

**SUPPORTING STATEMENT  
NORTHEAST MULTISPECIES AMENDMENT 16  
OMB CONTROL NO. 0648-xxxx**

**A. JUSTIFICATION**

This is a request for a temporary new information collection. As time and opportunity allows, applicable portions will be merged with Office of Management and Budget (OMB) Control No. 0648-0202, “Northeast Region Permit Family of Forms,” OMB Control No. 0648-0212, “Northeast Region Logbook Family of Forms,” OMB Control No. 0648-0229, “Northeast Region Dealer Purchase Family of Forms,” and OMB Control No. 0648-0593, “Observer Programs’ Information That Can Be Gathered Only Through Questions.”

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

Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) was developed by the New England Fishery Management Council (Council) as part of the biennial adjustment process established in the FMP to update status determination criteria for all NE multispecies (groundfish) stocks; adopt rebuilding programs for groundfish stocks newly classified as being overfished and subject to overfishing; and revise management measures necessary to end overfishing, rebuild overfished groundfish stocks, and mitigate the adverse economic impacts of increased effort controls. In addition, Amendment 16 would implement new requirements for establishing allowable biological catch (ABC), annual catch limits (ACL), and accountability measures (AM) for each stock managed by the FMP, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as revised. Finally, this action would add Atlantic wolf fish to the list of species managed by the FMP. This action is necessary to address the results of the most recent stock assessment that indicates that several additional groundfish species are overfished and subject to overfishing, and that stocks currently classified as being overfished require additional reductions in fishing mortality in order to rebuild by the end of existing rebuilding periods.

**SECTOR REQUIREMENTS**

Amendment 16 builds upon the sector measures implemented under Amendment 13 (FR 0648-AN17, 69 FR 22906) and Framework Adjustment 42 (FR 0648-AT24, 71 FR 62156) by proposing 17 additional sectors and revisions to many existing sector requirements, including sector allocation provisions, operations plan requirements, and monitoring and reporting requirements, as specified further below.

**Operations Plan Requirements and NEPA Analysis**

Amendment 13, the action that first approved the formation of the two operational sectors, specified a number of required elements that must be included in each sector operations plan. Amendment 16 would add to those requirements to provide additional details regarding sector reporting and monitoring provisions, as well as to better understand the composition and effort distribution of participating vessels so that the Council can better evaluate the impacts of sectors. These additional operations plan requirements include information about overage penalties if a sector exceeds its allocation for any stock; detailed information about the sector’s independent

third-party dockside/roving monitor service provider to evaluate whether such providers meet National Marine Fisheries Service (NMFS) standards to monitor sector landings; detailed information about a monitoring program for discards; a list of all Federal and state permits held by vessels participating in the sector; a list of specific ports where sector members will land fish with specific exemptions provided for safety, weather, and other reasons; Total Allowable Catch (TAC) thresholds and how the sector would notify NMFS once the threshold has been reached; identification of potential redirection of effort as a result of sector operations and any efforts to limit the adverse effects of such redirection of effort; and finally how groundfish would be avoided while participating in other fisheries that have a bycatch of groundfish if the sector does not anticipate being allocated or acquiring groundfish allocation from another sector. Sector operations plans would be required to be submitted by September 1 of each year to ensure that the operations plans and associated analysis are reviewed in time to implement such operations by the start of the next fishing year (FY) on May 1. The Regional Administrator would review each sector operations plan and associated analysis and approve or disapprove such operations through notice in the Federal Register.

In addition to requiring the submission of an Operations Plan, each sector must draft and submit an appropriate National Environmental Policy Act (NEPA) document assessing the impacts of forming the sector. This document will also analyze the impacts of the requested exemptions on the environment, including natural, social and economic aspects.

### **Certification/Approval of Monitoring Providers**

Amendment 13 did not previously establish any requirements for service providers that would help sectors monitor catch. Amendment 16, therefore, would establish standards that would be used by NMFS to evaluate service providers employed by vessels to comply with the dockside and/or at-sea monitoring and reporting requirements. Providers would apply for certification/approval from NMFS, which would make a determination for approval based upon the completeness of the application and a determination of the applicant's ability to perform the duties and responsibilities as a monitoring service provider. As part of the application, potential service providers must include the following information: identification; contact information; statements from each owner, board member and officer that they are free from a conflict of interest with fishing-related parties and free of any criminal conviction; a description of any prior experience, a description of the provider's ability to carry out the proposed responsibilities and duties; evidence of adequate insurance, proof of insurance coverage for employees; proof of training; an Emergency Action Plan, and evidence the company is in good financial standing. In addition, prior to approval, providers would be required to demonstrate compliance with the following criteria and requirements: a comprehensive plan to deploy monitors; ensure that monitors remain available to NMFS for debriefing; report instances of harassment or discrimination; produce, if requested, a copy of each signed and valid contract, materials developed, and used by the providers, refusal to deploy monitors based on timing of notice or safety concerns; a system to record, retain, and distribute information to NMFS; a means to protect confidentiality, and provide sufficient safety and data collection equipment.

For an individual to be certified as a dockside or roving monitor, the provider must demonstrate that each potential monitor meets the following criteria: a high school diploma or equivalent; successful completion of all NMFS-required training courses; certification by a physician attesting to the physical capacity for carrying out the required responsibilities, absence of

fisheries-related convictions based upon a background check, and independence from fishing-related parties.

For an individual to be certified as an at-sea monitor, the provider must demonstrate that each potential monitor meets the following criteria: a high school diploma or equivalent; successful completion of all NMFS-required training courses; certification by a physician attesting to the physical and mental capacity for carrying out the required responsibilities, current American Red Cross Cardiopulmonary Resuscitation (CPR)/First Aid Certification (or equivalent); absence of fisheries-related convictions based upon a background check, and independence from fishing-related parties.

These provisions are necessary to ensure that monitoring providers are capable of carrying out their duties to monitor and validate landings and discards as an input to monitoring the utilization of annual catch entitlements (ACE).

### **Monitoring System for Discards**

Sector operations plans would specify how a sector would monitor its landings and discards to ensure that the sector does not exceed its allocation. Sectors would likely evaluate the same documents as NMFS to determine these values, including Vessel Trip Reports (VTR), Vessel Monitoring System (VMS) data, and Interactive Voice Response (IVR) and any other sector required report and track data through some electronic spreadsheet or database. Sectors would be required to maintain a monitoring system to house this data and comply with specified reporting requirements, outlined below.

### **Weekly Catch Reports**

Amendment 16 would require each sector to report all landings and discards by sector vessels to NMFS on a weekly basis. In addition to summarizing fishing activities, the weekly report will also include infractions made by sector members, discrepancies in data, enforcement activities, and how each problem is being/has been resolved. These reports would be used to determine the effort and fishing mortality associated with sector activities as well as whether the sector is complying with the provisions of their operation plan.

### **Annual Report**

Within 60 days of the end of each fishing year, approved sectors would be required to submit an annual report containing information on the sector's activities for the fishing year to both the Council and NMFS. Each report would contain information describing the fishing activities, harvest levels of all federally managed species, and any applicable enforcement actions attributable to sector vessels in order to evaluate the performance of each sector. These reports would be used to determine the effort and fishing mortality associated with sector activities as well as whether the sector is complying with the provisions of their operation plan and other requirements specified under § 648.87.

## **Notification of Ejection from the Sector**

Amendment 16 prohibits vessels expelled from a sector to participate in the NE multispecies fishery as part of either the common pool or another sector for the remainder of the fishery year following the expulsion. Therefore, in the event that a sector member commits an infraction resulting in ejection from the sector, the operations plan must state how and when the sector will notify NMFS. It is anticipated that the Sector Manager or designated agent will contact NMFS immediately, with formal communication to follow regarding details of the incident.

## **ANNUAL CATCH ENTITLEMENT (ACE) TRANSFERS**

Amendment 16 proposes a provision to assign each limited access multispecies permit a potential sector contribution (PSC) based on landings from 1996-2006 (participants committed to existing sectors as of March 1, 2008 had GB cod PSCs based on landings from 1996-2001). Sectors would be allocated ACE based upon the potential sector contribution (PSC) of its members. This action would allow ACE to be traded between sectors to provide additional flexibility in the event that 1) the initial portfolio of ACE for each sector does not match the sector's desired ACE portfolio, or 2) a sector exceeds its ACE and needs additional ACE to cover the overage and continue fishing. Under the program, sectors could request to transfer ACE at any point during the fishing year, and up to two weeks following the conclusion of the fishing year. Participants would be required to complete and submit an ACE transfer form to NMFS for approval. This provision would add a new burden to the information collection.

## **VMS REQUIREMENTS**

In Framework Adjustment 42, the Council required all vessels fishing under a NE multispecies days at sea (DAS) to use VMS. This was considered necessary to effectively administer and enforce many of the area-specific measures proposed in that action. Although vessels participating in sectors would no longer be required to use a NE multispecies DAS under Amendment 16, the Final Environmental Impact Statement (FEIS) neither explicitly requires sector vessels to continue to use VMS, nor explicitly exempts such vessels from using VMS. Because the area-specific measures implemented under Framework Adjustment 42 would continue to apply to sector vessels and because Amendment 16 relies upon VMS as a media to submit area declaration, hail reports, and catch information necessary to implement sector provisions proposed under Amendment 16, NMFS is proposing to revise the existing VMS regulations at § 648.10 to require that all vessels issued a limited access NE multispecies permit and fishing under a NE multispecies DAS or under the restrictions and conditions of an approved sector operations plan use a VMS for each groundfish trip. Therefore, the potential number of NE multispecies permitted vessels utilizing VMS may increase to include the 147 vessels issued Handgear A (Category HA) permits.

For these vessels that may be required to use VMS when participating in sectors under Amendment 16, there will be two responses associated with installation: 1) completion of the VMS Certification form (previously approved under OMB Control No. 0648-0202) and 2) a telephone call to confirm VMS activation with Office of Law Enforcement (OLE). Vessels required to have an operational VMS unit on board must complete a form supplied by NMFS verifying that a VMS unit has been installed on the vessel and is operational. These form requests information regarding vessel name, Federal permit number, vessel documentation or

state registration number, information (name, address, and telephone number) on the installing dealer, date of installation, serial number of unit, and e-mail address of vessel. The form also requests responses to questions regarding whether or not the unit is operational, if operating instructions have been provided to the vessel owner, and if the vessel owner has been trained on use of the VMS unit by the provider. Once the form has been completed, the vessel owner or authorized representative signs and dates the form, and returns it to the address listed on the form. In addition, in order to ensure VMS unit connectivity, all vessel owners required, or choosing to use, VMS units would be required to call NMFS' OLE, Northeast Region (NER) to confirm connectivity of new and replacement VMS units.

## **BROAD STOCK AREA REQUIREMENTS**

To facilitate the monitoring of annual catch limits (ACL) and sectors, Amendment 16 proposes to establish four broad stock areas (Southern New England/Mid-Atlantic (SNE/MA), Inshore Georges Bank (GB), Offshore GB, and Gulf of Maine (GOM)) that encompass multiple statistical areas for the purposes of providing more accurate and timely data that can be used to apportion catch to individual stock areas, including providing area information for stock apportionment if VTR data are missing or delayed. Operators of all vessels issued a limited access NE multispecies permit, that are fishing for groundfish under a NE multispecies DAS or on a sector trip, would be required to declare their intent to fish in one or more of these broad stock areas via vessel monitoring system (VMS) prior to each trip on which groundfish may be landed. In addition, all vessels would be required to submit the VTR serial number associated with the first page of the VTR for that trip, as instructed by the Regional Administrator. The VTR serial number would be used to link VTRs with dealer reports and VMS data to increase the accuracy of data used for monitoring catch.

## **CATCH REPORTING REQUIREMENTS**

NMFS proposes to revise the daily VMS catch report for Special Management Programs (SMP) to reflect the requirements outlined in the trip-level catch reports described above. This would eliminate the current requirement for vessel operators fishing in SMPs to report species discards and statistical area fished, but would require vessel operators to specify the VTR serial number or other universal trip ID specified by NMFS, the date fish were caught (applicable only for SMP trips), and the amount of each species kept in each broad stock reporting area. Catch reports, including VTR serial numbers, would be used to increase the accurate of data used in the monitoring of catch.

This exemption from the SMP reporting requirements for sector vessels would not apply to vessels participating in the Closed Area I Hook Gear Haddock Special Access Program (SAP). This SAP includes an overall haddock TAC that is applicable to both sector and common pool vessels fishing in this SAP. Therefore, the existing requirement for sector managers to provide daily catch reports by participating sector vessels would be maintained under this proposed rule.

## **RESTRICTED GEAR AREAS (RGA)**

Amendment 16 proposes two RGAs for vessels not participating in sectors (i.e. common pool vessels). Both RGAs are intended to reduce the catch of flatfish species (predominantly SNE/MA winter flounder and SNE/MA yellowtail flounder) through the required use of selective gear (haddock separator trawl, a Ruhle trawl, a rope trawl, longline/tub trawls, handgear, or sink gillnets) in areas where these species are caught. Tie-down gillnets would be allowed, provided the mesh is greater than or equal to 10 inches (25.4 cm). Vessels intending to fish in either of these areas would be required to declare their intent to fish in these areas via VMS and, as a back-up, obtain an LOA from the Regional Administrator as a backup, in order to ensure compliance and consistency with the purpose of the exemption. These measures are necessary for the deployment of Observers for trips in these areas.

## **DOCKSIDE and AT-SEA MONITORING and REPORTING REQUIREMENTS**

Amendment 16 would require sectors to develop mechanisms to adequately monitor catch and discards by participating vessels. One of these mechanisms is an independent third-party dockside/roving monitoring program that would observe offloads by sector vessels to ensure that landings are accurately reported. This dockside/roving monitoring program would be required starting in fishing year (FY) 2010, and would be funded by sectors, unless otherwise specified by NMFS. Dockside monitors would observe offloadings directly to a dealer, while roving monitors would be used to monitor offloads to a truck for later delivery to a dealer. During FY 2010, the offloads of 50 percent of trips by each sector would be randomly observed, with 20 percent randomly observed in future years. In addition, because discards and area fished are critical elements in the monitoring of sector catch, sectors would be required to develop an adequate independent third-party at-sea/electronic monitoring program beginning in FY 2012. This program would be used to verify area fished and catch (landings and discards), by species and gear type, for the purposes of monitoring sector ACE utilization. Coverage levels would be specified by NMFS on a yearly basis, based upon a list of participating vessels and gear types for each sector. To facilitate deployment of dockside/roving and at-sea monitors and enforcement of these provisions, Amendment 16 would require vessels to submit trip-start and trip-end hail reports to the dockside/roving and at-sea/electronic monitoring service providers and to NMFS Office of Law Enforcement. The details for any dockside/roving and at-sea/electronic monitoring program must be specified in each sector's annual operations plans. Dockside and at-sea monitoring programs will assist with the monitoring and validation of landings and discards as an input to monitoring the utilization of ACEs.

Amendment 16 will apply a "hard" TAC to common pool vessels in Fishing Year 2012, and will further establish target trimester TACs for each stock. To facilitate monitoring trimester TACs under the common pool trimester TAC accountability measure (AM), 20 percent of trips by common pool vessels would have their offloads monitored by an independent third-party service provider approved/certified by NMFS to provide such services. These service providers would be required to randomly deploy dockside monitors to monitor the offload of catch directly to a dealer, and roving monitors to monitor the offload of catch onto a truck for subsequent shipment to a dealer. The costs associated with monitoring vessel offloads would be the responsibility of individual vessels. Vessels would be required to submit trip-start and trip-end hail reports to facilitate the deployment of such dockside/roving monitors. Similarly, beginning in FY 2010

additional at-sea monitors will be provided to supplement the Northeast Fisheries Observer Program (NEFOP), bringing the total number of observed trips (monitors plus NEFOP) to 30%.

Amendment 16 would require coverage rates for dockside monitoring of 50% of trips by sector vessels in FY 2010, 20% of sector trips in FY 2011, and 20% of sector trips in FY 2012. Similarly, in FY 2010, NMFS has committed to providing 30% coverage in addition to the NEFOP program. It is anticipated that this coverage level will be maintained for FY 2011. Beginning in FY 2012, mandatory 30% coverage will be required for sector participants.

## **NORTHEAST FISHERY OBSERVER TRIP NOTIFICATION**

As is currently specified in OMB Control No. 0648-0202, vessel operators intending to fish in the United States (U.S.)/Canada Area, Closed Area 1 Hook Gear Haddock SAP, or the Regular B Program are required to provide 72-hour notification to the NEFOP in order to deploy an observer aboard vessels to collect biological samples and data during commercial fishing trips. Amendment 16 proposes to make adjustments to the Observer Program, requiring all NE multispecies vessels to provide 48-hours advance notice. Observer notification and deployment is required to ensure adequate monitoring fishing activities, collection of data, and compliance.

## **DEALER REPORTING AND RECORD RETENTION REQUIREMENTS**

Because Amendment 16 would implement new requirements for dockside/roving monitors for common pool vessels beginning in FY 2012, NMFS is proposing to require dealers to provide a copy of any dealer weigh-out documents or dealer receipts for a particular offloading event to dockside/roving monitors. In addition, this proposed rule would require providers providing dockside/roving monitor services to retain and make available for review any records relating to fish offloaded and observed by dockside/roving monitors for 3 years after the fish were first offloaded. This measure is intended to maintain consistency with existing record retention requirements and facilitate enforcement of measures proposed under Amendment 16.

**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.**

## **SECTOR REQUIREMENTS**

### **Operations Plan Requirements, NEPA Analysis, and Reporting Requirements**

Amendment 16 proposes the addition of 17 sectors to two sectors previously approved under Amendment 13. A sector allocation proposal, operation plan, and the accompanying analysis included within each document is required to adequately describe the proposed sector operations in order for the Council, in consultation with NMFS, to determine whether the sector plan meets the requirements of Amendment 16 and does not jeopardize efforts to rebuild groundfish stocks. Sector proposals that do not meet the identified requirements may not be approved. Operations Plans and associated NEPA analyses may propose up to two years of operation, but it is anticipated that annual submissions will be made via the U.S. mail. Operations plans will be evaluated by NMFS for compliance with and support of the goals of Amendment 16. Weekly

reports will be required to be submitted on a weekly basis. Annual reports will be due 60 days following the completion of the fishing year. Notifications of ejections from a sector will be submitted when the actions of a sector participant warrant removal, as outlined in the Operations Plan. Reports and notifications will be submitted via U.S. mail and will be used by NMFS to evaluate each sector and monitor catch.

### **Certification/Approval of Monitoring Providers**

An entity seeking to provide dockside and/or at-sea monitoring services must obtain approval from NMFS, annually. Applicants are required to provide information in a narrative style rather than completing a form. NMFS reviews and evaluates each application for completeness against evaluation criteria and uses the provided information to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis.

### **Monitoring System for Discards**

Sector operations plans must specify how a sector will monitor its landings and discards to ensure that the sector does not exceed its allocation of ACE. The data included in this monitoring system, which will likely consist of a Microsoft Excel spreadsheet or some individually developed database, is anticipated to be used by the sector manager in the preparation of weekly and annual reports, as outlined above, for catch monitoring and sector evaluation.

### **ANNUAL CATCH ENTITLEMENT (ACE) TRANSFERS**

The information requested on the ACE Transfer form is used by several NMFS offices to implement the ACE Transfer Program and to track quotas. The sector's name will be collected and used to verify compliance with weekly reports, and confirm VTR compliance of its member vessels prior to the approval of a transfer. Signatures of both sector managers are necessary to acknowledge the ACE transfer by both parties. Without both signatures, the transfer request would not be processed. ACE Transfer requests are anticipated to be submitted throughout the fishing year, with a possibility for increased submissions as toward the end of the fishing year.

### **VMS REQUIREMENTS**

The data collected through monitoring programs of the NE multispecies fishery are used in many analyses by NMFS, the Councils, states, Departments of State and Commerce, OMB, Corps of Engineers, Congressional staffs, and the fishing industry and public. Vessels are allowed to fish for NE multispecies only for a specific number of DAS, or until a sector's ACE has been exhausted. The VMS accounts for this fishing activity, and the information is used by both the vessel owners and agency representatives for monitoring and enforcement.

VMS is currently required for NE multispecies permit holders fishing under a Category A or B DAS (originally implemented by FW 42 under OMB Control No. 0648-0489, later merged into OMB Control No. 0648-0202), or, effectively, the following Multispecies Permit Categories: Category A (Individual DAS), Category C (Small Vessel), D (Hook Gear), E (Combination Vessels) and F (Large Mesh Individual DAS). Since participation in a sector is open to all limited access NE multispecies permit categories, including Handgear A (Category HA) permits,



it is anticipated that the 147 vessels issued Category HA permits will be required to begin using VMS.

For the 147 vessels issued Category HA permits that may be required to use VMS when participating in sectors under Amendment 16, there will be two responses associated with installation: 1) completion of the VMS Certification form (previously approved under OMB Control No. 0648-0202) and 2) a telephone call to confirm VMS activation with OLE. Vessels required to have an operational VMS unit on board must complete a form supplied by NMFS verifying that a VMS unit has been installed on the vessel and is operational. These form requests information regarding vessel name, Federal permit number, vessel documentation or state registration number, information (name, address, and telephone number) on the installing dealer, date of installation, serial number of unit, and e-mail address of vessel. The form also requests responses to questions regarding whether or not the unit is operational, if operating instructions have been provided to the vessel owner, and if the vessel owner has been trained on use of the VMS unit by the provider. Once the form has been completed, the vessel owner or authorized representative signs and dates the form, and returns it to the address listed on the form. In addition, in order to ensure VMS unit connectivity, all vessel owners required, or choosing to use, VMS units would be required to call NMFS'OLE, NER to confirm connectivity of new and replacement VMS units.

## **BROAD STOCK AREA REQUIREMENTS**

To facilitate the monitoring of ACLs and sectors, Amendment 16 proposes to establish four broad stock areas (SNE/MA, Inshore GB, Offshore GB, and GOM) that encompass multiple statistical areas. NMFS is proposing to require trip-level VMS catch reports submitted to NMFS to obtain more timely and accurate data used to apportion catch to individual stock areas and to monitor ACLs and sectors. Submissions will be required upon the completion of each fishing trip.

## **CATCH REPORTING REQUIREMENTS**

Several programs previously required vessel operators to submit a daily VMS catch report detailing the amount of each species kept and discarded, the statistical area fished, the VTR serial number for that trip, and the date the fish were caught. For consistency with other catch reporting provisions, NMFS has revised these requirements from daily VMS catch reports to trip-level. Reports will be submitted through VMS to NMFS and will be used to monitor ACLs and sectors. Submissions will be required upon the completion of each fishing trip.

The Logbook Family of Forms (OMB Control No. 0648-0212) estimated the annual number of trips into the U.S./Canada Management Area and associated SAPs in Closed Area II to be 14,000 trips annually and the number of participating entities to be 400. It also estimated that 142 entities would take 2,130 trips into the Closed Area I Hook Gear Haddock SAP annually. Finally, it estimates 997 entities would take 5,000 trips in the B Regular Program.

## **RESTRICTED GEAR AREAS**

Amendment 16 establishes two RGAs intended to reduce the catch of flatfish species (predominantly SNE/MA winter flounder and SNE/MA yellowtail flounder) through the required use of selective gear in areas where these species are caught. Vessel owners intending to fish in either of the RGAs will be required to declare their intent to fish in these areas through VMS and, as a back up, obtain an LOA for their vessel from NMFS. Information collected through this provision would be used by NMFS to monitor participation in and enforcement of this program and its associated restrictions.

These LOAs are to be kept on board the vessel during the extent of program participation (minimum of 7 days) in order to verify enrollment in the program. Entrant would be required to notify NMFS of intent to participate to obtain the LOA, or provide entry and exit notice via telephone call or VMS. The required information is generally collected verbally through either a telephone call or in person, and no physical application is actually completed. The information collected for participation in exemption programs consists of vessel owner name, NMFS permit number, vessel name, and participation period. Vessels wishing to withdraw from a program, after the minimum participation period has been met, must provide NMFS with similar information via phone call or a withdrawal form.

## **DOCKSIDE and AT-SEA MONITORING and REPORTING REQUIREMENTS**

It is anticipated that a total of five monitoring providers would apply for approval under these provisions. Approved monitoring providers are required to submit information during the course of the year in order to comply with various requirements and responsibilities. Reports pertaining to monitor deployment, harassment, and catch data will be required throughout the year, as requested by NMFS, along with copies of contracts and any additional materials. The information submitted via U.S. mail will be used to monitor the fishery and monitor deployments, including the evaluation of catch and bycatch. None of the information provided by service providers would be disseminated to the public.

Amendment 16 would require coverage rates for dockside monitoring of 50% of trips by sector vessels in FY 2010, 20% of sector trips in FY 2011, and 20% of sector trips in FY 2012. Similarly, in FY 2010, NMFS has committed to providing 30% coverage in addition to the NEFOP program. It is anticipated that this coverage level will be maintained for FY 2011. Beginning in FY 2012, mandatory 30% coverage will be required for sector participants. Beginning in FY 2012, vessels electing not to join a sector will be required to have 20% dockside monitoring. Similarly, beginning in FY 2010 additional at-sea monitors will be provided to supplement the NEFOP program, bringing the total number of observed trips (monitors plus NEFOP) to 30%. Hails (notifications of trip start and end) are necessary to ensure that the specified monitoring levels are met. These measures are necessary for the accurate monitoring of ACLs and sectors.

To produce a conservative estimate of the total annual time burden to the public for complying with this requirement, the assumption is made that all groundfish vessels will participate in a sector and that all trips will be taken by sector vessels.

## **NORTHEAST FISHERY OBSERVER TRIP NOTIFICATION**

As is currently specified in OMB Control No. 0648-0202, vessel operators intending to fish in the U.S./Canada Area, Closed Area 1 Hook Gear Haddock SAP, or the Regular B Program are required to provide notification to the NEFOP prior to each trip. Amendment 16 proposes to expand this requirement to all NE multispecies vessels, but decrease the advance notice to 48-hours before a trip. Notification is required to deploy Observer aboard vessels for the collection of biological samples and data during commercial fishing trips. Notification will be made via a telephone call to NEFOP, and will be used to schedule and deploy monitors.

## **DEALER REPORTING AND RECORD RETENTION REQUIREMENTS**

Dealer reporting requirements currently approved under OMB Control No. 0648-0229, Northeast Region Dealer Purchase Family of Forms, estimate approximately 576 dealers in the Northeast Region. Under this provision, dealers will be required to provide dockside/roving monitors a copy of any dealer weigh-out documents or dealer receipts for each particular offloading event observed by dockside/roving monitors. The information included on these documents will assist in the monitoring of landings and discards in the NE multispecies fishery.

It is anticipated that 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 National Oceanic and Atmospheric Administration (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.**

Currently, applications/operations plans, appeals, and notification of ejections from a sector must be sent via U.S. mail, as signed statements are required. It is anticipated that that weekly and annual reports, and reports as requested by NMFS could be sent via U.S. mail or by electronic means (email). NMFS has other components, including LOA requests and hails, which will be made via telephone. Electronic Vessel Trip Reports (eVTR) while not currently approved as a reporting method by NMFS are being evaluated as a future reporting method and have been proposed for parallel use by sector participants.

Automated reporting has been made available via VMS for fishing vessels required to have the system for participation in a sector. Additionally, automated declarations, once-hourly polling and catch reporting are all available through electronic means (VMS).

No other improved information collection technology has been identified to further reduce the burden associated with Amendment 16. Every effort will be made in the future to use computer technology to reduce the public burden.

**4. Describe efforts to identify duplication.**

The information to be collected through the proposed information collection is not duplicated elsewhere. 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. Council membership includes state and Federal officials responsible for resource management in their area. In fact, NMFS has identified duplicative reporting requirements and proposes to exempt vessel from such reporting requirements under this action. Therefore, NMFS is confident that it is aware of similar collections if they exist.

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

Only the minimum data needed to meet the permit objectives are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed.

NMFS has currently certified three providers to provide VMS service to vessels participating in the fisheries that require VMS as a condition of their permits. Each provider offers comparable equipment and services over a range of prices. This reduces the burden on the public by increasing competition among providers, thereby decreasing costs to the fishing industry to obtain and operate a VMS unit. Further, the increased variety of VMS units may allow vessel owners/operators to select the most economical and efficient unit to purchase, therefore minimizing costs associated with VMS.

Through this action, NMFS has reduced duplicative reporting requirements, and reduced the number of fields included in the required catch reports.

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

Not conducting the collection of information described in Questions 1 and 2 would undermine the ability of proposed measures to effectively implement ACLs, AMs, and section provisions adopted by Amendment 16. This collection of information is necessary for a variety of reasons, including monitoring fishing effort and catch, enforcing RGAs and other area specific measures, and increasing efficiency of sector operations by facilitating exchanges of ACE. Furthermore, reducing the frequency of collection would also compromise the ability to monitor vessel activities, in turn affecting the enforcement of management measures.

To the extent practicable, frequency of information collection under this new collection has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement. For example, less frequent monitoring of vessels fishing under the NE multispecies program (participating in either a sector or the common pool) would reduce the effectiveness of the system in helping prevent violations of DAS controls and ACE allocations,

which, in turn, could reduce the effectiveness of measures to control fishing mortality and rebuild overfished stocks.

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

Some of the requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB guidelines suggest that respondents not be required to report more often than quarterly, requirements for VMS for NE multispecies, sector manager weekly catch reports, and new dealer requirements will require more frequent reports.

Vessels that intend to target NE multispecies fishery must declare via VMS that they will be on such a trip prior to leaving and upon returning to port. The declaration requirement is needed to keep an accounting of DAS usage and fishing location necessary to attribute catch to stock areas and effectively monitor ACLs. Similarly, the sector manager weekly catch reports are needed to ensure that each sector is adequately monitoring its allocation of ACE. Dealers will be required to provide monitors with a copy of weigh-out slips/receipts to ensure consistency.

**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.**

The information collections contained in this submission are part of a proposed rule, RIN 0648-AW72, to implement management measures outlined in Amendment 16 to the NE Multispecies FMP. This rule will announce the provisions specified above and solicit public comment on the program and the information collection requirements necessary to implement this program. Once public comments have been considered, a final rule outlining the measures that would be implemented, as modified by public comment, would be published in the Federal Register.

The Council held many Council and Groundfish Oversight Committee meetings during the development of FW 42 during the period of September 2006 through September 2009 during which there were opportunities for public discussion of proposed management strategies. The Council approved the measures contained in Amendment 16, including those specified above, on June 23, 2009.

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

Neither payments nor gifts are given to the respondents.

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

All data will be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc). In addition, any information collected would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

**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 involved in this collection of information.

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

A full summary of the burden estimate involved in this collection of information can be found in Table 1.

## **SECTOR OPERATIONS**

### **Operations Plan and NEPA Analysis**

Amendment 16 proposes the approval of 17 sectors in addition to the two currently approved. As previously outlined, each sector is required to submit an operations plan to NMFS for approval. The operations plan must include multiple elements detailing the proposed operations, reporting requirements and monitoring provisions. Based upon knowledge of the preparation of operations plans by the 19 sectors currently proposed, it is estimated that approximately 4 months (640 hours) would be necessary to prepare and compile the requirements of a sector operations plan, including these new provisions, and to have these documents reviewed. Therefore, in total, it is anticipated that a total of 12,160 hours would be required annually for the preparation of the operations plans under this proposed information collection, though this burden is likely to decrease over subsequent years as sectors gain experience preparing these documents. In addition, sectors would be required to submit a NEPA analysis analyzing proposed fishing operations and requested exemptions. For Fishing Year 2010 Sectors, NMFS provided funding for a contractor to assist in the drafting of the NEPA document. Based upon the time allotted to the contract for preparation of the NEPA documents, it is anticipated to take approximately 4 months (640 hours) to prepare the required NEPA analysis. It is anticipated that a total of 12,160 hours would be required for the preparation of 19 NEPA analysis documents; however, for a contractor hired by the respondent, only costs are counted, not burden, for the respondent. **Therefore, the total number of hours associated with the preparation of these documents is 12,160 hours.**

### **Monitoring and Reporting Service Providers Application**

NMFS anticipates that five monitoring service providers may apply for approval and operate under this program, for a total of 5 submissions per year. In addition, it is expected that 3 of the

applications will be required to supplement their original application with a 5-page supplemental document. Based upon a similar monitoring program recently instituted for the Atlantic Sea Scallop Fishery (OMB Control No. 0648-0546), an estimated 10 hours of preparation would be required by each application to compile all required documents, while each response to an initial denial is anticipated to take an additional 10 hours. Therefore, based on the previously estimated burden, **a total of 80 hours is expected** from the monitoring and reporting service provider application requirement proposed in Amendment 16 (50 hours for the initial applications plus 30 hours for the expected responses).

### **Monitoring System for Discards**

Each sector will be required to maintain a database of all VTRs, dealer reports, dockside monitor reports, and at-sea monitor and NMFS observer data associated with trips by sector vessels. The time burden associated with this requirement is in the amount of time it would take for sector staff to enter the data into a database. Data from dealer reports, observer reports, and at-sea monitor reports will be provided electronically to sectors. Obtaining this data would likely involve the sector manager or designated staff accessing a web portal to download the data and upload it to the sector's database. It is estimated that the time burden associated with this task would be negligible, regardless of the number of sector trips involved. For the purpose of estimating the time burden of entering VTR data, it is assumed that sector vessels will provide sector managers with paper copies of VTRs. Data from the paper copies would have to be manually entered into the sector database at an estimated burden of three minutes per VTR. Assuming that all of the 25,000 trips anticipated to be made in the groundfish fishery each year are made by sector vessels would produce a conservative estimate of the total number of VTRs sectors would have to process each year. As some portion of these trips would be made in multiple areas and require multiple VTRs per trip, sectors would have to process a maximum of 30,000 VTRs. **Thus, the estimated annual burden to sectors for processing VTRs would be 1,500 hours** (3 minutes/VTR x 30,000 VTRs).

Dockside monitoring will be required for sector vessels beginning in fishing year (FY) 2010. Coverage rates will be 50% of trips by sector vessels in FY 2010, 20% of sector trips in FY 2011, and 20% of sector trips in FY 2012. Dockside monitors will produce reports that will be submitted to the sector manager and/or dockside monitoring provider. To make a conservative estimate of the time burden for sectors for entering data from dockside monitor reports, it is assumed that these reports will be submitted directly to the sector manager in paper form, rather than electronically from the dockside monitoring provider. Dockside monitor reports will contain roughly the same type of information as VTRs, so it is reasonable to assume that each dockside monitor report will also take three minutes to process. If the coverage rates are annualized to 30% of sector trips, and assuming that the estimated number of trips is taken by sector vessels (25,000 trips), sectors would have to process 7,500 dockside monitor reports. **Thus, the estimated annual burden to sectors for processing dockside monitor reports would be 375 hours** (3 minutes/report x 7,500 reports).

**Therefore, the total annualized time burden of this requirement for the public is estimated to be 1,875 hours** (1,500 hours for VTRs + 375 hours for dockside monitor reports).

## **Sector Manager Weekly Reports**

As described in Questions 1 and 2, Amendment 16 would require sectors to submit weekly reports summarizing information describing the fishing activities, harvest levels of all federally managed species, and any applicable enforcement actions attributable to sector vessels to NMFS. Compilation of data and preparation of the report should mirror the efforts of NMFS staff who prepare weekly quota reports. Based upon this, it is expected that each sector would require approximately 4 hours to prepare and submit the required weekly report. **In total, approximately 3,952 hours are expected to be required annually for the preparation and submission of all weekly sector reports** (4 hours X 19 sectors X 52 weeks).

## **Annual Reports**

All sectors approved under the provisions contained at § 648.87 of the proposed rule that would implement Amendment 16 would be required to submit annual year-end reports as described in Questions 1 and 2. The information required to be included in this report would likely necessitate collecting and reviewing data obtained from each of the sector participants and assembling this information into a cohesive report. Amendment 16 specifies the collection of landings and discards, however, due to the preparation of weekly reports including similar information, it is difficult to estimate the amount of time that would be spent developing this report. Under Amendment 13, it was estimated that an annual report from a sector would require approximately 6 hours to complete and submit, with the compilation of landings data. Because Amendment 16 requires additional information, which will be summarized in weekly reports, it is assumed that the time to prepare the annual report would double from the time included in previous estimates to 12 hours. With a potential of 19 sectors, **the estimated burden associated with this information collection would be 228 hours.**

## **Notification of Ejection from a Sector**

As previously stated, sectors must specify in their Operations Plan how and when NMFS would be notified of the ejection of a member due to an infraction. A total of 1,482 vessels have the opportunity to join a sector, of which approximately half have preliminarily enrolled to participate. Amendment 16 proposes to prohibit vessels that have been ejected from a sector to participate in the groundfish fishery for the remainder of the permit year, therefore only one ejection per vessel is expected in any given permit year. Therefore, a conservative estimate of all vessels intending to participate in sectors or half of the vessels eligible to participate would be ejected (741 vessels). Notification would likely be immediate in the form of a phone call or email, with formal correspondence to follow in the mail. Therefore, it is likely to take approximately one half hour to place the telephone call or send the email, and draft, print and send the necessary correspondence. **In total, this provision would require an estimated burden of 371 hours.**

## **ANNUAL CATCH ENTITLEMENT (ACE) TRANSFERS**

The proposed ACE Transfer program would add new burdens for information collection. This program is restricted to sectors and its participants. The estimated number of potential participants in this program would be the number of potential sectors, approximately 19. It is speculated that the sectors would only participate in one ACE Transfer per allocated species



during the course of the first year, for a total of 300 transfer requests. This number presumes that some sectors will participate in more than one transfer, while others will not participate at all. Sectors wishing to participate would be required to complete an Application to Transfer Annual Catch Entitlement (ACE). One form is required to process each ACE transfer request. Both sectors participating in the agreement (Transferor and Transferee) must enter information pertaining to their sector on the same form, and sign the form at the bottom, indicating their agreement to the specifics of the transfer. This results in a total of 600 responses (2 responses per ACE transfer form). This new data collection is similar in nature to the Days at Sea Leasing Program, which estimates that the public reporting averages 5 minutes per response. According, using an estimated average burden of 5 minutes per response, **a total of 50 hours** (600 responses X 5 minutes) **would be the burden for this new data collection.**

## **VMS REQUIREMENTS**

For the 147 vessels issued Category HA permits that may be required to use VMS when participating in sectors under Amendment 16, there will be two responses associated with installation: 1) completion of the VMS Certification form, and 2) a telephone call to confirm VMS activation with OLE. The estimated burden associated with the VMS activation confirmation requirement is 5 minutes (for a total burden of 12 hours, **annualized to 4 hours**), and the VMS certification form takes an estimated 10 minutes to complete (for a total burden of 25 hours, **annualized to 8 hours, 20 minutes (8 hours)**).

## **AREA AND DAS DECLARATION**

For each trip, a declaration including information on the vessel, days and times of departure, and description of fishing activities, will need to be transmitted via VMS. Amendment 16 would add VMS requirements for the 147 Category HA vessels, should they participate in a sector. Therefore, the number of participants making area and DAS declarations will increase to 1,144 vessels. With a conservative estimate of 25,000 trips, **it is estimated to require 2,083 hours** (5 min per declaration) for all Northeast Multispecies vessels to make the required declaration.

## **BROAD STOCK AREA REQUIREMENTS**

All vessels that declare their intent to fish in two or more of the broad reporting areas would be required to submit a report via VMS at the conclusion of the trip that details the amount of fish the vessel kept by broad reporting area. It is estimated that this requirement would apply to 134 vessels, the number of vessel that fished trips in multiple areas in the 2008 fishing year. This is a reasonable estimate for the maximum number of vessels that would fish trips in more than one reporting area in the coming fishing years, because the measures implemented through Amendment 16 are expected to result in fewer fishing trips. Groundfish vessels made approximately 2,500 trips into multiple areas in FY 2008 and would be expected to make no more than this number into multiple broad reporting areas in the coming fishing years. Using an estimate of approximately 15 minutes to complete a catch report via VMS that was previously approved in the burden estimate for similar catch reports in SAPs (OMB Control No. 0648-0212), **the total estimated burden of for these catch reports is 625 hours** (i.e., 15 minutes per report multiplied by 2,500 trips).

## CATCH REPORTING REQUIREMENTS

The SAP catch reports will include the same data fields as the broad reporting area catch reports described above. Since this catch report will be universal in form for all SAPs, the estimated time burden to the public of fulfilling this requirement for each SAP will be the same for all SAPs. Given the breadth of changes that Amendment 16 will bring to the groundfish fishery, it is difficult to anticipate the level of participation in SAPs that may be expected in the coming fishing years. These are reasonable estimates of the annual number of trips into the U.S./Canada Area and SAPs in the coming fishing years, and the number of entities this requirement would apply to, because reductions in fishing mortality may reduce effort overall, but the area and season of some SAPs would be expanded under Amendment 16, which may provide incentives for greater participation in these SAPs. However, overall, the total time burden associated with such catch reports is not expected to change under this action. As a result, **the burden to vessels participating in the U.S. Canada Management Area and associated SAPs is estimated to remain at 3,500 hours** (15 minutes x 14,000 reports). **The total time burden to vessels participating in the Closed Area I Hook Gear Haddock SAP is expected to remain at 533 hours** (15 minutes x 2,130 reports). **Finally, the total time burden to vessels participating in the Regular B Program is expected to remain at 1,246 hours** (15 minutes X 4,985 reports).

## RESTRICTED GEAR AREA

### RGA Declaration and Letter of Authorization

Vessels wishing to fish in either of the RGAs will be required to declare via VMS their intent to fish in one of the areas prior to leaving port for each trip. **Each of 490 vessels' (one third of all vessels) declaration into this area is anticipated to take approximately 5 minutes, for a total of 41 hours.**

Vessels wishing to fish in the either of the Restricted Gear Areas (RGAs) will be required to, as a back up to the VMS declaration, obtain a letter of authorization (LOA) from the Regional Administrator. As the RGAs are a new program, it is uncertain how many vessels will participate annually in the coming fishing years and how many LOAs those vessels will request (participation period is a minimum of 7 days). Given historical participation in exemption programs that also require LOAs, a reasonable estimate would be that one third of all vessels would submit one request each year for an LOA to fish in the RGAs each year (490 entities). The estimated time required to request an LOA is 5 minutes. **Therefore, the total burden time for this program is estimated at 41 hours** (for a total of approximately 41 hours (490 vessels X 5 minutes).

## DOCKSIDE MONITORING AND REPORTING REQUIREMENTS

Dockside monitoring, including the following requirements, will be required for sector vessels for FY 2010 and FY 2011, and for common pool vessels beginning in FY 2012. Coverage rates will be 50% of trips for sector vessels in FY 2010 and 20% of trips each year thereafter. Dockside monitoring will be required for 20% of trips by common pool vessels in FY 2012 and each year thereafter. There is a great deal of uncertainty about the number of vessels that will operate in sector in any given year, which makes it nearly impossible to predict the number of entities that will be affected by each of these coverage rates. Therefore, for the purposes of

calculating the burden associated with the following requirements, the coverage rates have been annualized to 30% coverage each year  $\{[(50\% \text{ in year 1}) + (20\% \text{ in year 2}) + (20\% \text{ in year 3})]/3 \text{ years}\}$  and assumed to apply to all groundfish vessels.

## **Hails and Confirmations**

### *Trip-Start Hail*

Before the start of each trip, all sector vessels (and common pool vessels beginning FY 2012) will be required to notify their dockside monitoring provider of their intent to take a trip. This hail can be done as an email via VMS or by phone, as decided by each sector and their monitoring service provider. The hail would take an estimated two minutes to complete and would affect approximately 1,482 entities annually, which is the total number of limited access NE multispecies permit holders. It is estimated that NE multispecies permit holders will make a total of 25,000 trips next year, issuing one trip-start hail per trip, for a total of 25,000 hails.

**Therefore, the total estimated time burden for all vessels is 833.33 (833) hours** (2 min/hail x 25,000 hails). Because this includes the total number of trips anticipated to be taken by all NE multispecies vessels, the total estimated burden of 833 hours would be the total burden for the entire fishery (including common pool vessels).

### *Trip-Start Hail Confirmation*

Dockside monitoring providers would be required to respond to vessel trip-start hails with a confirmation of receipt. This requirement is expected to apply to up to five entities, which is the number of providers that have applied for approval to provide dockside monitoring services to the groundfish industry. This confirmation may be done via phone or VMS and is anticipated to likely be through an automated system. **Therefore, there is no expected time burden for providers associated with this requirement.**

### *Trip-End Hail*

The requirement entails notifying the dockside monitoring provider of the intent to land a trip and to schedule a dockside monitor to meet the vessel upon landing. This hail can be done through VMS or by phone and is estimated to take 15 minutes to complete. It is estimated that NE multispecies permit holders will make a total of 25,000 trips next year, issuing one trip-end hail per trip, for a total of 25,000 trip-end hails. To account for the time burden associated with additional hails that may be sent as corrections to errors in the trip-end hail, an additional 2,500 hails are expected for a total of 27,500 hails. **Therefore, the total estimated time burden to the public for complying with this requirement is 6,875 hours.**

### *Trip-End Hail Confirmation*

Dockside monitoring providers are required to respond to vessel trip-end hails with a confirmation of receipt. This requirement is expected to apply to up to five entities, which is the number of providers that have applied for approval to provide dockside monitoring services to the groundfish industry. This confirmation may be done via phone or VMS and is anticipated to require approximate 2 minutes for the providers to confirm whether or not a dockside monitor has been assigned. **In total, this will require a time burden of 833 hours to the providers** (2,500 confirmations X 2 minutes).

### *Forwarding of Hails to NMFS*

The dockside monitoring provider or sector manager is required to provide information contained in trip-start and trip-end hails (including whether a trip will be monitored) to NMFS upon receipt of each hail. This requirement could be fulfilled by either the sector manager or the contracted provider, but for the purposes of conservatively estimating the time burden associated with this requirement, it is assumed that the greater number of entities (19 sector managers) would forward all hails. Hail information will be forwarded by email to the NMFS' Office of Law Enforcement and may require staff at the provider or sector to enter this data into an email if the hail from the vessel was done by phone. It is estimated that this data entry would take a total of two minutes to complete for two hails each trip (25,000 trips), for a total of 52,500 items (including 2,500 additional items to account for corrections). **This would result in a total estimated time burden to the public of 1,750 hours** (2 min/item x 52,500 items).

### *Notification of Monitor Emergency*

The dockside monitoring provider is required to notify the vessel, sector, and NMFS' Office of Law Enforcement (OLE), if a monitor will not be able to meet the vessel as scheduled, what time the monitor will arrive or if the vessel will be issued a waiver. For expediency, it is assumed the provider would inform the vessel, sector, and NMFS by phone, which would be expected to take approximately five minutes to complete. A reasonable estimate of the number of trips that might require this notification is 25% of trips or 6,250 trips. At three calls per trip, this results in a total of 18,750 items and **1,563 hours of burden to monitoring providers** (5 min/item x 18,750 items). There would also be a time burden associated with this requirement for sector staff and vessel operators to receive the calls. **It is estimated that the burden to vessel operators and sector staff would be 521 hours each** (5 min/call x 6,250 calls)/60 min). **This results in a total time burden to the public of 2,605 hours** (1,563 hours + 521 hours + 521 hours).

### **Database and Data Entry Requirements**

Amendment 16 requires that dockside or at-sea monitoring providers maintain a database of dockside monitor reports, monitor deployments, and other associated information. With respect to dockside monitoring, this requirement is expected to apply to up to five entities, which is the number of providers that have applied for approval to provide dockside monitoring services to the groundfish industry. At a 30% annualized coverage rate, dockside monitoring providers would have to input data from 7,500 dockside monitor reports or copies of dealer receipts (30% of 25,000 groundfish trips), assuming this data is collected by monitors on paper and not transmitted to the dockside monitoring provider electronically. In addition, there is a requirement that the dockside monitors collect the VTRs from observed trips and provide these with the monitor reports to the dockside monitoring provider (or sector manager). Assuming that the providers will also have to enter and archive VTR data, the providers will have to process 9,000 VTRs (30% of 30,000 VTRs). **Entering data from these reports would take approximately three minutes per report, for a total estimated time burden to the public of 825 hours** (7,500 monitor reports + 9,000 VTRs) x 3 minutes).

### **Dockside Monitoring Provider Reporting Requirements**

Amendment 16 specifies that dockside monitoring providers must make several reports available to NMFS, if requested, much like those reports required for the Scallop Observer Program approved under OMB Control No. 0648-0546. These include: reports of monitor deployments,

reports including catch/discard data, reports of harassment, copies of contracts, copies of additional materials, and ensuring that that monitors remain available for debriefing for two weeks following a monitored trip. A total of 5 dockside monitoring providers are anticipated to participate in this program. Based on estimates included in OMB Control No. 0648-0546 and expanded to the NE multispecies fishery, **it is estimated to require 17,108 hours to comply with all of these reporting provisions.**

## **AT-SEA MONITORING AND REPORTING REQUIREMENTS**

### **Hails and Notifications**

#### *Pre-Trip Notification*

At-sea monitoring will be required for a minimum of 30% of sector trips beginning in FY 2010. Sector vessels will be required to notify their monitoring provider for at-sea monitoring services of their intent to make a trip, as specified in the operation plan, including such information as vessel name, permit number, VTR serial number, date, location, and time of departure. This notification would consist of a phone call to the monitoring provider that is expected to take approximately two minutes to complete. It is unclear how many vessels will participate in sectors annually (estimated at 700 vessels), and thus how many entities this requirement would affect and how many trips those entities will make. To produce a conservative estimate of the total annual time burden to the public for complying with this requirement, the assumption is made that half groundfish vessels will participate in a sector and that all trips will be taken by sector vessels. **Therefore, the total estimated time burden to the public of complying with this requirement is 2000 hours** [0.08 hours/notification x 1 notification/trip x 25,000 trips].

#### *Vessel Notification of Selection for Coverage*

Once a sector vessel has made their pre-trip notification to the sector's at-sea monitoring provider, the provider must determine which trips by the sector will be assigned an at-sea monitor and notify the vessel of its selection for coverage. It is expected that this requirement would apply to up to five entities, which is the number of providers that have applied for approval to provide monitoring services to sector vessels. The notification would be done by phone and would take approximately five minutes to complete. The providers would have to issue an estimated 7,500 notifications to individual vessels each year (30% of 25,000 trips). **This results in a total estimated time burden to the public of 625 hours** (0.08 hours x 7,500 notifications).

### **Database and Data Entry Requirements**

#### *At-Sea Monitoring Provider Database*

Amendment 16 would require that dockside or at-sea monitoring providers maintain a database of monitor reports, monitor deployments, and other associated information. With respect to at-sea monitoring, this requirement is expected to apply to up to five entities, which is the number of providers that have applied for approval to provide monitoring services to the groundfish industry. Data collected by individual at-sea monitors would be transmitted directly to NMFS via an electronic hand-held data collection device. This data will be processed by Northeast Fishery Observer Program (NEFOP) staff, which would then make the data available electronically to the dockside monitoring providers and sector managers. Obtaining this data would likely involve the provider staff accessing a web portal to download the data and upload it

to the provider's database. It is estimated that the time burden associated with this task would be negligible, regardless of the number of sector trips involved. Therefore, there is no expected time burden to the public associated with this requirement.

#### *NMFS Data Processing*

NEFOP staff will receive data directly from at-sea monitors via an electronic method that is not anticipated to have a time burden associated with it. NEFOP will process this data in accordance with NEFOP procedures, before making it available to the public. This requirement will be fulfilled by the Federal government and, therefore, there is no expected time burden for the public associated with this requirement.

#### **At-Sea Monitoring Provider Reporting Requirements**

Amendment 16 specifies that at-sea monitoring providers would be required to make several reports available to NMFS, if requested, much like those reports required for the Scallop Observer Program approved under OMB Control No. 0648-0546, Northeast Region Observer Providers. These reports include: reports of monitor deployments, reports including catch/discard data, reports of harassment, copies of contracts, copies of additional materials, and ensuring that that monitors remain available for debriefing for two weeks following a monitored trip. A total of 5 at-sea monitoring providers are anticipated to participate in this program. Based on estimates included in OMB Control No. 0648-0546 and expanded to the NE multispecies fishery, **it is estimated to require 17,108 hours to comply with all of these reporting provisions.**

#### **NORTHEAST FISHERY OBSERVER TRIP NOTIFICATION**

Changes to the requirements for Observer notification will require all 1,482 vessels enrolled in sectors or fishing in the common pool to notify NEFOP of its intent to make a trip via telephone call. It is anticipated that approximately 25,000 trips will be made by all NE multispecies vessels. Using the time burden previously approved under OMB Control No. 0648-0202, it is expected to require approximately 2 minutes to complete this call. **Therefore, a total burden of 833 hours is anticipated.**

#### **DEALER REQUIREMENTS**

NMFS is requiring that dealers provide copies of their reports or weighout slips for each offload event. Dealer reporting requirements currently approved under OMB Control No. 0648-0229 estimate approximately 576 dealers in the Northeast Region. For the anticipated 25,000 NE multispecies trips, at most, 50% of trips will be monitored annually, or an average of 22 trips per vessel transferring fish to these dealers, for a total of 12,500 trips. **At an estimated 2 minutes per report, or a total of 417 hours.**

**Total burden hours are estimated to be 78,608.**

**At an average labor rate of \$25, total labor costs are estimated at \$1,965,200.**

**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).**

A full summary of the burden estimate involved in this collection of information can be found in Table 1.

## **SECTOR OPERATIONS**

### **Operations Plan and NEPA Analysis**

Due to the increase in requirements associated with a sector operations plan, NMFS has estimated \$60,000-\$150,000 in start-up operational costs. Based upon this estimate, **operational costs associated with the start-up of sectors are anticipated to cost \$2,850,000** (19 sectors x \$150,000 operational costs). This estimate includes both the development and review of the operations plan, and the development of the required NEPA analysis. Based upon legal consultation fees incurred by the two currently approved sectors associated with the development and review of their operations plan, it is estimated to cost \$50,000 annually to develop operations plans for at least the first three years. NMFS provided funding for an independent contractor to prepare for sector analyses in FY 2010, anticipating a cost of \$100,000 per document. It is anticipated that preparation of NEPA documents in subsequent years would incur a similar annual cost, to the sectors, though it may be reduced in future years, as subsequent analyses can build upon the initial NEPA analyses.

In addition to the preparation of these documents, submission of these documents would incur costs associated with copying and the postage required for delivery of the documents to NMFS. It is unknown how large these documents would be, however, based upon the documents submitted for FY 2010, it is estimated that each operations plans would require approximately 50 pages, and each NEPA document would require approximately 150 pages. Monitoring provider documents will also be submitted in conjunction with the operations plan by the sector (see below), therefore it is estimated that an additional 200 pages will be submitted. In total, it is anticipated that sectors will be submitting approximately 400 pages of materials. **With copying costs estimated at \$0.10, the cost incurred by each sector is approximately \$40. The cost of mailing a 5 pound parcel from the furthest state covered by the Northeast region would cost approximately \$10.00. Therefore, each sector would incur an additional \$50 cost for copying and submission of the required documents annually, for an annual total of \$950.**

**In summary, a total cost of \$2,850,950 is anticipated to be incurred by these requirements.**

### **Monitoring and Reporting Service Providers Application**

At \$0.10 per page, it is anticipated that **\$20 will be incurred to cover copying costs.** Monitoring provider documents are proposed to be submitted to the Sectors for inclusion in each operations plan. It is anticipated that each provider would supply the documents via electronic means, therefore incurring no additional costs. **Therefore, the total burden to the providers is anticipated to be \$20.**

Submission of an additional 5 pages **to respond to a service provider disapproval** would cost approximately \$1.50 in copying costs (5 pages X 3 responses X \$0.10/page) plus approximately \$1.50 in mailing costs (3 responses X \$0.44 postage), **for a total of \$3.**

### **Monitoring System for Discards**

The cost of a database is estimated at \$1,500 (for a PC with Microsoft Excel), with an annualized cost of \$500, or **\$9,500 for 19 computers.**

### **Sector Manager Weekly Catch Reports**

It is unknown how large these documents would be, but based on internal weekly quota monitoring procedures, would likely not be more than 5 pages. Assuming these documents are submitted in electronically, therefore **no additional costs would be incurred.**

### **Annual Reports**

The submission of sector annual reports that would be required under Amendment 16 would incur costs, proportional to the size of the document, from copying and the mailing of these documents to NMFS. The estimated cost for copying and postage that were used in Amendment 13 for the collection of this information was 10 pages per submission at \$0.10/page copying cost and two stamps per submission. Because additional information is required under Amendment 16, it is estimated that an annual report would double in length to approximately 20 pages. **Therefore, an annual cost burden for the submission of this document is estimated at \$4 per submission (20 pages X \$0.10 per page and 4 stamps X \$0.44 per stamp), or \$76 total.**

### **Notification of Ejection from a Sector**

This information collection does not require respondents to purchase new or additional equipment or services. Most computers, telephones and/or facsimile machines utilized by the respondents would have already been purchased as part of customary and usual business practices; thus start up costs associated with this provision are negligible. Therefore, immediate notification by either telephone or electronic communication would not incur additional costs beyond usual business practices. Using the previously assumed rate for copying (\$0.10/page), it is estimated that a 1-page notification of expulsion would, in total cost \$74 annually (741 responses X 1 page X \$0.10/page). Additionally, the costs associated with mailing (1 stamp) this 1-page correspondence is estimated at \$326 (741 responses X \$0.44/stamp). **In total, notification of expulsion from a sector is anticipated to cost \$400 annually.**

### **ANNUAL CATCH ENTITLEMENT (ACE) TRANSFERS**

For each ACE transfer request, two respondents would have to enter their information onto the application to transfer ACE form. It is not known whether ACE transfer would take place in person, or through other means. Accordingly, participants may mail the transfer application to the other participant to complete the transaction. The form would then have to be mailed to NMFS for processing. With 300 applications anticipated per year, **there would be a maximum postage cost of \$264** (300 stamps to mail the transfer from one respondent to the other + 300 more to mail the document to NMFS) X \$0.44/stamp). Participants may wish to retain a copy of



the ACE transfer form for their own records. Using an estimate of \$0.10 per page for copying costs, participants would incur **an additional \$60 cost** (600 copies X \$0.10/copy). **Therefore, postage and copying costs would total \$324.**

## **VMS REQUIREMENTS**

Based on the VMS requirement costs currently estimated in OMB Control No. 0648-0202, the 147 additional Category HA vessels will need to purchase and install a VMS unit at a cost of \$3,200 each, annualized to \$1,067 or **\$156,849 for all vessels**. These vessels must also call to confirm VMS installation; however, as telephone service is considered a routine business expense, no additional cost is expected to be incurred based on the VMS installation confirmation call. A one time postage cost of approximately \$65 is associated with VMS Certification Form submission (\$.44 per stamp x 147 vessels), **annualized to \$22.**

VMS monitoring in the NE multispecies fishery is automated, but costs \$0.05 per transmission with a polling rate of one time per hour. The total cost for daily, once-hourly VMS location transmission is \$1.20 per vessel (24 polls/day X \$0.05), totaling \$177 daily, for all Category HA permits.

The average monthly cost for a VMS unit, based on annual maintenance costs, is approximately \$150, or \$22,050 for all Category HA vessels. The total annual cost of monthly operation is \$27,360 (\$22,050 + \$5,310 for monthly polling). **Annual maintenance costs would be \$264,600 and annual polling costs, \$63,720.**

## **AREA AND DAS DECLARATION**

For each trip, a declaration with information on the vessel, days and times of departure, and description of fishing activities, will need to be transmitted via VMS. Using cost estimates of \$1/declaration previously approved under OMB Control No. 0648-0202, **it is anticipated to cost the 1,144 vessels \$12,500 to make the required declarations.**

## **BROAD STOCK AREA REQUIREMENTS**

All vessels that declare the intent to fish in two or more of the broad reporting areas will be required to submit a report via VMS at the conclusion of the trip that details the amount of fish the vessel kept. The catch report would include the VTR serial number (14 characters), date (8 characters), kept catch of each groundfish stock (13 species x 4 stock areas x 6 characters each = 312 characters), kept catch of all fish on board (6 characters), and commas separating the fields (54 characters), for a total of 394 characters per report. At a cost of \$0.004 per character plus \$0.50 per submission, each catch report would cost \$0.788. Therefore, **the total cost to the public of complying with this requirement is estimated to be \$1,970** (\$0.788/report x 2,500 reports).

## **CATCH REPORTING REQUIREMENTS**

The SAP catch reports will include the same data fields as the broad reporting area catch reports, and will have the same transmission cost of \$0.788 per report. Since this catch report will be

universal in form for all SAPs, the estimated cost to the public of fulfilling this requirement for each SAP will be the same. Amendment 16 proposes to decrease the reporting burden associated with this provision from daily to trip level, necessitating revising estimates included in the Logbook Family of Forms (OMB Control No. 0648-0212). Therefore, the total cost to the public of vessels participating in the U.S./Canada Management Area and associated SAPs is estimated to be **\$11,032** (\$0.788/report x 14,000 reports). The total cost to the public of vessels participating in the Closed Area I Hook Gear Haddock SAP is estimated to be **\$1,678** (\$0.788/report x 2,130 reports). The total cost associated with vessels participating in the Regular B Program is estimated to be **\$3,929** (\$0.788/report x 5,000 reports).

## **RESTRICTED GEAR AREAS**

### **RGAs Letter of Authorization**

There is no estimated annual cost to the respondents or recordkeepers in association with this exemption program.

### **RGAs VMS Declaration**

Vessels wishing to fish in one of the two RGA will be required to make a declaration through VMS. Each declaration will cost approximately \$0.50 per declaration. Assuming one third of all vessels fishes in one of these two areas, **the cost of these messages is estimated at \$245** (490 declarations X \$0.50/declaration).

## **DOCKSIDE MONITORING AND REPORTING REQUIREMENTS**

### **Hails and Confirmations**

#### *Trip-Start Hail*

For the purpose of estimating cost burden, it was assumed that all entities would make the trip-start hail via VMS. The hail email must include the vessel permit number (6 characters), Trip ID number (14 characters), anticipated arrival time (12 characters), and anticipated offload time (12 characters), and intended port/harbor and state of offload (12 characters), with fields separated by commas (5 characters), for a total of 61 characters per email. The most expensive VMS provider currently charges \$0.004 per character plus \$0.5 per email transmission, for a cost of \$0.744 per hail. **Assuming that all trips will be taken by sector vessels (25,000 trips) results in a total cost to the public of \$18,600** (\$0.744/hail x 25,000 hails). For hails via phone, there will be no cost to the public, beyond the costs associated with regular phone service.

#### *Trip-Start Hail Confirmation*

For hails via phone, there will be no cost to the providers, beyond the costs associated with regular phone service. However, for hails via VMS, dockside monitoring providers are required to send an email to the vessel operator confirming the receipt of the trip-start hail, at a cost to the vessel operator. The cost of this transmission would be attributed to the vessel operators to which the hails are sent. It is estimated that this transmission would include confirmation of receipt of the trip start hail and could contain up to 20 characters, at a cost of \$0.004 per character plus \$0.50 per email for transmission costs, for a total of \$0.58 per transmission. Providers would respond to one hail per trip for 25,000 trips per year (assuming all trips are

taken by sector vessels), which would result in a **total cost burden for vessel operators of \$14,500** (\$0.58/hail x 25,000 hails).

#### *Trip-End Hail*

For the purpose of estimating cost burden, it was assumed that all entities would make the trip-end hail via VMS, as opposed to by radio or phone, at a cost of \$0.9 per hail. The hail email must include the vessel permit number (6 characters), Trip ID number (14 characters), the first dock or dealer the vessel will be landing at (10 characters), the first port or harbor of landing (10 characters), the first state of landing (2 characters), the second port or harbor of landing (10 characters), the second state of landing (2 characters), arrival time (12 characters), offload time (12 characters), and the total weight of groundfish on board (6 characters), the total weight of non-groundfish on board (6 characters), with fields separated by commas (10 characters), for a total of 100 characters per email. The most expensive VMS provider currently charges \$0.004 per character plus \$0.5 per email transmission, for a total cost per hail of \$0.9. Assuming 27,500 items, at one hail per trip (including 2,500 correction hails), **the total cost to the public of fulfilling this requirement would be \$24,750** (\$0.9/hail x 27,500 hails).

#### *Trip-End Hail Confirmation*

It was assumed that responses to trip-end hails by providers would be via VMS, which would have an associated cost to the provider or vessel operator. The trip-end hail confirmation email would include confirmation of the receipt of the trip-end hail and notifying the vessel operator as to whether their vessel has been selected for a dockside or roving monitor or has been issued a waiver. It was estimated that this email would contain up to 50 characters, at a cost of \$0.004 per character, Or \$0.20 and 0.50 per email for transmission costs, totaling \$0.70 per email. **It is estimated that the providers would respond to one hail per trip for a maximum of 27,500 items per year (including 2,500 correction hails), which would result in a total cost burden for all vessel operators of \$19,250** (\$0.70/hail x 27,500 hails).

#### *Forwarding of Hails to NMFS*

There will be no recordkeeping/reporting costs to the respondents for this information collection requirement.

#### *Notification of Monitor Emergency*

There will be no recordkeeping/reporting costs to the respondents for this information collection requirement.

### **Database and Data Entry Requirements**

Each provider will be required to maintain a database of all dockside monitor reports, deployments, and associated information. The cost of the database (for a PC with Microsoft Excel which may be more sophisticated than a sector office already owns) is \$1,500, annualized to \$500, X 5 providers, **totaling \$2,500 per year.**

## **Dockside Monitoring Provider Reporting Requirements**

As outlined above, dockside monitoring providers must submit a number of reports, if requested. These reports include: reports of monitor deployments, reports including catch/discard data, reports of harassment, copies of contracts, copies of additional materials, and ensuring that monitors remain available for debriefing for two weeks following a monitored trip. With copying (\$0.10 per page) and mailing (\$0.44 per stamp), or \$0.54 per report, **costs for the 15,565 reports would total \$8,405.**

**For the OLE debrief, there are no costs to the respondents.**

## **AT-SEA MONITORING AND REPORTING REQUIREMENTS**

### **Hails and Notification**

#### *Pre-Trip Notification*

It is assumed that the pre-trip notification by sector vessels to the at-sea monitoring providers would be done by phone. Therefore, the cost of making this phone call is expected to be included in the costs of each individual vessel operator's phone service and result in no additional cost burden to the public.

#### *Vessel Notification of Selection for Coverage*

It is assumed that the notification by the provider to vessels of their selection for at-sea monitoring would be done by phone. Therefore, the cost of making this phone call is expected to be included in the costs of each individual provider's phone service and result in no additional cost burden to the public.

### **Database and Data Entry Requirements**

#### *At-Sea Monitoring Provider Database*

Each at-sea monitoring provider will be required to maintain a database of all at-sea monitor reports, deployments, and associated information. The cost burden associated with this requirement was determined to be the cost of the database itself, which could consist of a personal computer (PC) equipped with Microsoft Excel at an annualized cost of \$500. NEFOP will be providing the at-sea monitoring data to the providers and sectors in an electronic form that can be uploaded to the provider or sector databases at little to no cost. There is not anticipated to be any additional costs to providers for data input. Therefore, the total cost to the public of complying with this requirement is estimated to be \$500 annually, **totaling \$2,500 per year for five providers.**

#### *NMFS Data Processing*

NEFOP staff will receive data directly from at-sea monitors via an electronic method that is not anticipated to have a cost burden associated with it for the public. NEFOP will process this data in accordance with NEFOP procedures, before making it available to the public. This requirement will be fulfilled by the Federal government and, therefore, there is no expected cost burden for the public associated with this requirement.

## **At-Sea Monitoring Provider Reporting Requirements**

As outlined above, at-sea monitoring providers must submit a number of reports, if requested. These reports include: reports of monitor deployments, reports including catch/discard data, reports of harassment, copies of contracts, copies of additional materials, and ensuring that monitors remain available for debriefing for two weeks following a monitored trip. With copying (\$0.10 per page) and mailing (\$0.44 per stamp), or \$0.54 per report, **costs for the 15,565 reports would total \$8,405.**

**For the OLE debrief included under these requirements, there are no costs to the respondents.**

## **NORTHEAST FISHERY OBSERVER TRIP NOTIFICATION**

No additional cost to the public is expected to be incurred by the public due to this requirement, as telephone service is considered a routine business expense.

## **DEALER REQUIREMENTS**

Changes to the dealer reporting provisions would require dealers to provide weigh-out slips or reports to dockside/roving monitors. It is anticipated that 12,500 reports would be copied to meet this requirement. Assuming the report is a one page summary, it is **anticipated to cost \$1,250** (12,500 reports X \$0.10/page) to meet this requirement.

Start-up costs for 147 VMS monitors, annualized to 156,800 plus 29 computers (5 at-sea and 5 dockside monitoring providers and 19 sector offices), annualized to \$14,500 total **\$171,300**. Reporting/recordkeeping costs are **\$3,306,678**. **Total costs to the public are \$3,477,978.**

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

A full summary of the burden estimate involved in this collection of information can be found in Table 1.

## **SECTOR OPERATIONS**

### **Operations Plans and NEPA Analysis**

Sector documents submitted to NMFS under the provisions outlined in Amendment 16 would require extensive review to ensure that the operations plan and associated NEPA document meet the objectives of the FMP without jeopardizing the rebuilding plans of groundfish stocks. Based upon the time to review these documents submitted under Amendment 13 requirements, and taking into account the expansion of requirements under Amendment 16, it is anticipated to require 120 hours to review each sector's submission. Using a wage rate of \$30/hour (ZP<sup>1</sup>-02 and ZP-03 levels), results in an annualized cost to the government of \$68,400 (120 hours X 19 sector X \$30/hour).

---

<sup>1</sup> Federal series for biological/engineering career path

## **Monitoring and Reporting Service Provider Application**

Since monitoring provider documents are proposed to be submitted along with the sector's operations plan and NEPA analysis, it is expected that the cost of reviewing these documents would already be covered under the review of the operations plan.

## **Response to Denial**

Based on a similar program approved under OMB Control No. 0648-0546, it is estimated to take the government approximately 1 hour to review each submission, totaling 3 hours. At a pay rate of \$35/hour (ZP-03 level), it would cost \$105 to review these additional materials.

## **Monitoring System for Discards**

The sector database requirement will be fulfilled by individual sectors and, therefore, this requirement is expected to have no cost burden for the Federal government.

## **Sector Manager Weekly Catch Reports**

Since NMFS will use the weekly report to ensure that the data being used by the sector is consistent with the data submitted directly to NMFS, staff will be required to review the weekly reports. It is anticipated to require approximately 2 hours to review each submission, and reconcile data. At the ZP-03 level (\$35/hour) the review of 988 reports is anticipated to cost \$69,160.

## **Annual Reports**

In addition, each approved sector would be required to submit an annual report summarizing the sector's activities and harvest levels for the fishing year. Based upon the estimate included in Amendment 13 for the review of an annual report, and factoring in additional requirements, it is estimated to require approximately 4 hours to review and evaluate the performance of the sector. This review would cost the government \$140 per submission (ZP-03 level at \$35/hour), resulting in a potential cost of \$2,660 (\$140/submission X 19 submissions).

## **Notification of Ejection from a Sector**

Upon receipt of notification that a vessel has been ejected from a sector, NMFS would be required to process this information internally, including notifying multiple divisions of this action, likely through electronic means. It is therefore anticipated that it would require approximately 30 minutes to notify the appropriate parties and add the proper information into the appropriate databases. Therefore, it is estimated to cost the government approximately \$11,115 (741 responses X 0.5 hours X \$30/hour) annually.

## **ANNUAL CATCH ENTITLEMENT (ACE) TRANSFERS**

Costs associated with the transfer program reflect a cost of \$15/hour to the government at the ZP-02 level. The cost to the government for the ACE transfer program requires 10 minutes per request. This results in an annualized cost of \$750 to the government (300 applications X 10

minutes/response X \$15/hour) to review and process an ACE transfer. In addition, the government would incur the costs associated with distributing receipts to both participants. It is estimated that one toner cartridge would be necessary to print these receipts at approximately \$40. These receipts are mailed to each participant at a cost of \$264 (600 stamps X \$0.44/stamp). This results in an additional cost of \$1,014 to the government for the management of the ACE transfer program.

## **VMS REQUIREMENTS**

Based on estimates used in the renewal of OMB Control No. 0648-0202, there is a \$25 per hour wage and overhead cost to the Government associated with the call-ins to verify proof of VMS installation and processing of the VMS Certification Form. Assuming 147 vessels purchase new VMS units, the total annualized cost to the government for receiving verification calls and processing certification forms is estimated at \$306 (147 vessels X 15 minutes/verification X \$25/hour/3 years). There is no cost to the Federal government associated with automated VMS polling of vessel position.

## **AREA AND DAS DECLARATION**

The only cost incurred by the Federal government from this requirement is associated with software used to process the transmissions. These software costs are included in the general costs of operating and administering the VMS program, which are estimated at \$352,293 annually. This requirement will not add any additional burden to the Federal government.

## **BROAD STOCK AREA REQUIREMENTS**

The VMS catch reports from vessels fishing in multiple broad reporting areas will be transmitted to NMFS via VMS. The costs associated with the transmission of this message will be borne by the individual vessels. The only cost incurred by the Federal government from this requirement is associated with software used to process the transmissions. These software costs are included in the general costs of operating and administering the VMS program, which are estimated at \$352,293 annually. This requirement will not add any additional burden to the Federal government.

## **CATCH REPORTING REQUIREMENTS**

The VMS catch reports from vessels fishing in SAPs will be transmitted to NMFS via VMS. The costs associated with the transmission of this message will be borne by the individual vessels. The only cost incurred by the Federal government from this requirement is associated with software used to process the transmissions. These software costs are included in the general costs of operating and administering the VMS program, which are estimated at \$352,293 annually. This requirement will not add any additional burden to the Federal government.

## RESTRICTED GEAR AREAS

### **GRA Letter of Authorization**

The cost burden associated with issuing LOAs for exemption programs authorized for permit holders is estimated to be \$25/hour to the Federal government. Therefore, administering this exemption program would cost \$1,025 annually (41 hours x \$25/hour). In addition, the government would incur costs associated with mailing the LOA to the requesting party. An additional cost of \$215.60 (490 responses x \$0.44/stamp) would be associated with this program. Therefore, the total cost to the Federal government is estimated at \$1,240.60 (\$1,241).

### **RGA VMS Declaration**

The only cost incurred by the Federal government from this requirement is associated with software used to process the transmissions. These software costs are included in the general costs of operating and administering the VMS program, which are estimated at \$352,293 annually. This requirement will not add any additional burden to the Federal government.

## DOCKSIDE MONITORING AND REPORTING REQUIREMENTS

### **Hails and Confirmations**

#### *Trip-Start Hail*

Individual vessels will hail to dockside monitoring providers before the start of a trip via telephone or an email via VMS. The cost of this transmission will be borne by the individual vessels making the hails and, therefore, this requirement is not expected to add an additional cost burden for the Federal government.

#### *Trip-Start Hail Confirmation*

This hail confirmation will be by phone or email via VMS from the dockside monitoring providers to individual vessels in response to the trip-start hail. The cost of this hail will be borne by the vessels receiving the transmissions and, therefore, this requirement is expected to have no cost burden for the Federal government.

#### *Trip-End Hail*

Individual vessels will hail to dockside monitoring providers at the end of a trip by email via VMS. The cost of this transmission will be borne by the individual vessels making the hails and, therefore, this requirement is expected to have no cost burden for the Federal government.

#### *Trip-End Hail Confirmation*

This requirement consists of a VMS transmission from the dockside monitoring providers to individual vessels. The cost of this transmission will be borne by the vessels receiving the transmissions and, therefore, this requirement is expected to have no cost burden for the Federal government.

#### *Forwarding of Hails to NMFS*

This requirement applies to individual sectors and monitoring providers. The cost of forwarding hails will be borne by the individual sectors, by forwarding the hails themselves or as part of the



contract with their monitoring providers. Therefore, this requirement is expected to have no cost burden for the Federal government.

#### *Notification of Monitor Emergency*

Cost burden to the Federal government associated with this requirement was estimated as the cost of having staff take the five minute phone calls from providers for an estimated 25% of trips. The cost of phone service was not factored into this estimation, because it was assumed it would be covered under NMFS' regular phone service costs. A wage rate of \$25 per hour and a total hour burden of 521 hours [(5 min/call x 6,250 calls)/60 min] results in a total estimated cost burden to the Federal government of \$13,021 (\$25/hour x 521 hours).

### **Database and Data Entry Requirements**

#### *Dockside Monitoring Provider Database*

This requirement is for providers providing dockside monitoring services to maintain a database of dockside monitor reports, deployments, and other data. The cost of complying with this requirement will be borne by the dockside monitoring providers and, therefore, this requirement is expected to have no cost burden for the Federal government.

### **Dockside Monitoring Provider Reporting Requirements**

As outlined above, dockside monitoring providers must submit a number of reports, if requested. These reports include: reports of monitor deployments, reports including catch/discard data, reports of harassment, copies of contracts, copies of additional materials, and ensuring that monitors remain available for debriefing for two weeks following a monitored trip. Including the cost of reviewing (17,108 hours) these documents and conducting a debrief (at \$35 per hour), these requirements are anticipated to cost \$721,361.

## **AT-SEA MONITORING AND REPORTING REQUIREMENTS**

### **Hails and Notifications**

#### *Pre-Trip Notification*

Individual vessels will notify the at-sea monitoring providers of their intent to take a trip by phone. The cost of this phone call would be covered by the individual vessels making the notification and, therefore, this requirement is expected to have no cost burden for the Federal government.

#### *Vessel Notification of Selection for Coverage*

This requirement consists of a phone call from an at-sea monitoring provider to an individual vessel, upon receipt of the pre-trip notification, notifying the vessel that it has been selected for at-sea monitoring coverage. The cost of this notification will be borne by the at-sea monitoring provider and, therefore, this requirement is expected to have no cost burden for the Federal government.

## **Database and Data Entry Requirements**

### *At-Sea Monitoring Provider Database*

This requirement is for providers providing at-sea monitoring services to maintain a database of at-sea monitor reports, deployments, and other data. The cost of complying with this requirement will be borne by the at-sea monitoring providers and, therefore, this requirement is expected to have no cost burden for the Federal government.

### *NMFS Data Processing<sup>2</sup>*

NEFOP staff will receive data directly from at-sea monitors via an electronic method that is not expected to change the cost burden associated with the administration and operation of NEFOP. However, NEFOP will process this data in accordance with NEFOP procedures, before making it available to the public. Assuming a 30% coverage rate and that all groundfish trips are made by sector vessels, NEFOP will process data from 7,500 monitor reports annually. An estimate of 30 minutes to process each report at a pay rate of \$35 per hour is consistent with estimates of burden from previous observer program approved under OMB 0648-0546). Thus, the total cost to the government will be \$131,250.00 [(0.5 hours/report x 7,500 reports) x \$35/hour].

## **At-Sea Monitoring Provider Reporting Requirements**

As outlined above, at-sea monitoring providers must submit a number of reports, if requested. These reports include: reports of monitor deployments, reports including catch/discard data, reports of harassment, copies of contracts, copies of additional materials, and ensuring that monitors remain available for debriefing for two weeks following a monitored trip. Including the cost of review (17,108 hours) these documents and conducting a debrief (at \$35 per hour), these requirements are anticipated to cost \$721,361.

## **NORTHEAST FISHERY OBSERVER TRIP NOTIFICATION**

The cost calculations for observer deployment are based on \$25 per hour wage and overhead value for the Government. There are an estimated 25,000 fishing trips per year that would be notifying NEFOP of a scheduled trip. Each response to an observer coverage request is expected to take 2 minutes to complete, thus the annualized cost to the Government is \$22,075.

## **DEALER REQUIREMENTS**

The Federal government will not incur any additional costs based on this requirement.

**Total government costs would be \$1,763,069.**

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

This is a new program. Unduplicated burden associated with OMB Control Nos. 0648-0202, 0648-0212, 0648-0229 and 0648-0593 will be merged with these collections when time allows.

---

<sup>2</sup> There was no similar item under Dockside Monitoring; NMFS is not responsible for the Dockside monitoring database. At sea monitoring data is processed by the government (NEFOP) in accordance with NEFOP standards. Dockside Monitoring Data is not.

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

Results from this collection may be used in scientific, management, technical, or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable.

**18. Explain each exception to the certification statement.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

	# of Entities	Items per Entity	Total # of Items	Response Time (hours)	Total Burden	Public	Govt.
<b>Sector Operations</b>							
Operations Plan and NEPA Analysis	19	1	19	640	12160	2850950	68400
Monitoring and Reporting Service Providers Applicator	5	1	5	10	50	20	0
Response to Denial	3	1	3	10	30	3	105
Monitoring System for Discards (database) Annualized 30% coverage	19	1,974	37,500	0.05	1875	9500	0
Sector manager weekly catch reports	19	52	988	4	3952	0	69160
Annual Reports	19	1	19	12	228	76	2660
Notification of Ejection from Sector	741	1	741	0.5	371	400	11115
<b>Transfer of ACE</b>	300	2	600	0.083	50	324	1014
<b>VMS Installation</b>							
Cost of VMS Unit (\$3,200 per unit, annualized)	147	1				156849	0
<b>Proof of VMS Installation</b>							
VMS Certification Form	147	1	49	0.167	8	22	204
Call-in for unit confirmation	147	1	49	0.083	4	0	102
<b>VMS Operation</b>							
Multispecies	147					264600	0
<b>Automated VMS polling of vessel position</b>							
Automated VMS polling (365*24)	147	8,760				63720	0
<b>Area and DAS Declaration (time burden and message cost)</b>							
Groundfish vessels fishing under any NE Multispecies DAS	1,144	22	25,000	0.083	2083	12500	0
<b>Broad Stock Area Requirements</b>							
VMS trip catch reports	134	19	2,500	0.25	625	1970	0
<b>Catch Reporting Requirements</b>							
US/Canada Area and CA II SAPs	400	35	14,000	0.25	3500	11032	0
Closed Area 1 SAP	142	15	2,130	0.25	533	1678	0
Regular B Program	997	5	4,985	0.25	1246	3929	0
<b>Restricted Gear Areas</b>							
RGA LOA	490	1	490	0.083	41	0	1241
RGA VMS Declaration	490	1	490	0.083	40	245	0
<b>Dockside Monitoring and Reporting Requirements</b>							
Trip start hail (vessel)	1,482	17	25,000	0.03	833	18600	0
Trip start hail confirmation (vessel)	1,482	0		n/a	0	14500	0
Trip-end hail (vessel)	1,482	19	27,500	0.25	6875	24750	0
Trip-end hail confirmation (observer provider)	1,482	19	27,500	0.03	833	19250	0
Forward Hails to NMFS	19	2,763	52,500	0.03	1750	0	0
Notification to vessel/sector/NMFS of monitor emergency	5	3,750	18,750	0.083	2605	0	13021
Database and Data Entry Requirements	5	3,300	16,500	0.05	825	2500	0
Reporting Requirements (costs for all items below)						8405	721361
Report of Monitor Deployments	5	1680	8,400	0.167	1403		
Relay Catch/Discard Data to NMFS	5	1680	8,400	0.083	697		
Reports of Harassment, Discrimination, Safety Concern, Injury, etc	5	1000	5000	0.5	2500		
Copy of Each Signed and valid Contract between Provider and Entities Requiring Monitoring	5	1	5	0.5	3		
Copy of Additional Service Provider Documents	5	1	10	0.5	5		
OLE Debrief of Monitor (govt. costs included in reporting requirements above)	5	1250	6250	2	12500	0	
<b>At-Sea Monitoring and Reporting Requirements</b>							
Pre-trip notification	700	36	25,000	0.08	2000	0	
Vessel notification of selection for coverage	5	1,500	7,500	0.08	625	0	
NMFS ASM Database and Data Entry	1	0	0	0.50	0	0	131250
ASM Vendor Database Requirements	5	0	0	0.00	0	2500	0
Reporting Requirements ( public and government costs for all items below)						8405	721361
Report of Monitor Deployments	5	1680	8,400	0.167	1403		
Relay Catch/Discard Data to NMFS	5	1680	8,400	0.083	697		
Reports of Harassment, Discrimination, Safety Concern, Injury, etc	5	1000	5000	0.5	2500		
Copy of Each Signed and valid Contract between Provider and Entities Requiring Monitoring	5	1	5	0.5	3		
Copy of Additional Service Provider Documents	5	1	10	0.5	5		
OLE Debrief of Monitor (govt. costs included in reporting requirements above)	5	1250	6250	2	12500	0	
<b>Northeast Fishery Observer Program</b>							
48-hour notification for all Multispecies Vessels	1482	17	25000	0.03	833	0	22075
<b>Dealer Requirements</b>							
Provide Weigh-out Slips/Receipts to Monitoring Providers	576	22	12,500	0.03	417	1250	0
<b>Totals</b>	<b>1,482</b>		<b>383,448</b>		<b>78608</b>	<b>3477978</b>	<b>1763069</b>