

**SUPPORTING STATEMENT FOR
PACIFIC WHITING SHORESIDE FISHERY
MONITORING AND CATCH ACCOUNTING PROGRAM
OMB CONTROL NO. 0648-0563**

INTRODUCTION

This request is for renewal of this collection of information.

Since 1992, the Pacific whiting shoreside fishery has been managed under exempted fisheries permits (EFPs) as part of the Pacific Coast groundfish fishery management plan (FMP), developed under the authority of the [Magnuson Stevens Fishery Conservation and Management Act](#) (MSA), 16 USC 1801 *et seq.* EFPs are intended to be used as a short-term temporary and exploratory response to issues that potentially should be addressed by permanent regulations. At this time, the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) is proposing to create the regulatory framework for a maximized retention and monitoring program for the Pacific whiting shoreside fishery that would replace the need to issue annual EFPs for managing the fishery. This will be done through the trawl rationalization program. If approved by the Secretary of Commerce, the trawl rationalization program is scheduled to be implemented January 1, 2011. The collection of data currently approved under OMB Control No. 0648-0563 must be renewed until the trawl rationalization program is implemented.

Vessels in the Pacific whiting shoreside fishery dump unsorted catch directly into the refrigerated salt water tanks. Allowing unsorted catch to be retained allows the fishery to be prosecuted efficiently and the quality of Pacific whiting delivered to shorebased processors maintained. Pacific whiting deteriorates rapidly and must be handled quickly and immediately chilled to maintain product quality. Unsorted catch landed by Pacific whiting shoreside vessels includes species in excess of the trip limits, non-groundfish species, protected species, and prohibited species such as salmon. To maintain the integrity of the catch retention requirements, participating vessels must have an electronic monitoring system (EMS) for the verification of catch retention and will be required to land their catch at Pacific whiting shoreside first receivers that have submitted a monitoring plan and have employed the services of a catch monitor to verify the landed catch.

Since 1992, new evolutionarily significant units (a population of organisms that is considered distinct for purposes of conservation) of Pacific salmon have been listed under the [Endangered Species Act](#) (ESA). NMFS issued Biological Opinions under the ESA pertaining to the effects of fisheries under the Pacific Coast groundfish FMP on Chinook salmon on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999 (this most recent BO attached). The August 1992 Biological Opinion included an analysis of the effects of the Pacific whiting fishery on listed Chinook salmon. The analysis determined that there was a spatial/temporal overlap between the Pacific whiting fishery and the distribution of ESA listed Chinook salmon such that it could result in incidental take of ESA listed salmon. The incidental take statement authorized the take of 0.05 salmon per metric ton of Pacific whiting and identified the need for continued monitoring of the fishery to evaluate impacts on salmon. The Biological Opinion specifically emphasized the need to monitor the shoreside

fishery because fishing patterns and bycatch rates were likely to differ from those observed on the at-sea processors.

The management of Pacific coast groundfish stocks has changed significantly since the early 1990's. At this time, seven groundfish stocks are being managed under overfished species¹ rebuilding plans: bocaccio, canary rockfish, cowcod, darkblotched rockfish, Pacific Ocean Perch (POP), widow rockfish, and yelloweye rockfish. To rebuild overfished stocks as quickly as possible requires that the optimum yields (OYs) for these stocks be constrained well below historical catch levels. To allow the Pacific whiting fishery participants to have the opportunity to harvest the full Pacific whiting OY, the non-tribal commercial fisheries are managed with bycatch limits for certain overfished species. With bycatch limits, the industry has the opportunity to harvest a larger amount of Pacific whiting, if they can do so while keeping the total catch of specific overfished species within adopted bycatch limits. To date, bycatch limits have been established for darkblotched, canary and widow rockfish. Regulations provide for the closure of all the commercial (non-tribal) sectors of the Pacific whiting fishery if any one of the bycatch limits is reached. To effectively manage the whiting fishery to stay within the established bycatch limits, adequate data must be available as soon as possible after delivery.

A. JUSTIFICATION

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

The Pacific whiting shoreside fishery needs to have a catch monitoring and accounting system in place to: 1) adequately track the incidental take of Chinook salmon as required in the ESA Section 7 Biological Opinion for Chinook salmon catch in the Pacific whiting fishery; and 2) to track the catch of Pacific whiting and other groundfish species, including overfished groundfish species, such that the OYs, harvest guidelines, sector allocations and bycatch limits are not exceeded and that the fishing industry is not unnecessarily constrained.

Beginning in 2007, the Pacific whiting EFP was modified into a program that was significantly different from previous EFPs. In anticipation of Federal regulations to implement a long-term monitoring and a new catch accounting program, the whiting EFP PRA collection hours were removed from OMB Control No. 0648-0203 and a new information collection was approved on August 10, 2007 under OMB Control No. 0648-0563.

On September 5, 2007 (72 FR 50906), NMFS published a rulemaking that applied to Pacific whiting first receivers. In general, first receivers are Pacific whiting shoreside processing facilities (previously referred to as designated processors under EFPs), but may also include entities that truck Pacific whiting to other facilities. First receivers who receive, buy, or accept Pacific whiting deliveries of 4,000 lb (1.8 mt) or more from vessels using midwater trawl gear during the Pacific whiting primary season must use NMFS-approved electronic fish ticket software to send catch reports to the Pacific States Marine Fisheries Commission (PSMFC) within 24 hours of when the catch is landed. Electronic fish ticket reports are used to track the Pacific whiting catch relative to allocations, bycatch limits, and prohibited species catch.

¹ Groundfish stocks with depletion levels that fall below 25 percent of estimated un-fished biomass level are considered to be overfished species.

The collection of data currently approved under OMB collection 0648-0563 includes the following submission requirements:

- EFP Applications;
- Use of an EMS, which is a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders to create a data collection of vessel activities. The EMS is designed to independently monitor vessel fishing activities and provide accurate, timely, and verifiable data to document retention and/or discard of catch;
- Inseason and year-end catch reporting by the states who are the applicants/sponsors of the EFP activity; and
- Electronic fish tickets from Pacific whiting first receivers.

To support a federal maximized retention and monitoring program for the Pacific whiting shoreside fishery, NMFS requests that OMB Control No. 0648-0563 be renewed.

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

The following data will be collected:

EFP Application: EFPs are issued to applicants for fishing activities that would otherwise be prohibited under a FMP and/or by regulation. On a voluntary basis, applicants initiate a request for an EFP by submitting a letter to the Agency. An application for an EFP must contain all information required for an EFP application given at 50 CFR 600.745 (b)(2). A narrative description of the proposed activity is required to fully document the intended operation. The application also includes a statement of the purposes and goals of the exempted fishery, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; anticipated impacts on marine mammals or endangered species and description of any other pertinent activities. EFP applications have been required annually and are used by the NMFS Northwest Region (NWR) to assess the merits of the activity and to determine whether or not to approve or disapprove the submission. As with all EFPs in the Pacific Coast groundfish fishery, prior to submitting the application to NMFS, the applicant provides a copy to the Pacific Fishery Management Council where it is made available for public review and comment.

Participating vessels: The name, address and telephone number, date of birth of the vessel operator and/or vessel owner; vessel name and official number; Pacific Coast Groundfish limited entry permit number; and date of the application are collected from each participating vessel. This information is used to identify the permit applicant and the legal ownership of the vessel to be registered to the permit. The collection of this information is essential to comply with the regulations and for enforcement purposes. The date of birth allows enforcement to conduct an enforcement check prior to issuing the EFP. For example, violations of catch regulations may result in suspension or revocation of a permit. Since many vessels are owned by corporations, identification of the owner on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone

numbers are required so that NMFS staff can call applicants to resolve outstanding issues in a quick and efficient manner.

An authorized representative must sign the application to certify that the information provided is correct and true and that the applicant is eligible to receive a permit. The signed document provides the Agency evidence that the applicant attests to the authenticity of the application. If there are false statements or misrepresentations made by the applicant, a signed document will be important in successfully taking legal actions against the permit holder. This information is provided one time per respondent prior to the issuance of the EFP.

Electronic Monitoring Systems: EMS is a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders. The EMS is designed to independently monitor vessel fishing activities and provide accurate, timely, and verifiable data. In the Pacific whiting fishery, EMS has been used to document retention and/or discard of catch since 2004. Beginning in 2007, EFP participants will be required to pay directly to the service provider for the cost of leasing EMS equipment. Requirements for vessels to have EMS in 2007 would continue to be specified in the terms and conditions of the EFP. Vessel responsibilities specified in the EFP would continue to include: requirement to have EMS coverage to conduct EFP fishing; requirement for EMS installations; prohibition from intentionally damaging EMS equipment; responsibility for scheduling EMS equipment maintenance and data retrieval; need to conduct regular system checks; and, responsibility for scheduling EMS removal. Violations of the terms and conditions of an EFP would continue to be a violation of Federal regulations at 50 CFR 660.306 (a)(4).

EMS is used by the NWR to monitor compliance with the catch retention requirements. Because EMS would be used as a compliance monitoring tool, NWR believes it is necessary for 100% of the Pacific whiting trips to be monitored from the time the gear is set to the time the vessel returns to port and offloads the catch. EMS images are not released to the public. Summary reports based on an analysis of the images would be available by March of the following year.

Reporting: The terms and conditions of the EFP require the states who are the applicants/sponsors of the EFP activity to submit inseason data reports to the NWR during the Pacific whiting season and after the end of the fishery for the year. At the beginning of the season, a weekly inseason data report is submitted to the NWR for tracking the catch of Pacific whiting, Chinook salmon, and overfished species. If an allocation, bycatch limit or ESA threshold is being approached then the rate that the inseason data reports are sent to NWR increases from weekly to every 1-3 days. The increased rate continues until the end of the fishery. Each inseason data reports includes all fish species or inseason species group and the amounts (weight or number) that was caught. Within 6 months from the end of the season a detailed project summary report is prepared that includes fish species, and amount (weight, number, or rate), disposition (retained or discarded), and area or time of catch to monitor catch levels.

Data used to compile data reports is collected from data that is already is maintained by a vessel during its regular course of business (with the possible exception of discard data), so additional information gathered under the EFP generally is a minor supplement to information that already is maintained. Because the Pacific whiting fishery is a maximized retention fishery, EFP holders

are required to document all discard events at sea. Discarding of fish at sea should only occur on rare occasions and under specific conditions.

Electronic Fish Tickets: Pacific whiting shoreside processors will be required to have and use a NMFS-approved electronic fish ticket program (or equivalent software that meets specifications) to send catch reports within 24 from the date of landing. The electronic fish tickets are based on information currently required in state fish receiving tickets or landing receipts (hereinafter referred to as state fish tickets). The reports would be used to track catch allocations, bycatch limits, and prohibited species catch (including Chinook salmon) during the season.

An inseason catch summary of preliminary data for key species caught in the Pacific whiting shoreside fishery will be posted on the NWR web page as the fishing season progresses. This allows the industry participants to see where the fishery is at relative to the allocations, bycatch limits, and ESA Section 7 take thresholds. Post season data will be finalized by PSMFC using paper fish tickets submitted by the states.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

Exempted Fishing Permits: EMS is a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders. EMS is used to create a data collection of vessel activities. EMS has been used successfully to document retention and/or discard of catch. The EMS is designed to independently monitor vessel fishing activities and provide accurate, timely, and verifiable data. The system requires little upkeep from vessel crew as it is designed to begin recording data and images when the vessel first sets the fishing gear and cease recording when the vessel arrives in port. Many trips are recorded before a download of the data is needed.

Electronic fish tickets: The electronic fish tickets are based on information currently required by the states on paper fish receiving tickets or landing receipts (fish tickets). Processors will provide the computer hardware and software necessary to support the electronic fish ticket program. The electronic fish ticket software will be provided at cost. Data will be transmitted daily via email.

Reports: Catch reports sent during the season are data files that are transmitted via email.

4. Describe efforts to identify duplication.

Measures were taken to minimize duplication of the catch accounting requirements by providing fish ticket software that is based on the existing state systems and does not require additional data gathering. When state law allows, the electronic fish ticket can be used to print a paper copy for submission to the state. In Oregon, specified information may be submitted either on a paper fish ticket provided by the state or on a computer generated ticket provided specified data fields are included. However, in the States of California and Washington standard paper forms provided by the states must be used.

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

Some applicants are individuals or small companies and as such are considered small businesses. Given the relatively small numbers of applicants, separate requirements based on size of business have not been developed. Only the minimum data required to meet the objectives of the overall monitoring program are requested from all applicants.

- EMS coverage waiver: This waiver was specifically developed to limit the impacts on small business while meeting the monitoring needs of the program.
- Maximized retention waiver: This waiver was specifically developed to allow a small number of small business to continue operations in which the vessels sorts at sea and handles catch in a manner that increases the exvessel value of the catch while still meeting the monitoring needs of the fishery.
- Monitoring plans: To minimize the burden, only essential information needed to assure adequate catch accounting is being requested.
- Electronic fish tickets: Measures were taken to minimize the costs of the catch accounting requirements by providing: 1) fish ticket software at no cost; 2) fish ticket software that used a standard operating system and common software already owned by most businesses; 3) fish ticket software that is compatible with the existing fish ticket requirements in each of the three states; and, 4) a software that can be used to print a paper copy for submission to the state, when state law allows. Because the information is already being gathered by the processors there is no requirement that additional data be gathered.

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

Indirect biological impacts could result if catch data were inaccurate or delayed such that fishery specifications, including: bycatch limits, species allocations, OYs, and biological opinion thresholds could not be adequately monitored or the fishing stopped before one of the specifications were exceeded. If bycatch limits of the most constraining overfished species were greatly exceeded due to delayed catch reporting, the risk of exceeding rebuilding based OYs is increased. This is particularly a concern for canary rockfish which is the most constraining species to the Pacific whiting fishery and whose rebuilding trajectory is very sensitive to changes

in harvest levels. Although there are many variables that affect the time it takes a stock to rebuild, exceeding the rebuilding based OY could result in an extended rebuilding period for a overfished species. Exceeding Chinook salmon take thresholds could increase the risk to some more vulnerable ESUs.

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

Weekly inseason reports – changing to every 1-3 days when limits are close to being approached – are necessary to track catch in relation to the OYs allocation, bycatch limits, and ESA thresholds.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (75 FR 20812) published on April 21, 2010 solicited public comments on this renewal; no comments were received.

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

No payments or gifts are provided.

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

Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under [NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics](#). However, on a limited entry permit, only phone and fax numbers and email addresses are confidential. Electronic fish ticket data will be submitted to PSMFC. Efforts were made in the design of the EMS program to ensure the security of all individual vessel location data, including analysis and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. The EMS and electronic fish ticket data is considered confidential, and is stated as such on the forms. The Pacific States Marine Fisheries Commission (PSMFC) currently receives and stores fish ticket data from the states. These data are maintained on the Pacific Fisheries Information Network (PacFIN) data base.

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 being asked.

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

Table 12A. Total annual burden hours.

Exempted Fishing Permit (EFP)	No. of Respondents	Number of Annual Responses Per Entity	Total Annual Responses	Ave. Time per Response (hrs)	Total Annual Time (Hrs)
Initial Application	1	1	1	10	10
Participating vessel data	40				
Summary Report	1	1	1	10	10
Inseason Data Report	1	Variable*	20	1	20
EMS Installations	40	1	40	6	240
Daily transmissions**		--	--	--	--
Data down loads	1	1	40	4	160
Removal	1	1	40	2	80
New Total: EFP	42***	--	142	--	520
Electronic Fish Tickets	No. of Respondents	Frequency of Responses	Total Annual Responses	Ave. Time per Response	Total Time (Hrs)
Washington and California	4	Variable	400	8 minutes	53
Oregon	8	Variable	800	2 minutes	27
<i>Total s</i>	12	--	1,200	--	80
Overall Total for collection	53 (unduplicated)	--	1,342	--	600

* Generally weekly reports, but may be more frequent towards the end of the season

** No burden counted, completely passive

*** 40 unduplicated

Electronic fish tickets: Up to 16 Pacific whiting shoreside processors receive approximately 1,200 Pacific whiting primary season deliveries each year, with approximately 400 of the deliveries occurring in Washington and California and the remaining 800 occurring in Oregon. The burden on processors in Washington and California to submit electronic fish tickets is estimated to be 67 hours annually over Status Quo. For processors in the State of Oregon, the additional burden is only the time it takes to send the electronic fish ticket (2 minutes), as the state laws already requires that the information be gathered and allows the submission of a printed and signed electronic formats. For processors in the State of Oregon, it is expected to take a total of 27 hours annually to submit electronic fish tickets. For all three states, a total of 94 hours annually are estimated for preparing and submitting electronic fish tickets. All shorebased processors have an adequate personal computer, software, and internet access to support the electronic fish ticket software.

EMS: Video cameras are automatically turned on when net winches start and turn off when vessel enters port.

The annual labor costs are as follows:

EFP application preparation (10 hours@ \$17.02) = \$170.20

EFP summary report preparation (10 hours@ \$17.02) = \$170.20

EFP inseason report preparation (20 hours @ \$17.02) = \$340.40
 Electronic fish ticket preparation (94 hours @ \$17.02) = \$1,599.88

Total: \$2,280.68

[Using an estimate from the U.S. Census Bureau’s Non-employer Statistics, 2001, as a proxy for respondent annual income]

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

The annual costs associated with the burden hours for the respondents are as follows:

EMS leasing = \$6000 per vessel season * 40 vessels = \$240,000

Table 13A – Total Estimated Costs of Annual Cost Burden to Respondents	
Information Collection	Estimated Cost Amount
EMS leasing	\$240,000.00
Mailing Costs: \$2.00 x 1 (1 applications)	\$2.00
Total Costs	\$240,002.00

EMS: The cost of EMS includes the cost of system installation, system maintenance/in-season support, removal of the systems and analysis, summation and release of the data. The cost can be broken into two major components: the cost of the physical system and the cost of data analysis, summary and release. The vessel pays for the physical system and NMFS pays for summary and analysis.

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

The cost NMFS incurred through the processing and issuance of EFPs are:

40 Applications x 1 hour per permit x \$25/hr.- (GS-7 equivalent salary) = \$1,000
 10 FedEx mailings at \$ 5.50 per mailing = \$55.

The cost of data analysis is approximately \$150,000 per year. (cost to EMS provider and 1 FTE for analysis and oversight)

Total costs to the Federal government are \$151, 055.00.

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

Adjustment: There is a decrease of 13 hours, due to a correction in calculation of the Washington and California fish ticket burden hours.

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

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council.

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

No statistical methods are employed.