

**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-BF39. *This is a resubmission with the draft final rule. There are no changes due to the proposed rule, or for any other reason.*

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

In 1998 an at-sea scale program was developed for the Alaska groundfish fishery to support implementation of large-scale quota share program that required NMFS to provide verifiable and defensible estimates of harvest (February 4, 1998; 63 FR 5836). In 2011, the the Pacific Coast groundfish fishery added regulatory text at 660.15(b) to require catcher/processor and mothership vessels in the Pacific Coast groundfish fishery to use scales certified for the Alaska groundfish fisheries. To improve scale accuracy and reduce bias, the Alaska Region updated the at-sea scape program regulations at 50 CFR § 679.28 on December 18, 2014 (November 18, 2014; 79 FR 68610). Revisions to the Alaska regulations included required use of new scale technologies, revised daily scale test methods, and added requirements for video monitoring. The West Coast Region is taking action to modify the Pacific Coast groundfish fishery regulations to be consistent with the updated Alaska Region regulations. *The West Coast action would not require new equipment beyond what has already been installed for participation in the Alaska groundfish fishery.*

Regulations at 50 CFR § 660.15(c) define the performance and technical requirements for scales used to weigh fish at Shorebased IFQ first receivers. Since the Shorebased IFQ program was implemented in 2011, some Shorebased IFQ first receivers located in Oregon and Washington have installed a new type of scale called flow or belt scales. The

states of Oregon and Washington test the scales consistent with national weights and measures standards. The West Coast Region is taking action to revise the regulations to include performance and technical requirements for flow scales used at IFQ first receivers consistent with the national standards.

A. JUSTIFICATION

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

The scale requirements for mothership vessels and catcher/processor vessels are being revised to: require the use of updated scale technology, require enhanced daily scale testing for flow scales, and require the use of video to monitor the flow scale and the area around the flow scale. Action is being taken to ensure that scales used for the catch share program provide precise and accurate catch estimates and to reduce the likelihood that vessels will under report harvests.

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.

At-sea scales for mothership and catcher/processor vessels that weigh catch at-sea.

The At-Sea Scale Program is dependent on two types of motion-compensated electronic scales.

- A platform scale with a capacity between 50 and 60 kg is used by NMFS-certified observers as part of their sampling duties and to verify the accuracy of the flow scale.
- A flow scale, or self-contained belt scale, is capable of continuously weighing up to 100 metric tons (mt) of fish per hour and is used by the vessel to weigh either total catch or quota species.

Annual inspection. Once a scale is installed on a vessel and approved by NMFS for use to weigh fish at-sea, it must be reinspected every 12 months to ensure the scale meets all of the applicable performance and technical requirements. The Alaska Region conducts the inspections for the affected vessels. Therefore, the burden hours associated with the inspections are covered by the Alaska collection OMB control no. 0648-0330.

Daily scale testing. Flow (belt) and platform scales used to weigh fish at-sea must be tested daily. The test information is reported on a scale test report form which is used by NMFS to ensure scale accuracy. This is the only test that ensures the scale accuracy while the scale is in motion.

Printed reports

- *Daily catch weight and cumulative weight.* Scale printouts must be produced at least daily and before any information stored in the scale's memory is replaced. Scale printouts show: the vessel name and permit number; the date and time the information was printed; the haul number; the total weight of the haul; and, the total cumulative weight of all fish and other material weighed on the scale since the last annual inspection. The printed output of scale weights is used by NMFS staff, observers, and enforcement personnel to maintain accurate records of catch and to ensure compliance with quotas. The scale printout also forms the basis of an audit trail for each haul that can be used to resolve inconsistencies in catch reports submitted by the observer and the vessel or processor. These printouts are not submitted to NMFS. The printed report must be provided to the authorized scale inspector at each scale inspection and must also be printed at any time during the fishing year upon request of the observer, the scale inspector, NMFS staff, or an authorized officer. The printed reports must be retained by the vessel owner for three years after the test occurred.
- *Audit trail.* Adjustments to the scale must be recorded in the form of an audit trail that can only be cleared by NMFS or other authorized personnel. Although scales may be recalibrated or tested at any time during the day, the audit trail is designed to record information that will be used to determine whether a scale had been incorrectly adjusted and then readjusted just prior to the scale test. An audit trail in the form of an event logger must be provided to document changes made using adjustable components and cannot be changed or erased by the scale operator, can be printed at any time, and can be cleared by the scale manufacturer's representative upon direction by NMFS or by an authorized scale inspector.

Calibration log. The vessel operator must print the calibration log on request by NMFS staff or an authorized officer, or person authorized by NMFS. Because of improvements made to scale electronics, it is now possible to record the magnitude and direction of a calibration relative to the previous calibration. It is also possible to record the time a calibration occurred. Requiring the retention and reporting of calibration data could be used to detect purposeful mis-calibration, thereby reducing the likelihood of underreporting of catch. NMFS would require vessel operators to print and retain a calibration log that records the last 1,000 calibrations or all calibrations since the scale electronics were first put into service, whichever is less. The limit of 1,000 faults and 1,000 calibrations would be expected to accommodate the total number of calibrations likely to occur between annual scale inspections. The calibration log must be printed and retained by the vessel owner before any information stored in the scale computer memory is replaced. NMFS would not require submission of the printed record of the scale calibration log but would collect and review those data at the time of the annual scale inspection. Those data must also be available to OLE in cases where scale tampering is suspected. The calibration log must be printed on request by NMFS staff or NMFS authorized personnel and must also be printed and retained by the vessel owner before any information stored in the scale computer memory is replaced.

- *Fault log.* The operator must ensure that each scale is tested as specified in regulation and that the information from all scale tests, including failed tests, is reported. The reporting of failed tests will result in less bias in overall test results and will improve the ability to monitor scale results. In addition, better consistency in reporting through time will result.

Notify Observer of flow scale test. Each vessel operator must notify the observer at least 15 minutes before the time that a scale test will be conducted and must conduct the test while the observer is present. No form exists for this notice; vessel personnel verbally inform the observer that a scale test is scheduled.

Video monitoring of flow scale area. Vessels required to weigh catch at-sea must provide video monitoring of fish entering, moving across, and leaving the weighing platform of the scale. This action also requires video monitoring of all access panels allowing adjustments to the scale, and of crew activities in these areas. The scale display head and the light showing when the scale is in fault mode would need to be within the camera view. The video will allow NMFS to verify that all catch is being weighed, that no one is tampering with the scale, and that the scale is operating correctly.

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.

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](#).

Maximized retention records from Pacific whiting first receivers.

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.

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.

Printed reports of groundfish catch weight, audit trail, calibration log, fault log and video monitoring of flow scale area are all automated.

4. Describe efforts to identify duplication.

This use of at-sea motion compensating scales and video monitoring is part of a specialized and technical program designed for the Alaska groundfish fishery. All the affected vessels fish in the Alaska groundfish fishery where they already meet the scale and video requirements. Maintaining similar equipment and performance requirements and using a single annual scale inspection for both fisheries reduces duplication

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

In addition to revenue in the Pacific Coast groundfish fishery, when considering the revenue from Alaska, none of the motherships or catcher/processors would be considered small businesses (79 FR 54590; September 12, 2014).

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

At-sea flow scale regulations for the Alaska Region at 50 CFR § 679.28 were revised on December 18, 2014 (November 18, 2014; 79 FR 68610). The revisions were made to improve scale accuracy and reduce bias. Recent evidence of fraud on some vessels had resulted in systematic underestimates of scale weights used for catch accounting. Similar revisions are needed in to reduce the risk of underestimates of scale weights the Pacific Coast groundfish fishery. Consistently under reporting of catch weights by a large proportion of participants could result in overfishing.

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-BF39, published in the Federal Register on January 19, 2016 (81 FR 2831). No comments were received on the information collection requirements.

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

No payments or gifts are provided.

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

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

Statistics, further establishes procedures for confidentiality of collected and submitted data.

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

There are no questions of a sensitive nature being asked.

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

Total 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 6,297, to 7,449 and hours, from 1,808 to 1,826.

See the burden table on page 10.

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).

Annualized capital costs for computer hardware are \$11,700. Annualized reporting/recordkeeping costs are \$2,889. **Total annualized costs change from \$14,571 to \$14,589, due to added printing costs.**

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

The total annualized cost to the Federal government costs from this revision increases from \$14,589 to \$14,628.

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

Program Change: This new requirement adds 1,152 responses and 18 hours annually. The increase is due to the addition of the at-sea audit trail, calibration log, and fault log.

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
Daily catch and cumulative weight reports	16	30	480	10 min.	80	\$2,000
Audit trail (new)	16	24	384	1 min.	6	\$150
Calibration log (new)	16	24	384	1 min.	6	\$150
Fault log (new)	16	24	384	1 min.	6	\$150
Video monitoring (new)	16	0	0	0	0	0
			0			
Total for collection	155		7,449		1,826	\$44,875

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.
 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.
 3. Estimate based on 120 vessels making 20 landings each per year.
- * 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.

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 catch and cumulative weight reports – printing	480	\$0.05	\$24
At-sea audit trail	384	\$0.05	\$19
At-sea calibration log	384	\$0.05	\$19
At-sea fault log	384	\$0.05	\$19
At-sea video monitoring	0	0	0
Electronic fish tickets Send via email	2,400	\$1	\$2,400
Total for collection			\$14,628
<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>			