

**SUPPORTING STATEMENT
TEMPORARY ALASKA OBSERVER PROGRAM (TAOP)
OMB CONTROL NO. 0648-XXXX**

This action requests a temporary new information collection due to an associated rule [RIN 0648-BF25].

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

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

Observers are trained to work closely with the vessel crew to collect samples with minimal interference to the vessel's operations. When observers first board a vessel, they work with the vessel personnel to explain their needs, assess the fishing operations, and decide where they can best do their work in a safe manner. They need periodic access to the fishing logbooks and GPS locations, but the majority of their work is carried out on-deck, sampling the catch as it comes aboard. Observers take samples of the catch and need some space to take weights and measurements of those samples. They will collect their required data and minimize disruptions to fishing operations. Observers record information based on their direct observations following a sampling protocol outlined by NMFS. They apply random sampling methods to each data collection component. Observers use mechanical scales provided by NMFS to obtain weights of various components of their data. The Observer Sampling Manual describes the duties and priorities of observers and is available on the [FMA Observer Program](#) website.

The pollock fishery in waters off Alaska is the largest U.S. fishery by volume, and the economic character of that fishery centers on a varied range of product forms produced from pollock. In the U.S., Alaska pollock catches are processed mainly for roe, surimi, and several varieties of fillet products. Fillet production increased particularly rapidly in the years after the American Fisheries Act (AFA). Many factors, including more efficient rates of harvests, increased recovery rates, and the investment in new equipment that allowed a shift by processors from surimi to fillet production, were all made possible, at least in part, by the AFA.

The operator of a catcher/processor, mothership, or catcher vessel 125 ft LOA or longer (except for a catcher vessel fishing for groundfish with pot gear), or a catcher vessel participating in the

pollock fishery are required to carry an observer on all trips but only catcher vessels greater than or equal to 125 ft length overall (LOA) are required to provide a computer, data entry software, and data transmission capabilities to the observer. The operator of a catcher/processor, mothership, or catcher vessel 125 ft LOA or longer (except for a catcher vessel fishing for groundfish with pot gear), or a catcher vessel participating in the pollock fishery are required to carry an observer on all trips but only catcher vessels greater than or equal to 125 ft length overall (LOA) are required to provide a computer, data entry software, and data transmission capabilities to the observer.

Alternatively, an observer on board a catcher vessel less than 125 ft LOA sends data to NMFS on paper forms via fax at the completion of each trip. This action will add the requirement for the operator of a catcher vessel participating in the Rockfish Program, or a catcher vessel less than 125 ft LOA directed fishing for pollock.

Observer data sent to NMFS via fax can take a week or more to be available for management purposes. Access to a computer for electronic data entry significantly increases the speed that observer data can be made available for inseason management and catch accounting. Further, the data validation measures built into the software improves initial data quality and decreases the need for corrections during the observer debriefing process.

This collection will be integrated into OMB 0648-0318 after the renewal of 0318 is approved by OMB.

A. JUSTIFICATION

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

NMFS would extend the requirement to provide a computer with ATLAS software installed on it to vessels less than 125 feet LOA while participating in the Bering Sea pollock fishery. An observer must be allowed to use the vessel's communications equipment and personnel, on request, for the confidential entry, transmission, and receipt of work-related messages, at no cost to the observer or the United States.

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.

a. Communications and observer data entry [NEW]

The operator of a catcher/processor, mothership, or catcher vessel 125 ft LOA or longer (except for a catcher vessel fishing for groundfish with pot gear), the operator of a catcher vessel participating in the Rockfish Program, or a catcher vessel less than 125 ft LOA directed fishing for pollock in the Bering Sea must provide the following equipment, software and data transmission capabilities:

- ◆ Observer access to computer. Make a computer available for use by the observer.
- ◆ NMFS-supplied software. Ensure that the most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software, is installed and, if required, the data transmissions to NMFS can be executed effectively aboard the vessel by the equipment.
- ◆ Data transmission. The computer and software must be connected to a communication device that provides a point-to-point connection to the NMFS host computer. The required equipment that is used by an observer to enter or transmit data is fully functional and operational. “Functional” means that all the tasks and components of the NMFS supplied, or other approved, software and the data transmissions to NMFS can be executed effectively by the communications equipment.

A manager of a shoreside processor or a stationary floating processor that is required to maintain observer coverage must ensure that the communication equipment that is used by observers to enter and transmit data, is fully functional and operational. “Functional” means that all the tasks and components of the NMFS supplied, or other approved, software and the data transmissions to NMFS can be executed effectively by the communications equipment.

The table below summarizes the number of vessels in the Bering Sea pollock fishery that currently have ATLAS software installed on a computer on board the vessel and an estimate of the additional number of vessels that will be subject to the proposed expansion of the computer and ATLAS requirement.

Information about ATLAS requirements for trawl catcher vessels in the Bering Sea pollock fishery.

Vessel category	# of Vessels in Bering Sea pollock fishery	# with ATLAS on vessel computer now	Currently required to have computer with ATLAS
≥125 ft LOA	26	26	Yes
<125’ LOA, w/observer	55	10	Only if in GOA Rockfish Program
<125’ LOA, w/o observer	5	0	No
Total, all catcher vessels	86	36	

Number of vessels is based on participation in either 2013 or 2014 Bering Sea pollock fishery. **w/observer** means a catcher vessel that brings catch on board and delivers catch to a shoreside processor or stationary floating processor. These vessels are in the full observer coverage category and required to carry an observer.

w/o observer means a catcher vessel that does not bring catch on board and only delivers unsorted codends to a mothership. These vessels are not required to carry observers.

only if in GOA RP means only if the vessel participates in the Gulf of Alaska Rockfish Program

Based on recent participation information, expanding ATLAS requirements would apply to 55 catcher vessels less than 125 feet LOA. Ten of these catcher vessels already have ATLAS

installed on a computer on board the vessel, either because they participate in the Gulf of Alaska Rockfish Program (5 of the vessels) or they have installed ATLAS voluntarily (5 of the vessels). Thirteen of these 55 trawl catcher vessels also participate in the Rockfish Program. All catcher vessels participating in the Rockfish Program are required to provide a computer with ATLAS installed for observer data entry. Five of the 13 vessels have ATLAS installed on a computer on board the vessel. The remaining 8 comply with the requirement by sharing one or more laptops with ATLAS installed on them.

Most vessels required to install ATLAS on a computer onboard the vessel comply with this requirement by allowing NMFS to install ATLAS on an existing computer on the vessel. When this occurs, the cost of providing the computer is minimal.

The requirement to have ATLAS installed on a computer accessible to the observer imposes costs associated with scheduling a visit by NMFS personnel to install the software. In addition, current regulations at § 679.51(e) require that the computer provided for observer data entry is “functional and operational.” These regulations do not provide an exception for fishing without a functional and operational computer with ATLAS installed on it. Therefore, a vessel owner or operator also will incur costs associated with supplying power for the computer, equipment replacement or repair, and possibly lost fishing time, if the computer fails at any time while it is required.

Requiring vessels to provide a computer with ATLAS installed on it for observer data entry will save NMFS the costs of transmitting hand written observer data entry forms via fax. Observers currently transmit data from vessels without ATLAS at the end of each fishing trip. NMFS estimates that it takes 3 hours to enter data received by fax from an observer. Data entry technicians cost \$18/hour. Therefore, the estimated cost to NMFS of entering faxed data is \$54 per delivery. Based on the number of trips by catcher vessels less than 125 feet LOA in the Bering Sea pollock fishery, NMFS estimates that the average cost of entering faxed data is about \$50,000 per year. This cost would be eliminated with the requirement for these vessels to have a computer on board the vessel with ATLAS installed on it because observers could enter their data during the trip and transmit the data electronically from the processor at the end of the fishing trip.

All AFA inshore processors are required to allow observers to “use the ... processor’s communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers or the United States.” Processors currently are required to allow observers to fax observer data entry forms to NMFS. Plant observers enter and transmit data from a computer provided by the processor. The proposed expansion of the ATLAS requirements to catcher vessels less than 125 feet LOA will require the processors to allow vessel observers access to a computer for transmission of data to NMFS. Any costs associated with faxing observer data should be eliminated or greatly reduced by the proposed action. Faxing would only be necessary in very unusual circumstances.

No additional charges or burden are caused by this requirement, because all participants already comply.

b. Notification of observer before handling the vessel’s Bering Sea pollock catch [NEW]

The requirement to notify the observer at least 15 minutes before transfer of fish from one location to another on the vessel or any sorting, handling, or discard of catch prior to its delivery imposes an additional cost on the vessel operator. Current regulations at 50 CFR 679.51(e)(1) (vi) require the vessel operator to notify the observer at least 15 minutes before fish are brought on board the vessel or transferred from the vessel.

The proposed new notification requirement would provide the observer the opportunity to monitor the movement or sorting of catch after it is brought on board the vessel, to ensure that no salmon are discarded and to monitor the re-securing of loose fish on deck. The existing notification requirement covers the initial sorting and storing of loose fish from each haul. The new notification requirement would apply if the vessel crew moved, sorted, or discarded catch from the secured fish on deck after its initial storage and before it was delivered.

Operators of vessels and managers of shoreside processors and SFPs that are required to retain salmon must designate and identify to the observer aboard the vessel, or at the shoreside processor or SFP, a crew person or employee responsible for ensuring all sorting, retention, and storage of salmon occurs according to the requirements.

The cost of the new notification requirement to an individual vessel operator will depend on how often fish stored on deck are moved, stored, or discarded during the trip and the amount of crew time required to secure the loose fish. No form exists for this notice; vessel personnel verbally inform the observer that a scale test is scheduled.

Notify observer of Bering Sea pollock catch, Respondent	
Estimated number of respondents	60
Total annual responses	200
Responses per respondent 3.34	
Number of responses =200	7
Total Time burden (6.67)	
Time per response = 2 minutes	\$259
Total personnel cost (\$37/hr x	0
Total miscellaneous cost	

Notify observer of Bering Sea pollock catch, Federal Government	
Total annual responses	0
Total Time burden	0
Total personnel cost	0
Total miscellaneous cost	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality

guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

The data submitted by observers using the ATLAS software is accomplished online. Notification of the observer is done verbally.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

The proposed action applies only to those entities that participate in the directed pollock trawl fishery in the Bering Sea. These entities include vessels harvesting pollock under the American Fisheries Act (AFA) and the six Western Alaska Community Development Quota (CDQ) groups that receive allocations of pollock. Due to their status as non-profit corporations, the six CDQ groups are identified as “small” entities for RFA purposes. This collection of information does not impose a significant impact on small entities.

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

This use of a vessel’s or facility’s computer, software, and data transmission is required for the efficient operation of the Observer Program. Without this capability, the goals and objectives of the Observer Program and effective management of the Alaska groundfish fisheries would be jeopardized.

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

Not Applicable.

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

A proposed rule (**RIN 0648-BF25**) will be published in the [Federal Register](#) coincidentally with this action to solicit public comment.

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

No payment or gift to respondents is provided under this program.

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

NMFS adheres to policies and procedures for protecting confidentiality of data submitted to or collected by NMFS as prescribed by a Reciprocal Data Access Agreement (1999) among the National Oceanic and Atmospheric Administration, the Alaska Department of Fish and Game (ADF&G), and the Alaska Commercial Fishery Entry Commission which are more stringent than the procedures prescribed by NOAA Administrative Order 216-100.

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

All information collected is in a system of records: NOAA #15, "Alaska Region-North Pacific Groundfish Observer Program: Certified Domestic Observer Final Evaluations." In exceptional circumstances, the owners and operators of vessels may provide to the Regional Administrator written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of information could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information will be made pursuant to 15 CFR 4.7.

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

This information collection does not involve information of a sensitive nature.

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

Estimated total respondents: 60. Estimated total responses: 200. Total estimated burden hours: 7 hr. Estimated total personnel cost: \$259.

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

Estimated total miscellaneous costs: \$0.

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

Estimated total responses: 0. Estimated total burden hours: 0. Estimated total personnel cost: \$0.

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

This action requires observer access on catcher vessels less than 125 ft LOA to use the vessel's communications equipment and personnel, on request, for the confidential entry, transmission, and receipt of work-related messages, at no cost to the observer or the United States.

Access to a computer for electronic data entry significantly increases the speed observer data can be made available for inseason management and catch accounting. Further, the data validation measures built into the software improves initial data quality and decreases the need for corrections during the observer debriefing process.

There is no change to burden, as this is a temporary new collection. After approval of this request, and of a revision to OMB Control No. 0648-0318 in relation to RIN 0648-BF36, this burden will be added to the existing collection.

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

No publication of information is anticipated.

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

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.