

SUPPORTING STATEMENT
ALASKA OBSERVER PROGRAM
OMB CONTROL NO. 0648-0318

This action is a revision of an existing information collection through an associated rule, RIN 0648-BB42. In addition, a new name, “Alaska Observer Program,” is requested to replace “NMFS Alaska Region Observer Providers.”

INTRODUCTION

National Marine Fisheries Service, Alaska Region (NMFS) manages the United States (U.S.) groundfish fisheries in the Exclusive Economic Zone (EEZ) under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). The North Pacific Fishery Management Council (Council) prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* as amended in 2006 (Magnuson Stevens Act). Regulations implementing the FMPs appear at 50 CFR part 679.

Management of the Pacific halibut fisheries in and off Alaska is governed by an international agreement, the “Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea” (Convention) which was signed in Ottawa, Canada, on March 2, 1953, and was amended by the “Protocol Amending the Convention,” signed in Washington, D.C., on March 29, 1979. The Convention is implemented in the U.S. by the Northern Pacific Halibut Act of 1982.

The Alaska (North Pacific) Groundfish Observer Program (Observer Program) provides the administrative framework for the collection of data by observers to obtain information necessary for the conservation and management of the groundfish fisheries managed under the FMPs.

NMFS would implement Amendment 86 to the BSAI FMP and Amendment 76 to the GOA FMP. Amendments 86 and 76 would add a funding and deployment system for catcher vessels and shoreside processors in a new partial observer coverage category. Catcher/processors and motherships would continue the current system unchanged of arranging for full observer coverage and paying for that coverage directly to the observer provider and retain the existing funding and deployment system for operations in the full coverage category (see section in this analysis entitled Full Observer Coverage Category). Vessels and processors in the partial coverage category would pay an ex-vessel value-based fee to NMFS for their observer coverage, per the authority granted by section 313 of the Magnuson-Stevens Act. By creating two observer coverage categories with separate funding and deployment systems, the proposed action would address cost inequity and data quality concerns with the existing Observer Program structure without imposing higher costs on operations that already pay for full observer coverage.

A. JUSTIFICATION

This action would simplify observer coverage requirements for vessel operators by shifting the responsibility of observer coverage from vessel operators to NMFS. Complex observer coverage requirements under existing regulations would be replaced with a simple “yes” or “no” decision as to whether their next trip is to be observed. NMFS would enter information into the deployment system based on known holders of a Federal Fisheries Permit (FFP) (see OMB 0648-0206). To reduce bias, the selection process would be automated, incorporate randomization with known selection probabilities, and notification would be immediate.

This information collection does not include justification for requiring observers to be placed on vessels and shoreside processors. Rather, the collection describes recordkeeping and reporting requirements associated with the placement of observers.

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

In October 2010, the Council unanimously adopted a motion to restructure the Observer Program’s funding and deployment system. This proposed action would divide the Observer Program into two observer coverage categories - partial and full. All groundfish and halibut vessels and processors would be included in one of the categories. The partial observer coverage category would include fishing sectors (vessels and processors) that would not be required to have an observer at all times. The full observer coverage category would include fishing sectors required to have all of their operations 100 percent observed.

A new funding and deployment system would allow NMFS to determine when and where to deploy observers according to management and conservation needs, with funds provided through a system of fees based on the ex-vessel value of groundfish and halibut in fisheries covered by the new system. This action would resolve data quality and cost equity concerns with the Observer Program’s existing funding and deployment structure.

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.

PARTIAL OBSERVER COVERAGE CATEGORY

a. **Observer Declaration and Deployment System [NEW]**

The Observer Declaration and Deployment System (Deployment System) is the communication platform for the partial observer coverage category by which NMFS receives information about fishing plans subject to randomized observer deployment. The Deployment System would be accessible by Internet through the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov> and also by telephone.

Vessel operators would provide a fishing plan (anticipated fishing trip) and contact information to NMFS and receive instructions through the Deployment System for coordinating with an observer contractor for any required observer coverage.

For partial coverage category vessels, three different methods of data entry are available to register a vessel's fishing plan with the Deployment System:

- ◆ NMFS will automatically enter for the following year, the identification information for all vessels that are designated on an FFP and all catcher vessels that are not designated on an FFP but that landed sablefish Individual Fishing Quota (IFQ) or halibut IFQ or Western Alaska Community Development Quota (CDQ) (see OMB Control No. 0648-0272) in the current year. The operator must confirm the vessel identification and length information provided by NMFS' data entry.
- ◆ If an FFP is issued after December 1 of the year preceding the fishing year, the vessel owner or operator must enter the vessel information into the Deployment System within 30 days of the FFP date of issuance.
- ◆ If the vessel did not land halibut or sablefish IFQ in the preceding year, the vessel owner or operator must enter the vessel information at least 30 days prior to embarking on the first fishing trip of the year for halibut or sablefish IFQ.

An owner or operator would be required to manually enter any vessel not auto-entered into a selection pool prior to embarking on a trip to directed fish for groundfish or to fish for halibut.

Based on participant response, NMFS would estimate the level of participation for each selection pool in the upcoming year. The more accurate the projected fleet activity, the higher the likelihood of achieving planned coverage levels. NMFS would generate two lists of vessels to participate in the fisheries in the upcoming year. One list would show vessels designated on an FFP. The other list would show vessels not designated on an FFP that harvested sablefish IFQ and Pacific halibut IFQ or CDQ. Only hook-and-line gear can be used in the directed halibut fishery. Participation in this fishery is controlled by the regulations for the halibut IFQ program and the halibut CDQ program.

By September 1 of each year, NMFS would complete an observer deployment plan containing projected observer coverage rates in the upcoming year for the various sectors in the partial coverage category. The deployment plan would describe the methods by which vessels, plants, or individual fishing trips would be chosen for observer coverage. NMFS would send written notification to operators of vessels that are entered into a selection pool that they have been entered into the Deployment System for the upcoming year. The notification would indicate the applicable selection pool for his or her vessel and instructions for communicating with the Observer Program for the upcoming year. NMFS would provide instructions for accessing the Deployment System in the written notification to vessels that were auto-entered by NMFS into the selection pools. Access to the Deployment System would also be available through the NMFS Alaska Region website.

(1) Operator's First Login

Operators would use the Deployment System to provide contact information as well as confirm vessel information and intended activity in the upcoming fishing year. To establish a Deployment System account, the operator must initially establish contact through a computer by providing identification information, password, and username. Vessel operators are able to register more than one trip at a time with the Deployment System which would be beneficial when participating in a fast-paced open-access fishery, such as the GOA pollock or Pacific cod fisheries.

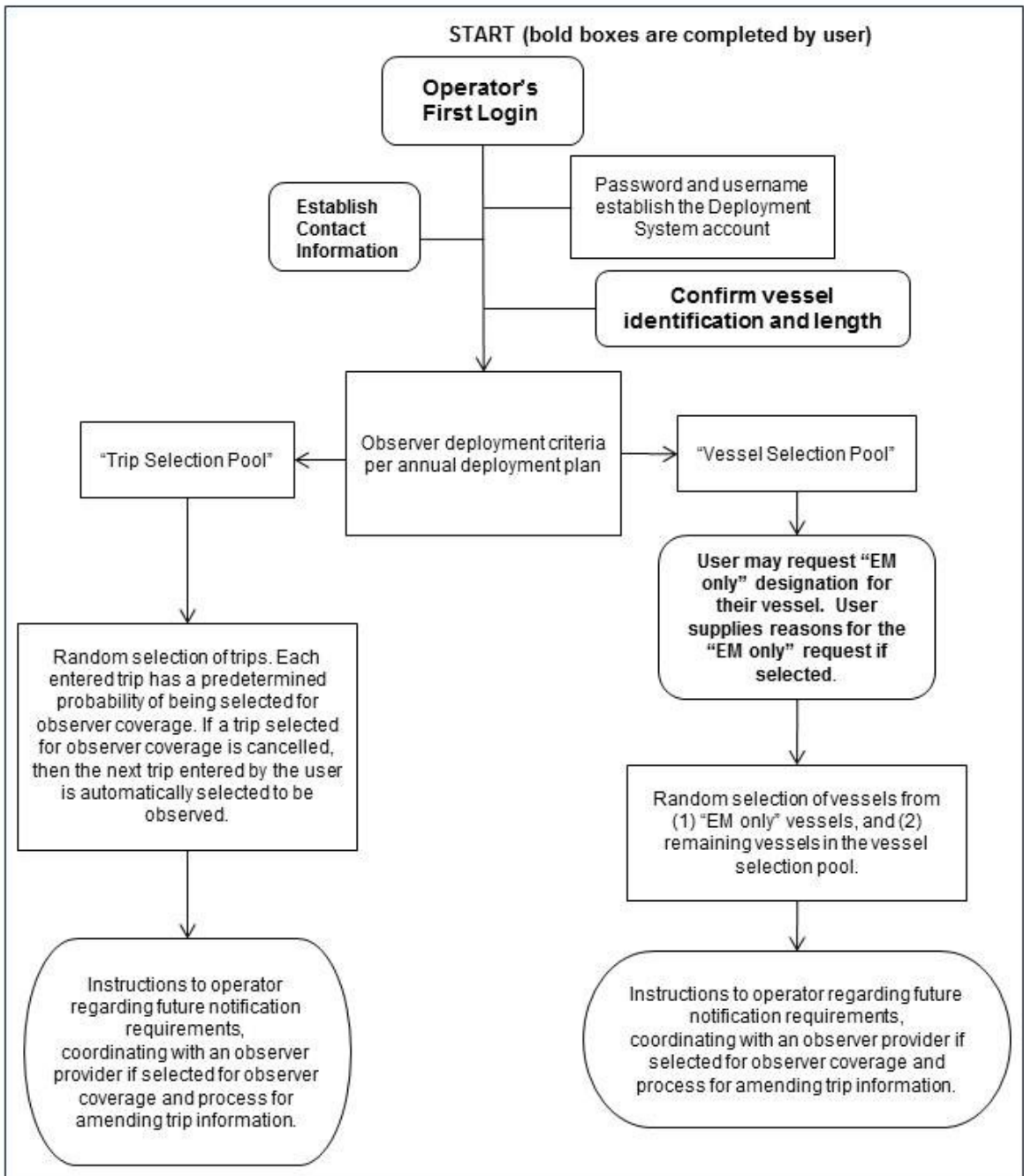
Upon completion of registration of an anticipated fishing trip, the Deployment System will notify the vessel operator whether the trip is selected for observer coverage, whether it is a "vessel" or "call-in" trip, and will provide a receipt number corresponding to this notification. Trip registration is complete when a receipt number is received by the vessel operator.

Operators of vessels in the trip (call-in) selection pool would be required to hail-in (call in) to the Deployment System at least 72 hours in advance of embarking on a fishing trip for halibut or directed fishing for groundfish. During the call, the vessel operator would notify NMFS, prior to departure, of their intent to fish, the departure location, and duration of the upcoming fishing trip. A determination as to whether or not that trip has been selected to be observed would be automatically generated. The caller would be notified of the result, and the resulting record, observed/unobserved outcome would be sent to the Observer Program, Alaska Regional Office, NOAA Fisheries Office for Law Enforcement), and the responsible observer provider. Observer providers would work with the vessel operator to coordinate observer logistics.

An operator may proceed with a fishing trip registered with the Deployment System when the system shows either:

- ◆ Not selected trip – means any time after registering, the trip is not selected for observer coverage; or
- ◆ Selected trip – means any time after registering, the trip is selected for observer coverage and must carry an observer for the entire fishing trip.
- ◆ Delayed trip. A selected fishing trip not realized within 48 hours of the time registered with the Deployment System is invalidated and the operator must register a new trip, which would be automatically selected for observation.

The following diagram depicts the proposed vessel and trip selection process within the Deployment System, after data entry of the vessel, either through auto-entry or manual-entry.



*EM = Electronic monitoring

Vessels subject to a vessel selection system would be randomly selected in advance of the fishing year, and NMFS would notify the owner via letter and identify that they had been selected for some set period of time. Upon successful sign-in, the Deployment System would inform the users of their respective selection pool and provide instructions to coordinate with an observer provider to obtain an observer for any required observer coverage. The Deployment System would also inform the user of their responsibilities to provide additional notifications to

the system throughout the fishing year. The system would generate and provide a confirmation of a successful registration to the user.

Vessel Selection Pool

The vessel selection pool is an alternate to the trip selection pool. Vessel selection would reduce the volume of trip notifications received by the Deployment System. Further, vessel selection would increase NMFS’ ability to deploy observers on small, fixed gear vessels, which would otherwise be logistically challenging under a trip selection protocol. Initially, vessels greater than or equal to 40 ft length overall (LOA) but less than 57.5 ft LOA using fixed gear to fish groundfish or halibut would comprise the vessel selection pool. Vessels with an FFP, or vessels used to harvest IFQ or CDQ halibut, would be included in a selection pool. For the vessel selection pool, NMFS would randomly choose a subset of vessels based on either FFP number, or a combination of ADF&G registration number and planned fishing activity, to observe for a predetermined time period. NMFS expects the number of vessels in the selection pools to be lower than the number of respondents for fee payment, because vessels less than 40 ft LOA will not be in the selection pools.

Trip Selection Pool

Individual fishing trips would be selected for observer coverage in the trip selection pool. Initially, trips taken by hook-and-line and pot vessels 57.5 ft LOA or greater and all trawl vessels in the partial coverage category would comprise the trip selection pool. Observer coverage would be required for the entire fishing trip if selected in the trip selection pool.

NMFS would further subdivide the trip selection pool into groups with similar traits (sampling strata) and assign a specific sampling rate to each stratum to minimize the variance, and thus increase certainty, in observer-derived catch estimates. In subsequent years, NMFS would review the suitability of the sampling strata and rates and make necessary adjustments to the strata through the annual deployment plan.

Operator’s First Sign-in, Respondent	
Estimated number of respondents	799
364 vessels in trip selection pool (>57.5 ft)	
435 vessels in vessel selection pool (≥40 ft and <57.5 ft)	
Total annual responses	799
Number of responses per year = 1	
Total Time burden (599.25)	599 hr
Time per response = 45 min	
Total personnel cost (599 x \$25)	\$14,97
Total miscellaneous cost (119.85)	5
Online (0.05 x 799 = 39.95)	\$120
Photocopy (0.05 x 2pp x 799= 79.90)	

Operator’s First Sign-in, Federal Government	
Total annual responses	0
Total Time burden	0
Total personnel cost	0
Total miscellaneous cost	0

(2) Use Deployment System

Catcher vessels using pot gear or hook-and-line gear that are ≥ 40 ft and < 57.5 ft LOA would be subject to a vessel selection system. Based on 2008 data, approximately 435 fixed gear vessels of this size class would be subject to the vessel selection system, at least in the initial year(s) of the new program. Thus, the vast majority of the small entities identified would either have no selection during the beginning of the program, or be subject to the vessel selection system. The remainder of the vessels in the partial coverage category (trawl catcher vessels and fixed gear catcher vessels ≥ 57.5 ft LOA) would be subject to the trip selection system.

Vessels in the trip selection pool will need to use the Observer Deployment System before each fishing trip. There are 364 vessels in this group and they make a range of trips per year (from 1 to 50 trips in 2010). Using 25 trips as an estimate, these vessels did a total 9,100 trips. Vessels in the vessel selection pool will use the Observer Deployment System every 3 months. In 2010 there were 435 vessels in this group, so $435 \times 4 = 1,740$.

Use Deployment System, Respondent	
Estimated number of respondents	799
364 vessels in trip selection pool	
435 vessels in vessel selection pool	
Total annual responses	10,840
Number of responses	
364 trip vessels x 25 trips = 9,100 trips	
435 selected x 4 (once every 3 months) = 1,740 trips	
Total Time burden	2,710 hr
Time per response = 15 min	
Total personnel cost (2,710 x \$25)	\$67,750
Total miscellaneous cost (1,626)	\$1,626
Online (0.05 x 10,840 = 542)	
Photocopy (0.05 x 2pp x 10,840 = 1,084)	

Use Deployment System, Federal Government	
Total annual responses	0
Total Time burden (automatic)	0
Total personnel cost	0
Total miscellaneous cost	0

b. Request for electronic video monitoring as exemption for observer coverage [NEW]

Upon first login to the Deployment System, vessel operators would indicate their assessment as to whether or not they believe an observer could be accommodated onboard their vessel or if an electronic monitoring system could be used in lieu of an observer. The operator would be prompted to enter the reason why an observer could not be accommodated (e.g., lack of space for an observer to sample) if so indicated.

When the operator indicates that an observer could not be accommodated, a program coordinator may visit any vessel selected for observer coverage to verify this assessment. If, during the inspection by the program coordinator, it is determined that the vessel is not suited to monitoring by an observer for safety or logistical reasons, NMFS could approve an electronic monitoring

system. Electronic video monitoring would likely not be available to all vessels who request video monitoring in lieu of an observer in the initial years of the new program. The agency’s goal is to use electronic video monitoring in place of observers when NMFS determines it is appropriate.

NMFS will need to prioritize vessels that are suited for electronic monitoring and initial efforts to use electronic video monitoring as a substitute for an observer would focus on hook-and-line vessels less than 57.5 ft LOA fishing for halibut and sablefish IFQ. Electronic monitoring refers to cameras and computer equipment that would be installed on vessels to obtain and store information on catch composition.

NMFS is looking to develop capacity, both in-house and through vendors, for video deployment, review, and information extraction at the inception of the restructured program. NMFS encourages vendors to continue to develop electronic monitoring systems for use onboard fishing vessels in Alaska. Dependent on funding, NMFS’ goal is to deploy electronic monitoring in all cases where it would be the best alternative for information collection.

Request for Electronic Monitoring, Respondent	
Estimated number of respondents	1
Total annual responses	1
Number of responses per year = 1	
Total Time burden	1 hr
Time per response = 1 hr	
Total personnel cost = \$25	
Total miscellaneous cost (0.10)	\$1
Online 0.05 x 1 = 0.05	
Photocopy 0.05 x 1 = 0.05	

Request for Electronic Monitoring, Federal Government	
Total annual responses	1
Total Time burden	1 hr
Time per response = 1 hr	
Total personnel cost	\$25
Total miscellaneous cost	0

c. Observer Fee Submittal

The implementation of eLandings in the groundfish and halibut fisheries provides an automated system for determining an operation’s ex-vessel value-based observer fee liability. The ability to program standardized prices into eLandings at the start of a fishing year would allow an observer fee field to be populated as the Federal processor permit (FPP) holder (shoreside processor, SFP, and Registered Buyer) enters the amount of pounds of each species landed, and the gear type used. Look-up tables would be used to apply the standardized prices for that particular port. The applicable standardized prices and ex-vessel value fee percentage would be multiplied by the number of pounds landed, yielding the fee liability for each species. A total observer fee would be generated and included on each landing report, as well. The FPP holder would collect the harvester’s portion of the fee, NMFS would invoice the FPP holders at the end of the year by compiling the totals reported in eLandings, and the FPP holder would pay the fee directly to NMFS. Ex-vessel value refers to the price paid to fishermen for their raw, unprocessed catch.

This fee is paid exclusively by catcher vessels and FPP holders in the partial observer coverage category. Catcher/processors and motherships are in the 100 percent observer coverage and arrange for observers and pay for observer coverage through the established observer providers. Observer provider information is found below under the section entitled Full Observer Coverage Category.

All FPP holders would have access to the NMFS Web application at <http://alaskafisheries.noaa.gov/ram/webapps.htm> through a UserID and password issued by NMFS to view the landing-specific observer fee liability information. This information generally would be available within 24 hours of the time that the landing report was submitted via eLandings or the manual landing report was submitted to NMFS. FPP holders would withhold the vessel operator's portion and self-collect the processor's portion of the observer fee liability.

By January 15 each year, NMFS would invoice FPP holders for the total fee liability determined by the sum of the fees reported by the observer fee web-application for each processor for the prior calendar year.

FPP holders would remit the fees to NMFS electronically by February 15 through the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>. Instructions for electronic payment will be provided on the payment Web site and on the observer fee liability invoice to be mailed to each permit holder. NMFS would audit the payments to ensure all liabilities are paid in full.

Observer Fee Submittal, Respondent	
Estimated number of respondents 160 entities (shoreside processors, SFPs, Registered Buyers)	160
Total annual responses Number of responses per year = 1	160
Total Time burden Time per response = 15 min	40 hr
Total personnel cost (40 x \$25)	\$1,000
Total miscellaneous cost Online (0.05 x 160 = 8) Photocopy (0.05 x 2pp x 160 = 16)	\$24

Observer Fee Submittal, Federal Government	
Total annual responses	160
Total Time burden = automatic	0
Total personnel cost (\$15 x 160)	\$2,400
Total miscellaneous cost	0

d. USCG safety decal

Operators of vessels selected for observer coverage must pass a United States Coast Guard (USCG) Commercial Fishing Vessel Safety Examination prior to an observer boarding the vessel (50 CFR §600.746 and §679.50). The only potential exception in current regulations is for vessels less than 26 ft LOA in remote locations.

For the first time, NMFS would deploy observers on less than 60 ft vessels and halibut vessels. Although obtaining a USCG safety decal is a new requirement for these vessels, it is not included in the costs and burdens of this collection. The actual compliance with the safety requirements is not a new compliance requirement of this rule, as all vessels are supposed to comply with USCG requirements regardless of whether they carry an observer. However, completing the USCG inspection process and documenting that compliance through the safety decal constitutes a new requirement of the proposed rule.

An observer provider must verify that a vessel has a valid USCG safety decal before an observer may get underway aboard the vessel.

FULL OBSERVER COVERAGE CATEGORY

Full observer coverage is needed in programs where catch is allocated to specific entities with quotas and limits of prohibited species catch, which must be discarded at-sea. This action would continue to require full observer coverage on all catcher/processors and motherships. In addition, this action would require any groundfish catcher/processor and halibut catcher/processor less than 60 feet in length overall (LOA) not previously subject to observer requirements would now be required to have 100 percent coverage and contract directly for that coverage.

Catcher/processors and motherships will not participate in the new Observer Fee Program; rather they pay the observer provider direct, in response to invoices for observer coverage. NMFS requires observer providers to submit copies of all invoices for observer coverage (that they submitted to catcher/processors and motherships) to the Observer Program Office on a continual monthly basis. Observer providers are required to submit these invoices to NMFS for each observer aboard a catcher/processor, catcher vessel, mothership, SFP, or shoreside processor on a monthly basis for a full calendar year. The invoice information allows NMFS to develop an accurate assessment of costs and benefits under potential program changes which may benefit the groundfish Observer Program and the fisheries dependent upon observer data for management.

a. Notification for one-time election of observer coverage [NEW]

All catcher/processors would be included in the full coverage category. Thus, a vessel would need to be classified as either a catcher/processor or a catcher vessel; sometimes vessels are registered as both. The determination of whether a vessel is a catcher/processor or a catcher vessel for purposes of observer coverage would be based on the operation category designation

on the vessel's FFP. A vessel designated as a catcher/processor at the beginning of a fishing year would be classified as a catcher/processor for the entire fishing year for the purposes of observer coverage.

This action would allow owners of vessels less than 60 ft LOA with a history of catcher/processor and catcher vessel activity in the same year, and owners of catcher/processors with an average daily production of less than 5,000 pounds in the most recent full calendar year from January 2003 through January 2010, to make a one-time election as to whether they will be in the partial observer coverage category or the full observer coverage category. If the vessel meets the above criteria and the owner neglects to makes a one-time election prior to the vessel's first trip, the catcher/processor designation would be the default designation. For vessels less than 60 ft LOA with catcher/processor and catcher vessel activity in the same year, the election would be effective as long as both operation categories are listed on the FFP. Currently, only two vessels meet that requirement.

NMFS would verify a vessel's eligibility for the one-time election with the official Catch Accounting System, which contains production information back to 2003. Owners of eligible vessels must notify NMFS of their observer coverage category choice at least 30 days prior to embarking on their first trip under the new program.

The person named on the FFP for a vessel eligible for the one-time election must notify the Regional Administrator, NMFS, P.O. Box 21668, Juneau, AK 99802.

Notification for one-time election, Respondent	
Estimated number of respondents	2
Total annual responses	2
Number of responses per year = 1	
Total Time burden (30 minutes)	1 hr
Time per response = 15 min	
Total personnel cost = \$25	\$25
Total miscellaneous cost (1.00)	\$1
Postage .45 x 2 = 0.90	
Photocopy 2 x .05 = 0.1	

Notification for one-time election, Federal Government	
Total annual responses	2
Total Time burden (0.5)	1 hr
Time per response = 15 min	
Total personnel cost	\$25
Total miscellaneous cost	0

b. Appeals for Observer Program [Omitted in error from the last request; reinstatement and CHANGE to burden]

The appeals process provides the observer provider a method to provide evidence and to argue in opposition to a NMFS decision. In addition, the process provides NMFS a tool to ascertain if observer providers are fulfilling their responsibilities and duties as prescribed by NMFS.

If an FPP or Registered Buyer Permit holder (permit holder) makes a timely payment to NMFS of an amount less than the fee liability NMFS estimated, the permit holder would have the burden of demonstrating that the fee amount submitted is correct. If, upon preliminary review of the accuracy and completeness of a fee payment, NMFS determines the permit holder has not paid a sufficient amount, NMFS would notify the permit holder by letter. NMFS would explain the discrepancy and the permit holder would have 30 days to either pay the remaining amount that NMFS determined should be paid or provide evidence that the amount paid is correct. If the permit holder submits evidence in support of his or her payment, NMFS will evaluate it and, if there is any remaining disagreement as to the appropriate observer fee, prepare an Initial Administrative Determination (IAD).

If the permit of an observer provider expired and the provider receives an IAD of permit expiration, the provider may appeal. The IAD would set out the facts, discuss those facts within the context of the relevant agency policies and regulations, and make a determination as to the appropriate disposition of the matter. The IAD will identify any deficiencies in any information submitted in support of the application.

A permit holder disagreeing with the IAD could appeal an IAD through the Office of Administrative Appeals in NMFS as described in existing regulations at 50 CFR 679.43. An IAD that is not appealed within 60 days of issuance to the NMFS Office of Administrative Appeals would become a final agency action.

Appeals for Observer Program, Respondent	
Total number of respondents	1
Total annual responses = 1	1
Total burden hours	4 hr
Time per response = 4 hr	
Total personnel cost	\$100
Cost per hour = \$25	
Total miscellaneous cost (500.84)	\$501
Annual cost for legal advice (4 hr x \$125 = 500)	
Cost to submit by mail (\$0.84 x 1 = 0.84)	

Appeals for Observer Program, Federal Government	
Total annual responses	1
Total time burden	4 hr
Time per response = 4 hr	
Total personnel cost (4 x \$125)	\$500
Cost per hr = \$125	
Total miscellaneous cost	0

c. Observer provider invoices

This revision corrects the miscellaneous cost from \$3,625 to \$625.

Invoice Copies

- Name of each individual to which the invoice applies
- Dates of service for each observer
- Rate charged in dollars per day (daily rate) for observer services
- Total charge for observer services (number of days multiplied by daily rate)

Amount charged for air transportation

Amount charged by the provider for any other observer expenses, including but not limited to: ground transportation, excess baggage, and lodging. Charges for these costs must be separated and identified

Invoice Copies, Respondent	
Total number respondents	5
Total annual responses (5 providers x 120 invoices) Number of invoices = 10 x 12 months = 120	600
Total time burden Time per invoice = 30 min	300 hr
Total personnel cost Cost per hr = \$25	\$7,500
Total miscellaneous cost (625) Cost to submit by fax (\$6 x 100= 600) Cost to submit by email (0.05 x 500 =25)	\$625

Invoice Copies, Federal Government	
Total personnel cost , half-time staff member	\$31,250
One-time database design cost, Initial design, development, and groundtruth	\$50,000
Total miscellaneous cost	0

d. Observer provider contract copies [NO CHANGES]

Observer providers must submit to NMFS a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services by February 1 of each year, which corresponds with the deadline for submitting certificates of insurance required by 50 CFR §679.50.

e. Other Reports [NO CHANGES]

Observer providers must notify NMFS of a breach of the observer provider’s policy on observer conduct within 72 hours after the provider becomes aware of the alleged violation.

f. Observer conduct and behavior policy [NO CHANGES]

An observer provider must develop, maintain, and implement a policy addressing observer conduct for their employees that serve as observers. The observer provider shall provide a copy of its conduct and behavior policy to observers, observer candidates, and the Observer Program Office.

g. Candidate college transcripts and statements, observer provider [NO CHANGES]

The observer candidate must submit college transcripts and statements to the observer provider.

h. Observer training and briefing registration [NO CHANGES]

The observer provider must submit training registration information to NMFS at least 5 business days prior to the beginning of a scheduled observer certification training or briefing session.

i. Projected observer assignments [NO CHANGES]

Prior to the observer or observer candidate's completion of the training or briefing session, the observer provider must submit to NMFS a statement of projected observer assignments. The projected assignments are used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) in each training or briefing class and to assign "special projects" to students. Special project assignments are often dependent on the projected vessel assignments and are often species or vessel-type specific.

j. Physical examination verification [NO CHANGES]

The observer provider must provide to NMFS a signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily.

The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement will expire 12 months after the physical exam occurred.

k. Observer deployment/logistics report [NO CHANGES]

A deployment/logistics report must be submitted by Wednesday, 4:30 pm, Pacific local time, of each week with regard to each observer deployed by the observer provider during that week. The deployment/logistics report must include the observer's name, cruise number, current vessel, shoreside processor, or SFP assignment and vessel/processor code, embarkation date, and estimated or actual disembarkation dates. If the observer is currently not assigned to a vessel, shoreside processor, or SFP, the observer's location must be included in the report.

l. Observer debriefing registration [NO CHANGES]

The observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel, or shoreside or SFP assignment name(s) and code(s), and requested debriefing date.

m. Certificates of Insurance [NO CHANGES]

Copies of “certificates of insurance” that name the NMFS Observer Program leader as the “certificate holder” must be submitted to NMFS by February 1 of each year. The certificates of insurance shall verify the coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

n. Observer provider contracts [NO CHANGES]

Observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract between the observer provider and those entities requiring observer services (including all attachments, appendices, addendums, and exhibits incorporated into the contract).

Observer providers must also submit to NMFS upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers.

o. Industry Request for Assistance in Improving Observer Data Quality Issues [NO CHANGES]

Vessel, shoreside processor, and SFP owners and operators, as well as observers and observer providers, may contact NMFS in writing to request assistance in improving observer data quality and resolving observer sampling issues in accordance with §679.50(e)(3).

p. Observer Provider Permit Application [NO CHANGES]

Persons who seek to provide observer services under 50 CFR part 679.50(i) must obtain an observer provider permit from NMFS. Applicants for an observer provider permit are requested to provide information in narrative style rather than completing a form. NMFS uses the provided information to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis. A NMFS-appointed observer provider application review board reviews and evaluates each application for completeness against evaluation criteria.

q. Update to observer provider management and contact information [NO CHANGES]

Except for changes in ownership, an observer provider must submit notification of any other change to the information submitted on the provider's permit application. Within 30 days of the effective date of such change, this information must be submitted by fax or mail to the Observer Program Office.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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.

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 fax or e-mail to NMFS. Observer provider applications are submitted by mail, along with requested documentation.

The copies of invoices and of the Observer Conduct and Behavior policy are submitted as attachments to email or by fax.

The permit holder submits observer fee payments electronically to NMFS available on the Alaska Region Home Page at <http://www.alaskafisheries.noaa.gov>.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

This collection of information does not impose a significant impact on small entities. The proposed action would directly regulate entities that harvest or process groundfish and halibut in Federal waters of the BSAI and GOA and vessels holding an FFP and harvesting groundfish in State waters that are accounted for under a Federal total allowable catch. This specifically includes landings of (1) groundfish in the parallel fisheries in State waters, (2) groundfish incidental to harvest in the State waters fisheries (Pacific cod, pollock, sablefish), and (3) groundfish incidental to harvest in the halibut or sablefish IFQ in State waters.

An estimated 1,609 vessels (1,598 catcher vessels, 10 catcher /processors, and 1 mothership) and 160 shoreside processors, SFPs, and Registered Buyers would be participants in this program for a total of 1,769 entities. Although some data is distinguished as CDQ data, the CDQ groups do not participate directly.

There are an estimated 80 large entities and 1,689 small entities, as defined under the RFA, directly regulated by the proposed action. This summary includes catcher vessels that are not in the selection pools but that are required to pay fees based on eligible landings.

Sector	Number small entities	Number large entities
Halibut & sablefish IFQ	1,411	3
Groundfish CVs	125	59
Groundfish CPs	6	4
Motherships	1	0
Shoreside processors & SFPs	~146	~14
Total	1,689	80

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

All information is required for the efficient operation of the 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 Alaska groundfish fisheries.

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

Not applicable.

8. Provide information on the 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.

NMFS Alaska Region will submit a proposed rule (RIN 0648-BB42) coincident with this submission, requesting comments from the public.

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

No payment or gift to respondents is provided under this program for observer providers who choose to apply.

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

As included in each observer provider contract with NOAA, an observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

As stated in program information published in the regulations, posted on the NMFS Alaska Region Web site <http://alaskafisheries.noaa.gov>, and mailed in bulletins to vessel owners, NMFS would adhere to policies and procedures for protecting confidentiality of data submitted to or collected by NMFS as prescribed by a Reciprocal Data Access Agreement (1999) among the National Oceanic and Atmospheric Administration, the Alaska Department of Fish and Game (ADF&G), and the Alaska Commercial Fishery Entry Commission (*included in this submission*) which are more stringent than the procedures prescribed by NOAA Administrative Order 216-100. Therefore, NMFS would not publish any price information that would permit the identification of an individual. For example, at least four persons would need to make landings of a species with a particular gear type at each port in order for NMFS to publish that price information at the level of individual ports.

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). The information is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is in a system of records: NOAA #15, "Alaska Region-North Pacific Groundfish Observer Program: Certified Domestic Observer Final Evaluations," or NOAA #19, "Permits and Registrations for United States Federally Regulated Fisheries."

In exceptional circumstances, the owners and operators of vessels may provide to the Regional Administrator written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of information could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information will be made pursuant to 15 CFR 4.7.

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 information collection does not involve information of a sensitive nature.

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

Estimated total respondents: 959 (799 vessels in selection pools and 160 shoreside processors, SFPs and registered buyers), increased from 15. Estimated total responses: 15,157, increased from 3,354. Total estimated burden hours: 4,729, increased from 1,374. Estimated total personnel cost: \$118,201, increased from \$34,350.

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).

Estimated total miscellaneous costs: \$3,376 decreased from \$4,103.

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

Estimated total burden hours: 820, increased from 815. Estimated total personnel cost: \$23,300, increased from \$20,850.

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

This action is a program change to add a funding and deployment system to the Alaska Observer Program and amend existing observer coverage requirements for vessels and processing plants.

To integrate the new procedures with the existing procedures required the following addition and revisions:

Notification of one-time election [ADD]

- an increase of 2 respondents and responses, 2 instead of 0
- an increase of 1 hr burden, 1 instead of 0 hr
- an increase of \$25 personnel costs, \$25 instead of \$0
- an increase of \$1 miscellaneous costs, \$1 instead of \$0

Operator's first sign-in [ADD]

- an increase of 799 respondents and responses, 799 instead of 0
- an increase of 599 hr burden, 599 instead of 0 hr
- an increase of \$14,975 personnel costs, \$14,975 instead of \$0
- an increase of \$120 miscellaneous costs, \$120 instead of \$0

Use Deployment system [ADD]

an increase of 799 respondents, 799 instead of 0
an increase of 10,840 responses, 10,840 instead of 0
an increase of 2,710 hr burden, 2,710 instead of 0 hr
an increase of \$67,750 personnel costs, \$67,750 instead of \$0
an increase of \$1,626 miscellaneous costs, \$1,626 instead of \$0

Electronic monitoring instead of observer [ADD]

an increase of 1 respondents and responses, 1 instead of 0
an increase of 1 hr burden, 1 instead of 0 hr
an increase of \$1 personnel costs, \$1 instead of \$0

Observer Fee Submittal [ADD]

an increase of 160 respondents and responses, 160 instead of 0
an increase of 40 hr burden, 40 instead of 0 hr
an increase of \$1000 personnel costs, \$1000 instead of \$0
an increase of \$24 miscellaneous costs, \$24 instead of \$0

Observer Program Appeals [REINSTATE and MODIFY]

an increase of 1 response, 4 hr burden, 4 instead of 0 hr
an increase of \$501, \$501 instead of \$0
an increase of \$100 personnel costs, \$100 instead of \$0

Total changes: Increase of 959 respondents, 11,803 responses, 3,355 hours and \$2,273 in miscellaneous costs.

Adjustment

Copying of Invoices

a decrease of \$3,000, \$625 instead of \$3,625.

Total decrease of \$3,000 in miscellaneous costs.

Total changes and adjustments: increase of 959 respondents, 11,803 responses, 3,355 hours and net decrease of \$4,230.

All other information collections in this OMB Control Number remain unchanged.

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

The following information collected by observers for each catcher/processor and catcher vessel during any weekly reporting period may be made available to the public on the Alaska Science Center website at http://www.afsc.noaa.gov/FMA/fma_database.htm.

- ◆ Vessel name and Federal permit number.
- ◆ Number of Chinook salmon and “other salmon” observed.
- ◆ Ratio of total round weight of incidentally caught halibut or Pacific herring to the total round weight of groundfish in sampled catch.
- ◆ Ratio of number of king crab or *C. bairdi* Tanner crab to the total round weight of groundfish in sampled hauls.
- ◆ Number of observed trawl hauls or fixed gear sets.
- ◆ Number of trawl hauls that were basket-sampled.
- ◆ Total weight of basket samples taken from sampled trawl hauls.

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.