

**SUPPORTING STATEMENT
NORTHWEST REGION GROUND FISH TRAWL FISHERY MONITORING
AND CATCH ACCOUNTING PROGRAM
OMB CONTROL NO. 0648-0619**

INTRODUCTION

This is a resubmission with the final rule of a revision to the current collection for the Northwest Region Groundfish Trawl Fishery Monitoring and Catch Accounting Program, related to RIN 0648-BD30. There are no changes to this information collection request due to comments or for any other reason.

In January 2011, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) implemented a trawl rationalization program, a catch share program, for the Pacific coast groundfish fishery's trawl fleet. The program was developed through Amendment 20 to the Groundfish Fishery Management Plan (FMP), under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (16 U.S.C. 1801 et seq.) and consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting fisheries); and cooperative (coop) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets (whiting only). Fixed allocations to the limited entry trawl fleet were developed through a parallel process with Amendment 21 to the FMP. The regulations implementing the program were effective January 1, 2011; all of the necessary tracking systems to make the program operational became active on January 11, 2011, the date fishing began under the new program. Since that time, the Council and NMFS have been addressing implementation issues as they arise.

At this time NMFS is moving forward with a proposed rule, RIN 0648-BD30. The proposed regulations would establish permitting requirements for businesses that provide certified observers and catch monitors. The action proposes to establish a single combined permit application process for both observer and catch monitor providers. Existing observer regulations require vessels to obtain certified observers from permitted providers for the North Pacific Groundfish Observer Program and first receivers to obtain certified catch monitors from certified providers for the Pacific Coast groundfish fishery. The proposed action would modify the catch monitor provider certification procedures to be permitting procedures with endorsements for providing certified observers and catch monitors. Currently, providers in the Pacific Coast groundfish fishery provide both observers and catch monitors. This revision is necessary to update the burden on catch monitor providers and to add observer providers.

A. JUSTIFICATION

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

The trawl rationalization program requires NMFS to accurately monitor the use of all quotas and allocations. Catch monitoring and accounting systems required in order to

track the total catch (retained and discarded) of groundfish species, Pacific halibut, Chinook salmon as required in the Endangered Species Act (ESA) Section 7 Biological Opinion (1999) and other protected species. The primary tools for monitoring and accounting are:

- 1) Certified observers
- 2) Certified catch monitors at shorebased first receivers.
- 3) NMFS-accepted catch monitoring plans for First receivers as required to obtain a first receiver site license.
- 4) Certified scales for weighing of all catch on shorebased and at-sea processors.
- 5) Electronic fish tickets for Shorebased IFQ catch reporting.

Revisions being proposed for observer and catch monitor service providers that affect this collection of information include:

- 1) The preparation and submission of an application to be a permitted provider of certified observers and catch monitors;
- 2) Annual renewal process;
- 3) Appeals submissions by providers whose permits or endorsements expire due to inactivity (there is already a burden for appeals in this information collection).

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.

Provider applications. New providers would be required to submit an application form to NMFS Fisheries Permit Office. NMFS will establish a review board to review the application and to determine if a business can provide adequate services to support certified observers and/or catch monitors. Information provided includes: a statement indicating which endorsement the applicant is seeking, identification of the management, organizational structure, and ownership structure of the applicant's business, provider contact information, a statement describing relevant prior experience, a description of the applicants ability to carry out the required responsibilities and duties, a statement signed under penalty of perjury from the owner, or owners, board members, and officers if a corporation, that they have no conflict of interest, and a statement on conflict of interest, and a statement describing any criminal convictions, Federal contracts they have had and the performance rating they received on the contract, and previous decertification action while working as an observer, observer provider, or catch monitor provider. A new provider could apply anytime during the year however, all permits issued in a given year will expire on December 31.

Businesses that provided observers and catch monitors in the 12 months prior to implementation of the rule will be issued a provider permit without submission of an application. This provider permit will be effective through December 31, 2014. However, within 30 day of the effective date of the provider permit the provider must verify that all information on the permit is accurate and identify to NMFS the management, organizational structure, and ownership structure of the applicant's

business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and other employees. If the provider fails to provide the information, the permit expires on the date stated on the permit. If they fail to send that back in time we may give them a reminder call, but we would not be obligated. Pre-filled renewal forms would be mailed to permitted providers approximately three months prior to the permit expiration date; if all information is correct, the form could simply be signed and returned. There is no need to send documentation of performance and the ability to provide observer or catch monitor services, as the existing record would be adequate documentation. Providers would not be required to submit a new application unless they were seeking additional endorsements.

Provider permit renewals. Existing permits would be renewed annually to ensure that the business information was current. Pre-filled renewal forms would be mailed to permitted providers approximately three months prior to the permit expiration date; if all information is correct, the form could simply be signed and returned. Information on the renewal form would include: Identification of the management, organizational structure, and ownership structure of the applicant's business, provider contact information, a statement signed under penalty of perjury from each owner, or owners, board members, and officers if a corporation, that they have no conflict of interest, and a statement on conflict of interest, and a statement describing any criminal convictions. If the renewal application is complete and submitted timely, NMFS would issue a permit effective January 1 of the following year.

Provider permit appeals submissions are narratives that may be received from businesses whose permits or endorsements expired due to inactivity (no deployments for 12 months). If NMFS disapproves a provider permit application or renewal, the agency will send a letter to the applicant detailing the reasons for its determination. The applicant would have an opportunity to submit in writing to NMFS an appeal and must allege credible facts or circumstances that show that the application requirements have been met. An appeal request must be requested no later than 60 calendar days after the date of the determination letter provided from NMFS. The purpose of an appeals submission is to provide NMFS with information that may result in the business maintaining its permit. One appeals letters is expected to be submitted annually.

NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

The development of online provider permit application forms and renewal forms is in progress. However, it is unknown if the online entry and submission of the forms will be available by the effective date of the action. In the interim, the applications will be available online as PDF files and can be downloaded, completed and mailed to NMFS.

4. Describe efforts to identify duplication.

Existing catch monitor and observer providers in the Pacific Coast Groundfish fishery are already permitted for the North Pacific Groundfish Observer Program; therefore, it was determined to be unnecessary for current providers to submit full applications to demonstrate their ability to provide provider services.

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

The expected applicants are individuals or small companies and as such are considered small businesses. Given the relatively small numbers of applicants, separate requirements based on size of business have not been developed. Only the minimum data required to meet the objectives of the overall monitoring program are requested from all applicants.

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

Data collected by certified observers and catch monitors are necessary for the conservation and management of the Pacific Coast groundfish fishery. Maintaining the integrity of the data collections is an important aspect of the trawl rationalization program and assuring that individual catch accountability is maintained. The trawl fishery is a multispecies fishery in which the allowable harvest levels for some stocks (potentially including overfished species) constrain access to harvest of the full allocations of many targeted stocks. If the integrity of the monitoring program is not maintained, the elimination of individual accountability could generate an incentive to alter fishing behavior such that vessels targeted stocks that are more difficult to catch without encountering high levels of constraining species. The high level of quality monitoring under the trawl rationalization program has helped the fleet make tremendous bycatch reductions.

The intent of provider permits is to allow only qualified business to provide catch monitor and observer services so the integrity of the data collections are maintained. In addition, assuring that the businesses are qualified to provide aids in ensuring the wellbeing of individuals deployed as observers and catch monitors. The application and renewal process for new providers and the annual renewal would be used to verify that

providers are free of conflict of interests, or state or federal criminal convictions that could undermine the integrity of data or affect the wellbeing of observers or catch monitors.

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

Not Applicable.

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

A proposed rule was published on February 19, 2014 (79 FR 9592) coincident with this submission, and solicited public comments on this revision to the collection. The following comment on the burden of the collection was received: *The Proposed Rule would require the submission of a permit renewal every year in order to maintain certification as an observer provider. We believe this would be both unnecessary and overly burdensome. Providers and NMFS staff already has [sic] too many administrative responsibilities. New responsibilities should be considered only when they are truly worthwhile. This one may look good on paper, creating the impression as it does that it somehow increases agency oversight, but in reality it will accomplish nothing. Once certified, we believe a company should remain so unless there is a change of ownership.*

The comment was considered, but no changes are being made to the regulations as a result of the comment. The following response is provided in the final rule: *The intended purpose of the annual renewal is to verify that the management, organization, and ownership structure of a permitted provider is unchanged; to update provider contact information; and to assure that nothing has changed relative to the conflict of interest limitations or criminal convictions. NMFS believes the renewal process will be adequate to ensure that information required for issuance of a provider permit is maintained over time. If inconsistencies with the standards are found, the situation could be addressed and remedied in a timely manner.*

The commenter is correct that annual renewals will be an additional burden on existing providers and NMFS. The burden was specifically considered and NMFS determined that an annual check-in was needed to ensure that the conditions under which the original permits were issued continue to exist. To reduce the burden of the renewal process on the provider, pre-filled renewal forms will be provided. If all information is current, the burden on the provider is expected to be minimal. After three years, the burden of this collection will be reconsidered.

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

No payments or gifts are provided.

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

As stated on the forms, section 402(b) of the Magnuson-Stevens Act sets forth procedures for confidentiality of fisheries statistics, including statistics collected by observers and NMFS staff. [NOAA Administrative Order 216-100](#), Protection of Confidential Fisheries Statistics, further establishes procedures for confidentiality of collected and submitted data.

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 being asked.

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

Total new unduplicated respondents are 155 (4 provider permit applicants, 5 permitted providers, 50 catch monitors, 80 first receivers, 6 mothership processors, and 10 catcher/processors). Annual responses are 6,065 and hours are 1804.

Annual permit renewal is a new requirement, and additional applications are expected, resulting in a net of 6 responses and 20 hours being added to the collection. An average of 4 new applicants per year is expected, but not all new providers are expected to renew, based on market demand and other factors. The initial application requires quite a bit of narrative and other information, and is estimated to take up to 10 hours to complete. *Renewals using pre-filled forms, with mainly minor updates, should take a maximum of 2 hours.*

For catch monitor provider certifications, applications and appeals, the terminology has been revised to represent permitted observer/catch monitor providers, but the number of responses and hours is unchanged.

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

Cost burden will change only slightly as a result of these modifications (approximately \$35 for mailing provider applications and renewals).

We are also no longer including provider payments to catch monitors in the reporting/recordkeeping costs, resulting in a decrease in reporting costs of \$378,000.

Annualized capital costs for computer hardware are \$11,700. Annualized reporting/recordkeeping costs are \$2,871. **Total annualized costs: \$14,571.**

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

Current costs of the catch monitor program, including electronic fish tickets, are estimated to be approximately \$300,000 - \$400,000. The cost estimates have minimally changed due to this submission.

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

Program Changes

As explained above, the change in burden hours or cost changes is minimal and results from the new requirement for annual renewals for the permits (6 responses, 20 hours and \$35 in recordkeeping/reporting costs are added).

In addition, provider payments to catch monitors is no longer included in the reporting/recordkeeping costs, resulting in a decrease in reporting costs of \$378,000.

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

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council.

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

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.

Table A - Total Annual Burden Hours, Labor, and Related Costs						
	Number of respondents ^{1/}	Frequency of annual responses per entity	Total annual responses	Estimated hours per response	Total annual burden hours	Total labor cost (\$25/hr)
Provider permits						
Application preparation & submission *	4	1	4	10	40	\$1,000
Annual Renewal *	5	1	5	2	10	\$400
Appeals – written response & submission	1	1	1	4	4	\$100
Catch monitors						
Qualifications	50	1	50	1	50	\$1,250
Appeals- written response & submission	5	1	5	4	20	\$500
Catch monitoring plans/First receivers ^{2/}						
Preparation & submission	80	1	80	4	320	\$8,000
Inspection	80	1	80	2	160	\$4,000
Shorebased scales/First receivers						
Inseason testing	80	1	80	1	80	\$2,000
Reports	80	Variable	2400 ^{3/}	10 min.	400	\$10,000
Electronic fish tickets/First receivers						
Submissions	80	Variable	2400 ^{3/}	10 min.	400	\$10,000
At-sea scales (MS, C/P)						
Daily testing reports	16	30	480	30 min.	240	\$6,000
Weight reports	16	30	480	10 min.	80	\$2,000
Total for collection	155		6,065		1,804	\$44,325
<p>1. The collection assumes the following participation levels annually: 80 first receivers, 3 catch monitor providers with up to 5 additional ones applying, 50 catch monitors, 6 MS, and 10 C/Ps.</p> <p>2. First Receiver Site License is included in a separate PRA collection, OMB Control No. 0648-0620, Trawl Rationalization Program Permit and License Information Collection.</p> <p>3. Estimate based on 120 vessels making 20 landings each per year.</p> <p>* Average number of new applications received per year is expected to be 4. We estimate 5 in 2015, 4 in 2016 and 3 in 2017. We do not expect all new providers to renew, necessarily, based on market demand and other factors.</p>						

Table B - Total Annual Miscellaneous Costs			
	Total Annual Responses	Misc. costs per response	Total Misc. costs for all respondents
Providers permits			
Mail applications and renewals	9	\$5	\$45
Appeals- fax or mail written response & submission	1	\$3	\$3
Catch monitors			
Appeals- mail written response & submission	5	\$3	\$15
First Receiver			
Computer hardware	50 ^{b/}	\$700 annualized over 3 years = \$234	\$11,700
Catch monitoring plans ^{c/}			
Mail	80	\$3	\$240
Shorebased scale reports - printing	2,400	\$0.05	\$120
At-sea scales daily test reports - printing	480	\$0.05	\$24
At-sea daily weight reports – printing	480	\$0.05	\$24
Electronic fish tickets			
Send via email	2,400	\$1	\$2,400
Total for collection			\$14,571
<p>a. Based on average of potential NMFS subsidies of 90%, 50% and 25% of \$350 for first, second and third years, respectively (industry estimated to pay \$35 + \$175 + \$262.50 = \$472.50/3 = \$157.50)</p> <p>b. Assumes that the 12 first receivers that were part of the previous shoreside whiting EFP and that 18 first receivers already have a computer.</p> <p>c. First Receiver Site License which the plan accompanies is included in a separate PRA collection, OMB Control No. 0648-0620, Trawl Rationalization Program Permit and License Information Collection.</p>			