

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

This action is a request to revise the current information collection due to an associated rule that requires vessels participating in halibut deck sorting to develop deck safety plans, implement pre-cruise safety meetings, and modify observer duties for an observer on board vessels participating in halibut deck sorting (RIN 0648-BI53).

The rule also effects information collection requirements approved under OMB Control No. 0648-0330, Alaska Region Scale and Catch Weighing Requirements. Concurrent with this request to revise 0648-0318, NMFS is submitting a separate request to revise 0648-0330.

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 and the Fishery Management Plan for Groundfish of the Gulf of Alaska. The North Pacific Fishery Management Council (Council) prepared the fishery management plans 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 fishery management plans 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 United States by the [Northern Pacific Halibut Act of 1982](#).

**A. JUSTIFICATION [REVISED]**

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

Section 313 of the Magnuson-Stevens Act (16 U.S.C. 1862) authorizes the Council, in consultation with NMFS, to prepare a fishery research plan for the purpose of stationing observers and electronic monitoring (EM) systems to collect data necessary for the conservation, management, and scientific understanding of the commercial groundfish and Pacific halibut fisheries of the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) management areas. Under the North Pacific Observer Program (Observer Program), observers and EM systems collect fishery-dependent information used to estimate total catch and interactions with protected species. Managers use these data to manage groundfish and prohibited species catch within established limits and to document and reduce fishery interactions with protected species. Scientists use fishery-dependent data to assess fish stocks, provide data for fisheries and ecosystem research and fishing fleet behavior, assess marine mammal interactions with fishing gear, and characterize fishing impacts on habitat.

The information collection requirements described in this collection are necessary to support the deployment of observers and EM systems for the collection of fishery-dependent information used to estimate total catch, bycatch, and interactions with protected species.

All vessels and processors that participate in federally managed or parallel groundfish and halibut fisheries off Alaska (except catcher vessels delivering unsorted codends to a mothership) are assigned to one of two categories: 1) the full observer coverage category (full coverage), or 2) the partial observer coverage category (partial coverage). Vessels and processors in the full coverage category have at least one observer present during all fishing or processing activity. Vessels and processors in the partial coverage category are assigned observer or EM coverage according to the scientific sampling plan described in the Annual Deployment Plan (ADP) developed by NMFS in consultation with the Council. Since 2013, observers have been deployed in the partial coverage category using established random sampling methods to collect data on a statistically reliable sample of fishing vessels in the partial coverage category. 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.

Observer coverage in the full coverage category is industry-funded through a pay-as-you-go system whereby fishing vessels procure observer services through NMFS-permitted observer service providers. Observer coverage in the partial coverage category is funded through a system of fees based on the ex-vessel value of groundfish and halibut. Beginning in 2019, NMFS will use a portion of the fees collected under section 313 of the Magnuson-Stevens Act to deploy EM systems on vessels in the EM selection pool of the partial coverage category. The observer fee is assessed on landings by vessels not included in the full coverage category. The system of fees fairly and equitably distributes the cost of observer coverage among all vessels and processors in the partial coverage category. Information collected for the observer fee is approved under OMB Control Number 0648-0711.

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 processors or stationary floating processors (SFPs) when receiving or processing Bering Sea pollock;
- Catcher vessels while participating in catch share programs with transferable prohibited species catch limits, including American Fisheries Act or Western Alaska Community Development Quota (CDQ) pollock fisheries, some CDQ groundfish fisheries, and the Central Gulf of Alaska Rockfish Program; and
- Catcher vessels using trawl gear that have requested placement in the full coverage category for all fishing activity in the BSAI.

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 vessels designated on a Federal Fisheries Permit when directed fishing for groundfish in federally managed or parallel fisheries, except those in the full coverage

- category;
- Catcher vessels when fishing for halibut individual fishing quota (IFQ) or sablefish IFQ (there are no prohibited species catch limits for these fisheries);
- Catcher vessels when fishing for halibut CDQ, fixed-gear sablefish CDQ, or groundfish CDQ using pot or jig gear; or catcher vessels less than or equal to 46 ft length overall (LOA) using hook-and-line gear fishing for groundfish;
- Catcher/processors that meet criteria that allows assignment to the partial coverage category; and
- Shoreside processors or SFPs, except those in the full coverage category.

The ADP describes how observer coverage and EM will be assigned to vessels and processors in the partial observer coverage category in the upcoming year. NMFS develops the ADP in consultation with the Council after reviewing an evaluation of deployment performance for the previous year. Vessels and processors in the partial coverage category may be in the “no selection pool,” the “trip selection pool,” or the “EM selection pool.” Vessels and processors in the no selection pool are not required to carry an observer or EM while participating in fisheries subject to partial coverage. Vessels in the trip selection pool and EM selection pool are required to log trips in the Observer Declare and Deploy System (ODDS) and carry an observer or EM system on randomly selected trips. Specific vessel owners may submit a request to place their vessel in a different coverage category or selection pool.

The associated rule changes catch handling and monitoring requirements to allow Pacific halibut bycatch to be sorted on the deck of trawl catcher/processors and motherships participating in the non-pollock groundfish fisheries off Alaska. This information collection is revised to reflect the following requirements for vessel owners and operators who choose to participate in halibut deck sorting.

- Deck Safety Plan and Deck Safety Meeting [New]: Vessel owners and operators would be required to develop an approved deck safety plan prior to participating in halibut deck sorting. The deck safety plan would be approved annually by NMFS and any changes to an existing deck safety plan would be required to be submitted and approved by NMFS. Vessel owners and operators would also be required to provide observers with a copy of the NMFS-approved Deck Safety Plan and conduct a deck sorting safety meeting prior to embarking on a trip when any one of the following—observer, vessel operator, or key crew member that will be responsible for providing notification or reasonable assistance during halibut deck sorting—boards the vessel.
- Observer Notification [Revised]: Prior to bringing fish on board, vessel operators who choose to halibut deck sort would be required to notify the observer on duty that halibut deck sorting will occur.
- Pre-cruise Meeting Notification [Revised]: Vessel owners and operators who choose to halibut deck sort would be required to notify the Observer Program when they have an observer on board who has not previously been on board within the last 12 months to schedule a pre-cruise meeting. The pre-cruise meeting would provide an opportunity to discuss compliance issues with deck safety plans and reasonable assistance necessary to allow an observer to sample prior to departing on a trip.

- Administrative Appeals [Revised]: If NMFS disapproves a Deck Safety Plan, the vessel owner and operator may file an administrative appeal.

These additional measures are necessary to ensure accurate accounting of halibut sorted on the deck of participating vessels.

**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**

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.

Each year since 2013, NMFS has published the North Pacific Observer Program Annual Report. The annual report provides descriptive information, analysis, and recommendations based on observer deployment in the previous year. An important component of the annual report is Chapter 3, the “deployment performance review” chapter, which scientifically evaluates the deployment of observers and EM in the previous year. The purpose of the deployment performance review is to evaluate whether observer deployment and monitoring goals detailed in regulation and the ADP were achieved and to identify recommendations for observer deployment in order to promote the collection of data necessary to conserve and manage the groundfish and halibut fisheries. The annual report is an important source of information for the estimates presented in this collection.

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The following table identifies regulation citation and the form name associated with these information collections.

Information Collection		Regulations 50 CFR part 679	Form Name
<b>I. Industry Requirements</b>			
1	Observer Notification [Revised]	§§ 679.21(f)(15)(ii)(B)(2), 679.51(e)(1)(vi), 679.51(e)(1)(ix)(B) and (e)(2)(ii), and 679.120(e)(2)	None
2	Industry Request for Assistance in Improving Observer Data Quality Issues	§ 679.51(c)(3)	None
3	USCG Safety Decal	§ 679.51(e)(1)(ii)	None
4	ATLAS Communications and observer data entry	§ 679.51(e)(1)(iii) and (e)(2)(iii)	None
5	Pre-cruise meeting notification [Revised]	§§ 679.32(c)(3)(i)(E)(4), 679.84(c)(7), 679.93(c)(7), 679.100(b)(1)(v) and (b)(2)(i)(E), 679.120(c)	None
6	Catcher/processor request to be placed in partial observer coverage	§ 679.51(a)(3)	Catcher/Processor Observer Partial Coverage Request
7	Request to be placed in the Full Observer Coverage Category	§ 679.51(a)(4)	Request Full Observer Coverage
8	Request to be placed in or removed from the EM selection pool	§ 679.51(f)(1)(ii) and (f)(i)(ix)	None

Information Collection		Regulations 50 CFR part 679	Form Name
9	Observer Declare and Deploy System (ODDS) Log a fishing trip	§ 679.51(a)(1)(ii) and (f)(2)	None
10	Deck Safety Plan [New]	§ 679.120(d)	Deck Safety Plan
11	Deck Sorting Safety Meeting [New]	§ 679.120(e)(1)	None
11.a	Vessel Monitoring Plan	§ 679.51(f)(4)	Electronic Monitoring (EM) Vessel Monitoring Plan
11.b	Closing EM trips in ODDS	§ 679.51(f)(3)(ii)	None
11.c	Submit EM Data to NMFS	§ 679.51(f)(5)	None
<b>II. OBSERVER PROVIDER REQUIREMENTS</b>			
1	Observer Provider Permit Application	§ 679.52(a)(2)	None
2	Candidate College Transcripts	§ 679.52(b)(1)(ii)	None
3.a	Observer training registration	§ 679.52(b)(11)(i)(A)	None
3.b	Observer briefing registration	§ 679.52(b)(11)(i)(B)	None
4	Projected observer assignments	§ 679.52(b)(11)(ii)	None
5	Physical examination verification	§ 679.52(b)(11)(iii)	None
6	Observer deployment/logistics report	§ 679.52(b)(11)(iv)	None
7	Observer debriefing registration	§ 679.52(b)(11)(v)	None
8	Certificates of Insurance	§ 679.52(b)(11)(vi)	None
9	Observer provider contracts	§ 679.52(b)(11)(vii)	None
10	Other Reports	§ 679.52(b)(11)(x)	None
11	Update to provider information	§ 679.52(b)(11)(ix)	None
12	Observer provider invoices	§ 679.52(b)(11)(viii)	None
<b>III. Administrative Appeals [Revised]</b>		§§ 679.51(a)(3)(vii), (a)(4)(vi), (f)(1)(vii), (f)(4)(iv), 679.52(a)(7)(ii), and 679.120(d)(2)	None

Information collections submitted by mail are sent to

NMFS Observer Program  
7600 Sand Point Way NE.,  
Seattle, Washington 98115-0070

or transmitted by fax to 206-526-4066

## I. INDUSTRY REQUIREMENTS

### 1. Observer Notification [REVISED]

Section 679.51(e)(1) requires that vessels required to carry an observer must notify the observers at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observers specifically request not to be notified. Section 679.51(e)(2) requires all processors and SFDs to notify the observers, as requested, of the planned facility operations and expected receipt of groundfish prior to receipt of those fish. These notifications provide an observer the opportunity to sample catch and complete sampling duties as described in the Observer Sampling Manual.

Additionally, § 679.21(f)(15)(ii)(B)(2) requires operators of vessels delivering to shoreside processors or SFPs when participating in the Bering Sea pollock fishery to notify the observer at least 15 minutes before handling catch on board the vessel, including, but not limited to, moving catch from one location to another, sorting, or discard of catch prior to the delivery of catch to the processor receiving the vessel's Bering Sea pollock catch.

No form exists for this notice; vessel personnel verbally inform the observer.

Operators of vessels and managers of shoreside processors and 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.

The rule adds § 679.120(e)(2), which requires vessel operators participating in halibut deck sorting to notify the observer on duty that halibut deck sorting will occur at least 15 minutes prior to bringing fish on board. This will increase the number of observer notification responses, but will not change the number of respondents as all already provide observer notification as described above (see Tables A through C).

## 2. Industry Request for Assistance in Improving Observer Data Quality Issues [UNCHANGED]

Section 679.51(c)(3) states that 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 addresses 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 are submitted in writing by mail, fax, or email.

## 3. USCG Safety Decal [UNCHANGED]

Section 679.51(e) requires 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.

#### 4. ATLAS Communications and observer data entry [UNCHANGED]

Section 679.51(e)(1) and (e)(2) require the operator of vessels and processors in the full coverage category to 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 must be 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.

Catcher vessels less than 125 ft. LOA are not required to provide data transmission capabilities. Most vessels allow NMFS to install data entry software supplied or approved by NMFS on an existing computer on board the vessel to comply with this requirement. When this occurs, the cost of providing the computer is minimal.

The requirement to have NMFS supplied software installed on a computer accessible to the observer imposes costs associated with scheduling a visit by NMFS personnel to install the software. 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.

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” (§ 679.51(e)(2)(iii)(A)). For catcher vessels less than 125 feet LOA, the processor receiving the vessels’ catch must allow vessel observers to access to a computer for transmission of data to NMFS.

#### 5. Pre-cruise meeting notification [REVISED]

Sections 679.32(c)(3)(i)(E)(4), 679.84(c)(7), 679.93(c)(7), and § 679.100(b)(1)(v) and (b)(2)(i)(E) require trawl catcher/processors participating in Rockfish Program and Amendment 80 Program fisheries, freezer longline vessels subject to § 670.100, and pot catcher/processors when groundfish CDQ fishing to notify the Observer Program for a pre-cruise meeting. These vessels are required to notify the Observer Program by phone at 1 (907) 581-2060 (Dutch Harbor, AK) or 1 (907) 481-1770 (Kodiak, AK) at least 24 hours prior to departure when the vessel will be carrying an observer who has not previously been deployed on that vessel within the last 12 months. Subsequent to the vessel's departure notification, but prior to departure, NMFS may contact the vessel to arrange for a pre-cruise meeting. The pre-cruise meeting must minimally include the vessel operator or manager and any observers assigned to the vessel. A pre-cruise meeting may be necessary to ensure an observer is adequately prepared to complete sampling duties and facilitate communication between observers and vessel crew prior to embarking on a trip.



The rule adds § 679.120(c), which requires vessel owners and operators who choose to halibut deck sort to notify the Observer Program when they have an observer on board who has not previously been on board within the last 12 months to schedule a pre-cruise meeting. The pre-cruise meeting would provide an opportunity to discuss compliance issues with deck safety plans and reasonable assistance necessary to allow an observer to sample prior to departing on a trip. This will increase the number of pre-cruise meeting notification responses, but will not change the number of respondents as all already provide notification as described above (see Tables A through C).

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

Section 679.51(a)(3) allows the owner of a qualifying catcher/processor to annually request placement in the partial observer coverage category. Absent a request by the owner of a qualifying vessel, that catcher/processor will be in the full observer coverage category in the upcoming fishing year.

If a request is submitted by a vessel owner, NMFS reviews the vessel's production history to determine if the vessel is eligible to be placed in the partial coverage category and provide written notification to the vessel owner. All qualifying vessels that submit a request by the deadline are 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>).

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

## 7. Request to be placed in the Full Observer Coverage Category [UNCHANGED]

Section 679.51(a)(1) places trawl catcher vessels participating in the BSAI trawl limited access sector in the partial coverage category. Section 679.51(a)(4) allows these vessel owners to annually request to place their vessels 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 (see description below). 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.

A vessel denied placement in the full coverage category receives an initial administrative determination (IAD) from NMFS and may appeal the decision. See "Administrative Appeals" below.

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 Number. 0648-0711).

## 8. Request to be placed in or removed from the EM selection pool

Section 679.51(f) authorizes vessels using nontrawl gear that are in the partial coverage category to request placement in the EM selection pool instead of the trip selection pool for 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 (see description below). Vessels approved to be placed in the EM selection pool 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.

In ODDS, a vessel owner may answer "Yes" or check a 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 asks "Do you request that this vessel be placed in the EM selection pool?" For vessels in the EM selection pool, ODDS

also allows the vessel owner or operator to answer affirmatively to the question “Do you request that this vessel be removed from the EM selection pool?”

In addition to random selection for catch accounting purposes, vessel owners or operators may use EM in lieu of an observer to fish for halibut or sablefish IFQ in multiple areas. ODDS allows 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.

A vessel denied placement in the EM selection pool receives an IAD from NMFS and may appeal the decision. See “Administrative Appeals” below.

## 9. Observer Declare and Deploy System (ODDS) Log a fishing trip [UNCHANGED]

Section §679.51(a)(1)(ii) and (f)(2) require vessels in the trip selection pool and EM selection pool of the partial coverage category to provide information to NMFS in ODDS. ODDS is an Internet-based system used to facilitate observer and EM deployment on vessels in the partial coverage category. ODDS also is used to facilitate communication among the vessel 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>. A vessel owner or operator may also provide information to NMFS by calling the call center at 1-855-747-6377. 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.

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 vessels may request placement in either the full coverage category or the EM selection pool rather than the partial coverage trip selection pool.

NMFS registers the vessel owner in ODDS and notifies the owners of vessels in the partial coverage category by letter and provides them with information about how to log in to ODDS.

ODDS also provides 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.

For each upcoming fishing trip, a vessel owner or operator provides 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.

## 10. Deck Safety Plan [NEW]

The rule adds § 679.120, which requires vessel operators to submit a Deck Safety Plan for review and approval by NMFS annually before participating in halibut deck sorting as defined at

§ 679.2. The Deck Safety Plan is necessary because when vessels participate in halibut deck sorting, vessel crew and the observer will spend more time on deck, which increases exposure to safety hazards. This plan will facilitate communication between the observer and vessel personnel to mitigate potential safety hazards during deck sorting.

Each Deck Safety Plan must detail how the observer will safely access and work in the deck sampling station. The Deck Safety Plan must include the following elements:

- The route for observers to safely access and leave the deck sampling station including locations where observers should shelter during gear retrieval and movement.
- Hazardous areas and potential hazardous conditions that could be encountered on deck including locations that the observer should not access.
- Communication procedures to inform the observer when it is safe to access the deck. These procedures must identify who will tell the observer it is safe to access the deck, how that communication will happen, and how they will communicate with the observer if a new safety hazard arises while on deck.
- A list of personal protective equipment that must be worn by the observer while on deck.
- A list of all personnel the observer should contact to discuss safety hazards, any safety hazards not identified in the Deck Safety Plan, deviations from the Deck Safety Plan, or any conditions that would require the suspension of halibut deck sorting.
- Procedures to ensure the observer remains safe while working in the deck sampling station.
- A scale drawing showing the deck sampling station, the routes to access the deck sampling station, the emergency muster location, and safety hazards that could be encountered on deck.

The vessel must be inspected by NMFS prior to approval of the Deck Safety Plan to ensure that the vessel conforms to the elements addressed in the Deck Safety Plan.

The vessel owner and operator must submit a complete Deck Safety Plan to NMFS by fax (206-526-4066) or email (station.inspections@noaa.gov) at least 10 working days in advance of the requested date of inspection. NMFS will complete its review of the Deck Safety Plan within 14 working days of receiving a complete Deck Safety Plan and conducting a Deck Safety Plan inspection of the vessel. NMFS will approve the Deck Safety Plan if the Deck Safety Plan meets the requirements at § 679.120(d)(1).

If NMFS disapproves a Deck Safety Plan, the vessel owner and operator may resubmit a revised Deck Safety Plan or file an administrative appeal as set forth under the administrative appeals procedures set out at 15 CFR part 906.

The vessel owner or operator will provide the observer with a copy of the NMFS-approved Deck Safety Plan and review its contents with the observer during the deck sorting safety meeting as required at § 679.120(e)(1).

The vessel owner and operator may change the Deck Safety Plan by submitting a Deck Safety Plan addendum to NMFS. NMFS will approve the modified deck safety plan if it continues to meet the requirements in § 679.120(d)(1). Depending on the nature and magnitude of the change requested, NMFS may require a second Deck Safety Plan inspection.

NMFS estimates the time burden for developing a new Deck Safety Plan to be 12 hours during the first year the vessel participates in halibut deck sorting. This includes time required to locate and revise deck layout plans and to consult with crew and NMFS staff on practical implementation. After the first year, NMFS estimates the annual time burden for modifying or renewing an existing Deck Safety Plan to be one hour.

When this action takes effect, 24 vessels will already have fully developed Deck Safety Plans. These vessels were allowed to halibut deck sort under an existing exempted fisheries permit where they were required to meet all requirements of the newly regulated halibut deck sorting activities. As such, these 24 vessels will only be responsible for renewing or modifying their current deck safety plans. Any new vessels choosing to halibut deck sort will be required to develop a new, NMFS-approved Deck Safety Plan.

## 11. Deck Sorting Safety Meeting [NEW]

As noted above, vessel owners and operators must conduct a deck sorting safety meeting prior to embarking on a trip when any one of the following—observer, vessel operator, or key crew member that will be responsible for providing notification or reasonable assistance during halibut deck sorting—boards the vessel. NMFS estimates the annual time burden for conducting the deck sorting safety meeting to be 1 hour (15 minutes per meeting times an estimated 4 meetings per year).

## 12. EM Selection Pool [UNCHANGED - RENUMBERED]

Section 679.51(f) requires additional information to be submitted by vessel owners or operators in the EM selection pool. The following sections identify these information collection requirements.

### a. 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 describes 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 includes 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. NMFS reviews 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 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 is required to make any changes to the VMP with the assistance of the EM service provider. These amendments to the VMP are signed and submitted to NMFS via email. The vessel is allowed to begin another fishing trip, provided that NMFS has received the VMP amendments in writing.

If NMFS denies approval of a VMP, an IAD is issued to the vessel owner who may appeal the decision. See “Administrative Appeals” below.

#### **b. Closing EM trips in ODDS**

Vessel owners or operators in the EM selection pool that are selected to carry EM on a fishing trip are 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 about submitting EM data to NMFS). If hard drive submission is required, ODDS will provide instructions for the proper methods to submit the hard drive.

#### **c. Submit EM Data to NMFS**

NMFS estimates that approximately 30 percent of the fishing trips logged by vessels in the EM selection pool will be selected for EM coverage. 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. The estimated cost to ship the video data storage devices with a return receipt is \$7.15.

### **13. Life Raft Release Request [UNCHANGED - RENUMBERED]**

Section 679.51(a)(1)(iii) authorizes 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.

The Life Raft Release Request is not included in the costs and burdens of this collection because vessels that have previously submitted these requests may request and have been prioritized for placement in the EM selection pool.

## II. OBSERVER PROVIDER REQUIREMENTS [UNCHANGED]

Observer candidates are recruited and hired by independent observer provider companies permitted by NMFS (see [http://www.afsc.noaa.gov/FMA/observer\\_providers.htm](http://www.afsc.noaa.gov/FMA/observer_providers.htm)). Section 679.52 specifies the permit application and approval process as well as observer provider responsibilities. Section 679.53 specifies the requirements for observer certification and deployment endorsement. The following sections describe the information collection requirements submitted by permitted observer provider companies. There are four permitted observer provider companies, and NMFS estimates that one or fewer companies may apply for a new permit each year.

Observer duties include—

- Record fishing effort, location, and total catch information
- Sample to determine the species composition of catches
- 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

### 1. Observer Provider Permit Application

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 may submit a completed application by fax or mail.

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.

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 an IAD of permit expiration may appeal the IAD. See "Administrative Appeals" below. 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

## **2. Candidate College Transcripts**

An observer provider must submit documentation that observer candidates have completed the required educational requirements prior to registering an observer for training. 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. Review and handling of this candidate material by the observer provider and NMFS is included in the burden estimate below.

### 3. Observer training and briefing registration

The observer provider must submit training and briefing 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 is reserved for the candidates during the training session requested. A schedule for observer training may be viewed at <https://www.fisheries.noaa.gov/alaska/fisheries-observers/north-pacific-observer-program-training-schedule>. This information is submitted via email and includes the following information:

#### 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 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
- Types of observer briefing and training sessions include:
  - 4-day briefing
  - 3-day annual briefing
  - 2-day briefing
  - 1-day briefing
  - Fish and Crab ID
  - Nontrawl lead level 2

### 4. Projected observer assignments

Prior to an observer's 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

## 5. Physical examination verification

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 NMFS Observer Program 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 expires 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 submitting to NMFS the physical examination verification. This information is submitted to NMFS via email or fax. Observer providers do not incur the costs of an observer or observer candidate's time and cost for the actual exam.

## 6. Observer deployment/logistics report

A deployment/logistics report must be submitted by Wednesday, 4:30 pm, Pacific local time, of each week for to each observer deployed by the observer provider during that week. As an alternative, providers may submit this information via a secure, online web interface that is accessible 24 hours a day. These reports are 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

## 7. Observer debriefing registration

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

## **8. Certificates of Insurance**

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

## **9. Observer provider contracts**

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.

## **10. Other Reports**

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.

## 11. Update to provider information

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.

## 12. Observer provider invoices

Vessels and processors in the full coverage category contract with observer provider companies directly. In order to accurately evaluate the cost of observer coverage requirements for vessels and plants, NMFS requires observer providers to submit copies of all invoices for observer coverage to the Observer Program monthly. 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 recommended for fisheries management actions.

### 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

## III. ADMINISTRATIVE APPEALS [REVISED]

Sections 679.51 and 679.52 provide an opportunity to submit an administrative appeal if NMFS denies a request to place a vessel in a coverage category or specific selection pool or for an observer provider company who receives an IAD of permit expiration.

In most cases, NMFS expects that only the owners or operators of vessels authorized to be placed in the coverage category or selection pool under the regulatory provisions will apply to do so. Therefore, NMFS expects few or no denials of these requests.

NMFS expects few or no administrative appeals on requests for placement in a coverage category or selection pool because the criteria for placing a vessel in the partial coverage category or full coverage category are well known and static. Approval of a request to be placed in the EM selection pool is granted if the vessel meets the criteria specified in the ADP. These criteria may include gear type, vessel length, the port from which the vessel will be fishing, and other criteria related to the EM Program. These criteria are 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. NMFS offers the opportunity for an administrative appeal if NMFS disapproved a proposed VMP.

Vessel owners and operators of vessels participating in halibut deck sorting (at § 679.120) for whom NMFS has disapproved a Deck Safety Plan, may resubmit a revised Deck Safety Plan or file an administrative appeal as set forth under the administrative appeals procedures set out at 15 CFR part 906.

NMFS expects most vessel owners and operators will resubmit a revised Deck Safety Plan if their original plan is disapproved rather than file an administrative appeal.

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><https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>).

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 a specific coverage category or selection pool, disapproval of a VMP, expiration of an observer provider permit, and disapproval of a Deck Safety Plan.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The following table represents the use of automated, electronic, and other technology used in this collection.

Information Collection		Paper, fax, mail, or email	Electronic Submission	Phone or verbal communication
<b>I. Industry Requirements</b>				
1	Observer Notification			◆
2	Industry Request for Assistance in Improving Observer Data Quality Issues	◆		
3	USCG Safety Decal (Not included in this estimate)	Not applicable		
4	ATLAS Communications and observer data entry	Not applicable		

Information Collection		Paper, fax, mail, or email	Electronic Submission	Phone or verbal communication
5	Pre-cruise meeting notification			◆
6	Catcher/processor request to be placed in partial observer coverage	◆		
7	Request to be placed in the Full Observer Coverage Category		◆	◆
8	Request to be placed in or removed from the EM selection pool		◆	◆
9	Observer Declare and Deploy System (ODDS) Log a fishing trip		◆	◆
10	Deck Safety Plan	◆		
11	Deck Sorting Safety Meeting			◆
<b>12. EM Selection Pool</b>				
12.a	Vessel Monitoring Plan	◆		
12.b	Closing EM trips in ODDS		◆	◆
12.c	Submit EM Data to NMFS	◆		
<b>II. OBSERVER PROVIDER REQUIREMENTS</b>				
1	Observer Provider Permit Application	◆		
2	Candidate College Transcripts	◆		
3.a	Observer training registration	◆		
3.b	Observer briefing registration	◆		
4	Projected observer assignments	◆		
5	Physical examination verification	◆		
6	Observer deployment/logistics report	◆	◆	
7	Observer debriefing registration	◆	◆	
8	Certificates of Insurance	◆		
9	Observer provider contracts	◆		
10	Other Reports	◆		
11	Update to provider information	◆		
12	Observer provider invoices	◆		
<b>III. Administrative Appeals</b>		◆		

**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 submitting 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.**

NMFS estimates there are 655 unique small entities affected by this collection. The following table identifies the number of respondents that are small entities for each of the information collection. Unique respondents for each category are shown in **bold**.

<b>Information Collection</b>		<b>Number of respondents</b>	<b>Number of Small entities</b>
<b>I. Industry Requirements</b>			
1	Observer Notification	705	No unique small entities
2	Industry Request for Assistance in Improving Observer Data Quality Issues	1	1
3	USCG Safety Decal	0	0
4	ATLAS Communications and observer data entry	164	0
5	Pre-cruise meeting notification	53	0
6	Catcher/processor request to be placed in partial observer coverage	5	5
7	Request to be placed in the Full Observer Coverage Category	34	3
8	Request to be placed in or removed from the EM selection pool	165	165
9	Observer Declare and Deploy System (ODDS) Log a fishing trip	650	<b>650</b>
10	Deck Safety Plan	25	<b>0</b>
11	Deck Sorting Safety Plan	25	<b>0</b>
12.a	Vessel Monitoring Plan	165	165
12.b	Closing EM trips in ODDS	165	165
12.c	Submit EM Data to NMFS	50	50
<b>II. OBSERVER PROVIDER REQUIREMENTS</b>			
1	Observer Provider Permit Application	1	<b>1</b>
2	Candidate College Transcripts	4	<b>4</b>
3.a	Observer training registration	4	4
3.b	Observer briefing registration	4	4
4	Projected observer assignments	4	4
5	Physical examination verification	4	4
6	Observer deployment/logistics report	4	4
7	Observer debriefing registration	4	4
8	Certificates of Insurance	4	4
9	Observer provider contracts	4	4
10	Other Reports	4	4
11	Update to provider information	1	1
12	Observer provider invoices	4	4
<b>III. Administrative Appeals</b>		1	1

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 PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A proposed rule (RIN 0648-BI53) was published in the *Federal Register* (84 FR 15566) on April 16, 2019, that solicits comments on this information collection.

**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.

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.

The System of Records Notice that covers all observer information collected in this information collection is NOAA-15, "Monitoring of National Marine Fisheries Service Observers." Vessel information is covered by NOAA-6, "Fishermen's 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.**

**Table A – Total Annual Burden Hours and Personnel Costs for Respondents**

Information Collection		Number of respondents	Frequency of annual responses per entity	Total annual responses	Estimated time per response	Total annual burden hours	Total labor cost (\$37/hr)
<b>I. Industry Requirements (750 Unique Respondents)</b>							
1	Observer Notification	705	Varies	100,000	2 min	3,333	\$123,333
2	Industry Request for Assistance in Improving Observer Data Quality Issues	1	1	1	30 min	1	\$19
3	USCG Safety Decal (Not included in this estimate)	0	0	0	0	0	\$0
4	ATLAS Communications and observer data entry	164	0	0	0	0	\$0
5	Pre-cruise meeting notification	53	4	212	5 min	18	\$666
6	Catcher/processor request to be placed in partial observer coverage	5	1	5	30 min	3	\$93
7	Request to be placed in the Full Observer Coverage Category	34	1	34	5 min	3	\$105
8	Request to be placed in or removed from the EM selection pool	165	1	165	5 min	14	\$509
9	Observer Declare and Deploy System (ODDS) Log a fishing trip	650	Varies	6,151	15 min	1,538	\$56,897
10 <sup>1</sup>	Deck Safety Plan – Initial Year	1	1	1	12 hours	12	\$444
	Deck Safety Plan – Annual Renewal	24	1	24	1 hour	24	\$888
11	Deck Sorting Safety Meeting	25	4	100	15 min	25	\$925
<b>12. EM Selection Pool</b>							
12.a	Vessel Monitoring Plan	165	1	165	48 hours	7,920	\$293,040
12.b	Closing EM trips in ODDS	165	1	165	5 min	14	\$509
12.c	Submit EM Data to NMFS	165	1	165	1 hour	165	\$6,105
<b>II. OBSERVER PROVIDER REQUIREMENTS (5 unique respondents)</b>							
1	Observer Provider Permit Application	1	1	1	60 hours	60	\$2,220
2	Candidate College Transcripts	4	Varies	120	8 hours	960	\$35,520
3.a	Observer training registration	4	8	32	1 hour	32	\$1,184
3.b	Observer briefing registration	4	80	320	7 min	37	\$1,381

<sup>1</sup> When this action takes effect, 24 vessels will have participated in halibut deck sorting with fully developed deck safety plans. We estimate the annual addition of approximately one new vessel to this program. Time per response, annual burden hours, and total labor costs are estimated for respondents developing a new Deck Safety Plan during the first (initial) year a vessel participates in halibut deck sorting (12 hours). After the first year, the annual time burden for a respondent modifying or renewing an existing Deck Safety Plan is estimated to be one hour.

Information Collection		Number of respondents	Frequency of annual responses per entity	Total annual responses	Estimated time per response	Total annual burden hours	Total labor cost (\$37/hr)
4	Projected observer assignments	4	Varies	900	7 min	105	\$3,885
5	Physical examination verification	4	Varies	425	5 min	35	\$1,310
6	Observer deployment/logistics report	4	52	208	7 min	24	\$898
7	Observer debriefing registration	4	Varies	900	30 min	450	\$16,650
8	Certificates of Insurance	4	1	4	12 min	1	\$30
9	Observer provider contracts	4	1	4	30 min	2	\$74
10	Other Reports	4	Varies	900	2 hours	1,800	\$66,600
11	Update to provider information	1	1	1	5 min	0	\$3
12	Observer provider invoices	4	12	48	30 min	24	\$888
<b>III. Administrative Appeals (\$125/hr)</b>		1	1	1	4 hours	4	\$500
<b>Total for collection*</b>		<b>875</b>		<b>111,052</b>		<b>16,603</b>	<b>\$614,675</b>

\*Total respondents includes unique entities only and slight differences in the total annual burden hours and cost may occur due to rounding.

**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).**

Table B – Total Annual Miscellaneous Costs for Respondents

Information Collection		Total annual responses	Total annual miscellaneous cost per response	Total annual miscellaneous cost for respondents <sup>1</sup>
<b>I. Industry Requirements</b>				
1	Observer Notification	100,000	0	\$0
2	Industry Request for Assistance in Improving Observer Data Quality Issues	1	\$1 to fax per page	\$0
3	USCG Safety Decal (Not included in this estimate)	0	0	\$0
4	ATLAS Communications and observer data entry	0	0	\$0
5	Pre-cruise meeting notification	212	0	\$0
6	Catcher/processor request to be placed in partial observer coverage	5	\$1 to fax per page	\$5
7	Request to be placed in the Full Observer Coverage Category	34	0	\$0
8	Request to be placed in or removed from the EM selection pool	165	0	\$0
9	Observer Declare and Deploy System (ODDS) Log a fishing trip	6,151	0	\$0
10	Deck Safety Plan – Initial Year	1	0	\$0
	Deck Safety Plan – Annual Renewal	24	0	\$0
11	Deck Sorting Safety Meeting	100	0	\$0

<b>12. EM Selection Pool</b>				
12.a	Vessel Monitoring Plan	165	0	\$0
12.b	Closing EM trips in ODDS	165	0	\$0
12.c	Submit EM Data to NMFS	165	\$7.15 to mail with return receipt	\$1,180
<b>II. OBSERVER PROVIDER REQUIREMENTS</b>				
1	Observer Provider Permit Application	1	\$1 to fax per page	\$0
2	Candidate College Transcripts	120	\$1 to fax per page	\$0
3.a	Observer training registration	32	\$1 to fax per page	\$0
3.b	Observer briefing registration	320	\$1 to fax per page	\$0
4	Projected observer assignments	900	\$1 to fax per page	\$0
5	Physical examination verification	425	\$1 to fax per page	\$0
6	Observer deployment/logistics report	208	\$1 to fax per page	\$0
7	Observer debriefing registration	900	\$1 to fax per page	\$0
8	Certificates of Insurance	4	\$1 to fax per page	\$0
9	Observer provider contracts	4	\$1 to fax per page	\$0
10	Other Reports	900	\$1 to fax per page	\$0
11	Update to provider information	1	\$1 to fax per page	\$0
12	Observer provider invoices	48	\$1 to fax per page	\$0
<b>III. Administrative Appeals</b>		1	\$1 to fax per page	\$0
<b>Total for collection</b>		<b>111,052</b>		<b>\$1,185</b>

<sup>1</sup>In recent years, most of these information collections have been submitted by email rather than fax; so, although fax is an option, we do not expect any submissions by fax. Therefore, the miscellaneous costs for information collections no longer expected to be submitted by fax are estimated to be \$0.

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

Table C – Total Annual Burden Hours and Labor Costs for Federal Government

<b>Information Collection</b>		<b>Total annual responses</b>	<b>Estimated time per response</b>	<b>Total annual burden hours</b>	<b>Total labor cost (\$37/hr)</b>
<b>I. Industry Requirements</b>					
1	Observer Notification	100,000	0	0	\$0
2	Industry Request for Assistance in Improving Observer Data Quality Issues	1	150 hours	150	\$5,550
3	USCG Safety Decal (Not included in this estimate)	0	0	0	\$0
4	ATLAS Communications and observer data entry	0	0	0	\$0
5	Pre-cruise meeting notification	212	30 min	105	\$3,867
6	Catcher/processor request to be placed in partial observer coverage	5	15 min	1	\$46

7	Request to be placed in the Full Observer Coverage Category	34	0	0	\$0
8	Request to be placed in or removed from the EM selection pool	165	0	0	\$0
9	Observer Declare and Deploy System (ODDS) Log a fishing trip	6,151	0	0	\$0
10	Deck Safety Plan – Initial Year	1	3 hours	3	\$111
	Deck Safety Plan – Annual Renewal	24	3 hours	72	\$2,664
11	Deck Sorting Safety Meeting	100	0	0	\$0
<b>12. EM Selection Pool</b>					
12.a	Vessel Monitoring Plan	165	1 hour	165	\$6,105
12.b	Closing EM trips in ODDS	165	0	0	\$0
12.c	Submit EM Data to NMFS	165	0	0	\$0
<b>II. OBSERVER PROVIDER REQUIREMENTS</b>					
1	Observer Provider Permit Application	1	30 hours	30	\$1,110
2	Candidate College Transcripts	120	2 hours	240	\$8,880
3.a	Observer training registration	32	1 hour	32	\$1,184
3.b	Observer briefing registration	320	30 min	16	\$592
4	Projected observer assignments	900	10 min	150	\$5,550
5	Physical examination verification	425	2 min	14	\$524
6	Observer deployment/logistics report	208	75 min	260	\$9,620
7	Observer debriefing registration	900	30 min	450	\$16,650
8	Certificates of Insurance	4	3 hours	12	\$444
9	Observer provider contracts	4	20 hours	80	\$2,960
10	Other Reports	900	1 hour	900	\$33,300
11	Update to provider information	1	30 min	1	\$19
12	Observer provider invoices	48	30 min	24	\$888
<b>III. Administrative Appeals (\$125/hr)</b>		1	4 hours	4	\$500
<b>Total for collection</b>		<b>111,052</b>		<b>2,709</b>	<b>\$100,564</b>

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

This action would allow Pacific halibut bycatch to be sorted on the deck of trawl catcher/processors and motherships participating in the non-pollock groundfish fisheries off Alaska. The changes reflect the requirements for vessel owners and operators who choose to participate in halibut deck sorting as described at § 679.120. This action adds new information collections, the Deck Safety Plan and Deck Safety Plan Meeting, and revises the estimates for Observer Notification and Pre-Cruise Notification to reflect the number of vessels annually expected to participate in halibut deck sorting. No changes were made to the burden or costs for Administrative Appeals. There was no change in the annual miscellaneous costs for this collection.

The following table shows the changes in the number of respondents, responses, and time estimates for the responses, and labor costs.

Information Collection		Current Number of Respondents	Previous Number of Respondents	Current number of Responses	Previous Number of Responses	Current Burden Time Estimate	Previous Burden Time Estimate	Current Labor Costs	Previous Labor Costs	Reason for Change
					<b>I. Industry Requirements</b>					
1	Observer Notification	705	705	100,000	80,000	3,333	2,667	\$0	\$0	Adjusted due to new regulation at § 679.120(e)(2) that requires vessels that halibut deck sort to notify the observer at least 15 minutes prior to bringing fish on board.
5	Pre-cruise notification	53	53	212	159	18	13	\$666	\$490	Adjusted due to new regulation at § 679.120(c) that requires vessels that halibut deck sort to notify the Observer Program when an observer is on board who has not been on board within the last 12 month to schedule a pre-cruise meeting.
10	Deck Safety Plan – Initial Year	1	0	1	0	12	0	\$444	\$0	Added due to new regulation at § 679.120(d) that requires an approved Deck Safety Plan prior to halibut deck sorting.
	Deck Safety Plan – Annual Renewal	24	0	24	0	1	0	\$888	\$0	
11	Deck Sorting Safety Meeting	25	0	100	0	25	0	\$925	\$0	Added due to new regulation at § 679.120(e)(1) that requires a Deck Sorting Safety Meeting to review the contents of the Deck Safety Plan.
<b>Total for collection*</b>		<b>875</b>	<b>875</b>	<b>111,052</b>	<b>90,874</b>	<b>16,603</b>	<b>15,871</b>			

\*Total respondents includes unique entities only and slight differences in the total annual burden hours and cost may occur due to rounding.

**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 § 679.54, the following information 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 below 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 is not released. In addition, in exceptional circumstances, the owners and operators of vessels may provide to 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 is 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.