

**SUPPORTING STATEMENT
ALASKA OBSERVER PROGRAM
OMB CONTROL NO. 0648-0318**

This action requests revision of this existing information collection due to an associated rule. [RIN No. 0648-BF36] – resubmission with the final rule.

National Marine Fisheries Service, Alaska Region (NMFS) manages the United States 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](#).

The proposed rule modifies the criteria for certain small catcher/processors in the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands Management Area (BSAI) to be placed in the partial observer coverage category under the North Pacific Groundfish and Halibut Observer Program (Observer Program). Under this rule, the owner of a non-trawl catcher/processor can choose to be in the partial observer coverage category, on an annual basis, if the vessel processed less than 79,000 lb (35.8 mt) of groundfish on an average weekly basis in a particular prior year. This rule does not alter observer coverage requirements for a catcher/processor using trawl gear or for a catcher/processor when participating in a catch share program; these catcher/processors will continue to be required to be in the full observer coverage category.

The following is a summary of the changes that were made between the proposed and final rules.

- ◆ Removed the application deadline for the first fishing year, beginning with 2016. For any first fishing year, there will be no deadline to apply. Not having an application deadline for 2016 provides additional time for potential new participants in the fishery to adjust to the new regulations.
- ◆ Removed the application deadline for all applicants with no production from 2009 through the standard basis year. The impact on the partial observer coverage category is minimal and not worth the administrative cost of justifying a long delay in placing them in partial observer coverage.

- ◆ Added the phrase “and catcher/processors” at § 679.51(a)(1)(i) to reference not just catcher vessels but also catcher/processors.

A. JUSTIFICATION

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

The placement of catcher/processors in the partial observer coverage category should not be a closed category but should be open to all catcher/processors based on an ongoing measure of their groundfish production in a year, except for catcher/processors where information needs compel full observer coverage regardless of the amount of production.

This action would provide a limited exception to the general requirement without altering the full observer coverage requirements for all trawl catcher/processors and catcher/processors in Limited Access or catch share programs.

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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.

I. OBSERVER PROGRAM INDUSTRY REQUIREMENTS

The requirement to carry an observer applies to all participants in the Federally managed groundfish fisheries off Alaska and vessels in the commercial halibut fishery. Since implementation of the restructured Observer Program in 2013, vessels, shoreside processors, and stationary floating processors participating in the groundfish and halibut fisheries off Alaska are placed in one of two observer coverage categories: partial observer coverage category or full observer coverage category.

Full observer coverage category

Full observer coverage is needed in programs where catch is allocated to specific entities with quotas and limits of prohibited species catch, which must be discarded at-sea. This action would continue to require full observer coverage on all catcher/processors and motherships and would require any groundfish catcher/processor and halibut catcher/processor less than 60 ft length overall (LOA) not previously subject to observer requirements would now be required to have 100 percent coverage.

Vessels and processors in the full coverage category obtain observers by contracting directly with observer providers.

The following classes of vessels are in the full observer coverage category when harvesting halibut or when harvesting, receiving, or processing groundfish in a Federally managed or parallel groundfish fishery:

- ◆ Catcher/processor (with limited exceptions described below)
- ◆ Mothership
- ◆ Inshore processor -- when receiving or processing Bering Sea pollock
- ◆ Catcher vessel -- while participating in American Fisheries Act (AFA) or Western Alaska Community Development Quota (CDQ) pollock fisheries, CDQ groundfish fisheries (except sablefish; and pot or jig gear catcher vessels) or Central Gulf of Alaska Rockfish Program

Partial Observer Coverage

Respondents in the partial coverage category include anyone who owns or operates a

- ◆ Catcher vessel designated on a Federal Fisheries Permit (FFP)
when directed fishing for groundfish in Federally managed or parallel fisheries (except those in the full coverage category)
when fishing for halibut IFQ or CDQ
when fishing for sablefish IFQ or fixed gear sablefish CDQ
- ◆ Shoreside or stationary floating processor (except those in full coverage category)
- ◆ Catcher/processor
less than 60 ft LOA with a history of catcher/processor and catcher vessel activity in a single year from January 1, 2003, through January 1, 2010;
with an average daily groundfish production of less than 5,000 pounds round weight equivalent in the most recent full calendar year of operation from January 1, 2003, to January 1, 2010;
that processed no more than one metric ton round weight of groundfish on any day (up to a maximum of 365 mt per year) in the previous calendar year.

a. Catcher/processor request to be placed in roc observer coverage. [NEW]

Under this action, the owner of a qualifying vessel may request placement in the partial observer coverage category through an annual selection process. Absent selection by the owner of a qualifying vessel, that catcher/processor will be placed in the full observer coverage category for the upcoming fishing year. This annual selection process is a new requirement for the three catcher/processors that are currently permanently placed in the partial observer coverage category.

NMFS will provide written notification to the owner if the catcher/processor is placed in the partial observer coverage category. If approved, applicant will receive instructions and necessary information to log trips in the Observer Declare and Deploy System (ODDS).

The request form is provided by NMFS on the NMFS Alaska Region Web site (<https://alaskafisheries.noaa.gov/fisheries-applications>).

Deadline: There is no application deadline to request placement in the partial observer coverage category for the 2017 fishing year. Not having an application deadline provides additional time for potential new participants in the fishery to adjust to the new regulations.

After the first year, annually a vessel owner must request placement in the partial observer coverage category **before July 1** of the year prior to fishing activity. The July 1 deadline does not apply to vessels with no production from 2009 through the standard basis year.

Catcher/Processor Request for Observer Partial Coverage

Request Acknowledgement

Check the box to indicate that you request your vessel be placed in the partial coverage category for the purpose of observer coverage for fishing activity that occurs in year indicated in box 2. Enter the four digit year in which you would like your vessel placed in the partial coverage category.

Block A -- Owner Information

Owner Name
 Company Name (if any)
 Business Mailing Address
 Business Telephone Number, Business Fax Number, Business E-Mail Address

Block B -- Vessel Information

Vessel Name
 Federal Fisheries Permit Number:

Block C -- Applicant Certification

Printed name and signature of applicant and date signed.
 If Representative, attach Authorization

This action changes the requirements for three new vessels to be placed in the partial coverage category; 9 vessels are expected to be impacted by the rule.

CP Request for Observer Partial Coverage, Respondent	
Estimated number of respondents	9
Total annual responses	9
Number of responses per year = 1	
Total Time burden (4.5)	5 hr
Time per response =	
Paper = 30 minutes	
Online = 0	
Total personnel cost (\$37/hr x 5)	\$185
Total miscellaneous cost (6.60)	\$7
Postage .45 x 2 = 0.90	
Fax:\$5 x 1 = 5	
Online 0 x 6 = 0	
Photocopy 9 x .05 = 0.7	

CP Request for Observer Partial Coverage, Federal Government	
Total annual responses	9
Total Time burden (2.25)	2 hr
Time per response = 15 min	
Total personnel cost (\$37/hr x 2)	\$74

Total miscellaneous cost	0
--------------------------	---

b. Observer Declare and Deploy System (ODDS) (UNCHANGED)

The Observer Declare and Deploy System (ODDS) is an Internet-based interface that provides information about observer deployment on vessels in the partial coverage category and facilitates communication among the owner or operator of a vessel in the partial coverage category, NMFS, and the observer provider. The ODDS website is designed for those registered owners and captains who own and operate vessels that are required to log their individual fishing trips. NMFS sent out a letter to all registered owners whose vessels are required to log trips. Owners and operators of these vessels must log all intended fishing trips either in the ODDS website or by calling the call center (AIS). The call center (AIS) is in place to assist those users who don't have access to the ODDS website. The call center will have access to the ODDS website and phone operators can enter the information that the caller requires. The AIS can be reached by calling 1-855-747-6377.

The preferred method to log fishing trips is to use the ODDS website at <http://odds.afsc.noaa.gov> which allows one to log fishing trips in advance and determines which trips will need to be observed.

The operator of a vessel in the trip selection pool must register the anticipated trip with ODDS. Trips can be logged up to a maximum of 30 days in advance of their trip start date; however, trips must be logged at least 72 hours prior to departure. This time frame is needed by the observer provider if this trip is randomly selected for observer coverage. The number of trips that can be entered at one time is limited to the number of open trips that are in ODDS website. An open trip is a logged trip in the ODDS website that has yet to be closed or cancelled. The ODDS website allows up to three open trips.

Trip Selection pool

Trip-selection refers to the selection of the fishing trip which is facilitated through the ODDS. Users are given a username and password as well as a telephone number they can use to log anticipated fishing trips. Logged fishing trips are individually and independently assigned a random number. The fishing trip is assigned an observer if the number is below or equal to pre-determined selection rates.

Small vessel trip-selection

This pool is comprised of catcher vessels that are fishing hook-and-line or pot gear and are greater than or equal to 40 ft, but less than 57.5 ft in LOA.

Large vessel trip-selection

This pool is comprised of three classes of vessels.

- ◆ All catcher vessels fishing trawl gear,
- ◆ Catcher vessels fishing hook-and-line or pot gear that are also greater than or equal to 57.5 ft LOA,
- ◆ Catcher-processors exempted from full coverage requirements.

No Selection pool (not subject to observer coverage).

The no selection pool is comprised of catcher vessels less than 40 ft LOA, or vessels fishing with jig gear, which includes handline, jig, troll, and dinglebar troll gear, or vessels that are conditionally released due to life raft capacity.

Life Raft Release Request

If a vessel cannot accommodate an observer because the vessel has a 4-person life raft and always takes at least 4 crew, a life raft capacity release request is completed. The Life Raft Release Request must be completed at least 30 days prior to the anticipated start date of the first fishing trip of the year. This will allow NMFS enough time to review the release request. If a life raft release request is submitted with less than 30 days advance notice, the review may not be completed prior to start of first trip.

Complete the Life Raft Release Request by either:

- ◆ logging onto the ODDS website (<http://odds.afsc.noaa.gov>), or
- ◆ calling AIS, Inc. at 855-747-6377 from 6 AM to 10:00 PM, 7 days a week.

Once on the ODDS site, select the button called "Life Raft Capacity Release Request". Provide anticipated start date for first fishing trip
vessel's life raft capacity
total number of crew
vessel's USCG safety decal registration number and inspection date

NMFS will review the request and, if qualified, provide a letter authorizing the release. The respondent is still required to log intended trips into ODDS even if he or she receives a release. The ODDS will automatically replace the random selection probability with zero, so the respondent will not be selected for observer coverage on subsequently logged trips for the remainder of that year.

USCG Safety Decal

Operators of vessels selected for observer coverage must pass a United States Coast Guard (USCG) Commercial Fishing Vessel Safety Examination prior to an observer boarding the vessel. A USCG safety decal is not included in the costs and burdens of this collection because all vessels are required to comply with USCG requirements regardless of whether they carry an

observer. An observer provider must verify that a vessel has a valid USCG safety decal before an observer may get underway aboard the vessel.

Fishing Trip

There are two different meanings for a trip depending on where the vessel will deliver its catch.

For a catcher vessel delivering to a shoreside processor or stationary floating processor, the fishing trip is the period of time that begins when a catcher vessel departs a port to harvest fish and ends when all harvested fish have been offloaded or transferred.

For a catcher vessel delivering to a tender vessel, the fishing trip begins when a catcher vessel departs from a port to harvest fish. This type of trip includes at least one delivery to a tender vessel. The fishing trip ends when the vessel returns to a port in which a shoreside processor or stationary floating processor with a valid Federal Processor Permit is located and all harvested fish have been delivered. Ending a fishing trip when a vessel returns to a port where a processor with an FPP is located is necessary to ensure that observers are returned to locations from which they can safely travel to other destinations.

Trip receipts provide proof that a trip has been logged into the ODDS website. While not required, it is recommended that users of ODDS website print their receipt to prove they have logged their trip. When a trip is logged, a trip receipt is available on the ODDS website and also a trip receipt of an observed trip is emailed (if email address was provided during account creation) to the registered owner of the vessel and the captain who logged the trip. Past trip receipts are available on the ODDS website.

Use ODDs System, Respondent	
Estimated number of respondents	417
Total annual responses	5,883
Number of responses (trips)	
Total Time burden (1470.75)	1,471 hr
Time per response = 15 min	
Total personnel cost (1471 x \$37/hr)	\$54,427
Total miscellaneous cost	\$0
Online (0 x 5883 = 0)	

Use ODDs System, Federal Government	
Total annual responses	0
Total Time burden (automatic)	0
Total personnel cost	0
Total miscellaneous cost	0

c. Electronic monitoring as exemption for observer coverage [UNCHANGED]

Initial efforts to use electronic video monitoring as a substitute for an observer would focus on hook-and-line vessels less than 57.5 ft LOA fishing for halibut and sablefish IFQ. NMFS will prioritize vessels that are suited for electronic monitoring. Electronic monitoring refers to cameras and computer equipment that would be installed on vessels to obtain and store information on catch composition. Electronic video monitoring would likely not be available to

all vessels who request video monitoring in lieu of an observer in the initial years of the new program.

Upon first login to the ODDs System, vessel operators would indicate their assessment as to whether or not they believe an observer could be accommodated onboard their vessel or if an electronic monitoring system could be used in lieu of an observer. The operator would be prompted to enter the reason why an observer could not be accommodated (e.g., lack of space for an observer to sample) if so indicated.

When the operator indicates that an observer could not be accommodated, a program coordinator may visit any vessel selected for observer coverage to verify this assessment. If, during the inspection by the program coordinator, it is determined that the vessel is not suited to monitoring by an observer for safety or logistical reasons, NMFS could approve an electronic monitoring system. The agency’s goal is to use electronic video monitoring in place of observers when NMFS determines it is appropriate.

NMFS is looking to develop capacity, both in-house and through vendors, for video deployment, review, and information extraction at the inception of the restructured program. NMFS encourages vendors to continue to develop electronic monitoring systems for use onboard fishing vessels in Alaska. Dependent on funding, NMFS’ goal is to deploy electronic monitoring in all cases where it would be the best alternative for information collection.

Request for Electronic Monitoring, Respondent	
Estimated number of respondents	1
Total annual responses	1
Number of responses per year = 1	
Total Time burden	1 hr
Time per response = 1 hr	
Total personnel cost (\$37/hr x 1)	\$37
Total miscellaneous cost	\$0
Online \$0 x 1 = 0	

Request for Electronic Monitoring, Federal Government	
Total annual responses	1
Total Time burden	1 hr
Time per response = 1 hr	
Total personnel cost (\$37/hr x 1)	\$37
Total miscellaneous cost	0

d. One-time election of observer coverage [REMOVED]

An owner or operator of a catcher/processor that processes no more than one metric ton round weight of groundfish on any day, may be included in the partial observer coverage category in lieu of the full coverage category for the following calendar year.

II. OBSERVER PROVIDER REQUIREMENTS

Observer candidates are recruited and hired by independent Fisheries Monitoring and Analysis (FMA) permitted observer provider companies (see http://www.afsc.noaa.gov/FMA/observer_providers.htm). Candidates must have a bachelor's degree or higher in fisheries, wildlife biology, or a related field of biology or natural resource management from an accredited college or university. Observers must be capable of performing strenuous physical labor and working independently without direct supervision under stressful conditions. In addition, observers must have computer skills that enable the candidate to work competently with standard database software and computer hardware.

Observer Duties consist of:

- ◆ Record fishing effort, location, and total catch information
- ◆ Sample to determine the species composition of catches
- ◆ Collect biological information such as size frequencies and sex ratios
- ◆ Collect biological samples
- ◆ Monitor for and document compliance with fishing regulations
- ◆ Record incidental takes and interactions of marine mammals and seabirds with fishing gear and vessels
- ◆ Maintain a detailed logbook of sampling activities
- ◆ Complete a post-cruise debriefing

a. Candidate college transcripts and statements, observer provider [UNCHANGED]

The observer candidate's time and cost in preparation of a resume and submittal of college transcripts are excluded from the estimated burden of this collection-of-information because resumes and transcripts routinely are required by most employers, including observer providers. However, review and handling of this candidate material by the observer provider and NMFS is included below.

Candidate college transcripts and statements, Respondent	
Total number of respondents	5
Total annual responses	5
Number of responses per year = 1	
Total time burden	40 hr
Time per response = 8 hr	
Total personnel cost (40 x \$37)	\$1,480
Total miscellaneous cost (2.50)	\$3
Cost to submit by mail (\$2.50 x 1 = 2.50)	
Cost to submit by e-mail = 4 x \$0	

Candidates' college transcripts and statements, Federal Government	
Total annual responses	5
Total time burden	10 hr
Time per response = 2 hr	
Total personnel cost (10 x \$37/hr)	\$370
Total miscellaneous cost	0

b. Observer training registration [UNCHANGED]

The observer provider must submit training registration information to NMFS at least 5 business days prior to the beginning of a scheduled observer certification training or briefing session. The list of requested date and names of observer candidates ensures that sufficient class space will be reserved for the candidates during the training session requested. A schedule for observer training may be viewed at http://www.afsc.noaa.gov/FMA/training_schedule.htm.

Observer training registration

- Date of requested training
- A list of observer candidates, including each candidate’s full name, date of birth, and sex
- A copy of each candidate’s academic transcripts and resume
- A statement signed by the observer candidate which discloses the candidate’s criminal convictions (if any)

Observer training registration, Respondent	
Total number of respondents	5
Total annual responses	10
Estimated responses per yr = 2	
Total burden time	10 hr
Time per response = 1 hr	
Total personnel cost (10 x \$37)	\$370
Total miscellaneous cost	\$6
Cost to submit by fax (\$6 x 1 = 6)	
Cost to submit by email =9 x \$0	

Observer training registration, Federal Government	
Total responses	10
Total burden time	10 hr
Time per response = 1 hr	
Total personnel cost (10 x \$37)	\$370
Total miscellaneous cost	0

c. Observer briefing registration [UNCHANGED]

Observer briefing registration

- Date and type of requested briefing session and briefing location
- List of observers to attend the briefing session, including each observer’s full name

Observer Briefing Registration, Respondent	
Total number of respondents	5
Total annual responses	300
Number of observers = 60	
Types of observer briefing sessions	
3-week training	
12-day crab training	
4-day annual briefing	
2-day briefing	
1-day pre-deployment briefing	
5-day 'level 2' briefing	
1-day 'level 2' briefing	
Total time burden	35 hrs
Time per response (7 minutes)	
Total personnel cost (35 hr x \$37/hr)	\$1,295
Total miscellaneous costs	\$6
Cost to submit by fax (\$6 x 1 pp x 1 = 6)	
Cost to submit by email = 299 x \$0	

Observer Briefing Registration, Federal Government	
Total annual responses	300
Total time burden	15 hr
Time per response (3 minutes)	
Total personnel cost (15 hr x \$37/hr)	\$555
Total miscellaneous costs	0

d. Projected observer assignments [UNCHANGED]

Prior to the observer or observer candidate's completion of the training or briefing session, the observer provider must submit to NMFS a statement of projected observer assignments. The projected assignments are used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) and to assign "special projects" to students. Special project assignments are often dependent on the projected vessel assignments and are often species or vessel-type specific.

Projected Observer Assignments

- Observer's name
- Vessel, shoreside processor, or SFP assignment
- Gear type
- Vessel/processor code
- Port of embarkation
- Target species
- Area of fishing

Projected observer assignment, Respondent	
Total number of respondents	5
Total annual responses (60 x 3 x 5)	900
Number of observers = 60	
Annual assignments per observer = 3	
Total time burden	105 hrs
Time per response (7 minutes)	
Total personnel cost (105 hr x \$37/hr)	\$3,885
Total miscellaneous cost	\$6
Cost to submit by fax (\$6 x 1 pp x 1 = 6)	
Cost to submit by email = 899 x \$0	

Projected observer assignment, Federal Government	
Total annual responses	900
Total time burden	150 hrs
Time per response (10 minutes)	
Total personnel cost (150 x \$37/hr)	\$5,550
Total miscellaneous cost	0

e. Physical examination verification [UNCHANGED]

The observer provider must provide to NMFS a signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared pamphlet, provided to the candidate by the observer provider.

The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement will expire 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

Observer providers incur the costs associated with copying and submitting to NMFS the physical examination verification. They do not incur the costs of an observer or observer candidate's time and cost for the actual exam.

Physical examination verification, Respondent	
Total number of respondents	5
Total annual responses (60 x 5) 60 observers 1 response per year	300
Total burden time Time per response (5 minutes)	25 hrs
Total personnel cost (25 hr x \$37/hr)	\$925
Total miscellaneous cost Cost to submit by fax (\$6 x 1 pp x 1 = 6) Cost to submit by email = 299 x \$0	\$6

Physical Examination verification, Federal Government	
Total annual responses	300
Total time burden Time per response (2 minutes)	10 hr
Total personnel cost (10 hr x \$37/hr)	\$370
Total miscellaneous cost	0

f. Observer deployment/logistics report [UNCHANGED]

A deployment/logistics report must be submitted by Wednesday, 4:30 pm, Pacific local time, of each week with regard to each observer deployed by the observer provider during that week. This report is used for routine record keeping in the NMFS observer database. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also extremely important should emergencies arise while an observer is deployed at sea. If the observer is currently not assigned to a vessel, shoreside processor, or SFP, the observer's location must be included in the report.

Observer deployment/logistics report

- Observer's name and cruise number
- Current vessel, shoreside processor, or SFP assignment and vessel/ processor code
- Embarkation date, and estimated or actual disembarkation dates
- Observer's location if the observer is currently not assigned

Observer deployment/logistics report, Respondent	
Total number respondents	5
Total annual responses (52 x 5 providers) One response per week Number of weekly reports/yr	260
Total time burden (30.33) Time per response (7 minutes)	31 hrs
Total personnel cost (31 hr x \$37/hr)	\$1,147
Total miscellaneous costs Cost to submit by fax (\$6 x 1 pp x 1 = 6) Cost to submit by email = 259 x \$0	\$6

Observer deployment/logistics reports, Federal Government	
Total annual responses	260
Total time burden (43.33) Time per response (10 minutes)	44 hr
Total personnel cost (44 x \$37/hr)	\$1,628
Total miscellaneous costs	0

g. Observer debriefing registration [UNCHANGED]

The observer provider must contact the Observer Program within 5 business days after the completion of an observer’s deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the following:

Observer debriefing registration.

- Observer name and cruise number
- Requested date of debriefing
- Name and cruise number of observer
- Name of vessel, shoreside processor, or SFP assignment name
- Code of observer’s deployment

Observer Debriefing Registration, Respondent	
Total number respondents	5
Total annual responses (3 x 60 x 5) Number of observers = 60 Number of assignments = 3	900
Total time burden Time per response (30 minutes)	450 hr
Total personnel cost (450 hr x \$37/hr)	\$16,650
Total miscellaneous costs Cost to submit by fax (\$6 x 1 pp x 1 = 6) Cost to submit by email = 899 x \$0	\$6

Observer Debriefing Registration, Federal Government	
Total annual responses	900
Total time burden Time per response (30 minutes)	450 hr
Total personnel cost (450 hr x \$37/hr)	\$16,650
Total miscellaneous costs	0

h. Certificates of Insurance [UNCHANGED]

Observers are insured by their employer, as required in regulation for full coverage vessels and in the contract between NMFS and the observer provider for vessels in the partial coverage category. Observers are also covered by the Federal Employees Compensation Act. This insurance coverage does not prevent an observer or observer provider from filing a suit for injuries that occur on a vessel. Thus, industry members may choose to protect themselves from lawsuits by obtaining additional liability insurance.

Copies of “certificates of insurance” must be submitted to NMFS by February 1 of each year. Insurance certification allows NMFS to confirm that an observer provider is meeting the minimum insurance coverage required. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

- ◆ Maritime Liability to cover “seamen’s” claims under the Merchant Marine Act (Jones Act) and General Maritime Law (\$1 million minimum).
- ◆ Coverage under the U.S. Longshore and Harbor Workers’ Compensation Act (\$1 million minimum)
- ◆ States Worker’s Compensation as required
- ◆ Commercial General Liability

Certificates of insurance, Respondent	
Total number of respondents	5
Total annual responses	5
Number of responses per year = 1	
Total time burden	1 hr
Time per response (12 minutes)	
Total personnel cost (1 hr x \$37/hr)	\$37
Total miscellaneous cost	\$6
Cost to submit by fax (\$6 x 1 = 6)	
Cost to submit by email = 4 x \$0	

Certificate of insurance, Federal Government	
Total annual responses	5
Total time burden (5 x 0.05)	1 hr
Time per response (3 minutes)	
Total personnel cost (1 hr x \$37/hr)	\$37
Total miscellaneous cost	0

i. Observer provider contracts [UNCHANGED]

Observer providers must submit to NMFS upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers.

These copies must be submitted to NMFS by fax or mail within 5 business days of the request for the contract. Signed and valid contracts include the contracts an observer provider has with vessels required to have observer coverage; shoreside processors or SFPs required to have observer coverage; and observers.

Observer Provider Contracts, Respondent	
Total number of respondents	5
Total annual responses 1 response per year	5
Total time burden (2.5) Time per response (30 minutes)	3 hr
Total personnel cost (3 x \$37/hr)	\$111
Total miscellaneous cost Cost to mail (\$5 x 5)	\$25

Observer Provider Contracts, Federal Government	
Total annual responses	5
Total time burden (2 hr x 5) Time requirement to review = 2 hr	10 hr
Total personnel cost (10 hr x \$37/hr)	\$370
Total miscellaneous cost	0

j. Other Reports [UNCHANGED]

Observer providers must notify NMFS of a breach of the observer provider's policy on observer conduct within 72 hours after the provider becomes aware of the alleged violation. The observer provider must submit these reports via fax or email within 24 hours after the observer provider becomes aware of the information, as follows:

- ◆ Information regarding possible observer harassment
- ◆ Information regarding any prohibited action
- ◆ Concerns about vessel safety, processor safety, or marine casualty under 46 CFR 4.05-1 (a)(1)-(7)
- ◆ Observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual.
- ◆ Any information, allegations, or reports regarding observer conflict of interest or breach of the standards of behavior.

Other Reports, Respondent	
Total number respondents	5
Total annual responses (5 providers x 10 reports) Number of reports = 10	50
Total time burden Time per response = 2 hr	100 hrs
Total personnel cost (100 hr x \$37/hr)	\$3,700
Total miscellaneous cost Cost to submit by fax (\$6 x 1 pp x 1 = 6) Cost to submit by email = 49 x \$0	\$6

Other Reports, Federal Government	
Total annual responses	50
Total time burden	50 hrs
Time to review each report = 1 hr	
Total personnel cost (50 hr x \$37/hr)	\$1,850
Total miscellaneous cost	0

**k. Industry Request for Assistance in Improving Observer Data Quality Issues
[UNCHANGED]**

Vessel, shoreside processor, and SFP owners and operators, as well as observers and observer providers, may contact NMFS in writing to request assistance in improving observer data quality and resolving observer sampling issues. Issues may include:

- ◆ Sampling issues on vessel, shoreside processor, or SFP;
- ◆ Creating new sampling protocols;
- ◆ Developing and implementing research projects;
- ◆ Maintaining knowledge of current vessel, shoreside processor or SFP operations for observer sampling purposes; and
- ◆ Providing on-site training for an observer(s) employed by an observer provider.

NMFS will address observer-related issues by placing staff or individuals authorized by NMFS in actual working conditions experienced by observers. Such deployments increase the ability of NMFS to work with industry, observers, and observer providers to resolve the issues that face the stakeholders in the groundfish fisheries of the BSAI and GOA and foster a more cooperative working relationship with better informed industry participants.

Requests may be submitted by mail to:

NMFS Observer Program Office
P.O. Box 15700
Seattle, Washington 98115-0070

or transmitted by fax to 206-526-4066.

Industry Request for Assistance, Respondent	
Total number of respondents	10
Total annual responses	10
Number of responses per year = 1	
Total time burden	5 hr
Time per response (30 minutes)	
Total personnel cost (5 x \$37/hr)	\$185
Total miscellaneous cost	\$6
Cost to fax (\$6 x 1 = 6)	
Cost to email = 9 x \$0	

Industry Request for Assistance, Federal Government	
Total annual responses	10
Total time burden	25 hr
Time per response 2.5 hr	
Total personnel cost (25 x \$37/hr)	\$925
Total miscellaneous cost	0

I. Observer Provider Permit Application [UNCHANGED]

The Regional Administrator may issue a permit authorizing a person's participation as an observer provider for operations requiring full observer coverage. Persons seeking to provide observer services must obtain an observer provider permit from NMFS. An applicant seeking an observer provider permit must submit a completed application by fax or mail to the

- ◆ By mail to NMFS Observer Program Office
7600 Sand Point Way NE
Seattle, WA 98115-0070
- ◆ Or, by fax to 206-526-4066

NMFS uses the provided information to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis. A NMFS-appointed observer provider application review board reviews and evaluates each application for completeness against evaluation criteria.

An observer provider permit is not transferable. An observer provider that experiences a change in ownership that involves a new person must submit a new permit application and cannot continue to operate until a new permit is issued. Except for ownership information, each observer provider must submit to NMFS any changes or corrections to applicable contact information. Observer providers must notify NMFS within 30 days of the effective date of such change when any of the required permit elements change. This requirement will help facilitate the communication between NMFS and observer providers. Any change to the information submitted on the provider's permit application must be submitted by FAX or mail (see address above).

The observer provider permit will expire after a period of 12 continuous months during which no observers are deployed by the provider to the North Pacific groundfish or halibut industry. NMFS will provide a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives a written initial administrative determination (IAD) of permit expiration may appeal under § 679.43. A permit holder who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

Observer Provider Permit application

Identification

- Management, organizational structure, and ownership structure of the applicant's business
- 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

Contact information

Permanent mailing address, telephone and fax numbers for each owner

Business information for each office

Current physical location

Business mailing address, telephone and fax numbers, business e-mail address

Authorized agent. If ownership based outside the United States

Name of authorized agent

Mailing address, telephone number and fax number

Attachments

If a corporation, articles of incorporation

If a partnership, partnership agreement

Signed statement of no conflict of interest from owner(s), board members, and officers

Signed statement describing

any criminal convictions,

Federal contracts held and the performance rating received on each contract, and

previous decertification action while working as an observer or observer provider

Description of applicant's prior experience in placing individuals in remote field and/or marine work

environments, including recruiting, hiring, deployment, and personnel administration

Description of the applicant's ability to carry out the responsibilities and duties of an observer provider

O1bserver provider permit application, Respondent	
Total number of respondents	1
Total annual responses	1
Number of responses per year = 1	
Total Time burden	60 hr
Time per response = 60 hr	
Total personnel cost (60 x \$37/hr)	\$2,220
Total miscellaneous cost (0.42)	\$1
Cost to mail (0.45 x 1 = 0.45)	

Observer provider permit application, Federal Government	
Total annual responses	1
Total time burden	30 hr
Total personnel cost (30 hr x \$37/hr)	\$1,110
Total miscellaneous cost	0

m. Appeals for Observer Program [UNCHANGED]

The Alaska Office of Administrative Appeals is now part of the National Appeals Office (NAO). NAO operates out of NOAA's headquarters in Silver Spring, MD and no longer maintains an office in NMFS's Alaska Regional Office. NAO is charged with processing appeals that were filed with the Office of Administrative Appeals, Alaska Region.

An observer provider who receives an IAD of permit expiration may appeal under § 679.43. An observer provider that appeals an IAD will be issued an extension of the expiration date of the permit until after the final resolution of the appeal.

Appeals for Observer Program, Respondent	
Total number of respondents	1
Total annual responses = 1	1
Total burden hours	4 hr
Time per response = 4 hr	
Total personnel cost (4 x \$37/hr)	\$148
Total miscellaneous cost (500.90)	\$501
Annual cost for legal advice (4 hr x \$125 = 500)	
Cost to submit by mail (\$0.90 x 1 = 0.90)	

Appeals for Observer Program, Federal Government	
Total annual responses	1
Total time burden	4 hr
Time per response = 4 hr	
Total personnel cost (4 x \$125)	\$500
Total miscellaneous cost	0

n. Update to provider information [UNCHANGED]

Except for changes in ownership, an observer provider must notify NMFS of any other change to the information submitted on the provider's permit application within 30 days of the effective date of such change. This requirement facilitates the communication between NMFS and observer providers.

The contact information that is display on the ODDS website comes from what is on file with the permitting office (RAM Division) at Alaska Regional Office in Juneau. Contact them directly to update contact information. Any change to the information submitted on the provider's permit application must be submitted by email at RAM.Alaska@noaa.gov.

Update to provider information, Respondent	
Total respondents	1
Total annual responses	1
Number of responses per year = 1	
Total Time burden (0.08)	1 hr
Time per response (5 minutes)	
Total personnel cost (1 x \$37/hr)	\$37
Total miscellaneous cost	\$0
Cost to e-mail = 1 x \$0	

Update to provider information, Federal Government	
Total number of responses	1
Total time burden (0.5)	1 hr
Time per response (30 minutes)	
Total personnel cost (1 x \$37/hr)	\$37
Total miscellaneous cost	0

o. Observer provider invoices [UNCHANGED]

Catcher/processors and motherships pay the observer provider direct, in response to invoices for observer coverage. NMFS requires observer providers to submit copies of all invoices for observer coverage (that they submitted to catcher/processors and motherships) to the Observer Program Office on a continual monthly basis. Observer providers are required to submit these invoices to NMFS for each observer aboard a catcher/processor, catcher vessel, mothership, SFP, or shoreside processor on a monthly basis for a full calendar year.

The invoice information allows NMFS to develop an accurate assessment of costs and benefits under potential program changes which may benefit the groundfish Observer Program and the fisheries dependent upon observer data for management.

Invoice Copies

- Name of each individual to which the invoice applies
- Dates of service for each observer
- Rate charged in dollars per day (daily rate) for observer services
- Total charge for observer services (number of days multiplied by daily rate)
- Amount charged for air transportation
- Amount charged by the provider for any other observer expenses, including but not limited to: ground transportation, excess baggage, and lodging. Charges for these costs must be separated and identified

Invoice Copies, Respondent	
Total number respondents	5
Total annual responses (5 providers x 120 invoices)	600
Number of invoices = 10 x 12 months = 120	
Total time burden	300 hr
Time per invoice = 30 minutes	
Total personnel cost (300 x \$37/hr)	\$11,100
Total miscellaneous cost	\$6
Cost to submit by fax (\$6 x 1= 6)	
Cost to submit by email = 599 x \$0	

Invoice Copies, Federal Government	
Total annual responses	300
Total time burden	150 hr
Total personnel cost , half-time staff member	\$31,250
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 periodic reports and information submitted by observer providers consist of extractions of the required data from their existing database systems into a report form that is then submitted by fax or e-mail to NMFS. Observer provider applications are submitted by mail, along with requested documentation. The preferred method to log fishing trips is to use the online ODDS website at <http://odds.afsc.noaa.gov> which allows the participant to log fishing trips in advance and determines which trips will need to be observed. In addition, the electronic monitoring instead of an observer onboard would be automated. The copies of invoices and of the Observer Conduct and Behavior policy are submitted as attachments to email or by fax.

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.

This collection of information does not impose a significant impact on small entities. The only entities considered large in this analysis are the American Fisheries Act (AFA) vessels, BSAI Amendment 80 catcher/processors, AFA shoreside processors and additional processors owned by the same companies, and individual vessels that had more than \$4 million in ex-vessel revenues in 2008.

There are an estimated 80 large entities and 1,689 small entities, as defined under the RFA, directly regulated by this collection. This summary includes catcher vessels that are not in the selection pools but that are required to pay fees based on eligible landings.

Sector	Number small entities	Number large entities
Halibut & sablefish IFQ	1,411	3
Groundfish CVs	125	59
Groundfish CPs	6	4
Motherships	1	0
Shoreside processors & SFPs	~146	~14
Total	1,689	80

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

All information is required for the efficient operation of the Observer Program and 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 Alaska groundfish fisheries.

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-BF36) was published in the *Federal Register* on (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)) to solicit public comment. The comment period closed on January 28, 2016.

NMFS received three comment letters from the public that contained three substantive comments. The comments addressed the economic impacts of the rule generally by requesting that the rule be implemented as soon as possible to help maximize economic opportunities for these commercial fishermen in the BSAI and GOA during the 2016 fishing year. This would allow qualifying vessels to start operating under partial observer coverage requirements as soon as the vessel owner receives notification from NMFS that the vessel is placed in the partial observer coverage category.

NMFS' responses to these comments are presented below.

Comment 1: All three commenters expressed support for this action.

Response: NMFS acknowledges these comments.

Comment 2: Two commenters requested that NMFS implement this action as soon as possible in 2016. One commenter would like to begin fishing for Individual Fishing Quota (IFQ) Program Pacific halibut and sablefish around April 1, but due to the costs of full coverage, would not start fishing until they were allowed to be placed in the partial observer coverage category. The second commenter stated that it benefits the few eligible catcher/processors to be placed in the partial observer coverage as soon as possible in 2016, and doing so would not negatively impact any other fishery participants.

Response: NMFS acknowledges these comments. Most of the catcher/processors that will be eligible to be placed in the partial observer coverage category under this final rule participate in the sablefish IFQ fisheries or fish for Pacific cod. Pacific cod was open for directed fishing in

most areas off Alaska on January 1, 2016, and the IFQ fishing season started on March 19, 2016. Under existing regulations, any catcher/processors not placed in the partial observer coverage category are in the full observer coverage category and required to carry an observer at all times while fishing in the GOA or BSAI. As noted in the proposed rule and Analysis, being placed in the full observer coverage category imposes costs on vessel owners that generally exceed the costs of being placed in the partial observer coverage category. Allowing the owners of catcher/processors to apply to be placed in the partial observer coverage category as soon as possible in 2016 would minimize the cost of observer coverage for these vessel owners.

Due to the costs of the full observer coverage category, some vessel owners may even choose not to fish until the catcher/processor can be placed in the partial observer coverage category. Therefore, the NMFS Assistant Administrator has waived the 30-day delay in effectiveness of this final rule and will accept applications from the owners of catcher/processors to be placed in the partial observer coverage category on the day that this final rule is published in the ***Federal Register***.

Comment 3: The proposed regulations appropriately adds a subparagraph (C), referencing catcher/processors, to 50 CFR 679.51(a)(1)(i). New subparagraph (C) joins a list of certain classes of vessels in partial observer coverage, with subparagraphs (A) and (B) describing certain catcher vessels. The language introducing the list at § 679.51(a)(1)(i) should be revised to reference not just catcher vessels but also catcher/processors: “...the following catcher vessels [and catcher/processors] are in the partial observer coverage category ...” The word “or” should be deleted after subparagraph (A).

Response: NMFS agrees with the suggested addition of “and catcher/processors” at § 679.51(a)(1)(i). However, NMFS does not agree with the suggested deletion of the word “or” after § 679.51(a)(1)(i)(A). With the implementation of this final rule, § 679.51(a)(1)(i) contains three subparagraphs, (A), (B), and (C), each of which are meant to stand alone. Therefore, it is appropriate to retain the word “or” after § 679.51(a)(1)(i)(A).

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.

An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

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. Therefore, NMFS would not publish any price information that would permit the identification of an individual. For example, at least four persons would need to make landings of a species with a particular gear type at each port in order for NMFS to publish that price information at the level of individual ports.

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: 423 (417 vessels, 5 providers and one new applicant). Estimated total responses: 9,241, increased from 9,234. Total estimated burden hours: 2,647, increased from 2,643. Estimated total personnel cost: \$97,939, increased from \$97,791.

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: \$597, increased from \$591.

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

Estimated total responses: 3,058, increased from 3,051. Estimated total burden hours: 963, increased from 962. Estimated total personnel cost: \$61,683, increased from \$61,646.

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

Program Change

This action would modify the criteria used by NMFS to place small catcher/processors in the partial observer coverage category in the Observer Program. This action would move three catcher/processors from the full observer coverage category to the partial observer coverage category. The vessel owner must request placement in the partial observer coverage category by submitting a request form to NMFS.

Catcher/processor Request for Partial Observer Coverage [NEW]

- an increase of 9 respondents and responses, 9 instead of 0
- an increase of 5 hr burden costs, 5 hr instead of 0
- an increase of \$185 personnel costs, \$185 instead of 0
- an increase of \$7 miscellaneous costs, \$7 instead of 0

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

The following information collected by observers for each catcher/processor and catcher vessel during any weekly reporting period may be made available to the public on the Alaska Science Center website at http://www.afsc.noaa.gov/FMA/fma_database.htm.

- ◆ Vessel name and Federal permit number.
- ◆ Number of Chinook salmon and “other salmon” observed.
- ◆ Ratio of total round weight of incidentally caught halibut or Pacific herring to the total round weight of groundfish in sampled catch.
- ◆ Ratio of number of king crab or *C. bairdi* Tanner crab to the total round weight of groundfish in sampled hauls.
- ◆ Number of observed trawl hauls or fixed gear sets.
- ◆ Number of trawl hauls that were basket-sampled.
- ◆ Total weight of basket samples taken from sampled trawl hauls.

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.