

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

This is a resubmission, with the final rule, of request for revision of this existing information collection due to an associated rule to add the option of electronic monitoring (EM) instead of a human observer to the North Pacific Observer Program **[RIN: 0648-BG54]**. There were no changes to the information collection requirements from the proposed rule stage.

National Marine Fisheries Service (NMFS), Alaska Region manages the United States (U.S.) groundfish fisheries in the Exclusive Economic Zone 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](#).

This rule integrates EM into the North Pacific Observer Program by allowing EM to be added as an option to monitor fishing activity by vessels that are in the partial observer category. Under this rule, NMFS establishes a process for owners or operators of vessels using non-trawl gear to request to be placed in the “EM selection pool” and requirements for vessel owners or operators while in the EM selection pool. This action was requested by the fishing industry and supported by the NMFS and the Council to improve the collection of data needed for the conservation and management of groundfish and halibut in the federally managed fisheries off Alaska.

A. JUSTIFICATION

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

The North Pacific Observer Program is implemented under the authority of section 313 of the Magnuson-Stevens Fishery Act and regulations at 50 CFR 679. Through the Observer Program, NMFS collects the data necessary to conserve and manage the groundfish and halibut fisheries off Alaska. Observers collect biological samples and fishery-dependent information used to estimate total catch and interactions with protected species. Managers use data collected by observers to manage groundfish and prohibited species catch within established limits and to document and reduce fishery interactions with protected resources. Scientists use observer data to assess fish stocks, to provide scientific information for fisheries and ecosystem research and fishing fleet behavior, to assess marine mammal interactions with fishing gear, and to assess fishing interactions with habitat.

All vessels and processors that participate in federally managed or parallel groundfish and halibut fisheries off Alaska are assigned to one of two categories: 1) the full observer coverage category, where vessels and processors obtain observer coverage by contracting directly with observer providers; or 2) the partial observer coverage category, where NMFS, in consultation with the Council determines when and where observer coverage is needed. Some vessels and processors may be in full coverage for part of the year and partial coverage at other times of the year depending on the observer coverage requirements for specific fisheries. Funds for deploying observers on vessels in the partial coverage category are provided through a system of fees based on the gross ex-vessel value of retained groundfish and halibut. This observer fee is assessed on all landings by vessels that are not otherwise in full coverage. Information collected for the observer fee is approved under OMB collection 0648-0711.

In December 2016, the Council recommended that EM be integrated into the Observer Program's partial coverage category as an alternate method of collecting catch and discard estimates. Vessel owners and other industry representatives have advocated for several years for the allowance to use EM instead of an observer because there is limited space on board vessels for an additional person or the vessel's life raft will not accommodate an additional person. To address their concerns, the Council and NMFS have been actively engaged in developing EM as a tool to collect fishery data in the non-trawl fisheries (primarily catcher vessels using longline or pot gear).

Over the past several years, NMFS and industry participants have undertaken cooperative research to test the applicability and reliability of EM systems. Based on input received from this cooperative research, and through the Council process, the Council and NMFS developed this action to provide an option for participants in the partial coverage category using nontrawl gear to choose to be subject to monitoring using either an EM system or an observer.

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.

I. OBSERVER PROGRAM INDUSTRY REQUIREMENTS [REVISED]

This section has been revised to update general descriptive information about the Observer Program and the observer coverage categories.

As noted above, vessels and processors are placed in either the partial coverage category or the full coverage category.

Full Coverage

Full observer coverage is required in many of the groundfish fisheries off Alaska to collect the data needed to conserve and manage these fisheries. The following classes of vessels and processors 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/processors (with limited exceptions)
- Motherships
- Shoreside or stationary floating processors when receiving or processing Bering Sea pollock (“inshore processors”)
- Catcher vessels while participating in catch share programs with transferable prohibited species catch limits, include American Fisheries Act (AFA) or Western Alaska Community Development Quota (CDQ) pollock fisheries, some CDQ groundfish fisheries, and the Central Gulf of Alaska Rockfish Program
- Catcher vessels using trawl gear that have requested placement in the full coverage category for all fishing activity in the BSAI.

Vessels and processors in the full coverage category are required to carry an observer at all times while they are participating in fisheries that require full coverage. They obtain observers by contracting directly with observer providers permitted by NMFS. The owners and operators of vessel and processors in the full coverage category do not have any specific information collection requirements associated with being in full coverage, except for the ATLAS communication and observer data entry requirements and the observer notification requirements described below in paragraphs (I)(2)(e) and (I)(2)(f). In addition, catcher/processors in the full coverage category may request to be placed in the partial coverage category as described below in paragraph (I)(2)(c).

Partial Observer Coverage

All vessels and processors that are not in the full coverage category are in the partial coverage category. In general, the following vessels and processors are in partial coverage:

- Catcher vessel designated on a Federal Fisheries Permit when directed fishing for groundfish in federally managed or parallel fisheries or participating in the commercial halibut fisheries (except those in the full coverage category),
- Some small catcher/processors that meet criteria to be assigned to the partial coverage category,
- Shoreside or stationary floating processor (except those in full coverage category).

The remaining information collection requirements described in this section [(I)(2)(a), (I)(2)(b), and (I)(2)(d)] apply to vessels in the partial coverage category. Currently, the partial coverage category is further divided into the “no selection pool” and the “trip selection pool.” Vessels and processors in the no selection pool are not required to carry an observer while they are participating in fisheries subject to partial coverage. Vessels in the trip selection pool are required to carry an observer if they are randomly selected to do so based on a selection process described each year in the Annual Deployment Plan (ADP). The ADP is developed by NMFS each year in consultation with the Council.

This action adds a third selection pool to the partial coverage category: the EM selection pool. All of the respondents that will be affected by the new option to be placed in the EM selection pool are already considered respondents in this collection because they are in the trip selection pool and subject to selection for observer coverage and logging trips in ODDS.

a. Observer Declare and Deploy System (ODDS) [REVISED]

This section has been revised to incorporate two previously approved components of the Observer Declare and Deploy System (ODDS) into one section, to add new components to ODDS that are associated with EM under 0648-BG54, and to update the projected number of respondents and responses.

ODDS is an Internet-based interface that provides information about observer deployment on vessels in the partial coverage category trip selection pool. ODDS also is used to facilitate communication among the vessels owners or operators, NMFS, and the observer provider. The welcome and login screen for ODDS is at <https://chum.afsc.noaa.gov:7104/apex/f?p=140:1>.

The primary use for ODDS is for owners or operators of vessels in the trip selection pool to log their fishing trips so that NMFS can determine if a particular fishing trip is randomly selected for observer coverage. In addition to logging fishing trips, the owners or operators of some trawl catcher vessels that are initially placed in the partial coverage category may request to be placed in the full coverage category for their Bering Sea fisheries.

NMFS notifies the owners of vessels in the partial coverage category by letter if they are in the trip selection pool and provides them with information about how to log in to ODDS.

Under this action, ODDS will be expanded to provide information about which vessels will be placed in the EM selection pool, deployment of EM to selected vessels, and communication with the EM service provider.

Request to be Placed in the Full Observer Coverage Category [REVISED]

This component of ODDS was approved under temporary collection OMB Control No. 0648-0731 on September 30, 2016 (under 0648-BF80), and incorporated into this collection, OMB Control No. 0648-0318, on January 31, 2017. The description of this component is revised to reflect that it has been approved by OMB and to update the projected number of respondents based on more recent information.

The owners of catcher vessels in the BSAI trawl limited access sector are in the partial coverage category by regulation. Vessel owners may request annually to be placed in the full coverage category. Vessel owners requested this option so that they can take an observer for all of their fishing trips in the BSAI groundfish fisheries. Vessel owners and fishing cooperatives use the data collected by observers to manage internal cooperative allocations of prohibited species catch and prefer complete observer data to NMFS's estimates of catch for unobserved trips. The vessel owner or operator then contracts directly with a permitted full coverage observer provider to procure observer services.

Requests to be placed in the full coverage category are made through ODDS. Once a vessel owner logs into ODDS, he or she is provided the option to request to be placed in the full coverage category for the upcoming year. The deadline for submitting this request in ODDS is

October 15 of the year prior to the year in which the vessel will be placed in the full coverage category.

NMFS notifies the vessel owner of approval of their request to be placed in full coverage by a receipt issued by ODDS. A list of the vessels that have been placed in full coverage under this provision is provided on the NMFS Alaska Region’s Observer Program webpage (<https://alaskafisheries.noaa.gov/fisheries/observer-program>).

Once notified by NMFS of placement in the full observer coverage category, the vessel is subject to full observer coverage requirements for all fishing activity using trawl gear in the BSAI in the particular year. NMFS will approve all requests to be placed in the full coverage category unless the vessel is not licensed or permitted to participate in the BSAI trawl limited access groundfish fisheries.

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).

Request for Full Obs Coverage, Respondent	
Estimated number of respondents	31
Total annual responses	31
Number of responses = 1	
Total Time burden	3 hr
Time per response = 5 minutes (total 155 min. rounded up to 3 hrs)	
Total personnel cost (\$37/hr x 3)	\$111
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

NMFS estimates that 25 of the 31 vessels that request to be placed in the full coverage category for their BSAI fishing remain in the partial coverage category for their fishing activity in the Gulf of Alaska. These vessels will continue to log fishing trips in ODDS for some of their trips, so they are included in the number of respondents logging trips in ODDS (described below).

The remaining six vessels have moved entirely to the full coverage category and are not required to log trips in ODDS. These six vessels represent a component of the unique respondents to this overall information collection, along with the 650 respondents logging trips in ODDS, the five existing observer providers, and one new observer provider per year that are described below in section II (for a total of 662 unique respondents).

Request to be placed in or removed from the EM selection pool [NEW]

Vessels using nontrawl gear that are in the partial coverage category may be eligible for EM coverage instead of observer coverage. The owner or operator of a catcher vessel using nontrawl

gear that is in the partial coverage trip selection pool may request to be placed in the EM selection pool by submitting a request to NMFS through ODDS. The request to be placed in the EM selection pool will be a new feature added to ODDS. Vessels approved to be placed in the EM selection pool will remain in the pool until removed by the vessel owner or operator, or if NMFS disapproves the vessel’s Vessel Monitoring Plan (VMP) (described below), or the vessel no longer meets the criteria to be in the EM selection pool.

NMFS estimates that 150 vessel owners may request to be placed in the EM selection pool and 25 of them may later request to be removed from the EM selection pool. This estimate is based on the 96 vessels that have participated in the EM cooperative research project and the approximately 180 vessel owners that have requested release from observer coverage based on inadequate life raft capacity. The 150 vessels estimated to be in the EM selection pool in the future are assumed to be made up of 30 vessels using pot gear (taking 10 trips per year) and 120 vessels using longline gear (take 5.5 trips per year). As noted below, these assumptions result in an estimate of 960 trips per year for the vessels in the EM selection pool.

ODDS will provide the option of answering “Yes” or checking a check box in response to a single question presented to vessel owners and operators after they have successfully logged in and selected the vessel name and identification number from a drop down list. The question will ask “Do you request that this vessel be placed in the EM selection pool?” For vessels in the EM selection pool, ODDS also will allow the vessel owner or operator to answer affirmatively to the question “Do you request that this vessel be removed from the EM selection pool?”

Request to be placed in or removed from the EM selection pool, Respondent	
Estimated number of respondents	150
Total annual responses	
Number of responses per year (150 requests to be placed in EM pool plus 25 requests to be removed from the EM pool)	175
Total Time burden	15 hrs
Time per response = 5 min. (total 875 min rounded up)	
Total personnel cost (\$37/hr x 15)	\$555
Total miscellaneous cost (online only)	\$0

Request to be placed in EM selection pool, Federal Government	
Total annual responses	0
Total Time burden (automatic)	0 hr
Total personnel cost	\$0
Total miscellaneous cost	0

Logging Fishing Trips in ODDS [REVISED]

This section is revised to update the description and information collection budget entries.

Owners and operators of vessels in the partial coverage category trip selection pool must log all intended fishing trips either in the ODDS website (<https://chum.afsc.noaa.gov:7104/apex/f?p=140:1>) or by calling the AIS call center at 1-855-747-6377. AIS is the observer provider contracted by NMFS to deploy observers in the partial coverage category. The call center personnel assist users who do not have access to the ODDS website by taking the required vessel and trip information by phone and entering it into ODDS on behalf of the vessel owner or operator.

For each upcoming fishing trip, vessel owners or operators provide information about—

- User identification (user name and password)
- Vessel identification including vessel name and permit number
- Contact information for the vessel owner or operator
- Fishery (target species)
- Gear type that the vessel will use during the trip
- Trip information including; start and end dates, times, and location (port) the trip will start from.

Trips may be logged up to a maximum of 30 days in advance of the trip start date. Participants in the trip selection pool must log trips at least 72 hours prior to departure. Seventy-two hour notice is required to provide AIS sufficient time to get an observer to the vessel for trips that are randomly selected for observer coverage. Up to three trips may be logged at a time. ODDS provides trip receipts as proof that a trip has been logged.

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 selection rates specified in the ADP.

Under this action, vessels in the EM selection pool will continue to log their upcoming fishing trips by providing the same information listed above except the vessels will not be required to log trips a minimum of 72 hours prior to departure. ODDS will provide the vessel owner or operator with information about whether the trip has been randomly selected for EM coverage based on EM selection rates specified in the ADP.

The following table updates estimates of the number of vessel owners or operators required to log trips in ODDS and the number of trips logged annually based on information in the most recent North Pacific Observer Program Annual Report. Of the 6,800 trips logged in ODDS, 960 of these trips are expected to be logged by vessels in the EM selection pool. The remaining 5,840 trips are expected to be logged by vessels in the (observer) trip selection pool.

Log fishing trips in ODDS, Respondent	
Estimated number of respondents	650
Total annual responses	6,800
Number of responses (trips)	
Total Time burden	1,700 hr
Time per response = 15 min	
Total personnel cost (1700 x \$37/hr)	\$62,900
Total miscellaneous cost	\$0
Online (0 x 6,800 = 0)	

Log fishing trip in ODDS, Federal Government	
Total annual responses	0
Total Time burden (automatic)	0
Total personnel cost	0
Total miscellaneous cost	0

This action also adds an allowance for vessel owners or operators who wish to fish for halibut or sablefish individual fishing quota (IFQ) in multiple areas to use EM instead of an observer to monitor whether they are harvesting the IFQ species in the area in which the allocations are made. ODDS will be reprogrammed to allow vessel owners or operators to make this selection when they are logging an upcoming fishing trip. This additional option in ODDS does not increase the total number of respondents, responses, or burden hours for logging trips in ODDS.

Closing EM trips in ODDS [NEW]

Vessel owners or operators in the EM selection pool that are selected to carry EM on a fishing trip will be required to log into ODDS and close all logged fishing trips once they are completed. EM trips must be closed in ODDS so that NMFS can notify the vessel owner or operator if they must submit their hard drive to NMFS at the end of the trip (see explanation below in paragraph (I)(2)(b)). If hard drive submission is required, ODDS will provide instructions for the proper methods to submit the hard drive.

As noted above, the 150 vessels in the EM selection pool are expected to log 960 fishing trips per year. All 960 of these trips will be required to be closed in ODDS by the vessel owner or operator when the trips are completed.

Close an EM trip in ODDS, Respondent	
Estimated number of respondents	150
Total annual responses	960
Total Time burden (4,800 minutes) Time per response = 5 minutes	80 hrs
Total personnel cost (\$37/hr x 80)	\$2,960
Total miscellaneous cost (online only)	\$0

Close an EM trip in ODDS, Federal Government	
Total annual responses	0
Total Time burden (automatic)	0 hr
Total personnel cost	\$0
Total miscellaneous cost	0

Life Raft Release Request [REVISED]

The description of the life raft release request is revised to reflect that this request is no longer offered as an option in ODDS. This revision does not change the total number of respondents, responses, or burden hours for logging trips in ODDS.

Observer Program regulations at § 679.51(a)(1)(iii) authorize NMFS to release selected trips from observer coverage on a case-by-case basis. NMFS or the observer provider may release vessels from selection to carry an observer if the observer provider is unable to get an observer to the location where the fishing trip is starting. In addition, NMFS may receive requests from vessel owners to release a selected trip for a variety of reasons. One of the more common situations in which NMFS has released a selected trip from observer coverage is if the vessel does not have a life raft that can carry the crew plus the observer. In the first few years of Observer Program restructuring (2013 and 2014), this request was an option in ODDS. However, with implementation of the EM cooperative research project, NMFS removed this option from ODDS and requested that any vessel with life raft capacity issues to volunteer to carry EM.

In the future, under this action NMFS will continue to strongly encourage vessels with life raft capacity issues to request to be placed in the EM selection pool. However, some vessels with life raft capacity issues may be unable to carry EM. In that case, NMFS may continue to receive requests for release from observer coverage due to life raft capacity. Such requests will be made by phone or by letter to the Observer Program, and NMFS will respond to these requests on a case-by-case basis depending on the circumstances of the situation.

USCG Safety Decal [UNCHANGED]

NMFS regulations at § 679.51(e), require that operators of vessels selected for observer coverage must have a valid Commercial Fishing Vessel Safety Decal issued within the past two years prior to an observer boarding the vessel. These safety decals are issued by the United States Coast Guard (USCG) upon successful completion of the Commercial Fishing Vessel Safety Examination. The requirement for 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.

b. Electronic monitoring as an option to observer coverage [NEW]

This action adds information collection requirements for vessels requesting to be placed in the EM selection pool. These requirements include the submission of a Vessel Monitoring Plan (VMP) and the requirement for some vessel owners or operators to submit the EM data collected on their vessel by submitting their computer hard drive to NMFS.

Vessel Monitoring Plan

A Vessel Monitoring Plan (VMP) is a document that describes how fishing operations on the vessels in the EM selection pool will be conducted, including how gear will be set, how catch will be brought on board, and where catch will be retained and discarded. The VMP also will describe how the EM system and associated equipment will be configured to meet the data collection objectives and purpose of the EM program, including camera locations to cover all fishing activities, any sensors to detect fish activities, and any special catch handling requirements to ensure the data collection objectives can be met. The VMP also will include methods to troubleshoot the EM system and instructions for ensuring the EM system is functioning properly.

Once the VMP is complete and the vessel owner or operator agrees to comply with the components of the VMP, the vessel owner or operator must sign and submit the VMP to NMFS via email or other electronic means. NMFS will review the VMP for completeness and may request additional clarification. If the VMP meets the requirements established in the VMP template, NMFS will approve the VMP for the calendar year. A vessel in the EM selection pool must have a copy of a valid NMFS-approved VMP on board before that vessel goes fishing in a fishery subject to EM coverage.

NMFS estimates the total time to complete, sign, and submit a VMP is approximately 48 hours. This time estimate includes the time it may take the vessel operator to install the needed infrastructure, such as installing pressure sensors or fabricate camera mounting poles. The time estimate also includes discussions with vessel operators about the best location to install the EM system equipment and then installing the equipment itself. The time estimate also includes, taking the necessary photos, drawing diagrams, and writing descriptions of how vessel operations will occur. Finally, the time estimate includes compiling all the above information in a VMP document, the vessel operator signing the VMP, and submitting the information to NMFS via email.

The time estimate of 48 hours to prepare a VMP also includes the possibility that some vessels may need to amend their VMP after it has been approved. After reviewing the data from a fishing trip selected for EM coverage, NMFS may determine that the approved camera location(s) in the VMP or fishing activities conducted by the vessel crew outlined in the VMP do not allow for the data collection necessary for catch accounting. Additionally, the vessel operator may want to have a camera moved if it impedes his or her ability to fish, or the operator may reconfigure the vessel to change fishing activities during the season that would warrant changes to the VMP. Whether requested by the vessel owner or operator or by NMFS, the vessel

owner or operator will be required to make any changes to the VMP with the assistance of the EM service provider. These amendments to the VMP will be signed and submitted to NMFS via email. The vessel will be allowed to begin another fishing trip, provided that NMFS has received the VMP amendments in writing.

VMP, Respondent	
Estimated number of respondents	150
Total annual responses (1 per respondent)	150
Total Time burden Time per response = 48 hrs	7,200 hrs
Total personnel cost (\$37/hr x 7,200 hrs)	\$266,400
Total miscellaneous cost (submitted electronically)	\$0

VMP, Federal Government	
Total annual responses	150
Total Time burden Time per response = 1 hr	150 hrs
Total personnel cost (\$37/hr x 150)	\$5,500
Total miscellaneous cost	0

Submit EM Data to NMFS

NMFS estimates that approximately 30 percent of the 960 fishing trips by vessels in the EM selection pool will be selected for EM coverage (288 trips). This means that the vessel owner will be required to use the EM equipment on his or her vessel to record and monitor the fishing trip in accordance with the vessel's VMP. In addition, within 2 business days of completing the fishing trip selected for EM coverage, the vessel owner or operator will be required to submit the video data storage devices to NMFS using a method that requires a signature for delivery and provides notification of delivery. NMFS may consider extenuating circumstances that prevent someone from mailing the device within 2 business days. Additional documentation described in the vessel's VMP must be submitted along with the video data storage devices. For purposes of this information collection budget, NMFS also assumes that 30 percent of the vessels in the EM selection pool will have at least one trip per year selected for EM coverage (150 vessels x 0.3 = 45 vessels). The estimated cost to ship the video data storage devices with a return receipt is \$7.15.

Submit EM data, Respondent	
Estimated number of respondents	45
Total annual responses (30% of 960 trips)	288
Total Time burden Time per response = 1 hr	288 hrs
Total personnel cost (\$37/hr x 288)	\$10,656
Total miscellaneous cost (\$2,059.2) Mail with return receipt \$7.15 x 288	\$2,059

Submit EM data, Federal Government	
Total annual responses	0
Total Time burden	0 hr
Time per response = 0 hr	
Total personnel cost (\$37/hr x 1)	\$0
Total miscellaneous cost	0

c. Catcher/processor request to be placed in partial observer coverage. [UNCHANGED]

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/processers 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, the applicant will receive instructions and necessary information to log trips in 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 (6.35)	\$7
Postage .45 x 2 = 0.90	
Fax \$5 x 1 = 5	
Online 0 x 6 = 0	
Photocopy 9 x .05 = 0.45	

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

d. Administrative Appeals of Industry Requests [NEW]

The Observer Program regulations provide an opportunity for a vessel owner or operator to submit an administrative appeal if NMFS denies his or her request to be placed in the full coverage category or the partial coverage category under provisions described above in paragraphs (I)(2)(a) and (I)(2)(d). In most cases, NMFS expects that only the owners or operators of vessels authorized to be placed in full coverage or partial coverage under the regulatory provisions will apply to do so. Therefore, NMFS expects few or no denials of these requests. No such denials have been issued to date. However, disapprovals are possible. For example, the request for catcher vessels to be placed in the full coverage category is only available to catcher vessels using trawl gear. ODDS is programmed to authorize placement in the full coverage category only for vessels permitted to use trawl gear in the groundfish fisheries off Alaska. If the owner of such a vessel were to request placement in full coverage, NMFS would deny the request. In most cases, this would occur due to a mistake in data entry, a misunderstanding by the vessel owner, or an error in NMFS's permit database. None of these circumstances are likely to lead to an administrative appeal, because administrative appeals cost money for industry members to prepare so they are not undertaken unless absolutely necessary. In the case of the requests to be placed in the partial coverage category, the applicant may not meet the catch and production thresholds required for such placement. If the applicant disagrees with NMFS's records, they may submit an administrative appeal providing their records and requesting NMFS to reassess its records.

Under this action, NMFS will offer the opportunity for an administrative appeal if NMFS denied a request to be placed in the EM selection pool. Approval of a request to be placed in the EM

selection pool will be granted if the vessel meets the requirements specified in the ADP. These requirements will include gear type, vessel length, the port from which the vessel will be fishing, and other criteria related to the EM program. These criteria will be developed annually in the ADP through a public process that involves review by the Council at its October meeting each year, and the opportunity for members of the fishing industry to provide comments. Therefore, NMFS expects few or no administrative appeals on these criteria.

In addition, under this action, NMFS will offer the opportunity for an administrative appeal if NMFS disapproved a proposed VMP. The VMP is described in paragraph (I)(2)(b) above.

Administrative appeals of adverse decisions made by NMFS Alaska Region must be submitted to the NMFS National Appeals Office (NAO) in Silver Spring, Maryland, under the under the appeals process set out at 15 CFR part 906. More information about NAO and the administrative appeals process is on its website at (<http://www.nmfs.noaa.gov/mb/appeals/mb7.htm>).

For purposes of the information collection budget, NMFS estimates that no more than one administrative appeal will be filed each year for the combination of the request to be placed in the full coverage category, request to be placed in the partial coverage category, and request to be placed in the EM selection pool, and no more than one administrative appeal will be filed of NMFS’s disapproval of a VMP.

Appeal of industry requests, Respondent	
Total number of respondents	2
Total annual responses	2
Number of responses per respondent per year = 1	
Total Time burden	8 hrs
Time per response = 4 hr	
Total personnel cost (8 x \$125/hr)	\$1,000
(attorney likely required to prepare appeal)	
Total miscellaneous cost (1.80)	\$2.00
Cost to submit by mail (\$0.90 x 2)	

Appeal of industry requests, Federal Government	
Total annual responses	2
Total Time burden	8 hr
Time per response = 4 hr	
Total personnel cost (\$125/hr x 8)	\$1,000
Total miscellaneous cost	0

e. ATLAS Communications and observer data entry [MINOR REVISIONS TO UPDATE TEXT]

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 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 Rockfish Program 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 on board 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 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. There should not be any need to fax observer data, therefore, no costs are estimated for faxing.

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 will 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	0

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

This requirement provides 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 applies 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. 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. 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. 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](#).

II. OBSERVER PROVIDER REQUIREMENTS [UNCHANGED]

Observer candidates are recruited and hired by independent Fisheries Monitoring and Analysis 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 Time per response = 2 hr	10 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 Estimated responses per yr = 2	10
Total burden time Time per response = 1 hr	10 hr
Total personnel cost (10 x \$37)	\$370
Total miscellaneous cost Cost to submit by fax (\$6 x 1 = 6) Cost to submit by email = 9 x \$0	\$6

Observer training registration, Federal Government	
Total responses	10
Total burden time Time per response = 1 hr	10 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 Number of observers = 60	300

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 providers)	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 recordkeeping 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 hours) 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 hours)	44 hr
Time per response (10 minutes)	
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)	900
Number of observers = 60	
Number of assignments = 3	
Total time burden	450 hr
Time per response (30 minutes)	
Total personnel cost (450 hr x \$37/hr)	\$16,650
Total miscellaneous costs	\$6
Cost to submit by fax (\$6 x 1 pp x 1 = 6)	
Cost to submit by email = 899 x \$0	

Observer Debriefing Registration, Federal Government	
Total annual responses	900
Total time burden	450 hr
Time per response (30 minutes)	
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) through (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:

- ◆ 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 helps 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 expires after 12 continuous months during which no observers are deployed by the provider to the North Pacific groundfish or halibut industry. NMFS provides 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

Observer 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 (0.45)	\$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
Time per response = 30 hr	\$1,110
Total personnel cost (30 hr x \$37/hr)	0
Total miscellaneous cost	

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. Observer providers 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 that 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) Number of invoices = 10 x 12 months = 120	600
Total time burden Time per invoice = 30 minutes	300 hr
Total personnel cost (300 x \$37/hr)	\$11,100
Total miscellaneous cost Cost to submit by fax (\$6 x 1= 6) Cost to submit by email = 599 x \$0	\$6

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. 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. 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.

ODDS: Owners and operators of vessels in the partial coverage category may use ODDS (an Internet-based interface) to make selections related to observer coverage and placement in the EM selection pool. They also may use ODDS to log their fishing trips. Although NMFS prefers that industry members use electronic submission of information through ODDS, NMFS also provides the option of making selections and logging trips by phoning the call center and having call center staff type the information into ODDS for the vessel owner or operator.

Vessels monitoring plans are required to be submitted as attachments to e-mails.

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.

NMFS reviews its requirements to identify any potential for duplication and seeks public comment through proposed rulemaking and periodic meetings with the affected industry. We have identified no duplicative requirements in this information collection.

Most of our individual information collection instruments require respondents to provide identification and contact information. However, this duplication is necessary to properly identify and communicate with the individuals submitted each report or required information.

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

All of the 650 respondents in the partial observer coverage category that use ODDS are small businesses that are considered small entities under the Regulatory Flexibility Act. Of these respondents, 150 are expected to request to be placed in the EM selection pool each year. All of these 150 vessel owners are small entities, but they are included in the count of 650.

In addition, for elements of this collection that are not modified by this action, the following are considered small entities:

- All nine of the catcher/processors expected to request to be placed in the partial coverage category each year.
- Three of the 31 BSAI trawl catcher vessels expected to request to be placed in full coverage each year.
- All five observer providers are small entities.

- The one business that may submit an application to be permitted as an observer provider is assumed to be a small entity.

NMFS attempts to minimize the information required to be submitted by all respondents, including the small entities. Specifically, NMFS provides options for electronic transmission as well as the option to provide information by phone for those entities without access to a computer or the internet.

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 and halibut fisheries.

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

There are no special circumstances that require information covered by this collection to be conducted in a manner inconsistent with OMB guidelines.

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-BG54) was published in the *Federal Register* on March 23, 2017 (82 FR 14853). The comment period ended on May 22, 2017.

Comment 1: One should be allowed to enter the EM selection pool in the middle of the year, due to the purchase of a replacement vessel.

Response: NMFS must have an accurate count of the number of vessels prior to setting the EM selection rate for the fishing year. The regulations were not changed as a result of this comment. This comment did not result in a change to the reporting burden estimate for opting in to the EM selection pool.

Comment 2: The commenter requested clarification for when a VMP must be aboard the vessel.

Response: The proposed rule did not specify that the VMP only needed to be aboard when the vessel was participating in a fishery subject to EM coverage. The intent of regulation was to only require the VMP when the vessel was fishing in the partial coverage category. The

regulation has been changed to increase clarity, but this did not result in a change to the reporting estimate for the VMP.

Comment 3: NMFS should provide a copy of the VMP template to the public prior to the deadline for opting into the EM selection pool (November 1).

Response: NMFS agrees with this comment. The VMP template will be made available in late September each year to provide opportunity for the vessel owners and operators to make decisions about opting into the EM selection pool. This did not change the reporting burden estimate for either opting into the EM selection pool or the VMP.

Comment 4: The requirement for a vessel operator to register an anticipated trip in ODDS a minimum of 72 hours prior to embarking on the fishing trip is unnecessary.

Response: NMFS agrees with this comment. The regulation has been changed to allow vessels in the EM selection pool to embark on a fishing trip immediately after logging a trip in ODDS, as long as the vessel has a complete EM system and approved VMP aboard the vessel. Since vessel operators will still be required to log the trip in ODDS, this did not change the reporting burden estimate for logging a trip in ODDS.

Comment 5: Requiring a vessel operator to close a fishing trip within 24 hours of the end of the trip is unnecessary.

Response: NMFS removed the requirement to close a trip within 24 hours of the end of the trip. Instead, NMFS revised the requirement to close the trip within a time frame specified in the VMP. Since vessel operators will still be required to close trips in ODDS, this did not change the reporting burden estimate for closing trips in ODDS.

Comment 6: The commenter requested that NMFS not require a VMP to be submitted for approval each year if nothing changed from year to year and asked that NMFS allow for electronic submission and digital signatures.

Response: It is important to receive a VMP each year, so that both NMFS and the vessel owner or operator understand the components that the vessel operator must comply with each year. NMFS clarified that it can receive electronic documents and digital signatures are acceptable. The comment did not change the reporting burden estimate for the VMP.

Comment 7: The time frame to submit a video storage device should be moved from regulations to the VMP to allow for additional flexibility to vessels delivering to remote ports.

Response: NMFS clarified the regulations to accommodate extenuating circumstances but did not change the time frame or move the requirement to the VMP. The reporting burden estimate for the VMP and submitting EM data to NMFS was not changed as a result of this comment.

Comment 8: The VMP should provide additional instructions for vessel operators that would be using EM as an exception to the prohibition at § 679.7(f)(4) if the EM system malfunctions at sea.

Response: The final VMP template will provide instructions for how to contact NOAA Office of Law Enforcement if the vessel operator must cease fishing if the EM system malfunctions. This comment does not change the reporting burden estimate for the VMP.

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 System of Records Notice COMMERCE/NOAA-15, 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 will 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 observer information collected is in a system of records: NOAA-15, “Alaska Region-North Pacific Groundfish Observer Program: Certified Domestic Observer Final Evaluations.” Vessel information is covered by NOAA-6, Fisheries Statistical Data. 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 the collection of information of a sensitive nature.

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

Unique respondents are 650 in partial coverage using ODDS; 60 BSAI trawl catcher vessels in full coverage in the BS pollock fishery; 5 observer providers; and 1 new observer provider applicant.

The total responses associated with the collection under this revision are 11,963. This represents an increase of 2,472 responses.

The total burden hours associated with the collection under this revision is 10,476 hours. This represents an increase of 7,818 burden hours.

The total cost of these burden hours is estimated to be \$388,316. This is an increase of \$289,970 from the currently approved cost of \$98,346.

Two hundred and twenty eight (228) of these additional burden hours are a result of adjustments made to the number of responses expected for ODDS, electronic monitoring as an option (removed this and replaced with new EM requirements), and the request for BSAI trawl catcher vessels to be placed in full coverage.

Program changes as a result of this action is estimated to increase the burden hours associated with the collection by 7,590 hours, primarily due to the hours it will take to prepare the new vessel monitoring plans.

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).

The total annual estimate of the recordkeeping and reporting requirements of this collection with the revisions and additions is \$2,658. This is an increase of \$2,061 from the currently approved cost of \$597.

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

The total estimate of the annualized cost to the Federal government of this information collection is \$68,196.

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

Adjustments

NMFS adjusts upward the number of respondents using ODDS to log fishing trips and the number of fishing trips (responses) being logged each year based on the most recently available data (2015).

Program Change

This action will allow vessels in the partial coverage category to carry an EM system in lieu of observer coverage for the purposes of collecting catch information for fisheries management. The three reporting requirements below increase the reporting/recordkeeping costs.

- 1) The vessel owner must request to be placed in the EM selection pool and to be removed from the EM selection pool annually using ODDS.
- 2) Vessels in the EM selection pool will need to submit a VMP to NMFS annually, and will be provided an opportunity for an administrative appeal if NMFS does not approve the VMP.
- 3) At the end of each trip selected for EM coverage, the hard drives must be shipped to NMFS.

These program changes do not result in an increase in the number of respondents, but do increase the number of responses and total burden hours.

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

Most information collected by observers is confidential and is only provided to the public in summary form. However, under the authorization of regulations at § 679.54, 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:

Summary of weekly data. 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:

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

Haul-specific data. The information listed above collected by observers from observed hauls on board vessels using trawl gear to participate in a directed fishery for groundfish other than rockfish, Greenland turbot, or Atka mackerel may be made available to the public:

- Date.
- Time of day gear is deployed.
- Latitude and longitude at beginning of haul.
- Bottom depth.
- Fishing depth of trawl.
- The ratio of the number of Chinook salmon to the total round weight of groundfish.
- The ratio of the number of other salmon to the total round weight of groundfish.
- The ratio of total round weight of incidentally caught halibut to the total round weight of groundfish.
- The ratio of total round weight of herring to the total round weight of groundfish.
- The ratio of the number of king crab to the total round weight of groundfish.
- The ratio of the number of *C. bairdi* Tanner crab to the total round weight of groundfish.
- Sea surface temperature (where available).
- Sea temperature at fishing depth of trawl (where available).

The identity of the vessels from which the haul-specific data are collected will not be released. In addition, in exceptional circumstances, the owners and operators of vessels may provide to the NMFS written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of this 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.

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.