

**SUPPORTING STATEMENT
ALASKA OBSERVER PROGRAM
OMB CONTROL NO. 0648-0731**

This is a resubmission of a revision request in conjunction with the final rule **[RIN 0648-BF80]**. There are no changes to this information collection from the initial revision submission.

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. 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 North Pacific Groundfish and Halibut Fisheries Observer Program (Observer Program) provides the regulatory framework for NMFS-certified observers to obtain information necessary to conserve and manage the Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries, and the commercial halibut fishery. The information collected by observers provides the best available scientific information for managing these fisheries and developing measures to minimize bycatch. Observers collect biological samples and fishery-dependent information on total catch and interactions with protected species. Managers use data collected by observers to monitor quotas, manage groundfish and prohibited species catch, and document and reduce fishery interactions with protected resources. Scientists use data collected by observers for stock assessments and marine ecosystem research. The stock assessments are the basis for setting annual catch quotas for groundfish species.

This action would allow the owner of a catcher vessel to annually choose full observer coverage in lieu of partial observer coverage for trawl fishing activity in the Bering Sea and Aleutian Islands Management Area (BSAI) for one year.

This collection will be integrated into OMB Control No. 0648-0318 after the extension of OMB Control No. 0648-0318 is approved by OMB.

A. JUSTIFICATION

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

A vessel owner would be allowed an annual choice to place their vessel in the full observer coverage category for one year. This represents a voluntary choice to increase observer coverage on their vessel. Any catcher vessel that is not placed in the full observer coverage category each year would remain in the partial observer coverage category under existing regulations at §§ 679.50 and 679.51. Once NMFS notifies a vessel owner that the vessel is in the full observer coverage category, the vessel owner and operator would then be required to maintain full observer coverage during all fishing activity when using trawl gear in the BSAI during the upcoming calendar year.

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. Request for Full Observer Coverage Category [NEW]

Since 2013, the Council and NMFS have allowed owners of BSAI trawl catcher vessels to choose annually to place their vessels in the full observer coverage category by submitting a letter of request to NMFS. Under this interim policy, a vessel owner could request by December 1 to have a trawl catcher vessel placed in the full observer coverage category for that upcoming calendar year. Vessel owners would then contract with a full coverage observer provider for all groundfish fishing in the BSAI in the upcoming year.

By regulation, vessels participating in the BSAI trawl limited access sector are in the partial observer coverage category. For this reason, NMFS could not relieve these vessel owners from the partial coverage observer fee and the requirements to log trips in the Observer Declare and Deploy System (ODDS). This resulted in duplicative observer coverage costs for vessel owners who paid for full observer coverage in addition to the partial coverage observer fee under the interim policy.

A vessel owner that chooses full observer coverage in lieu of partial observer coverage for fishing activity in the BSAI trawl limited access sector in the upcoming year would submit a request to NMFS using ODDS. Once notified by NMFS of placement in the full observer coverage category, the vessel would be subject to full observer coverage requirements for all fishing activity using trawl gear in the BSAI in the upcoming year. The vessel owner or operator would contract directly with a permitted full coverage observer provider to procure observer services. The owner of a vessel in the full observer coverage category is not required to log fishing trips in ODDS, and landings made by a vessel in the full observer coverage category are not subject to the 1.25 percent partial observer coverage fee (see OMB Control No. 0648-0711).

Deadline: October 15. This deadline is earlier than the current deadline of December 1 under the interim policy. For the 2018 fishing year and all subsequent fishing years, the deadline to choose full observer coverage is October 15 of the preceding year.

Request for Full Obs Coverage, Respondent	
Estimated number of respondents	50
Total annual responses	50
Number of responses = 1	
Total Time burden (4.16)	4 hr
Time per response = 5 minutes	
Total personnel cost (\$37/hr x 4)	\$148
Total miscellaneous cost	0
Online = no cost	

Request for Full Obs Coverage, Federal Government	
Total annual responses	0
Total Time burden (automatic)	0
Total personnel cost	0
Total miscellaneous cost	0

b. ATLAS Communications and observer data entry [UNCHANGED]

The operator of a catcher/processor, mothership, or catcher vessel 125 ft length overall (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	# of vessels 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.

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 to respondents are caused by this requirement, because all participants already comply. 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.

ATLAS Communications and observer data entry, Respondent	
Estimated number of respondents	55
Total annual responses	0
Total Time burden	0
Total personnel cost	0
Total miscellaneous cost	0

ATLAS Communications and observer data entry, Federal Government	
Total annual responses	0
Total Time burden	0
Total personnel cost	0
Total miscellaneous cost	<50,000>

c. Notify observer before handling the vessel’s Bering Sea pollock catch [UNCHANGED]

This 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. This 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. The vessel operator must notify the observer at least 15 minutes before fish are moved or sorted. No form exists for this notice; vessel personnel verbally inform the observer.

The existing observer notification requirement covers the initial sorting and storing of loose fish. The operator must notify the observer at least 15 minutes before any sorting, handling, or discard of catch prior to its delivery. 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. No form exists for this notice; vessel personnel verbally inform the observer.

Operators of vessels and managers of shoreside processors and stationary floating processors (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.

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

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 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 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 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.

One hundred catcher vessels used trawl gear in the BSAI in 2014. The analysts estimate that 20 of these vessels are small entities, based on the existing SBA size standards and the vessels' average annual individual revenues over the 2012 through 2014 period, or the combined average annual revenues of the vessels with which they are known to be affiliated. Six of these small entity catcher vessels are affiliated through an American Fisheries Act (AFA) cooperative with average annual gross receipts of slightly less than the \$20.5 million threshold. The other 14 small entity catcher vessels are not AFA vessels (one is known to be affiliated with a Central GOA Rockfish Program cooperative that had combined receipts of less than the SBA threshold). Of the 20 small entity catcher vessels, six have voluntarily participated in the full coverage category for all of their BSAI activity during at least one year from 2013 through 2015; three of those vessels were part of an AFA cooperative, and three were not.

Seventy-nine of the 80 trawl catcher vessels that are not classified as small entities are affiliated with an AFA cooperative. Forty of those catcher vessels have voluntarily participated in the full coverage category during at least one year from 2013 through 2015. The lone non-AFA vessel in this category was affiliated with a BSAI crab cooperative.

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.

NMFS published a proposed rule to modify observer coverage requirements for catcher vessels participating in the trawl limited access fisheries in the BSAI on July 7, 2016 (81 FR 44251). An IRFA was prepared and summarized in the Classification section of the preamble to the proposed rule. The comment period on the proposed rule ended on August 8, 2016. NMFS received two letters of comment from two individuals, each letter containing two substantive comments. The comments did request the rulemaking process be completed as soon as possible. NMFS' response to these comments is presented below.

Comment 1:

Both commenters expressed support for this action, noting that vessel members represented by each commenter will be positively impacted by this action and that the proposed rule is consistent with changes requested by industry in 2012 as well as the recommendations made by the Council in February 2016.

Response: NMFS acknowledges this comment.

Comment 2:

Both commenters support all provisions of the final rule as proposed, and request the action be implemented as soon as possible.

Response: NMFS acknowledges this comment. To ensure this action is effective and allow at least 30 days for vessel owners to submit a full observer coverage request for the 2017 calendar year, an implementation year deadline has been added to this final rule as described in the following section.

Changes from the Proposed Rule

The final rule includes changes to the regulatory text published in the proposed rule. These changes are necessary to define an initial implementation deadline for the 2017 calendar year and to make a minor editorial correction to existing regulatory text that was inadvertently altered in the proposed rule. The proposed rule for this action (81 FR 44251, July 7, 2016) proposed an annual deadline of October 15 for a trawl catcher vessel owner to request that a trawl catcher vessel operating in the BSAI be placed in the full observer coverage category for the following year. NMFS anticipates the effective date of this final rule to be after October 15, 2016; therefore, the deadline for the 2017 calendar year will be the effective date of this rule. This implementation year deadline is necessary to provide at least 30 days after publication of the final rule in the Federal Register until the submission deadline for the owner of a trawl catcher vessel to submit a full observer coverage request to NMFS.

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.

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: 250, increased from 200. Total estimated burden hours: 11 hr, increased from 7 hr. Estimated total personnel cost: \$407, increased from \$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.

Program Changes

Request for Full Observer Coverage [NEW]

an increase of 50 respondents and responses, 50 instead of 0
an increase of 4 hr burden, 4 instead of 0 hr
an increase of \$148 personnel costs, \$148 instead of 0

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.