

**SUPPORTING STATEMENT  
ATLANTIC HERRING AMENDMENT 5 FAMILY OF FORMS  
OMB CONTROL NO. 0648-0674**

**A. JUSTIFICATION**

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

This is a resubmission with Final Rule 0648-AY47, of a new information collection to support regulatory changes to the Atlantic Herring Fishery Management Plan (FMP). No comments were received regarding the information collection requirements; however, some information collections were removed based on NMFS analysis and decisions (see below).

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 5 to the Atlantic Herring FMP (Amendment 5) was developed by the New England Fishery Management Council (Council) to: improve the collection of real-time, accurate catch information for the Atlantic herring fishery; enhance the monitoring and sampling of catch at-sea; and address bycatch issues, in particular bycatch of river herring and shad, through responsible management.

Information collection requirements contained in Amendment 5, which were put forth in Proposed Rule 0648-AY47 (published June 3, 2013 (78 FR 33020), with a comment period ending July 18, 2013) and codified in 50 CFR 648, will be ultimately be added to existing information collections.

On July 18, 2013, NMFS partially approved Amendment 5 on behalf of the Secretary. NMFS sent a letter to the Council on July 19, 2013, informing it of the partial approval of Amendment 5. The disapproved measures in Amendment 5 lacked adequate rationale or development by the Council, and NMFS had utility and legal concerns with the implementation of these measures.

The disapproved measures that had information collection requirements consist of: A requirement that Atlantic herring dealers that do not sort landings by species document, at each transaction, how they estimate the relative composition of catch, and requirements for a \$325 per day industry contribution for observer coverage. NMFS expressed potential concerns with these measures throughout the development of this amendment. The proposed rule for Amendment 5 described potential concerns about these measures' consistency with the MSA and other applicable law. NMFS determined these measures must be disapproved because they were inconsistent with the MSA and other applicable law. The information collection requirements for the dealer reporting requirement, the \$325 per day industry contribution, and the requirements for new observer service providers have been removed from this information collection.

The remaining items outlined in this information collection include:

- A new open access herring permit with 20,000 lb possession limit in Areas 2/3 for limited access mackerel permit holders;
- Provisions for new herring at-sea dealer permit;
- An increase in the number of vessels required to submit herring pre-landing notifications through onboard vessel monitoring systems (VMS);
- The elimination of the VMS power-down exemption for vessels issued Atlantic herring permits;
- The option to use VMS to declare into the herring fishery in lieu of applying for a Letter of Authorization (LOA) for herring carriers;
- Gear declarations for limited access herring vessels;
- Observer notification requirement for all limited access herring vessels, and the herring carriers; and
- A requirement for vessel captains to submit a released catch affidavit documenting slippage events.

**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 5 will be used by several offices of NMFS, the United States Coast Guard (USCG), the New England Fishery Management Council (NEFMC), the Mid-Atlantic Fishery Management Council (MAFMC), 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 Atlantic herring fishery.

**Areas 2/3 Open Access Herring Permit**

Amendment 5 would establish a new open access herring permit for vessels engaged in the mackerel fishery. The new Areas 2/3 Open Access Herring Permit would allow vessels to possess up to 20,000 lb of herring per trip in herring management Areas 2 and 3. The new permit is intended to prevent discarding of Atlantic herring by limited access mackerel vessels that do not also have a limited access Atlantic herring permit. Vessels that have not been issued a limited access herring permit but have been issued a limited access mackerel permit would be eligible for the Areas 2/3 Open Access Herring Permit. Vessels may hold both open access herring permits at the same time.

The new open access permit would be subject to a number of the same reporting requirements as other herring permits. Permit holders would be required to submit vessel trip reports (VTRs) (Form 88-30 approved under OMB Control Number 0648-0212) on a weekly basis. In addition, they would be required to install and maintain a VMS unit on their vessels and declare intent to target Atlantic herring via VMS.

### **Atlantic Herring At-Sea Dealer Permit**

Herring carriers typically receive herring from harvesting vessels and transport those herring to Federal dealers. The harvesting vessel reports those herring as catch, and dealers report those herring as a purchase. NMFS verifies the amount of herring caught by comparing the amount reported by the harvesting vessel against the amount reported by the dealer. If the herring transported by a herring carrier is not purchased by a Federal dealer, then NMFS does not have any dealer reports to compare to the vessel reports. Amendment 5 would establish an At-Sea Atlantic Herring Dealer Permit that would be required for herring carriers that sell herring, rather than deliver those fish on behalf of a harvesting vessel to a dealer for purchase. This permit would require compliance with Federal dealer reporting requirements. Vessels that have both an At-Sea Atlantic Herring Dealer Permit and a Federal fishing permit would be required to fulfill the reporting requirements of both permits while in possession of both permits, as appropriate. NMFS expects the reporting requirements for the At-Sea Atlantic Herring Dealer Permit to minimize instances where catch is reported by harvesting vessels but then cannot be matched to dealer reports; thereby improving catch monitoring in the herring fishery.

### **Pre-landing notifications**

Currently, vessels with Category A or B permits, and vessels with a Category C permits fishing with midwater trawl gear in Areas 1A, 1B, and/or 3 are subject to a pre-landing VMS notification requirement. Amendment 5 would expand this pre-landing VMS notification requirement so that vessels with limited access herring permits, the new Area 2/3 Open Access permit, and vessels declaring herring carrier trips via VMS must notify NMFS Office of Law Enforcement 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.

### **Elimination of Power-down Exemption**

Limited access herring vessels are currently able to turn off (i.e., power-down) their VMS when in port, if they do not hold other permits requiring continuous VMS reporting. Vessels authorized to turn off their VMS in port must submit a VMS activity declaration prior to leaving port. Amendment 5 would prohibit vessels with herring permits from turning off their VMS when in port, unless specifically authorized by NMFS. A vessel representative would request a letter of exemption (LOE) from NMFS to turn off its VMS if that vessel will be out of the water for more than 72 hr. Herring vessels would not be allowed to turn off their VMS until they have received an LOE from NMFS. Additionally, a vessel owner would be able to sign a herring vessel out of the VMS program for a minimum of 30 days by requesting and obtaining an LOE from NMFS. When VMS units are turned off, consistent with an LOE, the vessel would not be able to leave the dock until the VMS unit was turned back on. Amendment 5 would prohibit herring vessels from turning off VMS units in port to improve the enforcement of herring regulations and help make herring VMS regulations consistent with VMS regulations in other Northeast fisheries. This requirement was approved under OMB Control Number 648-0202 and it will eventually be removed from that information collection.

### **Removal of weekly VTR requirement for Herring Carriers**

Amendment 5 would exempt herring carriers from the VTR requirements associated with their vessel permits. Vessels issued herring permits are required to submit weekly VTRs to NMFS. However, dealers have incorrectly attributed catch to herring carrier vessels, rather than correctly attributed catch to the appropriate harvesting vessel, by reporting the herring carrier's VTR serial number rather than the VTR serial number of the harvesting vessel. To help prevent catch being attributed to the wrong vessel and minimize data mismatches between vessel and dealer reports, Amendment 5 would exempt herring carriers from the VTR requirement associated with their herring permit. Dealers would still be responsible for correctly reporting the VTR serial number of the vessel that harvested the herring. This requirement was approved under OMB Control Number 648-0212 and, upon renewal, will be removed from that information collection.

### **VMS Declaration for Herring Carriers**

Currently, herring carriers are vessels that may receive and transport herring caught by another fishing vessel, provided the herring carrier has been issued a herring permit, does not have any gear on board capable of catching or processing herring, and has been issued a letter of authorization (LOA) from the NMFS Regional Administrator (RA). The herring carrier LOA exempts the herring carrier from possession limits and catch reporting requirements associated with the vessel's herring permit. To allow time for the processing, issuance, and, if necessary, cancellation of the LOAs, the herring carrier LOAs have a minimum 7-day enrollment period. During the LOA enrollment period, vessels may only act as herring carriers and they may not fish for any species or transport species other than herring.

Amendment 5 would allow vessels to choose between enrolling as a herring carrier with an LOA and declaring a herring carrier trip via VMS. If a vessel chooses to declare a herring carrier trip via VMS, it would be allowed to receive and transport herring caught by another fishing vessel provided the herring carrier has been issued a herring permit, does not have any gear on board capable of catching or processing fish, and only transports herring. By declaring a herring carrier trip via VMS, a vessel would be exempt from the catch reporting (i.e., daily VMS reporting) associated with its herring permit and not bound by the 7-day enrollment period of the LOA. A vessel declaring a herring carrier trip via VMS may only act as a herring carrier and may not fish for any species or transport species other than herring. This measure would increase operational flexibility by allowing vessels to schedule herring carrier trips on a trip-by-trip basis. Vessels that do not possess a VMS or choose not to declare a herring trip via VMS may still act as carriers by obtaining a herring carrier LOA from the NMFS RA and operating in accordance with the LOA requirements.

### **Gear declaration for limited access herring vessels**

Vessels with limited access herring permits are currently subject to a VMS activity declaration. Amendment 5 would expand the VMS activity declaration requirement by adding a gear code declaration. Open access permit holders are not currently subject to VMS requirements, and are not affected by this change.

### **Observer notification requirements**

Amendment 5 would expand and modify trip notification and VMS requirements for vessels with herring permits to assist with observer deployment and provide enforcement with advance notice of trip information to facilitate enforcement monitoring of landings. Currently, vessels

with Category A or B permits, as well as any vessels fishing with midwater trawl gear in Areas 1A, 1B, and/or 3, are required to contact NMFS at least 72 hr in advance of a fishing trip to request an observer. Amendment 5 would modify this pre-trip observer notification requirement, such that vessels with limited access herring permits, vessels with open access Category D permits fishing with midwater trawl gear in Areas 1A, 1B, and/or 3, vessels with open access Category E permits, and herring carrier vessels would be required to contact NMFS at least 48 hr in advance of a fishing trip to request an observer. This measure would assist NMFS's scheduling and deployment of observers across the herring fleet, with minimal additional burden on the industry, helping ensure that observer coverage targets for the herring fishery are met.

NMFS intends for the change from a 72-hr notification requirement to a 48-hr notification requirement to allow vessels more flexibility in their trip planning and scheduling. 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 herring permits currently contact NMFS via phone. 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 herring 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, Category A and B herring 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.

Finally, Amendment 5 would require that when vessels issued limited access herring permits are working cooperatively in the Atlantic herring fishery, including pair trawling, purse seining, and transferring herring at-sea, vessels must provide to observers, when requested, the estimated weight of each species brought on board or released on each tow.

### **Released Catch Affidavits**

In 2009, NMFS implemented a requirement that herring midwater trawl vessels complete released catch affidavits after any slippage event in NE Multispecies Closed Area I. This was approved under OMB Control No. 0648-0593. Amendment 5 has 2 provisions that require released catch affidavits. One of them extends the provision approved under 0593 to all NE

Multispecies Closed areas (i.e. affidavits required for slippage on any midwater trawl herring trip in a multispecies closed area). The other requires a released catch affidavit on any slippage event on any herring vessel (i.e. any area throughout the EEZ, any gear type). Since the second provision is more expansive than the first (and effectively overlaps with the first), it is only necessary to describe the burden associated with the more restrictive provision.

NOAA 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.**

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 submission 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 besides for the initial cost, 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 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 herring 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 5 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 herring 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.**

The proposed rule for Amendment 5 to the Atlantic herring FMP was published on June 3, 2013 (78 FR 33020), with a comment period ending July 18, 2013. The proposed rule solicited public comment on the information collections contained in this submission. There were no comments submitted regarding the utility of the information collection, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, or ways to minimize the burden of information collected.

**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, i.e., 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 16,065 and annual time burden is 1,231 hours.**

**Areas 2/3 Open Access Herring Permit**

Many of the new vessels that would qualify for this permit are already subject to permit and reporting requirements (weekly VTR, VMS, permit renewal) for other Northeast Region permits. This collection only estimates the burden for the few vessels that would not have already been subject to these requirements related to other permits. Analysis of the permits issued as of April 2013 suggests that a maximum of 6 out of 80 new permit holders would be subject to several of the new requirements related to this permit. Only the daily VMS catch report will be new to all 80 qualifiers for this permit.

There would be a short application process to obtain a new Areas 2/3 Open Access Herring Permit. Fishery participants eligible for this permit would be easily identifiable, as only vessels with limited access mackerel permits could qualify. The Northeast Regional Office would likely directly mail all qualifiers and ask them to check a box and sign to indicate that would like the new permit. The form to indicate the desire for this new permit would take 1 minute to complete, **for a total burden of 1 hour (80 applications \* 1 minute).**

The new Areas 2/3 Open Access Herring Permit would require the vessel to purchase and maintain a VMS. Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 6 vessels issued open access herring permits do not already have a VMS. **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 1 hour (6 vessels \* 5 minutes per certification form + 6 vessels \* 5 minutes per installation call).**

Northeast Region regulations require VMS trip declarations, which take an estimated 5 minutes to complete. **If a vessel takes an average of 5 trips per year** (based on trip report records for other existing herring permits. This new permit is most similar to the existing Category D permits, which take an estimated 5 trips per year), **the total burden estimate would be 2 hours (6 vessels \* 5 minutes \* 5 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 is 67 hours (5 minutes per catch report \* 5 trips \* 2 days per trip \* 80 vessels).**

Holders of the new Area 2/3 Open Access permit would also be required to submit weekly VTRs (52 per year). Since all vessels that qualify for this new permit would already be submitting monthly reports related to their limited access mackerel permits (currently approved under OMB Control No. 0648-0212), this information collection would add 40 (52 minus 12) reports per year. **VTRs are estimated to take 5 minutes to complete, so the total burden for weekly VTR submissions is 20 hours (40 weeks \* 5 minutes \* 6 vessels).**\*

### **Atlantic Herring At-Sea Dealer Permit**

There would be a new reporting burden associated with obtaining an At-Sea Herring Dealer Permit. The new herring dealer permit is for herring carriers that sell fish. Historically, approximately 25 vessels per year have been issued an LOA to act a herring carrier. The application for an At-Sea Herring Dealer Permit would take an estimated 15 minutes to complete, for a **total burden of 6 hours (25 initial applications \* 15 minutes)**. The annual burden estimate to renew an At-Sea Herring Dealer Permit would be **5 minutes to complete the renewal, for a total burden of 2 hours (25 renewal applications \* 5 minutes)**.

Vessels issued the new At-Sea Herring Dealer permit would also be required to submit dealer reports. Dealer reports take 15 minutes to complete and must be submitted weekly (52 times per year), for a **total burden of 325 hours (25 initial applications \* 15 minutes \* 52 per year)**.

### **Elimination of Power-down Exemption**

Amendment 5 would remove a VMS power-down exemption for herring vessels and a catch reporting requirement for herring carrier vessels. Amendment 5 would prohibit herring vessels from powering-down their VMS units in port, unless specifically authorized by the NMFS RA. The existing power-down exemption was approved under OMB Control Number 0648-0202 and, upon renewal, will be removed from that information collection.

\* All existing herring permits require weekly vessel trip reports, so it makes sense to have this new herring permit submit VTRs on the same schedule. Most NE region permits are moving towards weekly VTR submission (up from monthly) to allow for a more timely cross-check with other catch data submissions. For several other NE Region fisheries there was already a change from monthly to weekly last year (submitted as change requests).

Negative VTR reports are also required, as an indication that the vessel is not fishing for a given week. If NMFS receives no report, they don't know whether the vessel is not complying with the regulation, or has taken a week off of fishing. The negative report lets us know they are doing the latter.

Finally, many vessels have a number of NE Region permits, so the weekly submissions cover all landings, even when a vessel has switched to another species for a time period.

### **Removal of weekly VTR requirement for Herring Carriers**

Amendment 5 would also remove the existing weekly VTR requirement for herring carrier vessels. That requirement was approved under OMB Control Number 648-0212 and, upon renewal, will be removed from that information collection.

### **Pre-landing notifications**

Amendment 5 would expand the number of herring vessels required to submit a VMS pre-landing notification and would add a gear declaration to the existing VMS activity declaration requirement. A subset of herring vessels are currently required to notify NMFS OLE via VMS 6 hours prior to landing, and this action proposes to expand that requirement to all limited access herring vessels, vessels issued the new Areas 2/3 Open Access Herring Permit (Category E), and herring carrier vessels. It is estimated that Amendment 5 would require an additional 51 Herring Category C vessels, 80 Herring Category E vessels, and 25 herring carriers to submit VMS pre-landing notification. Each VMS pre-landing notification is estimated to take 5 min to complete.

Category C vessels are estimated to take an average of 13 trips per year, so the total annual burden estimate for a Category C permits is **55 hours (13 trips \* 51 vessels \* 5 minutes)**.

The new Category E vessels would take an estimated 5 trips per year, so the total annual burden estimate for a Category E vessel making VMS pre-landing notifications would be **33 hours (5 trips \* 80 vessels \* 5 minutes)**.

Herring carriers are estimated to take an average of 4 trips per year, so the total annual burden estimate for a herring carrier making VMS pre-landing notifications **8 hours (4 trips \* 25 vessels \* 5 minutes)**.

### **Gear declaration for limited access herring vessels**

The proposed gear declaration would apply to limited access herring vessels. There would be no additional reporting burden associated with the gear declaration because it would only be an additional field added to the existing VMS pre-trip notification requirement, approved under OMB Control No. 0648-0202.

### **VMS Declaration for Herring Carriers**

Amendment 5 would allow vessels to choose between enrolling as a herring carrier with LOA or declaring a herring carrier trip via VMS. Vessels may declare a herring carrier trip via VMS, if they already have and maintain a VMS, or continue to request an LOA. There would be no additional reporting burden associated with this measure because both the LOA and the VMS pre-trip notifications are existing requirements for herring vessels.

### **Observer notification requirements**

Amendment 5 would increase the reporting burden for measures designed to improve at-sea sampling by NMFS-approved observers. A subset of herring vessels are currently required to notify NMFS to request an observer, and this action proposes to expand that requirement to all limited access herring vessels, vessels issued the new Areas 2/3 Open Access Herring Permit (Category E), and herring carrier vessels. This pre-trip observer notification requirement is estimated to affect 156 additional vessels, each of which is estimated to take 25 trips per year. Vessels would be required to call NMFS to request an observer at least 48 hours prior to

beginning a herring trip. The phone call is estimated to take 5 minutes to complete, for a total annual burden of **325 hours (156 vessels \* 25 trips \* 5 minutes)**.

If a vessel has already contacted NMFS to request an observer and then decides to cancel that fishing trip, Amendment 5 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 **65 hours (156 vessels \* 25 trips \* 1 minute)**.

Amendment 5 would require that when vessels issued limited access herring permits are working cooperatively in the Atlantic herring fishery, including pair trawling, purse seining, and transferring herring at-sea, vessels must provide to observers, when requested, the estimated weight of each species brought on board or released on each tow. NMFS expects that the vessel operator would do this for each trip, and not on a tow by tow basis. Vessel operators should have this information recorded and available to report to the observer, so NMFS estimates the response to take 1 minute. The total annual burden for this requirement is **18 hours (42 vessels \* 25 trips \* 1 minute)**.

### **Released Catch Affidavits**

In 2009, NMFS implemented a requirement that herring midwater trawl vessels complete released catch affidavits after any slippage event in NE Multispecies Closed Area I. This was approved under OMB Control No. 0648-0593. Amendment 5 has 2 provisions that require released catch affidavits. One of them extends the provision approved under 0593 to all NE Multispecies Closed areas (i.e. affidavits required for slippage on any midwater trawl herring trip in a multispecies closed area). The other requires a released catch affidavit on any slippage event on any herring vessel (i.e. any area throughout the EEZ, any gear type). Since the second provision is more expansive than the first (and effectively overlaps with the first), it is only necessary to describe the burden associated with the more restrictive provision. The reporting burden for completion of the second released catch affidavit is estimated to average 5 minutes. The affidavit requirement would affect an estimated 93 limited access herring vessels. If those vessels slipped catch once per trip with an observer onboard, and took an estimated 38 trips per year, **the total annual reporting burden for the released catch affidavit would be 295 hours (93 vessels \* 38 trips per year \* 5 minutes)**.

### **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 \$46,877.**

### **Areas 2/3 Open Access Herring Permit**

The application to request an Areas 2/3 Open Access Herring Permit would cost **\$0.45 to mail, for a total annual cost of \$36.**

The new Areas 2/3 Open Access Herring Permit would require the vessel to purchase and maintain a VMS. Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 6 vessels issued open access herring 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 **\$24,009** (**[6 vessels \* \$3,400 = \$20,400] + [6 vessels \* \$0.45 + 6 vessels \* \$1 = \$9] + [6 vessels \* \$600 = \$3,600]**).

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 \$15** ( **$\$0.50 * 5 \text{ trips} * 6 \text{ vessels}$** ); **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 \$3,154** ( **$\$0.06 * 365 \text{ days per year} * 24 \text{ hours} * 6 \text{ vessels}$** ). 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 is \$480 ( $\$0.60 \text{ per catch report} * 5 \text{ trips} * 2 \text{ days per trip} * 80 \text{ vessels}$ ).

The new Area 2/3 Open Access permit would also be required to submit weekly VTRs (52 per year). Recall from Question 12 above that these new permits would only have to submit an additional 40 reports per year over their current monthly VTR reporting requirement. **VTRs cost \$0.45 to mail, for a total annual cost of \$108** ( **$40 \text{ additional reports} * \$0.45 * 6 \text{ vessels}$** ).

#### **Atlantic Herring At-Sea Dealer Permit**

**The cost for mailing the initial application for the at-sea dealer permit would be \$0.45 per application, for a total cost of \$11** ( **$\$0.45 * 25 \text{ initial applications}$** ). **The renewal application would also result in a total annual cost of \$11** ( **$\$0.45 * 25 \text{ renewals}$** ). There is no cost for the weekly dealer reports, which are submitted electronically (start-up costs covered in another submission).

The 25 vessels that may obtain the new at-sea dealer permit proposed under Amendment 5 may not already be accessing the Internet for other reasons/requirements, and would have to obtain internet access. Internet access would be required for the submission of weekly dealer reports. **Operating costs consist of Internet access available through either dial up or cable modem, with an average annual cost for Internet of \$652. Thus the annual recordkeeping/reporting cost for this information collection is \$16,300** ( **$\$652 * 25 \text{ vessels permitted as at-sea dealers}$** ). **The per-report cost** ( $52 \text{ days} * 25 \text{ vessels} = 1,300$ ) **would be \$12.54** (**rounded up from 12.5384615**).

#### **Elimination of Power-down Exemption**

Amendment 5 would remove a VMS power-down exemption for herring vessels and a catch reporting requirement for herring carrier vessels. Amendment 5 would prohibit herring vessels from powering-down their VMS units in port, unless specifically authorized by the NMFS RA. The existing power-down exemption was approved under OMB Control Number 0648-0202 and, upon renewal, will be removed from that information collection.

#### **Removal of weekly VTR requirement for Herring Carriers**

Amendment 5 would also remove the existing weekly VTR requirement for herring carrier

vessels. That requirement was approved under OMB Control Number 648-0212 and, upon renewal, will be removed from that information collection.

### **Pre-landing notifications**

**Each VMS pre-landing notification cost \$1.**

Category C vessels are estimated to take an average of 13 trips per year, so **the total cost for a Category C permits is \$663 (13 trips \* 51 vessels \* \$1).**

The new Category E vessels would take an estimated 5 trips per year, so the total cost for a Category E vessel making VMS pre-landing notifications would be **\$400 (5 trips \* 80 vessels \* \$1).**

Herring carriers are estimated to take an average of 4 trips per year, so the total cost for a herring carrier making VMS pre-landing notifications is **\$100 (4 trips \* 25 vessels \* \$1).**

### **Gear declaration for limited access herring vessels**

The proposed gear declaration would apply to limited access herring vessels. There would be no additional cost associated with the gear declaration because it would only be an additional field added to the existing VMS pre-trip notification requirement, approved under OMB 0648-0202.

### **VMS Declaration for Herring Carriers**

Amendment 5 would allow vessels to choose between enrolling as a herring carrier with LOA or declaring a herring carrier trip via VMS. Vessels may declare a herring carrier trip via VMS, if they already have and maintain a VMS, or continue to request an LOA. There would be no additional cost associated with this measure because both the LOA and the VMS pre-trip notifications are existing requirements for herring vessels.

### **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. There is no cost for vessels to provide to observers the estimated weight of each species brought on board or released on each tow.

### **Released Catch Affidavits**

The released catch affidavits must be submitted by mail, for \$0.45 per submission. If each of the 93 vessels required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 38 trips per year, the total annual cost for the released catch affidavit would be **\$1,590 (93 vessels \* 38 trips per year = 3,534 \* \$0.45).**

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

The total annualized cost to the Federal government from the herring observer program is **\$119,077** and is detailed in Table 1. This is the cost to the Federal government based on 4,763 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 5, 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.**

Vessel trip declarations and VMS catch report for Atlantic herring are presented through an electronic prompt on VMS units. Thus, the OMB control number will not be displayed.

**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.

				Public				Government		
	Number of entities	Items per entity	Total # of items	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
<b>Areas 2/3 Open Access Permit</b>										
Initial Permit Application	80	1	80	1	1	\$0.45	\$36	15	20	\$500
<b>Herring at-sea dealer permit</b>										
Initial Permit Application	25	1	25	15	6	\$0.45	\$11	60	25	\$625
Permit Renewal Application	25	1	25	5	2	\$0.45	\$11	60	25	\$625
Dealer Reports	25	52	1300	15	325	\$652.00	\$16,300	60	1300	\$32,500
<b>Reporting Requirements for Areas 2/3 Open Access Herring Permit</b>										
Weekly VTR	6	40	240	5	20	\$0.45	\$108	60	240	\$6,000
VMS installation	6	1	6	60	6	\$3,400.00	\$20,400	0	0	\$0
VMS Certification Form	6	1	6	5	1	\$0.45	\$3	10	1	\$25
Call-in for Unit Confirmation	6	1	6	5	1	\$1.00	\$6	10	1	\$25
Trip Declaration	6	5	30	5	3	\$0.50	\$15	10	5	\$125
VMS Operation	6	1	0	0	0	\$600.00	\$3,600	0	0	\$0
Automated VMS polling	6	8760	0	0	0	\$0.06	\$3,154	0	0	\$0
Daily VMS Catch Reports	80	10	800	5	67	\$0.60	\$480	10	133	\$3,333
<b>Herring Pre-Land Notification</b>										
Category C vessels	51	13	663	5	55	\$1.00	\$663	15	165.75	\$4,144
20K Area 2/3 herring permit	80	5	400	5	33	\$1.00	\$400	15	100	\$2,500
Herring Carrier	25	4	100	5	8	\$1.00	\$100	15	25	\$625
<b>Observer reporting for vessels</b>										
Pre-trip notification to observer program	156	25	3900	5	325	\$0.00	\$0	10	650	\$16,250
Trip Cancellation notification to observer program	156	25	3900	1	65	\$0.00	\$0	5	325	\$8,125
Released catch affidavit	93	38	3534	5	295	\$0.45	\$1,590	30	1767	\$44,175
Vessel operator notification of species lb to observer	42	25	1050	1	18	\$0.00	\$0	0	0	\$0
<b>TOTALS</b>			16,065		1,231		\$46,877		4763	\$119,077