Science Advisory Board (SAB).[1] In addition, NMFS Regional Offices and Fishery Science Centers, as well as the Regional Fishery Management Councils (Councils) and Interstate Marine Fisheries Commissions (Interstate Commissions) recognize the need for economic information, e.g., see the Pacific Fisheries Management Council's report "*Research and Data Needs, 2008*", as well as the Northeast Fisheries Science Center report "*Data Needs For Economic Analysis of Fishery Management Regulations."* The need for economic data has also been identified by external sources, including the Kammer Report, Government Accountability Office (GAO) reports, and National Research Council (NRC) reports.[2]

Background

MSA

The MSA establishes eight Councils, each of which is charged with the preparation of a fishery management plan and plan amendments with respect to each fishery requiring management within its jurisdiction. Each fishery management plan (FMP) prepared by a Council, or by the

[1] Performance metrics cited within the NOAA Strategic Plan include the number of FMPs with complete economic data (variable cost, annual operating cost, and revenue) collected for commercial harvesters and the number of FMPs for which net benefits can be calculated. The 2003 Report of the SAB's Social Science Review Panel noted that "The lack of appropriate data limits the contribution of social science to NOAA" and the 2008 draft Report of the SAB's Social Science Working Group supports that finding.

[2] See "An Independent Assessment of the Resource Requirements for the National Marine Fisheries Service: A Report to the Deputy Under Secretary, NOAA and the Assistant Administrator, National Marine Fisheries Service," prepared by Ray Kammer, June 2000. In addition, National Research Council publications that identify the need for commercial fisheries economic data include "Marine Protected Areas: Tools for Sustaining Ocean Ecosystems" (2001); Improving the Collection, Management, and Use of Marine Fisheries Data" (2000); and "Sharing the Fish: Toward a National Policy on Individual Fishing Quotas" (1999). GAO publications recognizing the importance of commercial fisheries economic data include "Individual Fishing Quotas: Better Information Could Improve Program Management" (2003); Commercial Fisheries: Entry of Fishermen Limits Benefits of Buyback Programs (GAO/ Resources, Community and Economic Development (RCED)-00-120); and Fishery Management: Problems Remain with National Marine Fisheries Service's Implementation of the Magnuson-Stevens Act (GAO/RCED-00-69).

Secretary, must contain conservation and management measures that are consistent with the national standards, and any other applicable law [MSA Sec. 303(a)(1)(C)], and a description of the fishery including actual and potential revenues from the fishery [MSA Sec. 303(a)(2)]. The MSA authorizes FMPs developed by the Secretary or Council to require one or more observers be carried on board a fishing vessel engaged in fishing for species subject to the plan, for the purposes of collecting data necessary for conservation and management of the fishery [MSA Sec. 303 (b)(8)].

Plans and plan amendments must also include a fishery impact statement that analyzes the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures and possible mitigation measures [MSA Sec. 303(a)(9)].

Biological and economic information is needed to meet each of the national standards referenced above. The ten national standards (in *Italics*) and requirements for biological and economic information to meet them are presented below [MSA Sec. 301(a)].

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

Biological information is required to determine the fishing level and whether it results in overfishing; and both types of information are necessary to determine the optimum yield because it is defined in term of the amount of fish which, among other things, "will provide the greatest overall benefit to the Nation."

(2) Conservation and management measures shall be based upon the best scientific information available.

Various sections of the MSA make it clear that scientific information includes both biological and economic information.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

Principally biological information is required to identify the range of a stock of fish and the interrelated stocks of fish. However, stocks of fish can be interrelated due to fishing vessels that participate in multiple fisheries, in which case, economic information can be useful in identifying interrelated stocks.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

Economic information, including cost and revenue data on participants in the fishery, is required to identify some of the effects of such allocations and is therefore useful in determining whether such allocations are "fair and equitable." Economic information is also useful in determining what constitutes "an excessive share of such privileges."

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

This standard requires appropriate descriptions of the fishery and assessments of the effects of management actions, which are not possible without biological and economic information. For example, cost and revenue information is necessary to evaluate the effects of proposed measures on efficiency. Cost and revenue information is also necessary to anticipate the likely effects of proposed measures on participants in the fishery.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The "variations among and contingencies in fisheries" can be defined in terms of both biological and economic variables. Therefore, both types of information are required.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Economic information, specifically cost information, is required to determine if this national standard is met.

(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

There is an explicit requirement to use "economic and social data" to meet this national standard. Specifically, economic information is required to predict the extent to which conservation and management measures are expected to provide for the "sustained participation" and "minimize adverse economic impacts."

(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

Congress and NMFS have made it clear that the broadly defined benefits and costs of further reductions in the levels of bycatch or the discard mortality rates should be considered in determining if or what further reductions are practicable. Therefore, both types of information are required to meet this national standard, where much of the critical biological information, including bycatch estimates, is provided by NMFS observer programs. Observer programs are considered the most reliable source of bycatch data.

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

Economic information is required to determine what further improvements in safety are practicable.

Acting under authorities provided in the MSA, the Councils and Secretary have implemented 47 FMPs, each of which addresses biological and socio-economic characteristics and issues associated with the fishery. For example, the Pacific Coast groundfish FMP includes a framework for the development and evaluation of management decisions having substantial socio-economic implications (Section 6.2.3 of the Pacific Coast Groundfish Plan) (Attachment A). Where management is necessary to address socio-economic issues, the Council must prepare a report, which addresses the achievement of goals and objectives of the FMP, economic impacts and how the proposed action will address at least one of 15 items including: maintaining stability in the fishery, increasing economic yield, and increasing fishing efficiency. With respect to allocation actions, the Council must consider such factors as present participation in and dependence on the fishery, including alternative fisheries, historical fishing practices in and historical dependence on the fishery, as well as consistency with MSA national standards. FMPs prepared by other Councils address issues comparable to those addressed in the Pacific Coast groundfish FMP.

An observer program provides a very efficient method of collecting high quality economic information at the trip level. The specific advantages to collecting trip level economic information through the observer programs include the following:

1. Reduced respondent burden #1: Most of the information will be collected directly by an observer on the fishing vessel at a time that it is convenient for the captain/crew.

2. Reduced respondent burden #2: Because the economic information is being collected in conjunction with other information on operations, only a relatively small number of economic questions are asked. In comparison, annual economic surveys often ask both economic and operational questions, information on landings, etc.

3. Reduced respondent burden #3: Respondents typically are asked to provide only information that is readily available to them and maintained for their own purposes.

4. Higher response rates: The observers can explain to the captain/crew the purpose and need of the data collection and how data will be kept confidential.

5. Cost-effective: We make use of an existing survey platform, as well as data entry and data management programs.

6. "Cleaner" data #1: The observer receives training and knows what each question means. Self-reported data collected via logbook and/or mail surveys require considerable cleaning because so often the fisherman doesn't understand the question, reports information in the wrong units, etc.

7. "Cleaner" data #2: Because the observer is onboard for the trip being reported on, he can accurately record quantities; for the questions that are asked, recall bias is reduced/eliminated because the fisherman just made the purchases and/or used his fishing supplies, fuel, etc.

8. More accurate data #1: For those fishermen that operate out of multiple ports, trip-specific cost information helps to map expenditures to communities, which improves the community economic impact analysis.

9. More accurate data #2: Most management measures usually just affect some aspect of a vessel's operations, e.g., the regulation may restrict the use of a particular gear or targeting strategy or it may shut down particular fishing grounds. To do cost-benefit analysis, one needs to know the "economics" of the affected trips. Trip-specific cost and quantity information allows one to provide more accurate cost-benefit analyses.

Each FMP also relies on stock assessments to aid in managing the fishery, set harvest levels, prevent overfishing, and rebuild overfished stocks, as directed by MSA. Stock assessments determine whether changes in the population are due to natural or human-related causes and predict future trends in the population. The stock assessment process requires detailed information for each species, including size, age, gender, and number caught. Fishery biologists use the information provided by observer programs, along with other data sources such as research cruises and fishermen-reported data, to complete a stock assessment.

MMPA

The MMPA seeks to maintain marine mammal stocks at optimum sustainable population levels, principally by regulating the human-induced mortality and serious injury of marine mammals. This includes fishing-related mortality and serious injury. Although the MMPA prohibits the "take" of marine mammals, it provides exceptions for incidental mortality and serious injury during the operation of commercial fishing, as well as a limited number of other activities. "Take" is defined in the MMPA as, "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal" (16 U.S.C. § 1362 (13)). In 1994, Congress amended the MMPA to include Section 118, which established a regime to regulate the take of marine mammals incidental to commercial fishing so that it does not occur at a level that jeopardizes a marine mammal stock's ability to reach its "optimum sustainable population", defined as "the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element" (16 U.S.C. § 1362(9)). Marine mammal stock assessments rely on observer data to develop estimates of fishing-related mortalities and serious injuries. Observer data are also used in the fisheries classification process, under Section 118 (described in the next paragraph).

Section 118 of the MMPA requires that NMFS classify each United States (U.S.) commercial fishery according to whether there is a frequent (Category I), occasional (Category II), or a remote (Category III) likelihood of incidental mortality and serious injury of marine mammals. It also requires the establishment of take reduction teams to develop take reduction plans (TRP) for those fisheries with the greatest impact on marine mammal stocks (Category I and Category II). Participants in Category I or II fisheries are required to register with NMFS, take on board an observer if requested by NMFS [Sec. 118 3(B)], and comply with all applicable TRP regulations.

The MMPA establishes both a short-term (six month) and a long-term (five year) goal for marine mammal bycatch reduction. Take Reduction Plans are required to reduce, within six months of implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than a stock's potential biological removal (PBR) level. Within five years of implementation, TRPs are required to reduce the mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate (commonly referred to as the Zero Mortality Rate Goal or ZMRG), taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans (16 U.S.C. § 1387(f)).

ESA

The ESA requires the Federal government to protect and conserve species and populations that are endangered or threatened with extinction, and to conserve the ecosystems on which these species depend. Some threatened and endangered species, including all sea turtle species and certain species of salmon, seabirds, and marine mammals, are captured as bycatch in commercial and recreational fisheries. The ESA requires development of a recovery plan that identifies criteria and actions to recover each listed species. Recovery plans for marine species generally include reducing incidental capture of protected species in fishing operations as a priority-one action, which is necessary to prevent extinction or irreversible declines. In some cases, fisheries can be restricted or terminated because they incidentally take protected species and impede recovery of the listed population. Other provisions of the ESA ensure that sources of mortality for protected species are identified and minimized or mitigated.

ESA Section 9 prohibits the take of endangered species within the United States or the territorial sea of the United States, and on the high seas. "Take" is defined by the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct" (16 U.S.C. §1536(18)). ESA Sections 4, 6, 7, and 10 provide exceptions to the take prohibition of ESA-listed species. Of particular relevance for fisheries bycatch is Section 7, which provides that "Each Federal agency shall ... insure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species ..." (16 U.S.C. §1536(a)(2)).

Under Section 7(a)(2) of the ESA, Federal agencies must consult with NMFS on activities that may affect a listed species. For Federally managed fisheries, NMFS must formally consult with itself on the effects fisheries management plans may have on listed species and their critical habitat. These interagency, or Section 7, consultations are designed to assist Federal agencies in fulfilling their duty to ensure their actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat. Should an action be determined by NMFS to jeopardize a species or adversely modify critical habitat, NMFS will suggest Reasonable and Prudent Alternatives (RPA) that would not violate Section 7(a)(2). Biological Opinions document NMFS' opinion as to whether the Federal action is likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. Where appropriate, biological opinions provide an exemption for the "take" of listed species while specifying the extent of take allowed, the Reasonable and Prudent Measures (RPM)

necessary to minimize impacts from the Federal action, and the Terms and Conditions with which the action agency must comply. These RPMs may include observer program coverage.

In 2007, the NMFS Office of Protected Resources developed a regulation requiring vessels fishing in areas in state or Federal waters where sea turtles may be present and interactions likely to occur to carry observers when requested to do so by NMFS [ESA Sec. 222 and 223]. Previous ESA regulations only allowed for limited, temporary monitoring of vessels suspected of sea turtle interactions, usually only after an emergency event, such as a mass sea turtle stranding, or under a Biological Opinion. Consequently, NMFS has had to rely on MMPA and MSA authorities to obtain observer coverage in some fisheries. This approach has not always allowed the agency to monitor fisheries it needed to (e.g., non-Federal MMPA Category III fisheries) or to design monitoring programs to optimize data collection of sea turtle bycatch data. The 2007 regulation will enable NMFS to learn more about interactions between fishing operations and sea turtles, to evaluate existing measures to reduce sea turtle takes, and to determine whether additional measures to address sea turtle bycatch may be necessary.

Requirements for economic analysis are also included in the ESA. For example, to designate critical habitat, and make revisions thereto, the Secretary is to consider the economic impact [50 C.F.R. § 424.12(a)].

NEPA

NEPA requires Federal agencies to consider the interactions of natural and human environments, and the impacts on both systems of any changes due to governmental activities or policies. This consideration is to be done through the use of "a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences .... in planning and in decision-making …." [NEPA Sec. 102(2)(A)] and, further, to "identify and develop methods and procedures, ….., which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations" [NEPA Sec. 102(2)(B)]. In addition, NOAA's NEPA implementation guidelines require that the environmental impact statement (required under NEPA Sec. 102(2)(C)(i)) must include biological, ecological, economic, and social consequences.[3] The observer programs provide some of the information that is required to meet these NEPA requirements.

EO 12866 "Regulatory Planning and Review"

EO 12866 requires an assessment of all costs and benefits of available regulatory alternatives. Under EO 12866, when choosing among regulatory approaches, agencies should select those approaches that maximize net benefits [EO 12866 Sec. 1(a)]. In addition, EO 12866 states that "Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic and other information concerning the need for, and consequences of, the intended regulation" [EO 12866 Sec. 1(b)(7)].

This executive order, combined with the MSA national standard on use of best scientific information available, obligate NMFS to seek clearance for the collection of the information

[3] For NOAA's NEPA implementation guidelines see, NOAA Administrative Order (NAO) 216-6, "Environmental Review Procedures for Implementing the National Environmental Policy Act," May 20, 1999.

necessary to meet decision standards set out in the national policies outlined above. Regardless of what action the Councils and Secretary take with respect to management of Federal fisheries for 2009 and beyond (including no action alternatives), biological and economic information is needed to meet the requirements listed above; and, in many cases, the NMFS observer programs are the only reliable and/or most effective sources for such information.

RFA

Whenever an agency is required to publish general notice of proposed rulemaking for any proposed rule, it is required to prepare an initial regulatory flexibility analysis that describes: (1) the impact of the proposed rule on small entities [Sec. 603(a)] and (2) any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the proposed rule on small entities [Sec. 603(c)]. Each final regulatory flexibility analysis is required to describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes [Sec. 604(a)(5)]. In addition, several Sections of the RFA require Federal agencies to analyze the effects of regulations to determine whether an action will have or has had "a significant economic impact on a substantial number of small entities". For example, “Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of small entities” [Sec. 610(c)]. Cost and revenue information for the specific activity in question (fish harvesting and processing), as well as some level of general information on the full range of income producing activities in which firms are engaged are necessary to effectively conduct these types of RFA analyses.

Other Information Collections from the Same Universe of Respondents

NMFS and state fishery management agencies collect information that will be used in conjunction with the information that will be provided by this collection. For example, the landed catch and effort data that are collected by the state agencies and the data obtained by observer programs through direct observations or through non-standardized oral communication in connection with such direct observations are used with the gear and performance information provided by this collection to estimate bycatch and total catch. Similarly, the information on the physical and operational characteristics of fishing vessels are used to test for, and as necessary adjust for, any sampling bias for the observed vessels and trips. This is important, for example, when logbook or landings data are used to extrapolate observed bycatch to unobserved portions of the fishery. In addition, observer programs provide an independent data source that can be used to verify the accuracy of information obtained by self reporting programs, such as logbook and landings report programs.

Coordination among NMFS and state information collections for the fisheries is used to consolidate requirements on the respondents to this collection. The Interstate Commissions were created in part to facilitate such coordination.

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.

How the information will be used

The information collected will be used to: (1) monitor catch and bycatch in Federally managed fisheries; (2) monitor interactions with protected species (e.g., marine mammals, sea turtles, and endangered or threatened fish and seabirds) in Federally managed fisheries and in select state managed fisheries; (3) understand the population status and trends of fish stocks and protected species, as well as the interactions between them; (4) determine the quantity and distribution of net benefits derived from living marine resources; (5) predict the biological, ecological, and economic impacts of existing management measures and alternative proposed management measures; and (6) ensure that the observer programs can safely and efficiently collect the information required for the previous five uses.

Comprehensive catch and bycatch information is an essential component of all stock assessments and is necessary for the development of effective fisheries and protected resource management strategies. At-sea observer programs are the most reliable method of collecting bycatch information. The MSA requires implementation of annual catch limits for all Federally managed fisheries. Bycatch data collected by at-sea observer programs are an essential component in the estimation of total catch because bycatch approaches or exceeds landed catch in some fisheries and is a significant part of the total catch in many other fisheries. Analysis of catch, bycatch, and fishing effort information collected by observers also supports development of and recommendations within Take Reduction Plans, Biological Opinions, and Fishery Management Plans. Observer data are also used to assess the impact of experimental fisheries, monitor the effectiveness of bycatch reduction technologies, and enforce fisheries regulations.

In general, analysis of cost, revenue, and employment information for fishing vessels will assist analysts in estimating:

1. Net economic value to the nation
2. Economic health of the fishery
3. Effects on business efficiency
4. Community economic impacts
5. Firms' economic dependence on the fishery
6. Economic impacts of proposed regulations, including area closures, gear restrictions, and catch or bycatch restrictions
7. Distribution of economic impacts from proposed regulations and, in particular, the significance of impacts on small businesses
8. Likelihood of bankruptcies
9. Effects on international competitiveness.

The following is a summary of the need for each type of question in Attachment B. In addition to listing the types of questions that may be asked, that Attachment indicates which questions are mandatory and provides references to the statutes mandating responses to specific sets of questions.

Safety Questions: Safety information is required to ensure that an observer can be safely deployed on a specific fishing vessel or stationed at a specific processing plant and work safely once assigned to a specific vessel or plant.

Other Pre-Deployment/Logistical Questions: Pre-deployment questionnaires are utilized by observer program staff when a vessel is selected to be observed. The responses provide critical information on vessel departure point, return point, and communications (to coordinate observer deployment); planned fishing locations (in order to ensure that appropriate coverage levels are achieved for all areas); and Commercial Fishing Vessel Safety Decal number (Decals are required for all vessels in an observed fishery).

Vessel Characteristics: Information on vessel characteristic (e.g., vessel name, permit or license number, documentation number, length, year built, hull construction, tonnage, horsepower) is necessary to help identify specific vessels. While much of the information on physical descriptors such as hull type, tonnages, and length are available from other sources, these data are often outdated, missing or conflicting. Such information can be used in stratifying vessels; and, as noted above, vessel characteristics information is used in assessing and adjusting for any bias in the selection of the vessels that are observed.

Ownership: The vessel owner's name and address are collected for contact information. Questions regarding ownership are useful in terms of social interest; however, evaluation of owner participation also plays a role in predicting whether marginal vessels will stay in business. For example, the owner of a vessel with zero or slightly negative net profits may decide to remain in the fishery if the owner is deriving a wage from personally operating a vessel. On the other hand, an owner who hires a skipper may be more likely to choose to exit the fishery under a similar circumstance.

Effort/Gear Descriptors: These questions are useful in helping the analyst describe and quantify effort on the fishing grounds in terms of the types and amounts of gear deployed. This information could be used in developing models of efficient fleet size to support such activities as fleet reduction programs, as well as provide information on the level of capitalization within the various sectors of a fishery. Effort information often is collected through direct observations, which includes obtaining the information from the fishing vessel's logbook. However, if a vessel is not required to maintain a logbook that the observer can access (e.g., in state fisheries with MMPA observers), the observer asks questions to obtain that information from the captain/crew. Effort information and gear descriptors are used to estimate and extrapolate catch and bycatch for unobserved hauls and unobserved portions of the fleet, where coverage levels are less than 100%. Even where coverage levels are 100%, this information is still necessary, as some vessels may be considered un-observable due to safety concerns.

Trip Level Operating Costs: This information is necessary to estimate the net value of participation in the fishery; calculate producer surplus and short-run economic and financial profit measures; assess the change in net benefits caused by proposed management actions; and

is used in the Fishery Economic Assessment Model and IMPLAN[4] Model to estimate economic impacts.

Catch/Revenue: As noted above, the MSA requires FMPs to contain a description of the fishery including actual and potential revenues from the fishery. Revenue information, in conjunction with cost information, is necessary to derive net economic value. Additionally, revenue information from all activities can be used to allocate fixed costs between different activities and as part of the assessment of relative dependence on the fishery.

For vessels delivering to motherships, these questions are particularly important because in some fisheries there are no fish ticket records for at-sea landings. Information on revenue from other fisheries is needed because of similar deficiencies in fish ticket records, and the lack of access to confidential information for fisheries in some states.

In addition, if the respondents calculate their net income based on their other answers and the result is out-of-line with their experience, they may stop to consider whether they have answered the preceding questions on costs and revenue correctly and entirely. Further, if respondents provide previously calculated net income without checking for consistency, or analysts compare the reported values with fish ticket revenue information where available, analysts may derive a result different from the survey responses alerting them to some degree of incompleteness in either the survey or the responses to the questions.

Regional Impact: One assumption generally made in assessing impacts on coastal communities is that all employees live in the coastal area of the vessel's homeport and, consequently, crew share is spent in the vessel's homeport. Similarly, current models assume all impacts occur in the port of landing or in a homeport (for vessels delivering to motherships). This information is particularly important in assigning community impacts for vessels delivering to motherships but is also useful when the vessel is active in multiple ports. While this simplifying assumption was useful in the early development of the models used in fisheries income impact assessments, more recent versions of these models allow analysts to relax this assumption. The information solicited by these questions is necessary to make use of this ability to more accurately estimate the distribution of effects. These questions are intended to address the issue with better quality information that is more evenly distributed across sectors.

Crew Size: This information is of interest in terms of effect on the fishing community and general community employment. Income-related questions will allow a systematic assessment of the degree to which individuals are engaged and dependent on fishing-related activities.

Information users and purpose and frequency of use

The information will be used by NMFS staff, as well as by others who are authorized to access this confidential information. It will be used for the purposes of developing, implementing, revising, and monitoring fishery management plans and actions that are taken in support of the MSA, MMPA, and ESA. The information will be used on a frequent and ongoing basis in

[4] The Fishery Economic Assessment Model and IMPLAN® (**IM**pact analysis for **PLAN**ning) are economic impact assessment modeling systems, which allows the user to build economic models to estimate the impacts of economic changes in their states, counties, or communities.

meeting NMFS stewardship responsibilities identified in the MSA, MMPA, ESA, NEPA, other applicable law, and treaties.

Complies with all applicable information quality guidelines

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 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. Although the information collected will not be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. All such uses of this information will be subject to: (1) the quality control measures and pre-dissemination review pursuant to Sec. 515 of Public Law 106-554 (Data Quality Act) and (2) NOAA Information Quality Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information which it disseminates. Among other things, the NOAA guidelines establish an administrative mechanism allowing affected persons to seek and obtain correction of information that does not comply with OMB or NOAA applicable guidelines.

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.

Typically, the information is collected during brief conversations between the observer and the captain/crew of the fishing vessel; and the form or list of questions is not given to the captain/crew; instead, it is used by the observer to ensure that the appropriate questions are asked. Therefore, in this case, the electronic submission of responses is not possible. In most cases, the forms or lists of questions are included in the observer manuals. Manuals can be found on the National Observer Program webpage: http://www.st.nmfs.noaa.gov/st4/nop/Observer_training_resources.html.

The major exceptions are the questions observer program staff/contractors ask fishing vessel permit holders/captain in order to plan observer deployments, the questions that are asked to evaluate observer performance, and the reimbursement forms (e.g., for the purpose of reimbursing the captain/owner for observer meals). The first can include questions concerning the logistics of planned fishing trips, vessel safety, vessel call #s, and means of reaching the vessel at sea in case of emergencies. Often, the potential respondents are mailed a form and asked to complete it and return it by fax. The observer evaluation questions and the reimbursement forms typically are mailed or handed to the vessel captain and returned by mail. NMFS is exploring options for the electronic submission of these two types of information. In addition, when economic information is not available during the trip, the captain/owner may be asked to provide that information via a mail follow-up survey. The use of electronic submission of this type of information will be explored.

Observers typically use paper forms because the technology for electronic data entry at sea is very expensive and not available in all cases. However, NMFS has plans to expand the use of electronic data entry by observers. For example, by 2010 the Northeast Fisheries Observer

Program (NEFOP) expects the majority of the data to be recorded electronically on rugged laptops. Similarly, the West Coast Groundfish Observer Program (WCGOP) will begin testing rugged laptops or handheld devices in 2010 for use in automatic, electronic data collection. Laptops/handhelds will be phased in over a two to three year period for all WCGOP at-sea data collection.

Non-confidential summaries of the information or of information generated using this information will often be made available to the public over the Internet.

4. Describe efforts to identify duplication.

Federal and State collection programs were reviewed to ensure that the questions covered in this collection request do not duplicate information provided by other collection programs. The economic, gear, safety, and other questions asked by observers were designed to provide types of information that are not available from or similar to the information provided by other collection programs. An extensive consultative process is used by each NMFS observer program to determine if the information is available from another collection program. In most cases, this determination is made through an open public process that includes input from a NMFS Regional Office, a NMFS Fisheries Science Center, a Council (including its Scientific and Statistical Committee and other advisory panels), an Interstate Commission, one or more State fishery management agencies, the fishing industry, environmental organizations, and others interested in or affected by the conservation and management of living marine resources.

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

Since most of the respondents are considered small businesses, separate requirements based on size of business have not been developed. The methods used to minimize the burden include: (1) limiting the questions that are asked; (2) asking questions that can be answered readily and that do not require additional recordkeeping costs; (3) having the observer ask the questions at times that are convenient for the captain/crew of the fishing vessel; and (4) using plain, coherent, and unambiguous terminology that is understandable to respondents.

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

Fisheries observers are trained professionals who monitor and record catch and bycatch data and collect other biological and economic data from U.S. fishing vessels and processing facilities. Data from observers are used to understand the population status and trends of fish stocks and protected species, as well as the interactions between them. Observer data are necessary for determining levels of bycatch of protected species and non-target fish stocks, which can be a major factor affecting mortality rates and, thus, population status and recovery of protected species. Information on target species, gear types used, fishing vessel locations, etc. are necessary to calculate fishing effort, an important component of bycatch estimation. When these data cannot be collected through direct observation (such as when an observer is off-duty), or when the information is known only to the captain and crew (e.g., target species), questions must occasionally be asked of the captain/crew. This includes questions that are asked in order to: (1) ensure the effectiveness and efficiency of the observer programs and (2) maintain the safety of

fisheries observers aboard fishing vessels and at processing plants. To effectively and efficiently meet the NMFS stewardship responsibilities, including those identified in the MSA, MMPA, ESA, and NEPA, NMFS observer programs must continue to collect these data.

Trip level economic data, including cost, revenue, and employment data, are among the data required to monitor and predict the economic effects of specific conservation and management actions. Therefore, the ability of NMFS to design and implement actions that will assist in meeting its stewardship responsibilities for living marine resources and their habitat would be limited severely if observer programs do not continue to collect this information.

The gear, safety, and other non-economic questions asked by observers are critical for the safety of the observers or are used to make the information gathered by observers through direct observation more useful. Therefore, these questions are required for safe and effective observer programs, without which, some of the key biological and economic information used in meeting the Agency's stewardship responsibilities would not be available.

Most of the requested information is trip specific, can vary by trip, and is used with directly observable or reported trip level data to monitor the biological and economic characteristic of observed fishing trips and to estimate the characteristics of unobserved trips. In some cases, haul-specific target, gear, catch, and effort questions are asked to expand the information for observed hauls to all hauls during a trip. Therefore, if the collection is conducted less frequently, the Agency's ability to effectively monitor the full trip characteristics of observed trips and to estimate the characteristics for unobserved trips would be decreased substantially.

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

The collection will be conducted in a manner consistent 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.

A Federal Register Notice published on March 4, 2009 (73 FR 9387) solicited public comments.

Public comments were received from two individuals, Mr. Chris Oliver, Executive Director, North Pacific Fishery Management Council (NPFMC) and Ms. Stephanie Madsen, Executive Director, At-sea Processors Association (APA). The comments focused on their opposition to using fishery observers, specifically North Pacific Groundfish Observer Program (NPGOP) observers, to collect trip level economic data. Other than stating his opposition to that use of NPGOP observers, Mr. Oliver principally addresses the importance of using the NPFMC process to make decision concerning how to collect economic data for the NPFMC's fisheries and questions whether the economic information included in this information collection request is needed for fishery management purpose. Ms. Madsen's comments are similar to Mr. Oliver's

(strongly opposed to that use of NPGOP observers, question the need for these economic data, and supports the NPFMC process for developing economic data collection programs for the NPFMC's fisheries). However, Ms. Madsen also presents several reasons why she thinks that using NPGOP observers to collect economic data would adversely affect the ability of NPGOP observers to collect biological and ecological data that are "essential to successful management of the groundfish resource in Alaska." The following NMFS responses address the three issues raised by both sets of comments, as well as Ms. Madsen's stated reasons for her concern.

1. Several observer programs outside of Alaska have demonstrated over a number of years and for a broad range of fisheries that observers can effectively and efficiently collect trip level economic data without adversely affecting their ability to collect biological and ecological data. Although, some trip level economic data are observable and are not subject to the PRA, most of that data is collected by having the observers ask captains for specific information that is subject to the PRA.
2. Because the ability of observers to do that can vary by fishery, a variety of factors will be considered in determining if and how observers should be used to collect a range of economic data for a specific fishery.
3. NMFS agrees that the NPFMC, with substantial assistance from NMFS, has developed effective economic data collection programs for some of its fisheries and NMFS is working with the NPFMC to expand such programs to more of the NPFMC's fisheries.
4. NMFS believes that the use of observers should be considered in developing/expanding some aspects of the economic data collection programs for NPFMC fisheries.
5. The NPFMC, including its Comprehensive Data Collection Committee on which the APA is represented, the Alaska Regional Office, and the Alaska Fisheries Science Center will continue to be involved in assessing the necessary economic data elements and the best mechanisms to collect them for specific fisheries under the NPFMC's jurisdiction.
6. The information collection request that has been developed for the NMFS observer programs is intended to facilitate having observers collect economic data in all fisheries for which such a use of observers is determined to be appropriate.
7. Economic data are required to meet the agency's and the Councils' stewardship responsibilities for the conservation and management of living marine resources under the MSA, MMPA, ESA, NEPA, RFA, EO 12866, and other applicable law. The NPFMC's successful efforts to develop economic data collection programs for some of its fisheries and its ongoing efforts to develop "a comprehensive economic data collection program", which will include most to all of its other fisheries, demonstrate the NPFMC is aware of and taking action to address the need for economic data.
8. NMFS agrees that the NPGOP is widely recognized as one of the best and most comprehensive fishery observer programs in the world and encourages the consideration of additional uses of this large and effective observer program.
9. NMFS agrees that the success of the NPGOP turns on the professional and co-operative relationship that is maintained between the observers and the vessels on which they serve and that the recognition by skippers and crews that the biological data collected by observers is essential to successful management of the groundfish resource in Alaska; and NMFS believes that skippers and crews can be made more aware that economic data is also essential for that purpose.
10. NPGOP observers currently collect some data which is useful in economic analyses. For example, they collect effort and crew size data. Recently, the NPGOP also took steps to refine trip level effort information at the request of the Alaska Fisheries Science Center

(AFSC) economists. NMFS believes that the NPFMC should consider using observers to collect more complete economic data.

11. NMFS agrees that observers may need additional training if they are to collect more economic data and do it effectively and efficiently; but that would depend on the scope of the data collection activity. As noted, NPGOP observers collect information as part of their regular duties which is useful in economic analyses and collecting this data has not impacted existing data collection or required additional training time. However, the training time necessary is dependent on the scope of the collections so we acknowledge that additional training could be necessary should data collections expand. In other observer programs, the time required to collect basic trip level economic data has not prevented the observers from collecting the required biological and ecological data, in part because the economic data collection can occur during a part of the trip in which the observer is not involved in collecting other types of information. The observers are trained to protect the confidentiality of the data they collect and currently collect "competitively sensitive and otherwise confidential data", such as tow-specific catch data; and this has been done without "undermining the professional relationship and trust that has developed between the fishermen and the NPGOP observers". Similarly, the more complete collection of economic data in other fisheries has not had such an effect. However, NMFS agrees that these are among the potential effects that should be considered in determining if and how observers should collect more complete economic data.

The public comments do not identify deficiencies in the information collection planned by NMFS or its intent to use the proposed information collection to, among other things, facilitate the extended use of fishery observers to collect basic trip level economic data when such a use of observers is determined to be appropriate. However, the comments do assist NMFS in emphasizing the importance of considering a broad range of factors for determining how and whether to use observers to collect more complete economic data in specific fisheries.

A number of people, both within agencies and the industry were consulted on the types of data elements necessary and available, recordkeeping disclosures, confidentiality of the data and timing of data collection exercises.

Each observer program included an extensive consultative process to determine: (1) whether the information is available from another collection program; (2) whether an observer program is the appropriate data collection mechanism; (3) the appropriate frequency of collection; (4) whether the instructions and recordkeeping requirements were clear: (5) the appropriate disclosure rules and or reporting format; and (6) what data elements should be included in this collection. In most cases, these determinations were made through an open public process that included input from a NMFS Regional Office, a NMFS Fisheries Science Center, a Council (including its Scientific and Statistical Committee and other advisory panels), an Interstate Commission, one or more State fishery management agencies, the fishing industry, environmental organizations, and others interested in or affected by the conservation and management of living marine resources. That consultative process typically is also used to review each collection program and suggest improvements to it.

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

No payments or gifts are made.

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

Information obtained through this collection for fisheries conservation and management will be kept confidential as required under Section 402(b) of the MSA (18 U.S.C. 1881a(b)) and regulations at 50 C.F.R. Part 600, Subpart E. Information provided through this collection for monitoring incidental takes of marine mammals will be kept confidential as required under Section 118(d)(8) of the MMPA (16 U.S.C. 1387(d)(8)) and regulations at 50 C.F.R. Part 229, Subpart A.

Observers are trained to provide this assurance of confidentiality as part of their trip protocol and it will also be included in the PRA statements (see Attachment C).

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 a sensitive nature.

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

The estimates are of the average annual burden hours that would occur during the next three years (approximately October 2009 - September 2012) under the current and planned collection of each NMFS observer program for the following six types of information collections: (1) standardized questions of fishing vessel captains/crew or fish processing plant managers/staff; (2) questions asked by observer program staff/contractors to plan observer deployments; (3) forms that are completed by observers and that fishing vessel captains are asked to review and sign; (4) questionnaires to evaluate observer performance; (5) information used to ensure that the data for a specific trip are not provided to an individual (e.g., fisherman) who does not have authority to obtain that data under the confidentiality requirements of the MSA and/or the MMPA; and (6) information on reimbursement forms. NMFS has received PRA clearances for the second and fourth types of collections for some observer programs (OMB Control Numbers 0648–0423, 0648–0202, and 0648–0374 for deployment questions, and 0648–0550 and 0648–0536 for observer evaluations). The burden hours for the observer program questions in those collections are included in this national, comprehensive PRA submission and will be deleted from those currently approved programs once this submission is approved.

The questions asked to collect these types of information are presented in Attachment B. Some questions (e.g., target species for a set and catch for unobserved sets) are set-specific and asked several times during a trip. Some questions are asked once per trip or deployment. Other questions are asked only on trips in which the observer cannot collect the information through direct observations or through non-standardized oral communication in connection with such

direct observations. The estimate of total burden hours (17,455 hours) is based on: (1) the projected number of 4,323 respondents (4,122 observed vessels + 21 observed fish processing plants + 180 processing plants briefly contacted); (2) the projected number of 14,082 responses (13,927 trips (brief contacts to plants are treated as part of trips, not counted as separate responses) + 155 deployments to processing plants); (3) an estimate of the average burden minutes per trip if all the questions that were asked on or associated with a specific trip were answered (about 81 minutes), including the questions asked at fish processing plants and (4) the expected response rates (93% overall);. *See Table 1 below, with totals on the continuing page.*

Table 1. Average annual estimates for all six types of current and planned collections by NMFS Observer Program, 2009-2012. (Updated May 26, 2009)

	Alaska		Northeast	Northwest		Pacific Islands
	NPGOP	AMMOP	NEFOP	ASHOP	WCGOP	PIRIOP
Active vessels in fisheries with a NMFS observer program	1,350	80	15,000	15	1,400	190
Observed vessels	296	80	2,038	15	1,000	186
Observed trips	4,483	250	6,171	110	1,500	386
Fish processing plants in fisheries with a NMFS observer program	62					
Observed fish processing plants	21					
Deployments to fish processing plants	155					
Other fish processing plants contacted	0					
Burden minutes/trip	60	15	105	30	60	80
Estimated burden hours with 100% response	4,483	63	10,799	55	1,500	515
Response rate	99%	95%	90%	99%	99%	90%
Response rate adjusted estimated burden hours	4,438	59	9,719	54	1,485	463

NPGOP: North Pacific Groundfish Observer Program
AMMOP: Alaska Marine Mammal Observer program
NEFOP: Northeast Fisheries Observer Program
ASHOP: At-Sea Hake Observer Program (Northwest)
WCGOP: West Coast Groundfish Observer Program
PIROP: Pacific Islands Region Observer Program

Table 1. Continued.

	Southeast			Southwest		**All NMFS Observer Programs**
	SFOP	POP	GOM RFSOP	Funded Programs	Unfunded Programs	
Active vessels in fisheries with a NMFS observer program	175	90	3,577	51	1,200	**23,128**
Observed vessels	85	62	164	36	160	**4,122**
Observed trips	180	150	244	48	405	**13,927**
Fish processing plants in fisheries with a NMFS observer program						**900**
Observed fish processing plants						**21**
Deployments to fish processing plants						**155**
Other fish processing plants contacted						**180**
Burden minutes/trip	75	80	105	60	60	**81**
Estimated burden hours with 100% response	225	200	427	48	405	**18,719**
Response rate	100%	100%	100%	85%	85%	**93%**
Response rate adjusted estimated burden hours	225	200	427	41	344	**17,455**

SE SFOP: Southeast Shark Fishery Observer Program
SE POP: Southeast Pelagic Observer Program
GOM RFSOP: Gulf of Mexico Reef Fish and Shrimp Observer Program
SWROP: Southwest Region Observer Program

The burden hour estimates are for all the NMFS observer program information collections that require a PRA clearance, including the collections that currently have such a clearance.

The estimated burden minutes per trip equal the average time per trip actually taken up by gathering information through questions, including pre-trip notifications and follow-up forms. The burden hours for processing plants are included in the burden per trip estimates. Alaska is the only Region in which observers are deployed at processing plants. However, in that and other
Regions, an observer who has been deployed on a fishing vessel may request minimal information from a processing plant, such as the fish ticket number for a fish ticket (landings report) for the trip that was just observed. Therefore, the total number of fish processing plants in the NPGOP fisheries (62) is provided to put the number of plants with observers (21) in perspective (i.e., about 1/3 of those plants are observed). There is a 0 in the other plants contacted for the NPGOP because NPGOP observers typically do not contact other plants.

Similar information is not provided for the other programs because they don't have observers deployed at plants.

The estimate of the total number of plants in observed fisheries (900) is based on the total number of plants for all fisheries in the US. For the other observer programs, estimates are not available by program for either the number of fish processing plants in observed fisheries or the number of plants asked an occasional question by an observer deployed on a fishing vessel principally because they are not relevant for the other programs. However, an estimate of the number of plants that observers may occasionally ask a single question (180) is provided. For the purpose of this collection, the term "fish processing plant" includes fish buyers/dealers.

The 160 vessels and 405 trips for the "Unfunded" SW Observer Programs are additional vessels and trips the Southwest Region would like to observe and will observe if it can get funding to do so. They are included because obtaining the funds for these programs is a high priority for the Southwest Region and could well happen.

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).

Capital and Start-Up Costs

There are no start-up, capital, or maintenance costs associated with this collection. No new or specialized equipment is needed to respond to this collection.

Operations and Maintenance Costs

Most of the information is collected by observers directly from fishing vessel captains/crews through one or more brief conversation during a fishing trip when it is convenient for the captain/crew. Gathering and maintaining the information in this collection is part of the customary and usual business practices of fishing vessel captains/crews. This is also true for the limited information obtained from processing plant managers/staff, as well as the pre-deployment information obtained from fishing vessel operators or permit holders.

Excluding labor costs, the total operations and maintenance costs will be limited to approximately $1,000, which is the cost of faxing the pre-deployment information for about 600 fishing trips and mailing observer evaluation surveys and reimbursement forms to NMFS.

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

This collection imposes no additional costs beyond staff time.

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

This is a new request for a collection clearance.

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

The information collected is not expected to be disseminated directly to the public; however, results may be used in scientific, management, technical, or general informational publications.

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.

NA.

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

NA.