

**SUPPORTING STATEMENT
ATLANTIC MACKEREL, SQUID AND BUTTERFISH AMENDMENT 14 DATA
COLLECTION
OMB CONTROL NO. 0648-0679**

A. JUSTIFICATION

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

This is a request for an extension of a currently approved information collection associated with Amendment 14 to the Atlantic Mackerel, Squid and Butterfish (MSB) Fishery Management Plan (FMP). FMPs for Federal Fisheries managed under the National Ocean and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) are developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP (Amendment 14) was developed by the Mid-Atlantic Fishery Management Council (Council) to improve catch monitoring for MSB fisheries and to address incidental catch of river herring and shad through responsible management.

The items outlined in this information collection include:

- Vessel trip report (VTR) submission on a weekly basis (from monthly) for all MSB permits;
- A 48-hour pre-trip notification requirement in order to retain, possess or transfer more than 20,000 lb of mackerel;
- A vessel monitoring system (VMS) requirement and daily VMS catch reporting for limited access mackerel and longfin squid/butterfish moratorium permits;
- A 6-hour pre-landing notification via VMS to land more than 20,000 pounds of mackerel;
- A released catch affidavit for vessels that release catch prior to sampling by observers;

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.

The information collections that result from Amendment 14 are used by several offices of NMFS, the United States Coast Guard (USCG), the Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC), state fishery management agencies, academic institutions, and other fishery research and management organizations to evaluate current management programs and future management proposals. All information collections are necessary for improved monitoring of the MSB fisheries.

VTR submission

Amendment 14 calls for weekly submissions of VTRs for all MSB permit holders. Weekly

submissions supply more accurate and timely landings data than monthly reports, and can be used to cross check dealer data to ensure that directed fishery and mortality cap closures occur appropriately. Monthly VTR submissions are currently covered under OMB Control No. 0648-0212, and this new information collection will eventually be added to that form family.

VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders

Amendment 14 requires all limited access mackerel and longfin squid/butterfish moratorium permit holders to maintain a VMS unit on their vessel and to declare intent to target Atlantic mackerel or longfin squid via VMS. The amendment also requires that limited access mackerel and longfin squid/butterfish moratorium permit holders submit daily catch reports via VMS. VMS reporting was implemented to facilitate quota monitoring.

Pre-landing notifications

Amendment 14 requires that, when on a declared mackerel trip, vessels that land over 20,000 lb mackerel must notify NMFS Office of Law Enforcement (OLE) via VMS of the time and place of offloading at least 6 hours prior to crossing the VMS demarcation line on their return trip to port, or if a vessel does not fish seaward of the VMS demarcation line, at least 6 hours prior to landing.

Observer notification requirements

Amendment 14 requires any vessel with a limited access mackerel permit intending to land over 20,000 lb mackerel to contact NMFS at least 48 hr in advance of a fishing trip to request an observer. This measure assists NMFS in scheduling and deployment of observers across the mackerel fleet, with minimal additional burden on the industry, helping ensure that observer coverage targets for the mackerel fishery are met.

The list of information that must be provided to NMFS as part of this pre-trip observer notification is described in the regulations. Vessels with limited access mackerel permits are required to contact NMFS via telephone. If a vessel is required to notify NMFS to request an observer before its fishing trip, but it does not notify NMFS before beginning the fishing trip, that vessel is prohibited from possessing, harvesting, or landing Atlantic mackerel on that trip. If a fishing trip is cancelled, a vessel representative must notify NMFS of the cancelled trip, even if the vessel is not selected to carry an observer.

Released Catch Affidavits

Amendment 14 requires limited access mackerel and longfin squid/butterfish moratorium permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. The Council recommended this measure to improve the quality of at-sea monitoring data by reducing the discarding of unsampled catch. If catch is discarded before it has been made available to the observer, that catch is defined as slippage. If a slippage event occurs, Amendment 14 requires the vessel operator to complete a "Released Catch Affidavit" form within 48 hours of the end of the fishing trip. This affidavit details: (1) Why catch was slipped; (2) an estimate of the quantity and species composition of the slipped catch; and (3) the time and location of the slipped catch.

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.

All data submitted through the vessel's VMS unit is electronic. VMS vessel polling is automated and other than for the initial cost and transmission costs, does not impose any burden on commercial fishing vessels. Other trip reports are mailed, and notifications are made by telephone calls.

4. Describe efforts to identify duplication.

The information collected through the issuance of permits is not duplicated elsewhere.

The information collected on daily VMS catch reports is often duplicated on vessel trip reports (VTRs) which are approved under the 0648-0212 family of forms. However, VMS daily catch reports are necessary to monitor fisheries catch in real-time. VTRs are submitted to NMFS on a weekly (for this collection) or monthly basis, and are therefore used to cross-check the accuracy of the daily VMS catch reports.

None of the other information collected through this family of forms is duplicated elsewhere.

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

Only the minimum data needed to meet the objectives of Amendment 14 are requested from all respondents. Since the respondents are small businesses, separate requirements based on the size of business have not been developed.

For vessel renewal and dealer permits, detailed instructions are included with the application to NMFS has currently certified four vendors to provide VMS service to vessels participating in the fisheries that require VMS as a condition of their permits. Each vendor offers comparable equipment and services over a range of prices. This reduces the burden on the public by increasing competition among vendors, thereby decreasing costs to the fishing industry to obtain and operate a VMS unit. Further, the increased variety of VMS units may allow vessel owners/operators to select the most economical and efficient unit to purchase, therefore minimizing costs associated with VMS.

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

To the extent practicable, frequency of information collection under this family of forms has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement.

Information on permit applications and renewal forms for vessels, dealers, and operators, is necessary for accurately tracking information about who is issued permits annually, gathering data on permit holders, and ensuring compliance with fishing regulations. Furthermore, this information (in a consolidated form) is used by a variety of researchers, students, and managers when making important fisheries policy decisions.

All information is required for the efficient operation of the Atlantic herring 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 Atlantic mackerel fishery.

VMS units are crucial for enforcing area based fishing regulations; without VMS tracking of fishing vessel activity, it would be near impossible to monitor whether fishing vessels are complying with such regulations. VMS catch reporting is vital to gaining real-time data on fish catch. Without such information, or if the information was collected less frequently, it would be very difficult to monitor fisheries quotas and ensure sustainable harvests that prevent overfishing.

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

The data collection is consistent with 5 CFR 1320.6 guidelines except that it requires information to be reported more frequently than quarterly. The need for this is described in Question 6.

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 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 Federal Register Notice published on October 25, 2016 (81 FR 73380) solicited public comment. In addition, in effort to encourage comments, NMFS sent all fishery stakeholders an email message notifying them of the public comment period, and also announced the comment solicitation at a Mid-Atlantic Fisheries Management Council meeting (report included as a supplementary document). This message was also prominently posted on the GARFO website to further encourage public comment.

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

No payment or gift has been or will be made to respondents.

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

All data is handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, e.g., vessel name, owner, etc.). In addition, any information collected under the Permit Family of Forms is considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

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 involved in this collection of information.

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

The time burden of this information collection is presented in Table 1. **The total annual responses are 41,464 and annual time burden is 3,385 hours.**

VTR submission

Vessels with Atlantic mackerel, butterfish, longfin squid, and *Illex* squid permits are required to submit VTRs (Form 88-30) on a weekly basis.

This action does not change the total number of respondents previously covered under this action and does not adjust the frequency of the reporting requirements for any respondents. An estimated 135 MSB permit holders, the applicable portion of MSB permit holders, are required to submit VTRs under this data collection.

The estimated response time for the reporting burden for VTRs is 5 minutes. Some of the information being provided by the respondents, such as fishing location and catch, are already collected and recorded in the normal course of fishing activity; therefore that time is excluded from the calculation. While the fishing vessel logbook information is collected on a trip-by-trip basis, the burden calculation is based on the required weekly or monthly submission. Under this data collection, there will be **5,400 annual responses (40 responses per vessel (135 * 40)) and 450 hours (5 minutes * 135 vessels * 40 submissions).**

VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders

Limited access mackerel and longfin squid/butterfish moratorium permit holders are required to maintain a VMS. Northeast Region regulations require VMS trip declarations, which take an estimated 5 minutes to complete. If a longfin squid/butterfish moratorium permit holder takes an average of 22 trips per year, the total burden estimate is **572 hours (312 vessels * 5 minutes * 22 declarations)**. If a limited access mackerel permit holder takes an average of 8 trips per year, the total burden estimate is **88 hours (132 vessels * 5 minutes * 8 declarations)**.

Permit holders are also required to submit a daily VMS catch report that takes an estimated 5 minutes to complete. The total annual time burden for daily VMS catch reports for longfin squid/butterfish moratorium permit holders is **1,144 hours (5 minutes per catch report * 22 trips * 2 days per trip * 312 vessels)**. The total annual time burden for daily VMS catch

reports for limited access mackerel permit holders is **264 hours (5 minutes per catch report * 8 trips * 3 days per trip * 132 vessels)**.

Vessels carrying permits that require VMS units must transmit a signal indicating the vessel's position either once or twice per hour, 24 hours a day, depending on the permit type. The vessel power down exemption allows both voluntary VMS users as well as vessels required to use VMS to stop position transmission under certain provisions, provided the vessel will be out of the water for a minimum of 72 hours, or at dock/mooring and not engaging in any fisheries for a minimum of one month. Vessel operators are allowed to discontinue the use of VMS as long as a valid letter of exemption is obtained and the vessel complies with the conditions and requirements of the exemption letter. The vessel is required to retain this exemption letter on board the vessel. The vessel owner may also request to extend the time period for which the exemption was granted. There is no limit to either the length of time a VMS unit may be turned off or the number of times a vessel may participate in this program.

Every vessel with a VMS unit may request a power-down exemption letter at some point during a year, and vessels in the past have requested up to 2 per year to cover boat repairs or seasonal docking. The request to turn off the VMS unit (power-down exemption) takes approximately 5 minutes per request for a total burden of **13 hours (5 min * 2 requests * 80 vessels)**. The power down exemption burden for vessels that already have VMS is covered under the Permit Family of Forms (OMB Control No. 0648-0202).

Pre-landing notifications

Amendment 14 requires limited access mackerel permit holders that land over 20,000 lb mackerel to submit a VMS pre-landing notification 6 hours prior to landing. Limited access mackerel permit holders take an average of 8 trips per year, so the total annual burden estimate is **88 hours (8 trips * 132 vessels * 5 minutes)**.

Observer notification requirements

Amendment 14 increased the reporting burden for measures designed to improve at-sea sampling by NMFS-approved observers. Vessels issued a limited access mackerel permit are required to call NMFS to request an observer at least 48 hours prior to beginning a mackerel trip (any trip where the vessel intends to land over 20,000 lb mackerel). The phone call is estimated to take 5 minutes to complete, for a total annual burden of **88 hours (132 vessels * 8 trips * 5 minutes)**.

If a vessel has already contacted NMFS to request an observer and then decides to cancel that fishing trip, Amendment 14 requires that vessel to notify NMFS of the trip cancellation. The call to notify NMFS of a cancelled trip is estimated to take 1 min to complete. Since each vessel has the potential to cancel every trip for which it submitted notification, the total annual burden of the cancellation call is **18 hours (132 vessels * 8 trips * 1 minute)**.

Released Catch Affidavits

Amendment 14 requires completion of a Released Catch Affidavit form for limited access mackerel and longfin squid/butterfish moratorium permit holders that discard catch before it had been made available to an observer for sampling (slipped catch). The reporting burden for completion of this affidavit is estimated to average 5 minutes. The affidavit requirement affects

an estimated 444 vessels (132 mackerel; 312 longfin squid/butterfish). If a limited access mackerel vessel slipped catch once per trip with an observer onboard, and took an estimated 8 trips per year, the total annual reporting burden for the Released Catch Affidavit is **88 hours (132 vessels * 8 trips per year * 5 minutes)**. If a longfin squid/butterfish moratorium vessel slipped catch once per trip with an observer onboard, and took an estimated 22 trips per year, the total annual reporting burden for the Released Catch Affidavit is **572 hours (312 vessels * 22 trips per year * 5 minutes)**.

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).

The cost burden of this information collection is presented in Table 1. **The total annual cost for all requirements in this information collection is \$111,806.**

VTR submission

As VTRs are submitted though the mail, this provision will cost the public \$0.49 per item for postage; accordingly, the public cost per burden associated with this data collection is **\$2,646 (\$0.49 per stamp (5,400 * \$0.49))**.

VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders

Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 80 vessels issued limited access mackerel or longfin squid/butterfish moratorium permits are impacted by this data collection.

The average cost of maintaining a VMS is \$600 per year, thus the total cost burden to maintain a VMS unit is **\$48,000 (80 vessels * \$600)**.

GARFO regulations require VMS trip declarations and automated polling of VMS units to collect position data: 1) Each trip declaration costs \$0.50 to transmit, for a total cost of **\$3,960 (\$0.50 * 22 trips * 312 longfin squid vessels + \$0.50 * 8 trips * 132 mackerel)**; 2) Each automated polling transmission costs \$0.06. Since automated polling occurs once every hour for each day of the year, the total annual cost is **\$42,048 (\$0.06 * 365 days per year * 24 hours * 80 vessels)**.

Vessels are also required to submit a daily VMS catch report, at a cost of \$0.60 per transmission. The total annual cost for daily VMS catch reports for mackerel vessels is **\$1,901 (\$0.60 per catch report * 8 trips * 3 days per trip * 132 vessels)**. The total annual cost for daily VMS catch reports for longfin squid/butterfish vessels is **\$8,237 (\$0.60 per catch report * 22 trips * 2 days per trip * 312 vessels)**.

The cost of obtaining a power down exemption letter is the cost of postage (\$0.49), therefore the total annual cost to the public is **\$78 (\$0.49 * 2 letters * 80 vessels)**.

Pre-landing notifications

Each VMS pre-landing notification cost \$1. Limited access mackerel vessels take an average of

8 trips per year, so the total cost for this requirement is **\$1,056 (8 trips * 132 vessels * \$1)**.

Observer notification requirements

The pre-trip observer notifications, as well as the trip cancellation notification, are calls to NMFS. The cost of these calls is negligible, so there is no additional cost for these requirements.

Released Catch Affidavits

The Released Catch Affidavit forms must be submitted by mail, for \$0.49 per submission. If each of the 132 limited access mackerel permit holders required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 8 trips per year, the total annual cost for the Released Catch Affidavit is **\$517 (132 vessels * 8 trips per year * \$0.49)**. If each of the 312 longfin squid/butterfish moratorium permit holders required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 22 trips per year, the total annual cost for the Released Catch Affidavit for these vessels is **\$3,363 (312 vessels * 22 trips per year * \$0.49)**.

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

The total annualized cost to the Federal government from the herring observer program is **\$261,800** (rounded down to \$261,790 in Table 1 due to portions of hours for some activities). This is the cost to the Federal government based on 10,472 hours at a rate of \$25 per hour.

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

A reduction in the number of responses (42,047 to 41,464), burden hours (3,751 to 3,385), and costs (\$642,311 to \$111,806*) is due to: 1) requirements associated with purchase, installation, and registry of VMS devices, which is currently complete and thus requires no further burden and 2) mackerel vessel permits, confirmation of permit history and replacement/upgrade documentation being covered under OMB Control No. 0648-0202. The latter was a duplication in the previous submission.

*Rounded up to 11,807 in ROCIS.

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

Results from this collection may be used in scientific, management, technical, or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures. The requirements are mandatory for all participants in the indicated fisheries.

Table 1.

	Number of entities	Items per entity	Total # of items	Public				Government		
				Response time (minutes)	Total time burden (hours)	Cost per item	Total Public cost	Response time per item (minutes)	Total Government Response Time	Total Government Cost
Reporting requirements for MSB Permit holders										
Weekly VTR	135	40	5400	5	450	\$0.49	\$2,646	15	1350	\$33,750
Trip Declaration: Mackerel	132	8	1056	5	88	\$0.50	\$528	10	176.0	\$4,400
Trip Declaration: Longfin Squid	312	22	6864	5	572	\$0.50	\$3,432	11	1,258.4	\$31,460
VMS Operation	80	1	0	0	0	\$600.00	\$48,000	0	0	\$0
Automated VMS polling	80	8760	0	0	0	\$0.06	\$42,048	0	0	\$0
Daily VMS Catch Reports: Mackerel	132	24	3168	5	264	\$0.60	\$1,901	10	528	\$13,200
Daily VMS Catch Reports: Longfin Squid	312	44	13728	5	1144	\$0.60	\$8,237	11	2,517	\$62,920
Mackerel pre-landing notification	132	8	1056	5	88	\$1.00	\$1,056	15	264	\$6,600
Power down exemption	80	2	160	5	13	\$0.49	\$78	15	40	\$1,000
Observer reporting changes for vessels										
Pre-trip notification to observer program	132	8	1056	5	88	\$0.00	\$0	10	176	\$4,400
Trip Cancellation notification to observer program	132	8	1056	1	18	\$0.00	\$0	5	88	\$2,200
Released catch affidavit: Mackerel	132	8	1056	5	88	\$0.49	\$517	30	528	\$13,200
Released catch affidavit: Longfin Squid	312	22	6864	5	572	\$0.49	\$3,363	31	3,546.4	\$88,660
TOTALS			41,464		3,385		\$111,806		10,471.8	\$261,790