

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Northeast Multispecies Reporting Requirements Temporary Data Collection
OMB Control No. 0648-XXXX

A. JUSTIFICATION

Abstract:

This is a request for a new collection of information pursuant to RIN 0648-BK17. Proposed rule 0648-BK17 will add a dockside monitoring requirement for vessels electing to use maximized retention electronic monitoring to meet the existing monitoring requirement. This temporary collection is being created due to timing conflicts with OMB Control Number 0648-0605, Northeast Multispecies Amendment 16, which is currently up for renewal. As a result of the near-concurrent publication of a 60-day Federal Register notice to revise and extend OMB Control Number 0648-0605 and proposed rule 0648-BK17, the proposed rule included the same revisions outlined in the 60-day notice for 0648-0605. These revisions include the development and submission of vessel monitoring plans and trip-level feedback reports; information related to the purchase and installation of electronic monitoring equipment; and the submission of daily catch reports via vessel monitoring system (VMS). However, the only revision specifically related to 0648-BK17 is the addition of a dockside monitoring request.

Once 0648-0605 is renewed and the 0648-BK17 final rule information collection is approved, NOAA will submit a request to merge this temporary collection into 0648-0605.

NOAA will also revise the title of collection 0648-0605 from Northeast Multispecies Amendment 16 to Northeast Multispecies Reporting Requirements to more accurately reflect the information collected.

- 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.**

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and the Regional Fishery Management Councils are delegated the majority of this responsibility. The New England Fishery Management Council (Council) develops management plans for fishery resources in New England.

In 2010, a new suite of regulations for the Northeast (NE) multispecies fishery was implemented through Amendment 16 to the NE Multispecies Fishery Management Plan (FMP). This action updated status determination criteria for all regulated NE multispecies or ocean pout stocks; adopted rebuilding programs for NE multispecies (groundfish) stocks newly classified as being overfished and subject to overfishing; revised management measures, including significant

revisions to the sector management measures (established under Amendment 13) necessary to end overfishing, rebuild overfished regulated NE multispecies and ocean pout stocks, and mitigate the adverse economic impacts of increased effort controls. It also implemented new requirements under Amendment 16 for establishing acceptable biological catch, annual catch limits (ACLs), and accountability measures for each stock managed under the FMP, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Sectors are a management tool in the NE groundfish fishery. The FMP allows permitted vessels to make an annual election either to fish under the effort-control rules (the common pool) or under the voluntary catch share system (sectors). A sector consists of three or more limited access NE multispecies vessel permits, with distinct ownership, who voluntarily enter into a contract to manage their fishing operations and to share liability. A sector is granted an annual allocation of most stocks of fish managed by the NE Multispecies FMP. In return for increased operational flexibility, such as exemptions from certain effort controls and the ability to pool and trade quota, sectors have additional reporting and monitoring requirements. Amendment 16 required sectors to develop and fund an independent third-party at-sea monitoring (ASM) program. Amendment 16 allowed sectors to use electronic monitoring (EM) instead of human monitors to meet ASM requirements, provided that the Greater Atlantic Regional Administrator deemed it sufficient. Using the authority and process granted to the agency in Amendment 16, NMFS announced its determination that sectors may use EM to meet monitoring requirements (86 FR 16686; March 31, 2021). The sector reporting and monitoring requirements, as established by Amendment 16 and revised by subsequent framework adjustments to the NE Multispecies FMP, are contained within this information collection.

RIN 0648-BK17 expands the information collection under 0648-0605 to support regulatory requirements of the NE Multispecies FMP. Amendment 23 to the Northeast Multispecies FMP (Amendment 23) was developed by the Council to improve the reliability and accountability of catch reporting in the groundfish fishery to ensure precise and accurate estimates of catch (landings and discards) of fish stocks managed by the FMP. Specifically, Amendment 23 would approve the maximized retention electronic monitoring (MREM) model as a cost-effective alternative to human at-sea monitors that industry members may choose to use to meet the existing industry-funded monitoring requirement in the FMP.

This is the second electronic monitoring model approved under the FMP. Both electronic monitoring models increase flexibility for sectors and their members to choose the monitoring option that best suits their business and operational needs while offering potential reductions in monitoring costs. Electronic monitoring addresses monitoring bias in catch data by ensuring cameras are operating on all trips and monitoring all catch. The MREM model includes a new requirement for a dockside monitoring program which is the subject of this new information collection.

The items outlined in this information collection are:

- A dockside monitoring requirement for Northeast multispecies (groundfish) vessels enrolled in the MREM program.
 - This requirement is proposed to be codified at 648.11(l)(10)(i)(D).
- A requirement for groundfish dealers to facilitate dockside monitoring for vessels enrolled in the MREM program.
 - This requirement is proposed to be codified at 648.11(l)(10)(iv).

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.

The information in this collection will be used by several offices of NMFS, the New England Fishery Management Council (NEFMC), as well as state fishery management agencies, academic institutions, and other fishery research and management organizations to evaluate current management programs and future management proposals. The information described in this collection is necessary to monitor vessels enrolled in the groundfish fishery's MREM program and to estimate catch that would have been discarded if the vessels were not enrolled in the MREM program. Estimated landings from the dockside monitoring program will be incorporated into stock assessments. Generally, each stock is assessed every two years. Catch data is also used annually to meet Magnuson-Stevens Act requirements to evaluate catch against annual catch limits.

Geographic position information from vessel monitoring units, trip declarations, and other reports may also be used by the NMFS Office of Law Enforcement (OLE) or U.S. Coast Guard to monitor compliance with the provisions of the FMP.

NMFS would retain control over all information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information would be subjected to quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

Dockside monitoring data is collected and submitted to NMFS electronically via a secure web portal. Dockside monitoring staff collect and submit dockside monitoring data via a tablet application that is designed to be as simple as possible for both the public and NMFS. Monitoring service providers may submit other required reports and/or materials to NMFS via a web-portal system maintained by NMFS. Instructions for submitting reports are available on the NEFSC web site.

Dealers issued a permit to purchase and sell stocks managed by the NE Multispecies FMP have existing reporting requirements covered by other information collections. All dealer data reporting is handled electronically through systems that streamline reporting of all data to meet Federal and existing state requirements.

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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 information to be collected through this information collection is not duplicated elsewhere. The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Council membership includes state and Federal officials responsible for resource management in their area.

Information submissions for the groundfish MREM dockside monitoring program are unique to this fishery, and direct duplication with other collections does not exist. MREM vessels subject to DSM would not also be sampled by the existing portside biosampling program operated by NMFS to collect biological samples across all managed fisheries to support stock assessments.

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

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

Approved dockside monitoring service providers will offer monitoring services to groundfish vessels enrolled in the MREM program. Each vendor would offer comparable services over a range of prices. This would reduce the burden on the public by increasing competition among vendors, thereby decreasing costs to the fishing industry to obtain additional monitoring.

Dealers would also be required to provide dockside monitors with access to facilities equivalent to what is provided to the dealer's staff, including: A safe sampling station, with shelter from weather, for dockside monitors to conduct their duties and process catch; access to bathrooms; and access to facilities for washing equipment with fresh water. The intent of the dealer requirements is not to require dealers to create or provide facilities that do not already exist, but to ensure dockside monitors have access to facilities equivalent to what is available to the dealer's staff. In this way, the burden to all dealers is minimized.

6. Describe the consequence to 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.

Not conducting the collection of information described in Questions 1 and 2 would undermine NMFS's ability to effectively implement ACLs, AMs, and sector provisions (e.g., sector quotas and quota trading). This collection of information is necessary for a variety of reasons, including monitoring fishing catch and increasing efficiency of sector operations by facilitating exchanges of ACE. Furthermore, reducing the frequency of collection would also compromise the requirement for full catch accountability by removing bias through monitoring all vessel catches,

in turn affecting the enforcement of management measures and undermining the goal of the program.

To the extent practicable, frequency of information collection under this new collection has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement. For example, less frequent monitoring of vessels fishing under the NE multispecies program (participating in a sector) would reduce the effectiveness of the system in helping prevent overages of ACE allocations, which, in turn, could reduce the effectiveness of measures to control fishing mortality and rebuild overfished stocks.

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

Some of the requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB guidelines suggest that respondents not be required to report more often than quarterly, requirements for dockside monitoring for NE multispecies vessels opting for MREM will require more frequent reports to address bias created by sampling only some trips.

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.

The NEFMC held many Council and Committee meetings during the development of Amendment 23 between 2016 and September 2020, during which there were opportunities for public discussion of proposed management strategies.

Proposed rule RIN 0648-BK17 (87 FR 11014) published on February 28, 2022. Any comments received in response to this proposed rule will be addressed in the Supporting Statement submitted with the final rule package.

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

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

10. Describe any assurance of confidentiality provided to respondents and the basis for 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.

All data would be handled in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and would not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). COMMERCE/NOAA-19, Permits and Registrations for United States Federally Managed

Fisheries, covers the collection of this information.

- 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 involved in this collection of information.

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

Estimates of costs for dockside monitors to travel to ports, observe offloads, and input data are based on work by government employees and contractors under an on-going research project. Thus, they are conservative estimates as we expect that a future transition to an industry-funded model will lead to competition and cost reductions. To produce a conservative estimate of the total annual burden associated with complying with this requirement, this analysis assumes that 18 percent of groundfish vessels will use human at-sea monitoring (ASM) to meet monitoring requirements, and 82 percent will use electronic monitoring (EM). These percentages are based on a cost-benefit analysis completed by an economist at the Northeast Fisheries Science Center in support of the Amendment 23 Final Environmental Impact Statement predicting vessel enrollment in ASM and EM programs. Our estimate further assumes all vessels using EM opt for MREM and thus are subject to the new dockside monitoring requirement.

The intent of the dealer requirements is not to require dealers to create or provide facilities that do not already exist, but to ensure dockside monitors have access to facilities equivalent to what is available to the dealer’s staff. In this way, the burden to all dealers is minimized. We estimate that there is a zero dollar cost to dealers for facilitating dockside monitoring because they are expected only to allow dockside monitors to access existing facilities. While dealers could incur a marginal cost for handling and reporting fish below the minimum size that would not be landed without an MREM program, we are unable to estimate an incremental cost at this time.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Dockside Monitoring Service Provider Requirements								
Monitoring and Reporting Service Providers Application and Response to Denial	11-1021: General and Operations Managers	4	1	4	10	40	\$60.45	\$2,418
At-Sea Monitoring and Reporting Requirements- Notifications and database requirements and monitoring costs	11-1021: General and Operations Managers	4	12,300	49,200	0.33	16,236	\$60.45	\$981,466
Totals				49,204		16,276		\$983,884

¹ - Estimate based on total number of estimated groundfish sea days (15,000) and 82% of fleet adopting EM.

² - Estimating additional reports required for ~50% of trips.

³ - A conservative estimate that all active sectors (20) will contract with 2 DSM providers.

The above information is all estimation since the dockside monitoring is new. This information will be updated in following submissions for this collection of information once NMFS has actual data.

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).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost / Response	Total Annual Cost Burden
Vessel Requirements					
Dockside Monitoring Provider Requirements					
Monitoring and Reporting Service Providers Application and Response to Denial	4	1	4	\$2.88	\$11,520
At-Sea Monitoring and Reporting Requirements - Notifications and database requirements and monitoring costs	4	12,300	49,200	\$57.03	\$2,805,876
TOTALS			49,204		\$2,817,396

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated government cost estimate is conservative because it assumes the Federal government continues to operate the dockside monitoring program for MREM vessels. However, the proposed implementing regulations for Amendment 23 provide for a transition to an industry-funded program. The intent is for NOAA Fisheries to continue operating the dockside monitoring program for 1 to 2 years while we work with partners to run a pilot program that will develop a cost-effective industry-funded dockside monitoring program that will remove the need for the agency to continue paying to operate the dockside monitoring program. Additionally, we expect that dockside monitoring providers will station staff close to the primary landing points which will reduce costs over having Federal staff based in Woods Hole, Massachusetts traveling to all ports.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Daily Cost of Monitoring	Band III/Step 3	\$112,172	80		\$89,738
DSM Database and Data Entry	Band III/Step 3	\$112,172	10		\$11,217
Dealer Facilitation of DSM	Band III/Step 3	\$112,172	10		\$11,217

Contractor Cost					
Daily Cost of Monitoring	Band II/Step 3	\$85,182	240		\$204,437
DSM Database and Data Entry	Band II/Step 3	\$85,182	30		\$25,555
Dealer Facilitation of DSM	Band II/Step 3	\$85,182	30		\$25,555
Travel					\$1,439,100 ¹
TOTAL					\$1,806,819

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

This is a new program.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Results from this collection could be used in scientific, management, technical, or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees, and Council staff and state employees with confidential data agreements, in detailed form on a need-to-know basis only. Information from the DSM program would only be released to the public in an aggregate form that protects the confidentiality of the entities that generated the data.

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 identified in “Certification for Paperwork Reduction Act Submissions.”

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

¹ Estimate based conservatively on all ports being approximately 100 miles (200 miles roundtrip) from the DSM’s homeport, the 2022 mileage rate being \$0.585, and 12,300 MREM trips per fishing year.