

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
West Coast Region Groundfish Trawl Fishery Monitoring
and Catch Accounting Program
OMB Control No. 0648-0619

Abstract

This request is for extension of the current collection for the West Coast Region Groundfish Trawl Fishery Monitoring and Catch Accounting Program.

In January 2011, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) implemented a trawl rationalization program, a catch share program, for the Pacific coast groundfish fishery's trawl fleet. The program was developed through Amendment 20 to the Groundfish Fishery Management Plan (FMP), under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting fisheries); and cooperative (coop) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets (whiting only). Fixed allocations to the limited entry trawl fleet were developed through a parallel process with Amendment 21 to the FMP. The regulations implementing the program were effective January 1, 2011; all of the necessary tracking systems to make the program operational became active on January 11, 2011, the date fishing began under the new program. Since that time, the Council and NMFS have been addressing implementation issues as they arise. To achieve individual accountability for catch and bycatch and track total catch, the shorebased IFQ Program is subject to 100 percent monitoring both at-sea and dockside. In addition to 100 percent monitoring at-sea, motherships and catcher/processors are subject to flow scale requirements that include daily testing, reporting, and an annual inspection.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

In order to ensure the individual accountability for catch and bycatch under the trawl rationalization program, a combination of at-sea and dockside monitoring as well as the use of flow scales are required for participants in the Shorebased IFQ Program and the Coop programs for the at-sea sector.

For catch monitor and observer service providers

- The preparation and submission of an application to be a certified catch monitor provider and/or an observer service provider. A copy of the regulations regarding

how to obtain provider permits is provided at the end of the document as Attachment 1 (§660.18 Observer and catch monitor provider permits and endorsements).

- Appeals submissions by businesses not issued certifications or decertified. A copy of the regulations regarding appeals is provided at the end of the document as Attachment 2 (§660.19 Appeals process for catch monitors, observers, and provider permits).

For catch monitors

- The preparation and submission of an application to be a certified catch monitor (submitted to the service provider only and not counted as a burden for this information collection).
- Appeals submissions by individuals not issued certifications or decertified. A copy of the regulations regarding appeals is provided at the end of the document as Attachment 2 (§660.19 Appeals process for catch monitors, observers, and provider permits).

For at-sea processors (MS and C/P)

- The requirement to have an approved scale for weighing catch at sea, a printed record of catch weight and cumulative weights, and a printed record of daily scale tests. A copy of the regulations mandating collection of information related to scales is attached at the end of this document as Attachment 3 (§660.15 Equipment requirements).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Provider permit applications. New and existing providers for observers and catch monitors are required to submit an application form to NMFS Fisheries Permit Office. NMFS has established a review board to review the application and to determine if a business can provide adequate services to support certified observers and/or catch monitors. Information provided includes: a statement indicating which endorsement the applicant is seeking, identification of the management, organizational structure, and ownership structure of the applicant's business, provider contact information, a statement describing relevant prior experience, a description of the applicants ability to carry out the required responsibilities and duties, a statement signed under penalty of perjury from the owner, or owners, board members, and officers if a corporation, that they have no conflict of interest, and a statement on conflict of interest, and a statement describing any criminal convictions, Federal contracts they have had and the performance rating they received on the contract, and previous decertification action while working as an observer, observer provider, or catch monitor provider. A new provider could apply anytime during the year however, all permits issued in a given year will expire on December 31. Fewer than two new provider applications are expected in a calendar year.

Provider permit renewals. Existing permits are renewed annually to ensure that the business information was current. Pre-filled renewal forms are mailed to permitted

providers approximately three months prior to the permit expiration date; if all information is correct, the form could simply be signed and returned. Information on the renewal form includes: Identification of the management, organizational structure, and ownership structure of the applicant's business, provider contact information, a statement signed under penalty of perjury from each owner, or owners, board members, and officers of a corporation, that they have no conflict of interest, and a statement on conflict of interest, and a statement describing any criminal convictions. If the renewal application is complete and submitted timely, NMFS would issue a permit effective January 1 of the following year. Fewer than five applications are expected each year.

Provider permit appeals submissions are narratives that may be received from businesses whose permits or endorsements expired due to inactivity (no deployments for 12 months). If NMFS disapproves a provider permit application or renewal, the agency will send a letter to the applicant detailing the reasons for its determination. The applicant would have an opportunity to submit in writing to NMFS an appeal and must allege credible facts or circumstances that show that the application requirements have been met. An appeal request must be requested no later than 60 calendar days after the date of the determination letter provided from NMFS. The purpose of an appeals submission is to provide NMFS with information that may result in the business maintaining its permit. One appeals letter is expected to be submitted annually.

A catch monitor appeal is a narrative that NMFS may receive from individuals that were denied a catch monitor certification or that have been decertified. The purpose of an appeals submission is to provide NMFS with information that may result in the individual receiving a certification or not being decertified. Fewer than two letters are expected to be submitted annually.

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

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

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

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

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

Printed reports

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

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

the scale calibration log but would collect and review those data at the time of the annual scale inspection. Those data must also be available to OLE in cases where scale tampering is suspected. The calibration log must be printed on request by NMFS staff or NMFS authorized personnel and must also be printed and retained by the vessel owner before any information stored in the scale computer memory is replaced.

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

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

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

Maximized retention records from Pacific whiting first receivers.

There are currently 13 Pacific whiting first receivers. The types of records we expect them to retain may include, but are not limited to: receipts from charitable organizations that include the organization's name and amount of catch donated; cargo manifests setting forth the origin, weight, and destination of all prohibited species; or disposal receipts identifying the recipient organization and amount disposed. These are typical business records for fish processing businesses. Any such records must be retained for no less than three years after the date of disposal and such records must be provided to OLE upon request. An average of 2 disposal receipts could be expected per year for protected species (marine mammals) and 338 for prohibited species (each of the 13 first receivers would have one record per week for 26 weeks). At one minute per record, the reporting burden is 340 minutes per year.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Printed reports of groundfish catch weight, audit trail, calibration log, fault log and video monitoring of flow scale area are all automated. The permits branch can send, receive, and process Provider Permit Applications electronically via secure email. Fish tickets must be submitted electronically. NMFS placed the electronic fish ticket information collection in OMB Control Number 0738.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

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

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

The companies that provide observers and catch monitors are generally small businesses. Given the relatively small numbers of these respondents, separate requirements based on size of business have not been developed. Only the minimum data required to meet the objectives of the overall monitoring program are requested from all applicants. For the at-sea vessels, in addition to revenue in the Pacific Coast groundfish fishery, when considering the revenue from Alaska, none of the motherships or catcher/processors would be considered small businesses (79 FR 54590; September 12, 2014).

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Data collected by certified observers and catch monitors as well as from at-sea flow scales are necessary for the conservation and management of the Pacific Coast groundfish fishery. Maintaining the integrity of the data collections is an important aspect of the trawl rationalization program and assuring that individual catch accountability is maintained. The trawl fishery is a multispecies fishery in which the allowable harvest levels for some stocks (potentially including overfished species) constrain access to harvest of the full allocations of many targeted stocks. If the integrity of the monitoring program is not maintained, individual accountability would be eliminated from the fishery. The high level of quality monitoring under the trawl rationalization program has helped the fleet make tremendous bycatch reductions. Many species have been removed from overfished status. One hundred percent coverage by catch monitors and observers has been an integral part of rebuilding those stocks and decreasing bycatch.

The intent of provider permits is to allow only qualified business to provide catch monitor and observer services so the integrity of the data collections are maintained. In

addition, assuring that the businesses are qualified to provide aids in ensuring the wellbeing of individuals deployed as observers and catch monitors. The application and renewal process for new providers and the annual renewal are used to verify that providers are free of conflicts of interest, or state or federal criminal convictions, that could undermine the integrity of data or affect the wellbeing of observers or catch monitors.

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

There are no special circumstances and this collection will be conducted in a manner that is consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register notice published on December 22, 2020 (85 FR 83517), soliciting public comments. We received no comments on the information collection requirements.

NMFS reached out to several providers in an effort 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. No responses were received.

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

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Some of the information collected above is confidential under section 402(b) of the MSA. It is also confidential under [NOAA Administrative Order 216-100](#), Protection of Confidential Fisheries Statistics. 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.

All collections of phone numbers, fax numbers, and email addresses are not released to

the public. Transfer amount and price, tax identification number (TIN), date of birth (DOB), the names of individuals who have an OI in an entity and the percentage of ownership, and cooperative agreements provided with coop permit applications are considered business confidential information. DOB is also protected under the Privacy Act. A statement of the confidentiality of this information is provided on each form.

The information collected is part of a Privacy Act System of Records (SORN), COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065). An amended SORN was published on August 7, 2015 (80 FR 47457) and became effective on September 15, 2015 (80 FR 55327).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature being asked.

12. Provide estimates of the hour burden of the collection of information.

The total number of unduplicated respondents is 153. There are 2,169 annual responses for a total of 447 burden hours (Table 1A). The labor cost estimate of \$25/hour comes from the BLS Occupational Outlook Handbook occupation code 45-1011 for “First-line supervisors of farming, fishing, and forestry workers”, who are paid a median wage of \$25.11 per hour (https://www.bls.gov/oes/current/oes_wa.htm#45-0000). The estimated total labor cost is \$11,175.

Table 1A - Total Annual Burden Hours, Labor, and Related Costs

Information Collection	# of Respondents /year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Time per Response (hours or minutes)	Total response time (hours) (h)	Total Annual Cost Burden (i) = (h) x \$25/hour
Observer provider permits	1	1	1	10	10	\$250
Application preparation & submission *	5	1	5	2	10	\$250
Annual Renewal*	1	1	1	4	4	\$100
Appeals – written response & submission						
Catch monitors						
Qualifications	45	1	45	1	45	\$1,125
Appeals- written response & submission	5	1	5	4	20	\$500
At-sea scales (MS, C/P)						
Daily testing reports	16	30	480	30 min.	240	\$6,000
Daily catch and cumulative weight reports	16	30	480	10 min.	80	\$2,000
Audit trail	16	24	384	1 min.	6	\$150
Calibration log	16	24	384	2 min.	13	\$325
Fault log	16	24	384	3 min.	19	\$475
Video monitoring	16	0	0	0	0	0
Total for collection	153		2,169		447	\$11,175

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 cost burden to the respondents or recordkeepers resulting from this collection is \$153 (Table 1B).

Table 1B - Total Annual Miscellaneous Costs

	Total Annual Responses	Misc. costs per response	Total Misc. costs for all respondents
Observer providers permits			
Mail applications and renewals	9	\$5	\$30
Appeals- fax or mail written response & submission	1	\$3	\$3
Catch monitors			
Appeals- mail written response & submission	5	\$3	\$15
At-sea scales daily test reports - printing	480	\$0.05	\$24
At-sea daily catch and cumulative weight reports – printing	480	\$0.05	\$24
At-sea audit trail	384	\$0.05	\$19
At-sea calibration log	384	\$0.05	\$19
At-sea fault log	384	\$0.05	\$19
At-sea video monitoring	0	0	0
<i>Total for collection</i>	<i>2,127</i>		<i>\$153</i>

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

NMFS will incur ongoing program costs related to the trawl rationalization program which includes staff time to: prepare and send provider permit application packages, review and process incoming provider permit registration, prepare decision documents and permit documents, and respond to questions about the provider permit application. The estimated net administrative cost accruing to the Federal government is \$14,880 (Table 2).

Table 2. Costs to the Federal government

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Other Federal Positions	ZP-2	\$62,000	12		\$,7440

Contractor Cost		\$62,000	12		\$7,440
Travel					
Other Costs:					
TOTAL					\$14,880

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

There are no changes to the information collection since the last OMB approval

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

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement.

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).