

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

INTRODUCTION

This request is for revision to the current collection for the West Coast Region Groundfish Trawl Fishery Monitoring and Catch Accounting Program, related to RIN 0648-BE29.

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.

With implementation, a maximized retention¹ provision was added to the groundfish regulations. However, the provision did not address the retention of prohibited species (salmon, Pacific halibut and Dungeness crab) other than Pacific halibut, nor did it establish handling and disposition requirements for prohibited or protected species (ESA listed fish, marine mammals, sea turtles, and sea birds). New regulatory language at 50 CFR 660.140 (g) will require first receivers who accept maximized retention deliveries from IFQ vessels targeting Pacific whiting (Pacific whiting IFQ vessels) to retain business records that verify the disposition of prohibited species and protected species.

A. JUSTIFICATION

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

For vessels on Pacific whiting IFQ trips engaged in maximized retention, clearly stating handling and disposition requirements for prohibited species and protected species would allow for accurate monitoring; would reduce incentives for increased bycatch by clearly stating that protected and prohibited species must not reach commercial markets; and would identify a preference for catch to be handled in a manner that preserves the quality

¹ Maximized retention is where only very large species (i.e. longer than 6 feet) and minor amounts of operational discards are allowed to be discarded.

for human consumption for donation to a local food share or other appropriate charitable organizations. The disposition of salmon would be consistent with salmon FMP. The disposition of Pacific halibut and Dungeness crab would be consistent with Pacific halibut regulations and state regulations.

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.

There are currently 9 Pacific whiting first receivers. The types of records we expect them to retain may include, but are not limited to: receipts from charitable organizations that include the organization's name and amount of catch donated; cargo manifests setting forth the origin, weight, and destination of all prohibited species; or disposal receipts identifying the recipient organization and amount disposed. These are typical business records for fish processing businesses. Any such records must be retained for no less than three years after the date of disposal and such records must be provided to OLE upon request. An average of 2 disposal receipts could be expected per year for protected species (marine mammals) and 230 for prohibited species (each of the 9 first receivers would have one record per week for 26 weeks). At one minute per record, the change results in an increased reporting burden on 232 minutes per year.

There are no changes to the following information collection requirements:

Provider applications. New and existing providers for observers and catch monitors are required to submit an application form to NMFS Fisheries Permit Office. NMFS has established 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.

Pre-filled renewal forms are 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 are renewed annually to ensure that the business information was current. Pre-filled renewal forms are 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 includes: 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.

Catch monitoring plans are prepared by the shorebased IFQ first receivers and are narrative responses to specific information requested in the proposed regulations. The catch monitoring plan is submitted to NMFS as part of the first receiver site license application but is considered a part of this information collection. The first receiver site license is addressed under the separate information collection request, Trawl Rationalization Program Permit and License Information Collection. The catch monitor plans are submitted annually with the first receiver site license renewal and are resubmitted if substantial changes are made in how fish are received, sorted or weighed. An onsite inspection is conducted before the plans are accepted. An acceptable catch monitor plan describes how landings can be monitored effectively by a catch monitor, that scales are certified and used appropriately, how adequate facilities will be made available for catch monitors, and how the first receiver will provide accurate landed catch data. NMFS will use the information to aid catch monitors in the completion of their duties and to determine if particular first receivers are capable of providing accurate landed catch data from both sorted and unsorted deliveries.

Shorebased scales - printed scale reports are records made available to the catch monitor and, upon request, to NMFS. For scales used to weigh catch at IFQ first receivers, all scales identified in a catch monitoring plan must produce a printed record for each delivery, or portion of a delivery, weighed on that scale, unless specifically exempted by NMFS [Scales not designed for automatic bulk weighing may be exempted from part or all of the printed record requirements]. A first receiver must maintain printed scale reports on site until the end of the fishing year during which the printouts were made and

make them available upon request by NMFS for 3 years after the end of the fishing year during which the printout was made.

At-sea scales - printed scale reports for catch weight and cumulative weight, as well as, records of daily scale tests are records made available to NMFS staff or authorized officers.

1)For scales used to weigh catch at-sea, belt scales and platform scales must produce a printed record for the catch weight and cumulative weight at least once every 24 hours. [Note: A platform scale used for observer sampling at-sea is not required to produce a printed record]. Printed scale reports must be maintained on board the vessel until the end of the fishing year during which the printouts were made and the vessel owner must make them available upon request by NMFS for 3 years after the end of the fishing year during which the printout was made. The printed report must be provided to the authorized scale inspector at each scale inspection. Reports must also be printed before any information stored in the scale computer memory is replaced. Scale weights must not be adjusted by the scale operator to account for the perceived weight of water, slime, mud, debris, or other materials.

2)For scales used to weigh catch at-sea, belt scales and platform scales must have a record to show they have complied with daily scale test requirements, specified at 50 CFR 660.15(b)(4). Printed scale reports must be maintained on board the vessel until the end of the fishing year during which the printouts were made and the report forms must be made available to observers, NMFS staff, or authorized officers upon request. In addition, the vessel owner must retain the scale test report forms for 3 years after the end of the fishing year during which the tests were performed. Each scale test report form must be signed by the vessel operator immediately following completion of each scale test. The vessel owner must ensure that the vessel operator maintains the scale in proper operating condition throughout its use, that adjustments made to the scale are made so as to bring the performance errors as close as practicable to a zero value, and that no adjustment is made that will cause the scale to weigh inaccurately. The vessel operator must ensure that vessel crew notify the observer at least 15 minutes before the time that the test will be conducted, and conduct the test while the observer is present. The vessel operator must also ensure that vessel crew conduct the scale test and record the currently required information on the at-sea scale test report form

Electronic fish tickets are submissions of IFQ landings data from the first receiver to NMFS.

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 not expected that the online entry and submission of the forms will be available by the effective date of the action. The applications are available online as PDF files and can be downloaded, completed and mailed to NMFS.

All other information: may be emailed, but must be followed by mailed originals.

Electronic fish tickets: The electronic fish ticket software is free and runs on Microsoft Access, 2003 or newer. Data will be transmitted daily via email.

4. Describe efforts to identify duplication.

The new requirement for recordkeeping of dispositions applies only to this program's first receivers.

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

Most respondents are 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, 0648-BE29, will publish coincident with this submission, and solicited public comments on this revision to the collection. (comments to be inserted in final rule submission).

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.

As stated in Question 2, there are currently 9 Pacific whiting first receivers. The types of records we expect them to retain may include, but are not limited to: receipts from charitable organizations that include the organization's name and amount of catch donated; cargo manifests setting forth the origin, weight, and destination of all prohibited species; or disposal receipts identifying the recipient organization and amount disposed. These are typical business records for fish processing businesses. Any such records must be retained for no less than three years after the date of disposal and such records must be provided to OLE upon request. An average of 2 disposal receipts could be expected per year for protected species (marine mammals) and 230 for prohibited species (each of the 9 first receivers would have one record per week for 26 weeks). At one minute per record, the change results in an increased reporting burden on 232 minutes (4 hours) per year, or an average of 45 minutes per respondent.

Total unduplicated respondents are 155 (4 provider permit applicants, 5 permitted providers, 50 catch monitors, 80 first receivers (9 for Pacific whiting), 6 mothership processors, and 10 catcher/processors). Annual responses will increase from 6,065 to 6,297, and hours, from 1804 to 1808.

See the burden table on page 9.

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).

There are no changes to costs from this revision,

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.

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

Program Change: This new requirement adds 232 responses and 4 hours annually.

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
Pacific Whiting disposition recordkeeping	9 of 80	26	232	1 min.	4	\$100
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		6,297		1,808	\$44,425
<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 Appeals- fax or mail written response & submission	9 1	\$5 \$3	\$45 \$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>			