

**SUPPORTING STATEMENT
SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION
AMENDMENT 15B
OMB CONTROL NO. 0648-xxxx**

INTRODUCTION

The National Oceanic and Atmospheric Administration (NOAA) and NOAA's National Marine Fisheries Service (NMFS) have been delegated the authority and responsibility for stewardship of the marine resources of the Nation. The authority was first granted in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976. The reauthorizations of the Magnuson-Stevens Act in 1996 and 2006 continued and in some way extended this authority. Under this authority, the Secretary of Commerce, and his designee, NMFS, has promulgated separate rules that require specific types of record keeping and data submissions. These data collection/submission regulations are intended to provide reliable and accurate information from the fishing industry and communities that support scientifically viable management actions to achieve the stewardship responsibilities, including monitoring bycatch in various fisheries.

The first step in reducing and minimizing bycatch is to characterize the magnitude and species composition of animals that are discarded. The United States (U.S.) Congress established Section 303(a) (11) of the Magnuson-Stevens Act, which states that any Fishery Management Plan (FMP) prepared by any Council, or by the Secretary of Commerce, with respect to any fishery, shall "establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery..." To support this mandate, the National Standard Guidelines call for development of a database for each fishery to house bycatch and bycatch mortality information (63 FR 24212).

NMFS defines a standard bycatch reporting methodology as a description of both the data collection and analyses used to estimate bycatch in a fishery. Development of a standardized reporting methodology will ensure the collection and distribution of timely, reliable, and standardized bycatch data to the public and policy decision-makers. Currently there is no such methodology fully implemented for the southeast snapper-grouper fishery due to a lack of adequate funding. During the 1990s, there were a number of ad hoc studies to estimate bycatch in the South Atlantic. The Council is seeking to implement a long-term, standardized monitoring and assessment program as part of this snapper-grouper amendment.

The need for information to support fishery management decisions, including information from at-sea observer programs and/or, logbooks, electronic logbooks (ELB), and video monitoring is increasing due to demands for additional data. The information collected is vital in assessing the economic, social, and environmental effects of the fishery management decisions and regulations for commercial, for-hire, and private recreational fisherman. Amendment 15B to the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 15B), will be implemented through Proposed Rule 0648-AW12, seeks to enhance data needed to monitor bycatch, support development and monitoring of annual catch limits, and providing adequate data for stock assessments. However, monies are currently not available to fund and implement these programs.

Currently, data collection using logbooks and trip reports in the South Atlantic snapper-grouper fishery is limited to the commercial and for-hire sectors. No logbook reporting is required for the private recreational sector; however, the Marine Recreational Fishing Statistics Survey (MRFSS) does collect data at random from the private recreational sector. No other means of data collection have been implemented for the private recreational fishery, and there has never been a requirement for observer coverage, video monitoring, or ELBs. In order to supplement available data on catch in the South Atlantic snapper-grouper fishery, the South Atlantic Fishery Management Council (Council) voted to select any or all of the following as means of gathering bycatch data in the commercial, for-hire, and private recreational sectors of the fishery, which require Office of Management and Budget (OMB) approval: 1) Submission of logbooks by private recreational vessel owners; 2) observer coverage with notification of vessel trips related to vessel observers; 3) ELBs and video monitoring with preparation of vessel and gear characterization forms for vessels selected to participate in the ELB and video monitoring program along with installation of ELBs and data downloads. However, at this time, although we have information on the number of trips by private recreational vessels, we have no way of determining the number of vessels involved, as state registration for private recreational vessels does not include information on whether there are fishing trips in the exclusive economic zone (EEZ). There is also currently no way to enforce the above information collection requirements for private recreational vessels. Therefore, requirements for this group of respondents will not be included in this request, but will be added at a later date if feasible.

As the proposed rule contains additions to or modifications of information collection requirements in several currently approved information collections, we are requesting a new collection, with individual requirements to be merged later into the existing collections if practical/ as time allows. In addition, there will be a revision to “Observer Programs’ Information That Can Be Gathered Only Through Questions” after its approval (the request is currently at OMB).

A. JUSTIFICATION

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

Notification of vessel trips related to vessel observer

Amendment 15B proposes an observer program for selected commercial and for-hire vessels in the South Atlantic snapper grouper fishery. This will require a revision to “Observer Programs’ Information That Can Be Gathered Only Through Questions” after its approval to allow the collection data associated with the vessel owners notifying the agency regarding their fishing activities, by telephonic communication, so that observers can arrange to board the vessel and observe the fishing trip, as well as any other information collected by observers through standardized questions.

Installation of ELBs, video monitoring, and data downloads

With the large number of vessels of differing sizes, gear used, and fishing capabilities compounded by seasonal variability in abundance and price of fish as well as the broad geographic distribution of the fleet, it is not possible to estimate the actual amount of bycatch and regulatory discards using current methods and data. The only practical way of improving the estimates of the amount and type of bycatch is by having a more precise means of estimating

effort, such as the electronic logbook described below. Completion of these forms by captains of vessels selected for electronic monitoring will provide data to supplement information collected from paper logbooks (already required under OMB Control No. 0648-0016), electronic logbooks/video camera monitors, and observers.

Current regulations (50 CFR §622.5) require commercial and recreational for-hire participants in the South Atlantic snapper-grouper fishery who are selected by the Science and Research Director (SRD) to maintain and submit a fishing record on forms provided by the NMFS Southeast Region Science and Research Director (OMB Control No. 0648-0016). The key advantage of logbooks is the ability to use them to cover all fishing activity relatively inexpensively. However, in the absence of any observer data, there are concerns about the accuracy of logbook data in collecting bycatch information. Biases associated with logbooks primarily result from inaccuracy in reporting of species that are caught in large numbers or are of little economic interest (particularly of bycatch species), and from low compliance rates. In the future, it may be possible to implement ELB in the fishery and studies are being conducted to determine the efficacy of ELB on commercial boats in the South Atlantic. The electronic logbook would provide data on fishing effort and location. Electronic logbooks have the potential to automatically collect information on date, time, location, and fishing times. In some ELB systems, information (species, length, and disposition) of released species can be manually entered into the system at the end of a fishing event. If the electronic format prompts a fisherman to record data as bycatch occurs, an electronic logbook may provide better estimates of bycatch than a paper logbook.

Video monitoring hardware and software could provide a cost-effective and reliable system of monitoring bycatch, release mortality, handling of fishes, and other shipboard practices. These systems have been shown to be useful in monitoring bycatch in other parts of the country. Pertinent data collected by a video electronic monitoring system would include species caught, number of hooks, location, depth, date, time, and disposition of released organisms. These data would provide information needed to help rebuild and maintain sustainable fisheries and determine what impact the fishery has on the survival of species. Data collected can be used to assess the fish species composition associated with the habitat affected by fishing gear, allowing for a better understanding of the ecosystem. Information would also be collected on protected resources encountered by fishing gear. The use of technology to record species, capture position, and disposition of released fishes has the potential to augment the collection of bycatch information and lessen the need for observers. Video technology can be used on vessels that cannot take a human observer for safety reasons or vessel limitations. Previous experience indicates video monitoring is very effective for monitoring catches from longline gear due to the size and types of species collected. It is also substantially less expensive than observer coverage for comparable data collection.

There is currently no funding for an ELB or video monitoring program. When funding becomes available it is anticipated that these programs would be designed to improve the accuracy and precision of the data being collected in the snapper-grouper fishery. Vessels used for ELB and video monitoring would be chosen randomly by the SRD from the permits database and once selected, the vessel would remain as part of the sample.

Change of ownership of a vessel with a transferable commercial vessel permit. \

The current regulations to transfer a commercial vessel permit are listed in 50 CFR 622.4 and

require the back page of the Federal Fisheries Permit form (OMB Control No. 0648-0205) to be completed by the seller and a Notary Public. The only difference with the proposed amendment would be a requirement for a corporation to submit their annual report with a list of its shareholders during the transfer application process.

The proposed amendment would allow an individual to transfer his or her individual transferable vessel permit to a corporation whose shares are all held by the individual or the individual and one or more of his or her immediate family members. Immediate family members include only the following: husband, wife, son, daughter, brother, sister, mother, or father. Such transfer may be done on a one to one permit transfer basis. At the time of permit renewal, the corporation must also submit to NMFS a current annual report, which specifies all shareholders of the corporation.

If the annual report shows a shareholder other than the shareholders listed in the original corporate documentation, the permit shall not be renewed unless such new shareholder is an immediate family member of the individual who originally transferred the vessel permit to the family corporation.

Thus, the only additional burden to the public would be five minutes to submit their corporation's annual report along with the required Permit/License/Endorsement Transfer application.

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

The information requested is used by various offices of NMFS, Regional Fishery Management Council staff, the U.S. Coast Guard and state fishery agencies under contract to NMFS to develop, implement and monitor fishery management strategies. Analyzes and summarizations of data are used by NMFS, the Regional Councils, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff and the public to answer questions about the nature of the Nation's fishery resources.

These data serve as input for a variety of uses, such as: biological analyzes and stock assessments; Executive Order (E.O.) 12291 regulatory impact analyzes; quota and allocation selections and monitoring; economic profitability profiles; trade and import tariff decisions; allocations of grant funds among states; identify ecological interactions among species. The NMFS would be significantly hindered in its ability to fulfill the majority of its scientific research and fishery management missions without these data.

Notification of vessel trips related to vessel observers, ELB, and video monitoring

Each selected vessel would be notified via a registered letter one to two months before the observer is to board or they are to use electronic data collection equipment. This notification would give a time period during which a vessel would be required to notify NMFS 24 hours in advance of fishing so that an observer may accompany the trip. Vessels which inform the NMFS they do not plan to fish in the next few months would be placed in a holding pattern for observation but those selected for electronic monitoring would still have that equipment

installed. Vessels not currently fishing would be asked to notify NMFS when they next plan to fish so they can be assigned an observer. Once selected to carry an observer, a vessel must obtain a Coast Guard safety inspection through a dockside examination. Note: the burdens for notification of trips for the purpose of observer placement, and the safety inspection, will be included in the revision to “Observer Programs’ Information That Can Be Gathered Only Through Questions.”

In an ideal world, 100% observer coverage for all fishing effort and catch would provide fishery managers with very accurate measures of catch. The costs associated with 100% observer coverage and the issue of accommodating observers on small vessels limit the amount of monitoring NMFS will be proposing.

The number of commercial snapper-grouper fishing trips to the South Atlantic in 2006 was 13,159, for 857 vessels landing snapper-grouper species. In 2006, the number of for-hire trips totaled 15,242 for 1,681 permitted vessels. The number of private recreational trips in 2006 was 24,094 but, as stated in the introduction, the number of vessels participating is unknown at this time. Based upon recommendations from the NMFS December 2003 Evaluating Bycatch: A National Approach To Standardized Bycatch Monitoring Programs, the proposed sample size would be a randomly selected 2% samples of commercial and for-hire vessels and trips for observer coverage, and independent samples of 2% of commercial and for-hire vessels for electronic monitoring (as it has not been decided how to distribute the electronic monitoring devices, at this point we are assuming that all selected vessels may have both an ELB and a video camera, and thus we are accounting for the maximum possible burden.

Table 1. Number of permitted vessels, trips, observed trips, ELBs and video monitoring equipment for proposed data collection actions in Amendment 15B. (2006 Data)

Respondents	# Permitted vessels	# Trips	# Observer Trips	# ELBs Installed	# Video Cameras Installed
Commercial	857	13,159	263	17	17
For-Hire	1,667	15,242	305	33	33
TOTALS			568	50	50

Installation of ELBs and data downloads

There is currently no funding for an ELB or video monitoring programs. When funding becomes available it is anticipated that these programs would be designed to improve the accuracy and precision of the data being collected in the snapper-grouper fishery. Vessels used for ELB and video monitoring would be chosen randomly by the SRD from the permits database and once selected, the vessel would remain as part of the sample.

To initiate an ELB or video monitoring program, NMFS would send a letter to an owner or operator of a selected vessel advising of his or her obligation to participate in the program. In cooperation with the owner or operator, NMFS staff or an authorized representative would meet at the selected vessel to install the NMFS furnished ELB and/or video monitor on the vessel and to collect basic vessel and gear information that would later be correlated with the ELB or video monitoring information. Using the Global Positioning System, an ELB would automatically record vessel position information over time from which conclusions could be drawn regarding vessel activity, e.g., the vessel is fishing or transiting. At intervals determined by NMFS, the

ELB memory unit or video monitor tape would be removed and provided to the SRD. The owner or operator could either mail the memory unit or tape to the SRD or arrange for a NMFS or state port agent to collect the unit or tape. The ELB program would supplement existing post-trip interview data and is intended to provide better estimates of the amount and location of effort occurring during a trip. NMFS would use total effort estimates based on best available scientific information to extrapolate observer-collected data into overall estimates of total finfish and invertebrate bycatch. A pilot program using ELBs started in 1999 (OMB Control No. 0648-0543), with increasing coverage each year. The units have proved to be reliable and the data retrieved have provided substantial new information regarding the effort of the fishery in which it was used.

Pertinent data collected by a video electronic monitoring system would include species caught, number of hooks, location, depth, date, time, and disposition of released organisms. These data would provide information needed to help rebuild and maintain sustainable fisheries and determine what impact the fishery has on the survival of species. Data collected can be used to assess the fish species composition associated with the habitat affected by fishing gear, allowing for a better understanding of the ecosystem. Information would also be collected on protected resources encountered by fishing gear.

Change of ownership of a vessel with a transferable commercial vessel permit.

The current regulations to transfer a commercial vessel permit are listed in 50 CFR 622.4 and require the back page of the Federal Fisheries Permit form to be completed by the seller and a Notary Public. The only difference with the proposed amendment would be a requirement for a corporation to submit their annual report with a list of its shareholders during the transfer application process.

The estimated public burden for annual reports to accompany 127 annual transfers (based on data from 2007 and 2008) is provided in Table 2, in Question 12.

It is expected the information collected will 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 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. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

Using the Global Positioning System, an ELB would automatically record vessel position information over time from which conclusions could be drawn regarding vessel activity, e.g., the vessel is fishing or transiting. At intervals determined by NMFS, the ELB memory unit or video monitor tape would be removed and provided to the SRD. The owner or operator could either mail the memory unit or tape to the SRD or arrange for a NMFS or state port agent to collect the

unit or tape. The electronic logbook autonomously collects effort data and is downloaded by NMFS personnel every 2-3 months. The downloading process takes less than one minute.

Video monitoring systems require about eight hours to set up equipment but hard drives containing data can be removed and replaced with new hard drives in less than one minute.

For this program, there is no other electronically submitted/collected information.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist. The other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication. Although the Southeast Region uses Vessel Monitoring Systems (VMS) for some of its commercial fishing fleets, currently, no such program exists in the snapper-grouper fishery fleet; therefore, no duplication exists between the ELB and VMS programs.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management are requested from the vessel owners.

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

If the amount and type of bycatch for the snapper-grouper fishery in the South Atlantic cannot be identified and characterized, the effect of management measures are not realized and information used in stock assessments is less certain. The Southeast Region would be in violation of the Magnuson-Stevens Act Section 303 (a) (11) if bycatch amount and type is not identified in the snapper-grouper fishery. In addition, due to the seasonal variability in abundance and price of species and the broad geographic distribution of the fleet, it is very difficult to estimate the actual amount of bycatch using current methods and data.

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

There are no special circumstances that require the collection to be conducted in a manner inconsistent with Office of Management and Budget (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 Proposed Rule RIN 0648-AW12 was published in the Federal Register on June 30, 2009 (74 FR 31225), soliciting public comment.

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

There are no payments or other remunerations to respondents.

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

All data submitted under the proposed collection will be handled as confidential material in accordance with the Magnuson-Stevens Act, Section 402b, and NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Respondents are given this assurance as a part of the initial package received with the ELB.

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.

No questions of a sensitive nature are asked.

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

Table 2. Number of selected vessels, responses and public hours involved for proposed data collection actions in Amendment 15B (2006 Data).

Respondent vessels	ELB install	Hours @ 30 min. per install	Weekly ELB download (vessels *52)	Hours @ 1 min. per week	Video cam install	Hours @ 8 hours per install	Monthly video cam Download (vessels *12)	Hours @ 1 min. per month	Annual report sub. with transfer request	Hours @ 5 min. per response	Public hours
Commercial - all									127	11	11
Commercial (17) and for-hire (33) selected vessels	50	25	2,600	43	50	400	600	10			478
Total responses	50		2,600		50		600		127		Responses: 3,427 Hours: 489

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).

There are no capital or recordkeeping/reporting costs anticipated for this collection.

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

Current estimates of unit costs of aspects of the programs are available, such as the cost of an electronic logbook, approximately \$500 per unit, and video monitoring, estimated to cost 20-60% of an observer program (with one observer day estimated at \$1,000) (McElderry 2003). A rough estimate of providing either an ELB or video monitoring for 50 vessels would be \$50,000 (\$25,000 for equipment and an equal amount for installs, downloading and reviewing of the data).

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

This is a new program.

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

The results from this collection are not planned for statistical publication, although NMFS may distribute the results of the observations for general information.

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.

N/A.

18. Explain each exception to the certification statement.

N/A.