

**SUPPORTING STATEMENT  
AN OBSERVER PROGRAM FOR VESSELS IN THE  
PACIFIC COAST GROUND FISH FISHERY  
OMB CONTROL NO. 0648-0500**

**INTRODUCTION**

This request is an extension of this information collection.

The United States (U.S.) groundfish fisheries off the Washington, Oregon, and California (WOC) coasts are managed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as amended in 2006, and the Pacific Coast Groundfish Fishery Management Plan (FMP).

The [Magnuson-Stevens Act](#) at 16 U.S.C. 1853(b)(8) provides that an FMP may require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the FMP, for the purpose of collecting data necessary for the conservation and management of the fishery. The Pacific Coast Groundfish FMP provides that all operating in the groundfish fishery may be required to accommodate on-board observers for purposes of collecting scientific data. The Pacific Coast Groundfish fleet is composed of both shorebased (deliver catch to shoreside processors) and off-shore components (process at-sea).

The shore-based West Coast groundfish fishery is very diverse. Fishers use trawl and a variety of hook and line gear including longline, pots, stick/pipe/cable gear, troll, and rod and reel to target deep water and nearshore groundfish species. Some of the commonly targeted species include Dover sole, Shortspine and Longspine thornyheads, sablefish, Pacific hake, rockfish species, and other flatfish species. The vessels range in size from less than 18 feet to over 90 feet in length.

The range of vessel sizes results in differing fishing strategies. Trawlers often fish for three to five days per trip and fish in a variety of depths, from nearshore (50 fathoms or less) to deep water (200 fathoms or more). Trawlers catch between 1000lbs and 10,000lbs on a single haul, and average six hauls per trip. In comparison, the small hook and line vessels take single day trips on fair weather days only and fish primarily nearshore. These small hook and line vessels generally land less than 300lbs per day trip.

The West Coast at-sea Pacific hake fishery is a mid-water trawl fishery that is composed of large catcher-processor and mothership vessels. The catcher-processors harvest and process catch while the motherships rely on smaller catcher vessels to deliver unsorted catch for processing. These large processing vessels primarily operate in the Alaskan pollock (*Theragra chalcogramma*) fisheries, but move south to the WOC to fish for hake between pollock seasons. While they participate in the pollock fishery, they are subject to 50 CFR Part 679, which specifies requirements related to observer services for the North Pacific (Alaskan) Groundfish fisheries.

The regulations implementing observer programs for the groundfish and at-sea hake observer programs can be found at [50 CFR 660](#).

## Observer Coverage

West Coast shore-based vessels have been required to carry one trained observer when selected for coverage since 2001 while the at-sea hake fleet has been voluntarily carrying at least one observer since 1991. The National Marine Fisheries Service (NMFS) trains the observers to provide data for estimating total landed catch and discards; monitoring the attainment of annual groundfish allocations; estimating catch rates of prohibited species; and assessing stock conditions. NMFS and other management and scientific bodies have come to depend on data from observers to provide information critical to conservation and management of the marine resources. In 2003, NMFS mandated observer for the at-sea hake fleet. The rule requires at-sea processing vessels greater than 125 ft. (38.1 m) in length to carry two NMFS-certified observers while participating in the groundfish fishery. Vessels less than 125 ft. (38.1 m) in length are required to carry one observer.

In 2011, NMFS mandated observer requirements for the groundfish trawl catch shares program in RIN 0648-AY68. For all fishery sectors, observers must be obtained through third-party observer provider companies operating under permits issued by the NMFS Alaska Region. The rule also specifies that certification and decertification requirements for observers be administered by the Northwest Region of NMFS in Seattle, Washington, which defines the responsibilities of observers and processing vessels.

### **A. JUSTIFICATION**

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

Data collected by observers are used by NMFS to estimate total landed catch and discards, monitor the attainment of annual groundfish allocations, estimate catch rates of prohibited species, and as a component in stock assessments. These data are necessary to comply with the Magnuson-Stevens Act requirements to prevent overfishing. In addition, observer data is used to assess fishing-related mortality of protected and endangered species.

Information submitted by observer provider companies (transcripts, training, briefing and debriefing registration, notification of physical examination, projected observer assignments, observer weekly deployment/logistics reports, observer debriefing registration disclosure statement, and reports of observer harassment, observer safety concerns, or observer performance problems) is used to efficiently and effectively deploy well-qualified and trained fisheries observers.

#### **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.**

Information submitted by the observer providers will be used as follows:

**Observer Provider Change In Ownership.** The five observer providers will need to submit their company name, contact name, phone number, email address, physical address, and an emergency contact number that can be reached 24 hour/day to the observer program. This will facilitate communication between the providers and the program. In addition, if the providers

were to change ownership or any of the above information, they would need to resubmit that information.

**Training/Briefing/Debriefing Registration.** Prior to the beginning of a scheduled observer certification training session observer providers send the following information: date of requested training; a list of observer candidates that includes each candidate's full name (i.e., first, middle and last names), date of birth, gender, and length of contract (when appropriate); a copy of each candidate's academic transcripts and resume; and a statement signed by the observer candidate under penalty of perjury which discloses the candidate's criminal convictions. The requested information ensures that sufficient class space will be reserved for the candidates during the training session requested and that each potential, new observer meets the observer educational qualification standards. In addition, physical examinations are necessary because working aboard vessels or in processors is a dangerous occupation. An individual must be physically fit with no safety-endangering conditions. Notification of the physical examination allows NMFS to verify that all observers meet standards in the program.

**Projected Observer Assignments.** This information is used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) in the training or briefing class. The instructor also uses it when giving "special project" assignments to students. This information must be submitted to the Observer Program Office prior to the completion of the training or briefing session and includes the following: the observer's name, vessel, port of embarkation or home port.

**Observer Contracts.** If requested, the observer provider must submit their contracts with observers or vessels to the observer program. We expect this to be an infrequent request and only necessary if a concern over observer treatment, bias, or other issues that affect observers or observer data arises.

**Weekly Summary Report.** An observer contractor must provide NMFS with a weekly deployment/logistics report during the period of time that an observer is deployed. Depending on the fishery the observer is collecting from, the deployment/logistics report may include: the observer's name, cruise number, current vessel (when applicable), home port and whether the observer is "in-service". This information is used for routine record keeping. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also important should emergencies arise while an observer is deployed at sea.

**Reports of Boarding Refusals, Observer Harassment, Observer Safety Concerns, or Observer Performance Problems.** Review of these reports provides NMFS with an effective tool to monitor and enforce standards observer conduct and to identify problems on vessels that may compromise the observer's health and well-being. Reports on the following topics must be submitted to the Observer Program by the observer provider within 24 hours after the observer provider becomes aware of the problem: 1) observer harassment, 2) any prohibited action against observers concerns about vessel or processor safety, 3) any illness or injury that prevents the observer from completing his/her duties, 4) any information, allegations or reports regarding observer conflict of interest or breach of the observer standards of behavior.

The information collected, from observer providers (transcripts, training and debriefing registration, notification of physical examination, projected observer assignments, observer

weekly deployment/logistics reports, observer debriefing registration disclosure statement, and reports of observer harassment, observer safety concerns, or observer performance problems) and the information collected from observers (evidence and to argue in opposition to a suspension or decertification notice) will not be disseminated to the public or used to support publicly disseminated information.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. 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.**

The periodic reports and information submitted by observer providers consist of extractions of the required data from their existing database systems into a report form that is then submitted by e-mail to NMFS.

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

Information collections provided voluntarily by observer providers are similar to collections required by regulation in the federal groundfish fishery off Alaska. The collection of information for observers in the Alaska fisheries has been approved under Office of Management and Budget (OMB) Control No. 0648-0318.

The at-sea hake observer program is administered by the Northwest fishery Science Center in cooperation with Alaska fishery Science Center's North Pacific Groundfish Observer Program. Because the observer providers that supply observers for the hake fishery are permitted to provide observers for the Alaska groundfish fishery, the information collections are provided in the same manner as is done for observers deployed in Alaska. If an individual observer has been deployed in the Alaska groundfish fishery prior to the hake fishery, information such as the notification of the observer's physical examination, and portions of the training/briefing registration materials are already available to NMFS and do not need to be resubmitted for the hake fishery.

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

The application procedures and reporting requirements for observer providers do not have a significant impact on small entities.

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

The information is required for the efficient operation of an observer program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the observer program and the effective management of the west coast groundfish fishery. NMFS believes that data quality will be maintained by creating a regulatory structure for managing observer and observer provider performance.

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

No special circumstances exist that would require information collection to be conducted in a manner inconsistent with OMB Guidelines except for the weekly reports which are needed more frequently for effective management of the program.

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

A Federal Register Notice published on August 23, 2010 (75 FR 51752). 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 to respondents are provided under this collection.

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

Because the information collected is from commercial operations, under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.), all data submitted are treated in accordance with [NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics](#). The information collected under this regulatory package is managed by NMFS on a computer network in accordance with relevant IT security policies and regulations such as the standards set out in [Appendix III, A Security of Automated Information Resources, to OMB Circular A-130](#); the [Computer Security Act](#); and the [Government Information Security Reform Act](#). These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This collection of information does not include any sensitive information.

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

See Table 1 for details. Respondents total 5, responses total 845, and hours total 135. Total labor costs, estimated at \$30 per hour, are \$4,050.

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

There are no reporting/recordkeeping costs.

*Table 1. Burden and Labor Cost*

Type Of Response	Respondents	Responses Per Respondent	Total Responses	Time Per Response	Total Hours Per Response	Total Labor Cost
Observer Provider Change in Ownership	5 observer providers	1	5	20 minutes	2	\$60
Training/Briefing/Debriefing Registration	5 observer providers	40	200	7 minutes	23	\$690
Projected Observer Assignments	5 observer providers	50	250	5 minutes	21	\$630
Observer Contracts	5 observer providers	10	50	5 minutes	4	\$120
Weekly deployment/logistics report	5 observer providers	52	260	15 minutes	65	\$1,950
Reports on boarding refusals, observer harassment, safety, or performance concerns	5 observer providers	16	80	15 minutes	20	\$600
<b>TOTALS</b>	<b>5</b>		<b>845</b>		<b>135</b>	<b>\$4,050</b>

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

The observer provider change in ownership information is estimated to take 10 minutes to process. The total annual burden estimate is expected to be one (1) hour.

The training, briefing and debriefing registration information, including the notice of physical examinations, is estimated to take about 20 minutes per response to process and enter into the NMFS database. With 200 responses per year this is estimated to be about 67 hours annually.

The projected observer assignments reports are expected to take 10 minutes per response to process, for a total annual burden of 42 hours.

The observer contracts information is expected to take 20 minutes per response for a total annual burden estimate of 17 hours.

The weekly deployment/logistics reports are expected to take about 15 minutes per response to process and enter into the NMFS database. The total annual burden is expected to be 65 hours.

The review of and response to reports of observer harassment, safety or performance concerns is estimated at 2 hour per report. With an estimate of 80 reports per year this is expected to be an annual burden of 160 hours.

The total annual burden on the government for review and processing information from observer providers is 285 hours. At \$24 per hour this would be an annual cost of \$6,840.

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

**Program Changes**

On January 1, 2011, a portion of the west coast industry will transition to catch shares management. Under this new management structure, the model used to hire and pay for observers has changed. Historically, the Limited Entry trawl fishery was observed through a cooperative agreement with Pacific States Marine Fisheries Commission (PSMFC). Under this agreement, PSMFC wrote a Request for Proposal and observer providers bid on the proposal. Only one observer provider was selected to employ all observers for the program. Under trawl catch shares, up to five observer providers can employ observers. In addition, NMFS has handled logistics for the Limited Entry trawl observers but under trawl catch shares, the observer providers will be handling all observer logistics. Due to these changes, the observer program must obtain information from the multiple providers on who they're hiring (so we can register them for training), what the observers are doing (so we know which vessels are covered) and how to contact the providers. These additional reporting requirements from the observer providers to the NMFS will ensure effective program management.

In the 2007 supporting statement, the weekly deployment/logistics reports were required only for the At-Sea Hake fishery, which is seasonal and has a consistent number of vessels and observers. The burden estimate of 90 responses was computed by estimating the number of observers it would require for the entire year (30) and the estimated assignment length of each contract (three weeks). In 2011, these reports will also be required for the trawl catch shares fishery. We estimate that this adds 170 responses.

**Adjustments:**

The details of observer physicals and physical appointments do not need to be reported to NMFS. They had previously been included in error. Also, debriefing is now included in the registration and briefing IC. NOTE: removal of these three ICs registers as a program change, because there is not an option to label a removal as an adjustment.

Reporting/recordkeeping costs are removed, due to e-mailing of virtually all responses.

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

No plans exist for publishing the information collected.

**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.