

**SUPPORTING STATEMENT  
NORTHEAST REGION ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN  
DATA COLLECTION  
OMB CONTROL NO. 0648-0491**

**INTRODUCTION:**

This Paperwork Reduction Act (PRA) submission requests Office of Management and Budget (OMB) approval of revisions and renewal of the information collection requirements contained pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491.

**A. JUSTIFICATION**

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States (U.S.). The majority of this responsibility has been delegated to the Councils and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS).

The collection requirements under OMB Control No. 0648-0491 were renewed and revised in 2008 to include new reporting requirements under Amendment 11 to the FMP (73 FR 20090, April 14, 2008). Amendment 11 implemented new limited access general category (LAGC) permits requiring an application to be submitted. Amendment 11 also allowed vessels to appeal denials of permits, which also added to the collection budget under OMB Control No. 0648-0491. The collection requirements pertaining to these provisions are eliminated from OMB Control No. 0648-0491 because the initial application and appeal requirements are no longer in place.

This collection is also revised to include an adjustment through the reinstatement of a reporting requirement that was inadvertently removed from the OMB Control No. 0648-0491 reporting requirements during a previous renewal. This measure, requiring vessels to report daily scallop and yellowtail flounder catch while fishing in specified scallop access areas, has been part of the FMP since 1999. This revision of OMB Control No. 0648-0491 incorporates a collection burden adjustment and reinstates that reporting requirement.

In addition, the state waters exemption program enrollment covered under OMB Control No. 0648-0202 and is no longer included in this information collection.

To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

Vessel monitoring system (VMS) requirements:

- Trip declaration, including powerdown provisions
  - Trip termination and compensation trip identification
  - VMS purchase and installation
  - VMS daily catch reports
  - VMS pre-land reports
  - VMS polling frequency
1. Access area broken trip notification requirements
  2. Access area trip exchange application procedures
  3. Permit Provisions for LAGC vessels
  4. IFQ Transfers
  5. Cost Recovery
  6. IFQ Sector Program

## **VMS Requirements**

VMS requirements under the FMP apply to all vessels issued a scallop permit and VMS serves as an important enforcement and fishery monitoring tool. The details of the VMS requirements are provided below. Enforcement officials utilize VMS data to monitor vessel activity relative to scallop access areas and fishery closure areas. NMFS monitors vessel activity relative to fleetwide trip allocations and uses information submitted through VMS to monitor catch relative to fishery total allowable catch (TAC). Lastly, vessel owners and operators use VMS as a real-time notification and information transmission to enable more efficient coordination with NMFS for receipt and approval of broken trips. This real-time data transmission enables more efficient management and operation of the scallop fishery.

### Trip Declaration and Powerdown

Vessels issued limited access and LAGC IFQ and NGOM permits are required to declare a fishing activity code prior to leaving port. This enables NMFS to monitor a vessel's fishing activity, vessel allocation, catch, and trip information relative to catch and trip limits under the FMP. Owners/operators of LAGC IFQ and NGOM vessels can also turn their VMS units off when the vessel is tied to the dock or mooring to reduce electrical power costs when the vessel is inactive. Prior to turning off the VMS unit, the owner/operator must submit a powerdown declaration through VMS indicating to NMFS that the vessel is inactive. This serves the dual purpose of enabling the vessel owner/operator to make this declaration through an efficient system and enables NMFS to have real-time vessel activity status.

### Trip Termination and Compensation Trip Identification

If a limited access vessel's trip is terminated before a vessel retains their possession limit (a so-called broken trip), a vessel owner may request from the Regional Administrator authorization to take an additional trip (a compensation trip) to retain the remainder of the possession limit. To do so, vessels are required to submit the VMS trip termination form prior to leaving the access

area and submit a compensation trip ID VMS form upon departing on the compensation trip. The VMS trip termination form requires the vessel operator to provide estimated scallop meat weight onboard, estimated landing time and the reason the vessel “broke” the trip. The compensation trip ID is entered into the compensation trip ID VMS form prior to departing on the compensation trip. The costs of these forms are estimated to be minimal, and be outweighed by the benefits of the broken trip program.

### VMS Purchase and Installation

Under Amendment 11, VMS reporting requirements were extended to all LAGC scallop vessels. Vessels that apply and qualify for a general category scallop permit would be required to purchase, install, and maintain a VMS on their vessel. VMS reporting requirements would be identical to 1B VMS reporting requirements (OMB Control No. 0648-0491); including trip declaration, powerdown, and polling frequency requirements. This VMS requirement has been implemented to improve scallop regulation enforcement and oversight of the above permit restrictions and requirements.

### VMS Catch Reports

The owner or operator must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NMFS-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include:

- Total pounds of scallop meats kept,
- Total number of tows,
- The Fishing Vessel Trip Report log page number,
- Total pounds of yellowtail flounder kept and
- Total pounds of yellowtail flounder discarded.

Submission of this information on a daily basis is needed for monitoring yellowtail flounder catch relative to scallop catch. Yellowtail flounder catch in the scallop access areas is limited by a TAC and NMFS must close the applicable access area when the yellowtail flounder TAC is harvested.

### VMS Pre-land Reports

The FMP requires individual fishing quota (IFQ) and Northern Gulf of Maine (NGOM) vessels to submit a VMS pre-landing notification form prior to crossing the demarcation line on their return to port that would provide scallop hail weight, estimated time and port of landing. Data from the VMS pre-landing notification form submitted by IFQ vessels is used to enforce and oversee individual fishing quotas, alert enforcement personnel approximately when, where and how much a vessel should have onboard, and enforce the 400 lb IFQ possession limit. Data from the VMS pre-landing notification form submitted by NGOM vessels is used to monitor the

Northern Gulf of Maine Management Area TAC quota and to enforce the 200 lb Northern Gulf of Maine Management Area possession limit.

### VMS Polling Frequency

The twice per hour polling frequency is applied to all vessels issued a scallop permit. This polling frequency enhances the monitoring capability to catch violators fishing in the closed areas. Since the average polling increased from 30 minutes to 1 hour, there is a 50% chance of detecting entries into the closed areas of more than 15 minutes. This requirement applies to the Occasional and LAGC scallop vessels only, as Full-time and Part-time vessels have been accounted for in OMB Control No. 0648-0202.

### **Broken Trip Adjustment Sheet**

A vessel owner must submit a broken trip adjustment sheet upon returning to port. The broken trip adjustment sheet requires the vessel owner's name, vessel name, permit number, United States Coast Guard (USCG) documentation number, vessel operator name, date and time of incident, date of VMS notification, pounds of scallops landed, access area fished, nature of the incident, trip departure date, landing date, and signature.

### **Access Area Trip Exchange Application**

The one-for-one access area trip exchange program provides flexibility to scallop vessels regarding where they may fish. Participants need to send an access area trip exchange application to NMFS with the following information: vessel name and permit number, owner name and signature, specification of the areas involved in the exchange. Both vessels involved in the exchange are required to submit forms for cross-verification. This provision of flexibility to vessels regarding which areas to fish is expected to decrease the possibility of revenue loss to those vessels that are unable to access some distant areas due to vessel capacity constraints. Although there will be some transaction costs associated with the exchange of access area trips, the net result will likely be a reduction in overall costs of fishing. Administrative and enforcement costs associated with the exchange of controlled access trip authorizations are modest when compared with the potential improvement in controlled access allocation programs and reduced economic cost to industry.

### **Permit Provisions for Limited Access General Category (LAGC) Permits**

Amendment 11 implemented a limited access permit program in 2008 for general category scallop vessels with the creation of 3 LAGC scallop permit categories: IFQ, Incidental Catch (IC), and NGOM. As with all of the Northeast Regional Office's (NERO's) limited access permit programs, if a vessel owner wants to move their permit to a new vessel or retain their permit eligibility through a confirmation of permit history (CPH), they must complete a replacement, upgrade, permit history (RUPH) application. This requirement is necessary to allow vessel owners to transfer the vessel's eligibility to a new vessel or retain the eligibility in CPH if the vessel has been destroyed or sold.

To maintain the historical character of the general category fishery, there is a restriction on the amount of quota a given vessel owner can have. Specifically, vessel owners cannot own more than 5% of the general category IFQ Total Allowable Catch (TAC). Consequently, IFQ permit holders are required to submit an ownership form with their permit renewal each year documenting all of the IFQ vessels in which they have an ownership interest. The ownership form is necessary to effectively administer the ownership cap.

### **IFQ Transfers**

IFQ permit holders can temporarily and/or permanently transfer individual fishing quota from one IFQ vessel to another. Quota transfers are requested through the submission of transfer applications. Required information includes vessel information, quota transfer information, and authorizing signatures from both parties. The IFQ transfer program is entirely optional, and provides greater flexibility for IFQ permit holders by enabling them to increase their vessel's IFQ or for individuals to lease or sell IFQ if they choose not to fish the allocation.

### **Cost Recovery**

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires an IFQ cost recovery plan to recover management and enforcement costs for IFQ fisheries. The FMP includes an IFQ cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of the IFQ program. IFQ permit holders are required to submit a cost recovery payment annually via a pre-existing Federal payment system called [www.pay.gov](http://www.pay.gov), which is also currently used by the Alaska Region and the Southeast Region. Information submitted via the internet will require the user to establish an online account, including personal and financial information. This requirement is necessary in order to comply with the provisions of the MSA and to collect payments from individuals that have been granted an allocation to a public resource.

### **IFQ Sector Program**

The FMP contains provisions that authorize allocation of a portion of the overall IFQ fishery TAC to a self-selected group of IFQ permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. Individuals or other entities (corporations, cooperatives, etc.) proposing a sector are required to submit documents as described below.

#### Sector Allocation Proposal

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council, at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

This document specifies the proposed maximum amount of TAC to be allocated to sector participants and the sector's proposed rules describing movement of vessels among sectors or to the common pool of vessels managed under the FMP. This document is required to include an

appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).

### Operations Plan

A group that wants to form a sector and receive an allocation is required to submit a legally binding operations plan to the Council and the Regional Administrator. The operations plan must be agreed upon and signed by all members of the sector and, if approved, would constitute a contract.

This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC associated with the proposed sector; detailed information regarding potential redistribution of TAC within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sector rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document is required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. NMFS may consult with the Council and would solicit public comment on the operations plan for at least 15 days, through proposed rulemaking in the Federal Register. Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination pursuant to the Administrative Procedure Act.

This information is necessary to describe the proposed sector and the proposed rules under which the sector would operate. This information is used to determine whether this sector would maintain consistency with the goals and objectives of the FMP.

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

Several offices of NMFS, the USCG and the Fishery Management Councils will utilize the information. The number of responses for each requirement is provided in Part A, Question 12 and Table 1 in this document. Data collected through these programs will be incorporated into the NMFS database and are used to track and confirm vessel permit status and eligibility, and IFQ status. Vessel replacements, CPH applications, and IFQ transfer requests are expected to be submitted regularly throughout the year. VMS submissions are submitted daily throughout the year depending on vessel activity. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

As explained above, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

**Permit requirements**

RUPH and CPH applications are available on the Northeast Regional Office's Web site at [www.nero.noaa.gov](http://www.nero.noaa.gov). Posting this information on the Web makes it easier for the general public to obtain necessary forms and instructions, and eases the administrative burden on the agency. However, submission of paper forms is necessary for recordkeeping and for verification of original signature of the applicant or agent.

**VMS Requirements**

VMS reporting requirements are done through electronic transmissions of codes and information. VMS form items are collected and housed in databases automatically, minimizing data entry by the vessel operator. Vessel owners may also download broken trip adjustment sheets and access area trip exchange applications from the Regional Office Web site and may submit these forms via FAX. VMS position data is collected via automated polling. The VMS catch report and pre-landing notification form are available electronically through the vessel's VMS unit. These VMS forms are submitted electronically from the vessel.

**IFQ Transfers**

IFQ transfer applications are available via NERO's Web site, [www.nero.noaa.gov](http://www.nero.noaa.gov). Applications may be emailed to NERO's IFQ transfer email address.

**Cost Recovery**

Vessel owners will submit payment via the secure internet site: [www.pay.gov](http://www.pay.gov).

NMFS collects all other information from vessel owners and/or operators through completed forms that can be sent by mail, fax, or scanned and emailed.

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

The reporting requirements under OMB Control No. 0648-0491 do not duplicate any other reporting requirements.

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

The proposed collection of information would not have a significant impact on small entities. Only the minimum data to meet the requirements of the above data needs are requested from all participants. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

To monitor compliance with access area trip allocations for occasional vessels and the general category fleet, VMS transmissions are required. This data is collected at a rate deemed necessary to ensure scallop fleet activities comply with FMP requirements. The twice per hour polling frequency enhances monitoring capability to catch violators fishing in closed areas.

The broken trip and trip exchange programs promote industry cost effectiveness and flexibility. Without the broken trip and trip exchange program collections, these programs could not be administered. Without proper administration and oversight, these programs could not function, and industry would lose these beneficial programs.

The LAGC permit provisions under OMB Control No. 0648-0491 are necessary to ensure consistent permit application procedures and to promote effective management of the scallop fishery. The RUPH applications are consistent with all other NERO limited access fisheries, and provide vessel owners flexibility to move and maintain their eligibility for the general category scallop fishery as they change vessels.

VMS polling and reporting requirements are critical in the enforcement of scallop regulations and the oversight of individual fishing quotas, the Northern Gulf of Maine Management Area TAC, and access area trip quotas. Without these requirements, it would be extremely difficult to enforce spatial and temporal restrictions in addition to other regulatory requirements, and impossible to effectively manage access area trip limits and the Northern Gulf of Maine Management Area TAC.

IFQ transfer applications are needed to implement a transfer program. Without these applications, industry would not be afforded the benefit of the transfer program.

The cost recovery requirements are critical to administer the cost recovery program and collect payment from IFQ permit holders. The minimum amount of information would be collected to effectively administer this program.



Without sector application, analysis, and reporting requirements, NMFS could not successfully implement a sector program.

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

Vessel applicants would be required to submit RUPH applications for each such action. It is possible that an applicant may perform a replacement or CPH more often than quarterly. Vessels would be required to submit a VMS trip declaration and pre-landing notification report each fishing trip. Consequently, individuals may be required to submit a trip identification code more often than quarterly. Similarly, broken scallop access area trips requiring the submission of a broken trip request form are not predictable and occur frequently throughout the year. IFQ vessel owners may transfer quota, and limited access vessel owners may exchange access area trips more frequently than quarterly, but this collection is completely voluntary and to the benefit of the fishing industry. A vessel owner may submit more than one transfer application quarterly. Each time a vessel enrolls in the state waters exemption program, they would be required to submit the appropriate VMS code and enrollment form. They are allowed to enroll in this program more often than quarterly.

**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 September 10, 2010 (75 FR 55304) solicited comments. No comments were received.

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

No payment or gift would be made to respondents.

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

Most information is kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, would be maintained in accordance with [NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics](#), and would not be transferred for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.). However, RUPH form states that that specific information is not kept confidential and will be posted on the applicable Web site.

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

There are no questions of a sensitive nature.

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

A full summary of the burden to the public associated with this collection of information can be found in Table 1.

OMB Control No. 0648-0491 has been updated in this renewal to reflect more recent information. There are currently 347 vessels with limited access scallop permits, 362 vessels with LAGC IFQ permits, 127 vessels with LAGC NGOM permits, and 294 vessels with LAGC IC permits. However, these numbers do not represent the number of responses because not all vessels fish for scallops. **NMFS estimates that 320 limited access vessels, 200 LAGC IFQ, and 100 LAGC NGOM vessels will fish for scallops each fishing year – a total of 620 respondents.** LAGC IC vessels will operate only under other fisheries that have reporting requirements under those other fishery FMPs. Exception to the 620 respondents: for VMS polling, all 783 LAGC vessels are counted as respondents, regardless of whether they are fishing for scallops, as the charges are still incurred (limited access permitted vessels' polling charges are counted under OMB Control No. 0648-0202).

Table 1 summarizes the time burden of these reporting requirements. This analysis assumes a labor cost of \$15/hour.

**Trip Declaration, Including Powerdown**

Vessels must submit a trip declaration code each time they sail.

The 320 limited access vessels will take on average a total of 2,000 trips (estimated 20,000 days allocated per year / 10 days per trip), for a total of 2,000 trip declarations. At 2 minutes per response, the total time burden for the limited access fleet is estimated to be 67 hr (4,000 min/60).

It will take 7,500 IFQ trips to harvest the total allowable catch (approximately 3 million lb annually (3 mlb/400 lb per trip)) for the IFQ fleet and 350 NGOM trips to harvest the 70,000 lb annual NGOM TAC (70,000 lb/200 lb per trip), for a total of 7,850 LAGC trips per year. LAGC vessels may send a power down code at the conclusion of each trip, generating an additional 7,850 declarations.

Therefore, the total trip declaration and power down time burden for the LAGC fleet is estimated to be 523 hours (2 minutes x 7,850 declaration codes) + (2 minutes x 7,850 power down codes) = 31,404/ 60 = 523 hours).

The total time burden for 17,700 declarations is estimated to be **590 hr**. At an hourly rate of \$15, the annualized time burden would be **\$8,850**.

#### Trip Termination and Compensation Trip Identification

The average number of broken trips per year is estimated to be 300 based on prior years. Average response time to complete and submit the VMS trip termination form is estimated to be two minutes, for a total burden of 10 hours ( $300 \times 2 \text{ minutes} = 600/60 = 10 \text{ hours}$ ). Average response time to complete the VMS compensation trip ID form is estimated to be two minutes, for a total burden of 10 hours ( $300 \times 2 \text{ minutes} = 600/60 = 10 \text{ hours}$ ). For all of the entities to complete all of these requirements, the estimated total time burden is **20 hr** ( $10 + 10$ ). At an hourly rate of \$15, the annualized time burden would be **\$300**.

#### VMS Purchase and Installation

Vessel owners with a limited access or LAGC permit on their vessel have already purchased and installed VMS systems in order to comply with the VMS requirement in the regulations implementing the FMP. Therefore, only those vessel owners that replace a limited access or LAGC permit that is in confirmation of permit history would need to purchase and install a VMS unit. An estimated 10 vessels per year would purchase and install VMS units. However, approved hours for additional VMS purchase and installation in OMB Control No. 0648-0202 more than adequately cover these estimated 10 VMS units.

#### VMS Daily Catch Reports

Annual transmission of data from all vessels fishing in access areas, based on 10,000 total access area fishing days per season and response time of 2 minutes per response, is estimated to be **333 hr** ( $(10,000 \text{ days} \times 2 \text{ min})/60$ ). At an hourly rate of \$15, the annualized time burden would be **\$4,995**.

#### VMS Prelanding Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. It is estimated that it would take 5 minutes per each of the 7,850 reports, for an annual pre-landing notification time burden of **654 hr** ( $7,850 \times 5 \text{ minutes}/60 \text{ minutes}$ ). At an hourly rate of \$15, this burden would be **\$9,810**.

#### VMS Polling Frequency

There are 347 limited access scallop vessels and 783 LAGC scallop vessels subject to the half-hour VMS polling frequency. However, only the polling frequency for LAGC vessels is covered under the 0648-0491 collection because the limited access vessels are covered under OMB Control No. 0648-0202. Since the transmission of position polling is automated through the vessel's VMS, there is no associated time burden with this reporting requirement.

### Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300, based on prior years. Average time to complete the broken trip adjustment sheet is estimated to be 10 minutes, for a total burden of **50 hr** ( $10/60 \times 300$ ). At an hourly rate of \$15, the annualized time burden would be **\$750**.

### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges, based on prior years. Since each exchange involves two vessels, the number of entities affected is estimated to be 180. Average response time to complete the trip exchange application has been estimated to be 15 minutes, for a total burden of **45 hr** ( $15/60 \times 180$ ). At an hourly rate of \$15, the annualized time burden would be **\$675**.

### Permit Provisions for LAGC Vessels

To implement the 5% IFQ ownership cap, vessel owners would be required to submit an ownership form with each permit renewal (permit renewals are part of the Northeast Permit Family of Forms, OMB Control No. 0648-0202). There are 322 IFQ permits subject to the ownership cap, and it would take an estimated 5 minutes to complete each ownership form; therefore, the annual reporting burden would be **27 hr** ( $322 \times 5 \text{ minutes}/60 \text{ minutes}$ ). At an hourly rate of \$15, the annualized time burden would be **\$405**.

### RUPH Applications

LAGC scallop vessels are subject to the same replacement and permit history restrictions as other NERO limited access fisheries. Completion of an RUPH application requires an estimated 3 hours per response. It is estimated that no more than 50 RUPH applications would be received annually. The resultant burden would be **150 hr** ( $3 \times 50$ ). At an hourly rate of \$15 / hour, the total public cost burden for RUPH applications would be **\$2,250** per year.

### IFQ Transfers

Quota temporary transfers and permanent transfers apply to IFQ vessels only. In 2010 (the first year in which IFQ could be transferred) there were 184 transfers through December 2010. A total of 200 leases could be expected for the full year (the scallop fishing year runs from March 1 through February 28). Each application would include information from both parties involved in the temporary transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per temporary quota transfer application. Therefore, the estimated temporary transfer burden would be **33 hours** ( $200 \times 2 \times 5 \text{ minutes}/60$ ). At an hourly rate of \$15 / hour, the total public cost burden for temporary quota transfer applications would be **\$495**.

In the 2010 fishing year, there were 3 permanent IFQ transfer requests. Assuming this provision is utilized more after the first year of the IFQ program, there would be approximately 10

permanent quota transfers per year. Each application would include information from both parties involved in the transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per permanent transfer application. Therefore, the estimated permanent quota transfer burden would be **2 hours** (10 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for permanent quota transfer applications would be **\$30**.

#### Cost Recovery

NERO will be implementing the first cost recovery program for this fishery in 2011, so there are no current NERO data for use in estimating the burden associated with submitting a cost recovery payment. Using the burden per response used by the Alaska Region's Alaska Individual Fishing Quota Cost-Recovery Program Requirements (OMB Control No. 0648-0398) as a proxy for the scallop IFQ program, NMFS estimates that it would take 2 hours per response. The owner of each IFQ vessel that lands scallops is required to submit a cost recovery payment once annually. After taking IFQ transfers into account, 200 of the 349 IFQ vessels are expected to land scallops. Therefore, 200 payments would take **400 hours**. At an hourly rate of \$15 / hour, the total public cost burden for cost recovery would be **\$6,000**.

#### IFQ Sector Program

One sector proposal was received in 2008 but was withdrawn. NERO estimates that there would be 2 sector proposals annually. The earliest the sectors proposed in the 2011 year could be implemented would be the 2012 fishing year. Therefore, these sectors would be required to submit operation plans for the 2013 fishing year.

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55. Based upon consultations with the Northeast multispecies sector program, it is estimated it would take 150 hours to prepare and submit a sector proposal. Therefore, the annualized time burden for sector proposals would be **300 hours** per year (2 x 150). At an hourly rate of \$15 / hour, the total public cost burden for sector proposals would be **\$4,500**.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. Based upon consultations with the Northeast multispecies sector program, each operations plan takes approximately 100 hours. Therefore, it is estimated it would take **200 hours** to submit 2 operation plans. At an hourly rate of \$15/ hour, the annual time burden cost would be approximately **\$3,000**.

**Total annual time burden and labor cost to respondents are 2,804 hr and \$42,060.00, respectively (see Table 1).**

**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 cost to the public associated with this collection of information can be found in Table 1.

Trip Declaration, Including Powerdown

It is estimated that each trip declaration costs \$0.79 to transmit; therefore, total transmission costs for limited access scallop vessels will be \$1,580 (2,000 x \$0.79) and for LAGC vessels, will be \$6,201.50 (7,850 x \$0.79). In addition, each powerdown transmission will cost \$0.79, for a total of \$6,201.50 (7,850 x \$0.79). The total cost for transmitting trip declarations is **\$13,983** (\$6,201.50 + \$6,201.50 + \$1,580.00).

Trip Termination and Compensation Trip Identification

Recordkeeping and reporting costs to respondents resulting from the VMS trip termination and compensation trip identification include transmitting the VMS trip termination form and transmitting the compensation trip ID form. It is estimated that each VMS form costs \$0.79 to transmit; therefore total transmission costs for both the VMS trip termination form and compensation trip ID form are **\$474** (2 x 300 x 0.79).

VMS Purchase and Installation

Costs are covered under OMB Control No. 0638-0202.

VMS Daily Catch Reports

Cost to respondents based on the number of messages (10,000) and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$7,900** (10,000 x \$0.79).

VMS Preland Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. Cost to respondents based on 7,850 messages and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$6,201.50 (\$6,202)** (7,850 x \$0.79).

VMS Polling Frequency

Annual dues paid by VMS users are determined by polling frequency. There are 783 LAGC vessels subject to this requirement. The annual average cost of operating a VMS at a polling rate of once every half hour is \$953.70. The total annual cost to scallop vessels is **\$746,747.10 (\$746,747)** (783 x \$953.70).

### Access Area Broken Trip Adjustment Sheet

Recordkeeping and reporting costs to respondents resulting from the broken trip program includes submitting a broken trip adjustment sheet, and printing and stationary costs. Each broken trip adjustment sheet costs \$0.44 to mail, therefore total mailing costs are \$132.00 ( $0.44 \times 300$ ). An additional \$10 has been included to cover printing and stationary costs. The total annual cost for this requirement is **\$142**.

### Access Area Trip Exchange

Additional costs to respondents resulting from the trip exchange program include application mailing costs, and printing and stationary costs. NMFS expects 90 applications to be submitted for trip exchanges. Each application costs \$0.44 to mail; therefore, total mailing costs are \$39.60 ( $90 \times 0.44 = \$39.60$ ). An additional \$10 has been included to cover printing and stationary costs. Therefore, total costs are **\$49.60 (\$50)**.

### Permit Provisions for LAGC Vessels

The IFQ ownership form must be submitted with either an initial or renewal permit application, which is covered under OMB Control No. 0648-0202. Therefore, there are no additional costs associated with this collection.

### RUPH Applications

It is estimated that it would cost approximately \$1 in mail fees and \$1 in copy fees to submit an RUPH application. Therefore, it is estimated that 100 RUPH applications submitted annually would cost **\$100** to print and mail ( $\$2 \times 100$ ).

### IFQ Transfers

It is estimated that IFQ transfer submission would cost \$0.44 postage and \$0.10 copy fees per transfer application (\$0.54 total). Electronic submissions have no associated cost since the cost of the transmission is included in overall internet service fees, but almost all transfers are submitted via mail. Since NMFS anticipates approximately 210 transfers per year (200 temporary transfers, 10 permanent transfers) the resultant annual cost burden would be **\$113.40 (\$113)** ( $210 \times \$0.54$ ).

### Cost Recovery

PRA collection cost does not include the actual cost recovery funds submitted by industry; only the costs associated with the submission of these funds. Since cost recovery would be collected only via the internet, there is no cost burden associated with this cost recovery program.

### IFQ Sector Program

The submission of sector allocation proposals and plans of operations would incur costs from copying and postage of these documents. Costs are for one proposal and one operation plan annually for each sector proposal. Based upon Northeast multispecies sector program estimates as documented in OMB Collection No. 0648-0489, it would cost \$1.00 for one copy of each 10-page document (\$2.00 total), and two \$0.44 stamps for each document. The total cost burden for each sector proposal and operation plan is estimated to cost \$3.76 (\$2.00 + (2x \$0.88)). Therefore, the annual cost for 2 sector proposals and 2 operation plans would be **\$7.52 (\$8)** (2 x \$3.76).

**Total annual cost excluding time burden to respondents is \$775,719.**

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

The following summarizes the costs to the Federal government, based on an hourly wage rate of \$25. There are no other costs to the Federal government other than the time burden associated with processing and reviewing submitted information and approving and implementing resulting actions (see Table 1).

#### Trip Declaration, Including Powerdown

There is no cost to the Federal Government for processing trip declarations and powerdown codes.

#### Trip Termination and Compensation Trip Identification

NMFS would require 1 minute of staff time per trip termination and 1 minute of staff time per compensation trip identification submitted through VMS, for a total of 10 hrs annually (600 \*(2/60)). The total cost to the Federal Government is estimated to be **\$250** (10 hr \* \$25/hr).

#### VMS Purchase and Installation

There is no cost to the Federal Government for VMS Purchase and Installation.

#### VMS Daily Catch Reports

There is no cost to the Federal Government for processing VMS daily catch reports.

#### VMS Preland Reports

There is no cost to the Federal Government for processing VMS preland reports.

#### VMS Polling Frequency

There is no cost to the Federal Government for the VMS polling frequency.



### Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300 based on prior years. Average time for NMFS to review and process the broken trip adjustment sheet is estimated to be 30 minutes, for a total burden of 150 hours (30/60 \*300). Cost to the Federal Government would be **\$3,750** (150 x \$25).

### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges based on prior years. Average time for NMFS to review and process a trip exchange application has been estimated to be 15 minutes, for a total burden of 45 hours (15/60 x 90). Cost to the Federal Government would be **\$1,125** (45 x \$25).

### Permit Provisions for LAGC Vessels

It takes approximately 10 minutes to process each ownership cap form. Since there are 322 vessels subject to the ownership cap requirement, the annual government burden would be 54 hr ((10/60 x 322). The cost to the Federal Government would therefore be **\$1,350** (54 x \$25).

### RUPH Applications

It would take NMFS staff one hour to review each RUPH application, with an estimated 50 RUPH applications submitted annually (for LAGC permits only). The total government time burden would be 50 hr. At a rate of \$25 per hour, the cost to the Federal Government is estimated to be **\$1,250** (50 x \$25).

### IFQ Transfers

It is estimated that it would take 15 minutes for NMFS to process each transfer request and 210 requests (temporary and permanent) are expected annually for a total of 53 hr of government time (15/60 \* 210). Therefore, the annual government cost would be **\$1,325** (53 \* \$25).

### Cost Recovery

Cost recovery payments would be collected through [www.pay.gov](http://www.pay.gov), an established government payment collection program. Since the program has been established to accept payment from [www.pay.gov](http://www.pay.gov), there would be no additional cost to the government since the scallop cost recovery program would be completely automated.

### IFQ Sector Program

Based upon Northeast multispecies sector program estimates, sector proposals and operation plans require extensive review by the Council and NMFS staff to ensure that proposals and operation plans meet the objectives of the FMP. It is estimated that each proposal and operation

plan requires approximately 150 hours to review, process and implement. The annual cost to the government would be of **\$7,500** (300 x \$25).

**Total annual cost to the Federal government is \$16,550 (see Table 1).**

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

This revision accounts for several adjustments, including a re-evaluation of the number of respondents and the number of responses per requirement. In addition, the state waters exemption program enrollment is covered under OMB Control No. 0648-0202 and is no longer included in this information collection.

Program changes: Provisions pertaining to the initial application and appeal process for LAGC vessels have been eliminated and the VMS catch reporting requirement has been added back into the collection requirements after its omission from the prior renewal.

Together, these changes have resulted in a net decrease in responses of 240,747, burden of 8,884 hours and costs of \$713,336.

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

The results from this collection may be used in scientific, management, technical or general information publications such as the Fisheries of the United States, which follows prescribed statistical tabulations and summary table format, and the annual Stock Assessment and Fishery Evaluation (SAFE) Report prepared by the NEFMC for the scallop fishery. Data obtained from this collection would be available to the public upon request in summary form only. Furthermore, 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.**

Except for VMS forms, all forms would display the OMB Control Number and expiration date along with information relevant to the Paperwork Reduction Act of 1995. The VMS forms would not display this information because these forms are in electronic media format only. There is limited space in this format to provide the expiration date. One of the approved VMS vendors (Boatracs, Inc) has a limit of 50 lines of text per macro or VMS form, and is also limited to a total of 600 lines of text for all macros. As VMS requirements become more complex with changing Northeast regulations, the macros are approaching these limits. Including the PRA text would negatively impact NMFS' ability to expand the macros within the current limits to comply with regulatory changes. NMFS will continue to display the OMB Control Number for VMS reporting requirements on Small Entity Compliance Guides (i.e., permit holder letters) that describe and explain the VMS reporting requirements.

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

Not Applicable.

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

No statistical methods are employed in the information collection procedures.

**TABLE 1**

<b>Reporting Requirement</b>	<b># Items</b>	<b>Responses per item</b>	<b>Total responses</b>	<b>Burden hours</b>	<b>Wages and salaries</b>	<b>Recordkeeping/ reporting costs</b>	<b>Cost to Government</b>
<b>IFQ Ownership Cap Forms</b>	322	1	322	27	\$405	\$0	\$1,350
<b>RUPH applications</b>	50	1	50	150	\$2,250	\$100	\$1,250
<b>VMS Purchase and Installation*</b>	0	0	0	0	\$0	\$0	\$0
<b>VMS polling</b>	783	1	0	0	\$0	\$746,747	\$0
<b>Trip Declaration and Power down</b>	5,917	1	17,700	590	\$8,850	\$13,983	\$0
<b>Trip Termination and Compensation Trip Declaration</b>	300	2	600	20	\$300	\$474	\$250
<b>VMS Catch Report</b>	10,000	1	10,000	333	\$4,995	\$7,900	\$0
<b>VMS Pre-Landing Notification Form (IFQ, NGOM)</b>	7,850	1	7,850	654	\$9,810	\$6,202	\$0
<b>Broken Trip Sheet</b>	300	1	300	50	\$750	\$142	\$3,750
<b>Trip Exchange Request</b>	90	2	180	45	\$675	\$50	\$1,125
<b>Quota Transfer Applications (temporary and permanent)</b>	210	2	420	35	\$525	\$113	\$1,325
<b>Cost Recovery</b>	200	1	200	400	\$6,000	\$0	
<b>Sector Proposals and Operation Plans</b>	2	1	4	500	\$7,500	\$8	\$7,500
<b>TOTAL</b>	-	-	<b>37,626</b>	<b>2,804</b>	<b>\$42,060</b>	<b>\$775,719</b>	<b>\$16,550</b>

\*As noted in Part A, Questions 12 and 13, burden hours and costs are covered under OMB Control No 0648-0202.