

**SUPPORTING STATEMENT
ATLANTIC MACKEREL, SQUID AND BUTTERFISH AMENDMENT 14 FAMILY OF
FORMS
OMB CONTROL NO. 0648-XXXX**

A. JUSTIFICATION

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

This request is for a new information collection to support regulatory changes to the Atlantic Mackerel, Squid and Butterfish (MSB) Fishery Management Plan (FMP). FMPs for Federal Fisheries managed under the National Ocean and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) are developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP (Amendment 14) was developed by the Mid-Atlantic Fishery Management Council (Council) to improve catch monitoring for MSB fisheries and to address incidental catch of river herrings and shads through responsible management. Information collection requirements contained in Amendment 14, to be put forth in Proposed Rule 0648-AY26, will be ultimately be added to existing information collections.

The items outlined in this information collection include:

- An increase in vessel trip report (VTR) submission frequency to a weekly basis (from monthly) for all MSB permits;
- A 48-hour pre-trip notification requirement in order to retain, possess or transfer more than 20,000 lbs. of mackerel;
- A vessel monitoring system (VMS) requirement and daily VMS catch reporting for limited access mackerel and longfin squid/butterfish moratorium permits;
- A 6-hour pre-landing notification via VMS to land more than 20,000 pounds of mackerel;
- A requirement that MSB dealers that do not sort landings by species will document, at each transaction, how they estimate the relative composition of catch;
- A released catch affidavit for vessels that release catch prior to sampling by observers;
- A \$325 per sea day contribution from limited access mackerel vessels using mid-water trawl and small-mesh bottom trawl to offset the cost of observer coverage; and
- Observer service provider provisions.

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

The information collections that result from Amendment 14 will be used by several offices of NMFS, the United States Coast Guard (USCG), the Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC), state fishery

management agencies, academic institutions, and other fishery research and management organizations to evaluate current management programs and future management proposals. All information collections are necessary for improved monitoring of the MSB fisheries.

VTR submission

Amendment 14 revises the reporting frequency of VTRs from monthly to weekly submissions for all MSB permit holders. Compared to the current monthly VTR submission requirement, weekly VTR submissions are expected to supply more accurate and timely landings data, which can be used to cross check dealer data to ensure that directed fishery and mortality cap closures occur appropriately. Vessels that also possess a Northeast multispecies, Atlantic herring limited access, or Tier 3 mackerel permit are already required to submit weekly VTRs. Because many other vessels already have this requirement related to other permits they possess, there are a limited number of vessels that will be affected by this changed provision. Monthly VTR submissions are currently covered under OMB Control No. 0648-0212, and this new information collection would eventually be added to that form family.

VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders

Amendment 14 requires all limited access mackerel and longfin squid/butterfish moratorium permit holders to install and maintain a VMS unit on their vessels and to declare intent to target Atlantic mackerel or longfin squid via VMS. Many of these permit holders already have an operational VMS unit related to other Northeast region permits (Northeast multispecies, Atlantic herring, monkfish, surfclam/ocean quahog, scallops). The amendment also requires that limited access mackerel and longfin squid/butterfish moratorium permit holders submit daily catch reports via VMS. VMS reporting is expected to facilitate quota monitoring.

Pre-landing notifications

Amendment 14 would require that, when on a declared mackerel trip, vessels that land over 20,000 lbs. mackerel must notify NMFS Office of Law Enforcement (OLE) via VMS of the time and place of offloading at least 6 hours prior to crossing the VMS demarcation line on their return trip to port, or if a vessel does not fish seaward of the VMS demarcation line, at least 6 hours prior to landing.

Dealer documentation of relative species composition

Amendment 14 seeks to improve the quality of information collected about MSB species landings transactions, as well as information about any incidental landings of non-target species, namely river herring and shad. In order to gain additional information about how catch is handled, this amendment puts forth a requirement that MSB dealers that do not sort by species must document, at each transaction, how they estimate the relative composition of catch. This requirement would apply to all Atlantic mackerel landings transactions over 20,000 lbs. and all longfin squid transactions over 2,500 lbs. Dealers are currently permitted to submit reports using a variety of electronic submission methods. This requirement would allow dealers to submit catch composition information along with standard dealer reports. It is expected that this information would facilitate quota monitoring, and cross-checking with other sources of landings information.

Observer notification requirements

Amendment 14 would require any vessel with a limited access mackerel permit intending to land

over 20,000 lbs. mackerel to contact NMFS at least 48 hrs. in advance of a fishing trip to request an observer. This measure would assist NMFS's scheduling and deployment of observers across the mackerel fleet, with minimal additional burden on the industry, helping ensure that observer coverage targets for the mackerel fishery are met.

The list of information that must be provided to NMFS as part of this pre-trip observer notification is described in the proposed regulations. Vessels with limited access mackerel permits would be required to contact NMFS via telephone. If a vessel is required to notify NMFS to request an observer before its fishing trip, but it does not notify NMFS before beginning the fishing trip, that vessel would be prohibited from possessing, harvesting, or landing Atlantic mackerel on that trip. If a fishing trip is cancelled, a vessel representative must notify NMFS of the cancelled trip, even if the vessel is not selected to carry an observer. All waivers or selection notices for observer coverage will be issued by NMFS to the vessel via VMS so the vessel would have an on-board verification of either the observer selection or waiver.

If an observer is not available through the observer program, vessels required to carry an observer must arrange for carrying a Northeast Fisheries Observer Program (NEFOP) certified observer from an approved observer service provider. The owner, operator, or vessel manager of a vessel selected to carry an observer must contact the observer service provider by phone and must provide at least 48 hours for the provider to arrange for observer deployment for a specified trip.

An owner, operator, or vessel manager of a vessel who cannot procure a certified observer within 48 hours of the notification to the provider, due to the unavailability of an observer, may request a waiver from the requirement for observer coverage for that trip, but only if the owner, operator, or vessel manager has contacted all of the available observer service providers to secure observer coverage. To request a waiver based on the unavailability of observers, an owner, operator, or vessel manager of the vessel must call the NEFOP. If the NEFOP confirms that no observers are available, it will issue a waiver within 24 hours.

Released Catch Affidavits

Amendment 14 would require limited access mackerel and longfin squid/butterfish moratorium permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. The Council recommended this measure to improve the quality of at-sea monitoring data by reducing the discarding of unsampled catch. If catch is discarded before it has been made available to the observer, that catch is defined as slippage. If a slippage event occurs, Amendment 14 would require the vessel operator to complete a released catch affidavit within 48 hours of the end of the fishing trip. The released catch affidavit would detail: (1) Why catch was slipped; (2) an estimate of the quantity and species composition of the slipped catch; and (3) the time and location of the slipped catch.

Observer Funding Contribution

Amendment 14 would increase observer coverage on limited access mackerel vessels, and require industry contributions of \$325 per day to help offset the cost of additional coverage.

Observer Service Provider Requirements

The following set of requirements is intended to facilitate coordination between the NEFOP and approved observer service providers. These requirements are based on those included in the overall observer provider collection (OMB Control No. 0648-0546) but feature the additional burden required to certify and collect information from observer service providers for the Atlantic mackerel fishery.

1. *Observer deployment report:* The observer service provider deployment reports are used to inform NEFOP when, where and to whom an observer has been deployed within 24 hours of the observer's departure. The observer service provider also must ensure that the observer reports back to the NEFOP its OBSCON data, as described in the certified observer training, within 12 hours of landing.
2. *Observer Availability Report:* The observer service provider availability reports are used to inform NEFOP of any occurrence of their inability to respond to an industry request for observer coverage due to the lack of available observers on staff by 5:00 pm, Eastern Standard Time, on any day with an industry request for observer coverage.
3. *Safety Refusals:* The observer service provider safety refusal reports are used to inform NEFOP of any trip that has been refused due to safety issues, e.g., failure to hold a valid USCG Commercial Fishing Vessel Safety Examination Decal or meet the safety requirements of the observer's pre-trip vessel safety checklist, within 24 hours of the refusal.
4. *Raw observer data:* The submission of raw (unedited) data (via courier service, e.g., FedEx, DHL, etc.) collected by the observer to the NEFOP within 72 hours of trip landing is necessary for NEFOP to administer the observer program. This data is also used to monitor bycatch in the Atlantic herring fishery.
5. *Observer debriefing:* The observer service provider must ensure that the observer remains available to the NEFOP and/or NMFS Office for Law Enforcement for debriefing for two weeks following any observed trip. Observer debriefings ensure the data collected by the observer is as accurate as possible, and any potential issues are addressed. An observer that is at sea during the two-week period must contact the NEFOP upon his or her return if requested.
6. *Other reports:* Reports of possible observer harassment, discrimination, concerns about vessel safety or marine casualty, observer illness or injury, and any information, allegations, or reports regarding observer conflict of interest or breach of the standards of behavior must be submitted to the NEFOP in a timely manner.
7. *Biological samples:* The observer service provider must ensure that biological samples, including whole marine mammals, turtles and sea birds, are stored/handled properly and transported to the NEFOP within 7 days of landing.

8. *New permit application for observer provider:* Any third party provider that wishes to operate in the Atlantic herring observer program must submit a thorough application and gain approval from NMFS.
9. *Applicant response to a denial:* If an application for approval as an observer service provider is incomplete or does not meet the requirements of an approved observer service provider, the applicant will be provided with a written denial. Each applicant may present additional information to NMFS to rectify the deficiencies specified in the written denial within 30 days of the applicant's receipt of the denial notification.
10. *Request for observer training:* The observer service provider must submit a request for a certified training class at least 30 days prior to the beginning of the proposed training class to ensure that the NEFOP is provided with the necessary time and information to prepare for the training of candidate observers.
11. *Rebuttal of pending removal from list of approved observer providers:* An observer provider that fails to meet the requirements, conditions, and responsibilities of an approved observer service provider will be notified in writing that it is subject to removal from the list of approved observer service providers. An observer service provider that has received notification that it is subject to removal from the list of approved observer service providers may submit information to rebut the reasons for removal from the list within 30 days and must give written evidence that clearly disproves the reasons for removal.
12. *Observer contact list updates:* The updated observer contact list would facilitate the ability of NMFS/NEFOP to contact an observer when necessary. This list would be updated by the service provider as necessary.
13. *Observer availability updates:* The observer status report would facilitate the ability of NMFS/NEFOP to confirm observer availability, or the lack thereof, when a provider notifies NMFS/NEFOP of instances when no observers were available for deployment. This list would be updated by the service provider as necessary.
14. *Service provider material submissions:* NMFS/NEFOP may request service providers to provide copies of materials provided to the fishing industry. This would allow NMFS/NEFOP to ensure such materials are accurate and in keeping with the objectives of the program. This information would likely be solicited when changes to such materials are made.
15. *Service provider contracts:* NMFS/NEFOP may request service providers to provide a copy of each type of signed and valid contract between the observer provider and those entities requiring observer services. This would allow NMFS/NEFOP to resolve contract disputes between the provider and industry, and to ensure provider contracts with their employees are in keeping with the objectives of the observer program. This information would likely be solicited when changes to such materials are made.

NMFS retains control over all information and safeguards it from improper access, modification,

and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information would be subjected to quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

After the initial permit issuance, permit renewal has been made as simple as possible and currently feasible for both the public and the issuing office. The information obtained from current permits is used to prepare a computer-generated, pre-printed renewal permit, which is sent to the permit holder for updating. If there are no changes in the information required on the permit, renewal requires only the applicant's signature. This feature minimizes the reporting burden on the public as well as the administrative burden on the agency. Permit information and all initial permit applications are posted as fillable Adobe Acrobat documents (PDF file format) on the NE Regional Office's (NERO) web site: <http://www.nero.noaa.gov>. Posting this information on the internet makes it widely available to the public, thereby reducing both public and administrative burden. At this time, permit applications, with signature and accompanying documents, must be mailed.

Federally permitted dealers are required to submit detailed, electronic reports of all purchases from fishing vessels. Dealers submit transaction information through an online data entry form available at <http://www.accsp.org/safis.htm>.

Due to the required confidentiality of fish purchase reports, information sent from dealers to NMFS is subject to strict encryption standards and is available only to authorized agency personnel and the submitter. Dealers receive a username and personal identification number (PIN) that enables them to log onto a secure site and submit their reports. Dealers are also allowed to access, review, and edit the information they have submitted using a secure procedure similar to those in common usage throughout the banking industry. These submissions constitute the official reports as required by the various FMPs in the Northeast region.

All data submitted through the vessel's VMS unit is electronic. VMS vessel polling is automated and other than for the initial cost and transmission costs, does not impose any burden on commercial fishing vessels.

The observer providers and vessels submit materials to NMFS/NEFOP via email, fax, mail or phone call. Instructions for providers and vessels are available on the NERO web site.

4. Describe efforts to identify duplication.

The information to be collected through the issuance of permits is not duplicated elsewhere.

The information collected on daily VMS catch reports is often duplicated on vessel trip reports (VTRs) which are approved under the 0648-0212 family of forms. However, VMS daily catch reports are necessary to monitor fisheries catch in real-time. VTRs are submitted to NMFS on a weekly (for this collection) or monthly basis, and are therefore used to cross-check the accuracy of the daily VMS catch reports.

The application processes and information submissions for the observer program and vessels are unique to the Atlantic mackerel observer program, and direct duplication with other collections does not exist.

None of the other information collected through this family of forms is duplicated elsewhere.

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

Only the minimum data needed to meet the objectives of Amendment 14 are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed.

For initial and renewal vessel and dealer permits, as well as applications for observer service providers, detailed instructions are included with the application to help facilitate proper completion of the form. NMFS also sends bulletins detailing reporting requirements to all permitted entities.

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

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

To the extent practicable, frequency of information collection under this family of forms has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement.

Information on permit applications and renewal forms for vessels, dealers, and operators, is necessary for accurately tracking information about who is issued permits annually, gathering data on permit holders, and ensuring compliance with fishing regulations. Furthermore, this

information (in a consolidated form) is used by a variety of researchers, students, and managers when making important fisheries policy decisions.

All information is required for the efficient operation of the Atlantic herring observer program 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 Atlantic mackerel fishery.

VMS units are crucial for enforcing area based fishing regulations; without VMS tracking of fishing vessel activity, it would be near impossible to monitor whether fishing vessels are complying with such regulations. VMS catch reporting is vital to gaining real-time data on fish catch. Without such information, or if the information was collected less frequently, it would be very difficult to monitor fisheries quotas and ensure sustainable harvests that prevent overfishing.

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

The data collection is consistent with 5 CFR 1320.6 guidelines except that it requires information to be reported more frequently than quarterly. The need for this is described in Question 6.

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 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 proposed rule, RIN 0648-AY26, will be published coincident with this information collection request, and will solicit public comments on the collection.

The Mid-Atlantic Fishery Management Council (Council) held many Council and MSB Oversight Committee meetings during the development of Amendment 14 between April 2010 and June 2012, during which there were opportunities for public discussion of proposed management strategies. The Council approved the measures contained in Amendment 14, on June 14, 2012.

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

No payment or gift will be made to respondents.

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

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

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

There are no questions of a sensitive nature involved in this collection of information.

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

The time burden of this information collection is presented in Table 1. **The total annual responses are 51,023 and annual time burden is 5,557 hours.**

VTR submission

Vessels with Atlantic mackerel, butterfish, longfin squid, and *Illex* squid permits would be required to submit VTRs (Form 88-30) on a weekly basis.

This action does not change the total number of respondents previously covered under this action, but rather adjusts the frequency of the reporting requirement for several of current respondents. There are an estimated 2,551 MSB permit holders that are already covered in the existing submission for this action. An estimated 135 of these MSB permit holders do not already submit VTRs on a weekly basis due to permit requirements related to Northeast multispecies permits, Atlantic herring limited access permits, or Tier 3 mackerel permits, so only these 135 vessels will be affected by the revision of the VTR reporting requirement.

The estimated response time for the reporting burden for VTRs is 5 minutes. Some of the information being provided by the respondents, such as fishing location and catch, are already collected and recorded in the normal course of fishing activity; therefore that time is excluded from the calculation. While the fishing vessel logbook information is collected on a trip-by-trip basis, the burden calculation is based on the required weekly or monthly submission. **There will be an additional 5,400 annual responses (additional 40 responses per vessel (135 * 40)) and 450 hours (5 minutes * 135 vessels * 40 submissions).**

VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders

Limited access mackerel and longfin squid/butterfish moratorium permit holders would be required to purchase and maintain a VMS. Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 63 of the 312 longfin squid butterfish moratorium permit holders, and only 17 of the 132 limited access mackerel permit holders (80 vessels total) do not already have a VMS. **VMS installation takes 1 hour to complete. The**

VMS certification form takes an estimated 5 minutes to complete, and the call to confirm a VMS unit takes an estimated 5 minutes to complete. The total burden to confirm VMS installation is 94 hours ([80 vessels * 60 minutes per installation] + [80 vessels * 5 minutes per certification form] + [80 vessels * 5 minutes per installation call]).

Northeast Region regulations require VMS trip declarations, which take an estimated 5 minutes to complete. **If a longfin squid/butterfish moratorium permit holder takes an average of 22 trips per year, the total burden estimate would be 572 hours (312 vessels * 5 minutes * 22 declarations). If a limited access mackerel permit holder takes an average of 8 trips per year, the total burden estimate would be 88 hours (132 vessels * 5 minutes * 8 declarations).**

Permit holders would also be required to submit a daily VMS catch report that would take an estimated 5 minutes to complete. **The total annual time burden for daily VMS catch reports for longfin squid/butterfish moratorium permit holders is 1,144 hours (5 minutes per catch report * 22 trips * 2 days per trip * 312 vessels). The total annual time burden for daily VMS catch reports for limited access mackerel permit holders is 264 hours (5 minutes per catch report * 8 trips * 3 days per trip * 132 vessels).**

Vessels carrying permits that require VMS units must transmit a signal indicating the vessel's position either once or twice per hour, 24 hours a day, depending on the permit type. The vessel power down exemption allows both voluntary VMS users as well as vessels required to use VMS to stop position transmission under certain provisions, provided the vessel would be out of the water for a minimum of 72 hours, or at dock/mooring and not engaging in any fisheries for a minimum of one month. Vessel operators are allowed to discontinue the use of VMS as long as a valid letter of exemption is obtained and the vessel complies with the conditions and requirements of the exemption letter. The vessel is required to retain this exemption letter on board the vessel. The vessel owner may also request to extend the time period for which the exemption was granted. There is no limit to either the length of time a VMS unit may be turned off or the number of times a vessel may participate in this program.

Every vessel with a VMS unit may request a power-down exemption letter at some point during a year, and vessels in the past have requested up to 2 per year to cover boat repairs or seasonal docking. **The request to turn off the VMS unit (power-down exemption) takes approximately 5 minutes per request for a total burden of 13 hours (5 min * 2 requests * 80 vessels).** The power down exemption burden for vessels that already have VMS is covered under the Permit Family of Forms (OMB Control No. 0648-0202).

Pre-landing notifications

Amendment 14 would require limited access mackerel permit holders that land over 20,000 lbs. mackerel to submit a VMS pre-landing notification 6 hours prior to landing. Limited access mackerel permit holders take an average of 8 trips per year, so the total annual burden estimate is **88 hours (8 trips * 132 vessels * 5 minutes).**

Dealer documentation of relative species composition

This requirement would apply to all transactions involving the sales greater than 20,000 lbs. Atlantic mackerel, and greater than 2,500 lbs. longfin squid. The documentation of relative

species composition would occur as part of regular dealer submissions of landings data for the above transactions, which means the submissions would occur in over one of the many forms of electronic submission currently used by dealers. The dealers will be presented with an open text field to enter a limited amount of characters describing how they estimated relative species composition for each purchases of mackerel greater than 20,000 lbs., or purchases of longfin squid greater than 2,500 lbs. listed on a given dealer report. The additional work of reporting relative species composition for each of the above types of transactions is expected to take 5 minutes per transaction.

As of April 2013, there were 214 entities that held an MSB dealer permit. In 2012, there were 39 transactions with greater than 20,000 lbs. Atlantic mackerel and 1,620 transactions with greater than 2,500 lbs. longfin squid. It is expected that no more than this number (roughly 1,700) of annual dealer transactions will continue to occur for the upcoming years if the Atlantic mackerel and longfin squid stock statuses remain the same. Thus, an estimated 1,712 dealer transactions would result in **total yearly burden of 143 hours (5 minutes * 1,712 dealer transactions)**.

Observer notification requirements

Amendment 14 would increase the reporting burden for measures designed to improve at-sea sampling by NMFS-approved observers. Vessels issued a limited access mackerel permit would be required to call NMFS to request an observer at least 48 hours prior to beginning a mackerel trip (any trip where the vessel intends to land over 20,000 lbs. mackerel). The phone call is estimated to take 5 minutes to complete, for a total annual burden of **88 hours (132 vessels * 8 trips * 5 minutes)**.

If a vessel has already contacted NMFS to request an observer and then decides to cancel that fishing trip, Amendment 14 would require that vessel to notify NMFS of the trip cancellation. The call to notify NMFS of a cancelled trip is estimated to take 1 min to complete. Since each vessel has the potential to cancel every trip for which it submitted notification, the total annual burden of the cancellation call is **18 hours (132 vessels * 8 trips * 1 minute)**.

Under the proposed industry-funded observer program, limited access mackerel permit holders would be required to contact an observer service provider to request an observer. An estimated 132 limited access mackerel permit holders would be subject to this requirement. If those vessels took an estimated 8 trips per year and the call to the observer service provide took an estimated 10 minutes to complete, the annual reporting burden of the proposed notification requirement is estimated to be **176 hours (132 vessels * 8 trips * 10 minutes)**.

If an observer service provide had no observer available, limited access mackerel permit holders would be required to notify NMFS to request an observer waiver. The likelihood of an observer not being available is anticipated to be low. Therefore, if on 2 occasions the vessels needed to contact NMFS to request a waiver, and the call took an estimated 5 minutes to complete, the annual reporting burden to request a waiver is estimated to be **22 hours (132 vessels * 2 occasions * 5 minutes)**.

Released Catch Affidavits

Amendment 14 would require a released catch affidavit for limited access mackerel and longfin

squid/butterfish moratorium permit holders that discard catch before it had been made available to an observer for sampling (slipped catch). The reporting burden for completion of the released catch affidavit is estimated to average 5 minutes. The affidavit requirement would affect an estimated 444 vessels (132 mackerel; 312 longfin squid/butterfish). If a limited access mackerel vessel slipped catch once per trip with an observer onboard, and took an estimated 8 trips per year, **the total annual reporting burden for the released catch affidavit would be 88 hours (132 vessels * 8 trips per year * 5 minutes)**. If a longfin squid/butterfish moratorium vessel slipped catch once per trip with an observer onboard, and took an estimated 22 trips per year, **the total annual reporting burden for the released catch affidavit would be 572 hours (312 vessels * 22 trips per year * 5 minutes)**.

Observer Funding Contribution

There is no time burden associated with the observer funding contribution.

Observer Service Provider Requirements

It is estimated that 6 service providers may be able to support the Atlantic mackerel observer program during the three year renewal period for this information collection. Three service providers are already approved for other northeast fishery observer programs. Therefore, the majority of the information collections here were analyzed for 6 Atlantic mackerel observer program providers.

1. *Observer deployment report:* Each provider is estimated to submit 250 observer deployment reports annually (once a day not including weekends) for a total of 1,500 reports annually (250 * 6 providers). **Each report is estimated to take 10 minutes to fill out and email to NEFOP, for a total of 250 hours.**
2. *Observer Availability Report:* Each provider is estimated to submit 150 observer availability reports annually (estimate from NEFOP) for a total of **900 reports annually (150 * 6 providers)**. **Each report is estimated to take 10 minutes to fill out and email to NEFOP, for a total of 150 hours.**
3. *Safety Refusals:* Each provider is estimated to submit a maximum of 25 safety refusal reports annually (estimate from NEFOP) for a total of 150 reports annually (25 * 6 providers). **Each report is estimated to take 30 minutes to fill out and email to NEFOP, for a total of 75 hours.**
4. *Raw observer data:* Each provider is estimated to submit raw data to the NEFOP 250 times annually (once a day not including weekends) for a total of 1,500 total times annually (250 * 6 providers). **Each report is estimated to take 5 minutes to fill out and send via express mail to NEFOP for a total of 125 hours.**
5. *Observer debriefing:* Each provider is estimated to have 70 debriefings with observers annually for a total of 420 observer briefings (70 * 6 providers). **Each briefing is estimated to take 2 hours for a total of 840 hours.**
6. *Other reports:* Each provider is estimated to submit 35 other reports (predominantly incident reports) annually for a total of 210 reports (35 x 6). **Each report takes 30 minutes to fill out and email to NEFOP for a total of 105 hours.**

7. *Biological samples:* Each provider is estimated to submit biological samples 250 times annually for a total of 1,500 times (250 * 6 providers). **Each submission is estimated to take 5 minutes to mail to NEFOP for a total of 125 hours.**
8. *New permit application for observer provider:* Three providers are already approved by NMFS to observe other fishery observer programs. Each *new* provider will need to submit an application, for a total of 3 new permit applications. **Each application is estimated to take 10 hours to complete for a total of 30 hours.**
9. *Applicant response to a denial:* NEFOP staff estimated that one *new* provider application would be denied annually (maximum) and have the opportunity to respond. **Each response would take 10 hours to put together and submit to NEFOP for a total of 10 hours.**
10. *Request for observer training:* Each *new* provider is estimated to request observer training twice annually for a total of six times (2 * 3 providers). **Each request is estimated to take 30 minutes for a total of 3 hours.**
11. *Rebuttal of pending removal from list of approved observer providers:* NEFOP staff estimated that no more than one *new* provider would be removed from the list of approved providers and have the opportunity to rebut their removal. **Each rebuttal is estimated to take 8 hours to complete and mail to NEFOP for a total of 8 hours.**
12. *Observer contact list updates:* Each provider is estimated to update their observer contact list 12 times annually (once a month) for a total of 36 times (12 * 3 providers). **Each update is estimated to take 5 minutes to email to NEFOP for a total of 3 hours.**
13. *Observer availability updates:* Each providers is estimated to update their observer availability list 12 times annually (once a month) for a total of 36 times (12 * 3 providers). **Each update is estimated to take 1 minute to email to NEFOP for a total of 36 minutes (1 hour).**
14. *Service provider material submissions:* Each provider is estimated to submit new materials to NEFOP twice annually for a total of 12 times (2 * 6 providers). **Each update is estimated to take 30 minutes to mail to NEFOP for a total of 6 hours.**
15. *Service provider contracts:* Each provider is estimated to submit service provider contracts to NEFOP twice annually for a total of 12 times (2 * 6 providers). **Each contract is estimated to take 30 minutes to mail to NEFOP for a total of 6 hours.**

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).

The cost burden of this information collection is presented in Table 1. **The total annual cost for all requirements in this information collection is \$1,500,365 (rounded down in ROCIS to 1,500,634).**

VTR submission

As VTRs are submitted though the mail, this provision will cost the public an additional \$0.45 per item for postage; accordingly, **the public cost per burden item will increase by \$2,430 (additional \$.45 per stamp (5,400 * \$.45)).**

VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders

Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 80 vessels issued limited access mackerel or longfin squid/butterfish moratorium permits do not already have a VMS.

The average cost of purchasing and installing a VMS is \$3,400, the VMS certification form costs \$0.45 to mail, and the call to confirm a VMS unit costs \$1. The average cost of maintaining a VMS is \$600 per year. The total cost to install and maintain a VMS unit is **\$320,116 (80 vessels * \$3,400 = 272,000 + 80 vessels * \$0.45 + 80 vessels * \$1 = \$116 + 80 vessels * \$600 = 48,000).**

Northeast regulations require VMS trip declarations and automated polling of VMS units to collect position data: **1) Each trip declaration costs \$0.50 to transmit, for a total cost of \$3,960 (\$0.50 * 22 trips * 312 longfin squid vessels + \$0.50 * 8 trips * 132 mackerel); 2) Each automated polling transmission costs \$0.06. Since automated polling occurs once every hour for each day of the year, the total annual cost is \$42,048 (\$0.06 * 365 days per year * 24 hours * 80 vessels).**

Vessels are also required to submit a daily VMS catch report, at a cost of \$0.60 per transmission. **The total annual cost for daily VMS catch reports for mackerel vessels is \$1,901 (\$0.60 per catch report * 8 trips * 3 days per trip * 132 vessels). The total annual cost for daily VMS catch reports for longfin squid/butterfish vessels is \$8,237 (\$0.60 per catch report * 22 trips * 2 days per trip * 312 vessels).**

The cost of obtaining a power down exemption letter is the cost of postage (\$0.45), **therefore the total annual cost to the public is \$72 (\$0.45 * 2 letters * 80 vessels).**

Dealer documentation of relative species composition

Because dealer reports and the species composition submission described in the Amendment 5 proposed rule will be submitted via the Internet, the monetary cost for this information collection is related to Internet access. The 214 entities that already hold MSB dealer permits are already submitting their reports via the Internet. Because they already have Internet access, there is no recordkeeping/reporting cost associated with the submission of species composition information.

Pre-landing notifications

Each VMS pre-landing notification cost \$1. Limited access mackerel vessels take an average of 8 trips per year, so **the total cost for this requirement is \$1,056 (8 trips * 132 vessels * \$1).**

Observer notification requirements

The pre-trip observer notifications, as well as the trip cancellation notification, are calls to NMFS. The cost of these calls is negligible, so there is no additional cost for these requirements.

The call to the observer service provider cost \$1 per call. If required vessels take 8 trips per year, the total cost is **\$1,056 (132 vessels * 8 trips * \$1).**

The call to notify the observer program that no observer is available from the service provider costs \$0.50, for **a total cost of \$132 (132 vessels * 2 occasions * \$0.50).**

Released Catch Affidavits

The released catch affidavits must be submitted by mail, for \$0.45 per submission. If each of the 132 limited access mackerel permit holders required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 8 trips per year, the total annual cost for the released catch affidavit would be **\$475 (132 vessels * 8 trips per year * \$0.45).** If each of the 312 longfin squid/butterfish moratorium permit holders required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 22 trips per year, the total annual cost for the released catch affidavit would be **\$3,809 (312 vessels * 22 trips per year * \$0.45).**

Observer Funding Contribution

Amendment 14 would require 100 percent observer coverage on all limited access mackerel permit holders using midwater trawl gear, and Tier 1 limited access permit holders using small mesh bottom trawl gear; 50 percent observer coverage on Tier 2 vessels using small mesh bottom trawl gear; and 25 percent coverage on Tier 3 vessels using small mesh bottom trawl gear. There are an estimate 30 Tier 1 permit holders, 23 Tier 2 permit holders, and 79 Tier 3 permit holders.

Limited access mackerel permit holders using midwater trawl would have 100 percent coverage, and average 18 days per year at sea (3 sea days per each of 6 trips), so their estimated cost would be **\$772,200 (132 vessels* 18 days at sea* \$325).**

Bottom trawl trips are slightly longer on average, closer to 8 sea days per each of 2 trips. Tier 1 permit holders using bottom trawl would be responsible for 100 percent of their average 16 days per year at sea, so their estimated cost would be **\$156,000 (30 vessels * 16 days * \$325).** Tier 2 permit holders using bottom trawl would be responsible for 50 percent of their average 16 days per year at sea, so their estimated cost would be **\$59,800 (23 vessels * 8 days at sea * \$325).** Tier 3 permit holders using bottom trawl would be responsible for 25 percent of their average 16 days per year at sea, so their estimated cost would be **\$102,700 (79 vessels * 4 days at sea * \$325).**

Observer Service Provider Requirements

The cost to observer service providers are mostly mail or telephone costs associated with the information collections. Phone calls were estimated to cost \$0.10 per minute and stamps are currently \$0.45 each. Some information collections are required to be sent by express mail (e.g., \$13.00 for an express mail envelope) such as raw observer data for timely monitoring of particular bycatch species. The burden cost for each information collection is presented here as well as in Table 1:

1. *Observer deployment report*: sent via e-mail = \$0
2. *Observer Availability Report*: sent via e-mail = \$0
3. *Safety Refusals*: sent via e-mail = \$0
4. *Raw observer data*: **\$13.00 per raw data mailing (express mail) times (6 x 250) items = \$19,500**
5. *Observer debriefing*: **\$12.00 per debriefing times 420 debriefings = \$5,040**
6. *Other reports*: sent via e-mail = \$0
7. *Biological samples*: **\$0.50 per sample times 1,500 samples = \$750**
8. *New permit application for observer provider*: \$0.45 per application times 3 applications = \$1.35 (\$1)
9. *Applicant response to a denial*: \$0.45 per denial times 1 application = \$0.45 (\$1)
10. *Request for observer training*: \$1.80 per request times 6 requests (3 providers x 2 requests) = \$10.80 (\$11)
11. *Rebuttal of pending removal from list of approved observer providers*: \$0.45 per rebuttal time 1 estimated rebuttal = \$0.45 (\$1)
12. *Observer contact list updates*: sent via e-mail = \$0
13. *Observer availability updates*: sent via e-mail = \$0
14. *Service provider material submissions*: \$2.50 per submission times 12 submissions = \$30.00
15. *Service provider contracts*: \$2.50 per contract times 12 contracts = \$30.00.

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

The total annualized cost to the Federal government from the herring observer program is **\$226,775** (rounded down to \$226,770 in Table 1 due to portions of hours for some activities). This is the cost to the Federal government based on 9,071 hours at a rate of \$25 per hour.

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

As described above, this information collection request includes new information collection burdens associated with the provisions included in Amendment 14, and would be used to implement and manage the provisions proposed above.

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

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

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

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures. The requirements are mandatory for all participants in the indicated fisheries.

Table 1.

	Number of entities	Items per entity	Total # of items	Public				Government		
				Response time (minutes)	Total time burden (hours)	Cost per item	Total Public cost	Response time per item (minutes)	Total Government Response Time	Total Government Cost
Reporting requirements for MSB Permit holders										
Weekly VTR	135	40	5400	5	450	\$0.45	\$2,430	15	1350	\$33,750
VMS installation	80	1	80	60	80	\$3,400.00	\$272,000	0	0	\$0
VMS Certification Form	80	1	80	5	7	\$0.45	\$36	10	13.3	\$333
Call-in for Unit Confirmation	80	1	80	5	7	\$1.00	\$80	10	13.3	\$333
Trip Declaration: Mackerel	132	8	1056	5	88	\$0.50	\$528	10	176.0	\$4,400
Trip Declaration: Longfin Squid	312	22	6864	5	572	\$0.50	\$3,432	11	1258.4	\$31,460
VMS Operation	80	1	0	0	0	\$600.00	\$48,000	0	0	\$0
Automated VMS polling	80	8760	0	0	0	\$0.06	\$42,048	0	0	\$0
Daily VMS Catch Reports: Mackerel	132	24	3168	5	264	\$0.60	\$1,901	10	528	\$13,200
Daily VMS Catch Reports: Longfin Squid	312	44	13728	5	1144	\$0.60	\$8,237	11	2517	\$62,920
Mackerel pre-landing notification	132	8	1056	5	88	\$1.00	\$1,056	15	264	\$6,600
Power down exemption	80	2	160	5	13	\$0.45	\$72	15	40	\$1,000
Dealer reporting requirements										
Dealer documentation of relative species composition	214	8	1712	5	143	\$0.00	\$0	0	0	\$0
Observer reporting changes for vessels										
Pre-trip notification to observer program	132	8	1056	5	88	\$0.00	\$0	10	176	\$4,400
Trip Cancellation notification to observer program	132	8	1056	1	18	\$0.00	\$0	5	88	\$2,200
Released catch affidavit: Mackerel	132	8	1056	5	88	\$0.45	\$475	30	528	\$13,200
Released catch affidavit: Longfin Squid	312	22	6864	5	572	\$0.45	\$3,089	31	3546.4	\$88,660
Mid-water trawl contribution for observers	132	18	0	0	0	\$325.00	\$772,200	29	1148.4	\$28,710
Tier 1 SMBT contribution for observers	30	16	0	0	0	\$325.00	\$156,000	30	240	\$6,000
Tier 2 SMBT contribution for observers	23	8	0	0	0	\$325.00	\$59,800	31	95	\$2,377
Tier 3 SMBT contribution for observers	79	4	0	0	0	\$325.00	\$102,700	32	169	\$4,213
Request for observer to observer service provider	132	8	1056	10	176	\$1.00	\$1,056	5	88	\$2,200
Notification of unavailability of observers	132	2	264	5	22	\$0.50	\$132	15	66	\$1,650
Observer provider requirements										

	Number of entities	Items per entity	Total # of items	Public				Government		
				Response time (minutes)	Total time burden (hours)	Cost per item	Total Public cost	Response time per item (minutes)	Total Government Response Time	Total Government Cost
Observer deployment report	6	250	1500	10	250	\$0.00	email	10	250	\$6,250
Observer availability report	6	150	900	10	150	\$0.00	email	10	150	\$3,750
Safety refusals	6	25	150	30	75	\$0.00	email	30	75	\$1,875
Raw observer data	6	250	1500	5	125	\$13.00	\$19,500	30	750	\$18,750
Observer debriefing	6	70	420	120	840	\$12.00	\$5,040	120	840	\$21,000
Other reports	6	35	210	30	105	\$0.00	email	30	105	\$2,625
Biological samples	6	250	1500	5	125	\$0.50	\$750	30	750	\$18,750
New application to be a service provider	3	1	3	600	30	\$0.45	\$1	60	3	\$75
Applicant response to denial	1	1	1	600	10	\$0.45	\$0	1	0	\$0
Request for observer training	3	2	6	30	3	\$1.80	\$11	1	0.1	\$3
Rebuttal of pending removal from list of approved observer providers	1	1	1	480	8	\$0.45	\$0	5	0.1	\$2
Observer contact list updates	3	12	36	5	3	\$0.00	email	2	1.2	\$30
Observer availability updates	3	12	36	1	1	\$0.00	email	1	0.6	\$15
Service provider material submissions	6	2	12	30	6	\$2.50	\$30	5	1	\$25
Service provider contracts	6	2	12	30	6	\$2.50	\$30	2	0.4	\$10
TOTALS			51,023		5,557		\$1,500,365		9071	\$226,770