

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
West Coast Region Groundfish Trawl Fishery
Electronic Monitoring Program
OMB Control No. 0648-0785

Abstract

This is a request for revision and extension of a currently approved information collection. The action under RIN 0648-BH70 would change existing collection requirements for OMB 0648-0785 as follows: Adds an electronic monitoring (EM) reporting requirement for vessels using non-whiting midwater trawl and bottom trawl; increases the EM hard drive submission deadlines and handling requirements from 24 hours within beginning of the offload to 72 hours within beginning of the offload; requires submission deadlines for technical assistance reports by EM service providers; and adds a self-enforcing agreement as part of initial and final EM permit application package (will add time burden to completing this form).

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.

Under the authority of the [Magnuson-Stevens Fishery Conservation and Management Reauthorization Act](#) (16 U.S.C 1801 *et seq*), the Pacific coast groundfish fishery is managed under the Pacific Coast Groundfish Fishery Management Plan (FMP). One sector of the groundfish fishery has limited entry permits endorsed for trawl gear and is managed under a catch share program. Amendments 20 and 21 to the FMP established the catch share program in 2011 that consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet, and cooperative (co-op) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets. The catch share program had a number of objectives, including: 1) increase net economic benefits, 2) create individual economic stability, 3) provide full utilization of the trawl sector allocation, 4) consider environmental impacts, and 5) achieve individual accountability for catch and bycatch. Amendment 21 established fixed allocations for limited entry trawl participants that were intended to improve management under the program by streamlining its administration, providing stability to the fishery, and limiting bycatch.

The shorebased IFQ program differs from the previous management of the groundfish trawl fishery that was managed with 2-month cumulative trip limits and bycatch limits that were shared among many fishermen. Because limits were shared among fishermen, there was a risk of managers lowering trip limits or closing seasons early if the catch of groundfish proceeded too quickly over the year. The shorebased IFQ program allocates an amount of groundfish to individual fishermen to fish at any time during the year. This puts individual fishermen in control of when they fish and reduces the risk of early season closures due to the activities of other fishermen. Under the catch share program, the at-sea MS and C/P fleets primarily operate as co-ops and pool their available harvest of whiting and certain overfished species. The MS fishery also has a non-co-op fishery option that would operate similar to recent management strategies for this fishery where multiple vessels are competing for the same amount of fish, risking early season closure.

While the at-sea whiting fishery (MS and C/P) targets whiting, the shorebased IFQ program has different groundfish target strategies. The shorebased IFQ non-whiting fishery targets any groundfish other than whiting and is required to sort their catch at-sea; it also tends to use bottom trawl gear (large or small footrope or selective flatfish gear). In addition, a gear switching provision for non-whiting fisheries in the shorebased IFQ program allows fishermen to target groundfish with non-trawl gear (generally longline or pot). The shorebased IFQ whiting fishery targets whiting and may either operate as a maximized retention fishery or may sort at-sea.

In the Pacific whiting maximized retention fishery, vessels dump unsorted catch directly into refrigerated saltwater tanks. Allowing unsorted catch to be retained allows the fishery to be executed efficiently while maintaining the quality of Pacific whiting delivered to shorebased processors. Pacific whiting deteriorates rapidly and must be handled quickly and immediately chilled to maintain product quality. Unsorted catch landed by Pacific whiting shoreside vessels includes species in excess of trip limits, non-groundfish species, protected species, and prohibited species such as salmon. Some Pacific salmon caught in groundfish fisheries have been listed under the [Endangered Species Act](#) (ESA). An incidental take statement (ITS) covers a specified amount of salmon taken incidentally in both the at-sea and shorebased Pacific whiting fisheries. The groundfish fishery at large also has ITSs for other ESA-listed species, including large whales, Stellar sea lions, eulachon, green sturgeon, leatherback sea turtles, and short-tailed albatross.

As part of the catch share program, Amendment 20 also implemented requirements for 100-percent observer coverage at-sea and dockside to ensure full accountability for catch of allocated species and a level playing field for all participants. Beginning in 2011, catcher vessels were required to obtain observers for 100 percent of trips in the shorebased and mothership fisheries, and mothership vessels were required to obtain 200 percent coverage for each trip (2 observers per trip). Buyers of IFQ species, called first receivers, were also required to obtain catch monitors to monitor the offload and weighing of all IFQ species.

NMFS initially covered 100 percent of the costs of observers for industry, but this funding declined over time and finally ended in September 2015 when industry took on the full costs of monitoring. Since implementation of the program, industry has been concerned about their ability to bear the full costs of monitoring and has become interested in electronic monitoring (EM) as a potential alternative. Electronic monitoring uses video cameras and integrated sensors (*e.g.*, GPS, motion sensor, hydraulic pressure sensor) to passively monitor fishing activity at-sea. The video and sensor data can be reviewed after the trip by an analyst onshore to collect information about location and amount of catch and fishing effort. EM has the potential to reduce monitoring costs because it does not require deploying a person on the vessel and the logistical and travel expenses that generates. In response to industry's concerns, the Council initiated development of a regulatory amendment in November 2012, to consider implementing an EM program for catcher vessels in the mothership and shorebased sectors. Prior to Amendment 20, the Council had been developing an EM program for the whiting fishery in Amendment 10 to the Pacific Coast Groundfish FMP. The Council ultimately set this action aside to focus on the development of the catch share program, but did include some components of an EM program in Amendment 20. Amendment 20 allowed for catcher vessels to use EM in place of observers and implemented maximized retention requirements for the whiting fishery, which allows whiting vessels to put all catch directly into the hold with minimal discards (as opposed to sorting and discarding bycatch species). However, the requirements of the EM program were not sufficiently developed to be implemented with the rest of the catch share program in 2011.

NMFS published a final rule on June 28, 2019 (84 FR 31146) that specified the detailed requirements

necessary to implement this provision of Amendment 20 for two components of the trawl fishery – catcher vessels using midwater trawl gear to target whiting in the mothership and shorebased sectors and fixed gear to target other species in the shorebased sector. The purpose of this action is to expand the range of monitoring tools for vessel operators to meet the 100 percent monitoring requirements of the catch share program, and to achieve the following objectives:

1. Reduce total fleet monitoring costs to levels sustainable for the fleet and agency;
2. Reduce observer costs for vessels that have a relatively lower total revenue;
3. Maintain monitoring capabilities in small ports;
4. Increase national net economic value generated by the fishery;
5. Decrease incentives for fishing in unsafe conditions;
6. Use the technology most suitable and cost effective for any particular function in the monitoring system; and,
7. Reduce the physical intrusiveness of the monitoring system by reducing observer presence.

The catch share program requires NMFS to accurately monitor the use of all quotas and allocations in order to prevent overfishing and ensure fairness and equity among fishery participants. A catch monitoring and account system is required for NMFS to: 1) track the total catch (retained and discarded) of groundfish species, including Pacific halibut; 2) adequately track the incidental take of Chinook salmon and other ESA-listed species as required by the groundfish fishery's ITS; and 3) ensure compliance with the requirements of the catch share program. The catch share program uses a framework of monitoring and reporting requirements to ensure accountability for catch of allocated species:

1. 100-percent coverage of vessels at-sea to account for discards of allocated species (OMB Control No. 0648-0593);
2. 100-percent coverage of offloads at first receivers to ensure the accurate accounting of retained allocated species, and declarations (OMB Control No. 0648-0620);
3. Declarations by vessels before each trips to enable NMFS to track participation (OMB Control No. 0648-0573);
4. Shorebased IFQ catch reported on electronic fish tickets to provide timely reporting of IFQ landings (OMB Control No. 0648-0738); and,
5. Near real-time accounting of landings and discards in a Vessel Account System (VAS) and the North Pacific Database Program (NorPac).

It is generally accepted by fishery managers and participants that this monitoring and reporting framework has vastly improved the quality of information available for science and management in the groundfish trawl fishery.

NMFS published a proposed rule on August 28, 2020, and final rule on November 23, 2020 (RIN 0648-BJ63) to delay implementation of EM program regulations until January 1, 2022. This change would provide additional time for industry and prospective service providers to prepare for implementation, as it is expected to strengthen Council and industry support for the EM program and may increase participation when it is implemented. At the Council's recommendation, on October 6, 2021, NMFS published an interim final rule (86 FR 55525) to further delay implementation of the EM program until January 1, 2024 (RIN 0648-BK80). This delay is intended to provide additional time for industry to

work with NMFS and PSMFC to explore the potential for PSMFC to function as a sole-source EM service provider. Despite this delay, NMFS will continue the rulemaking process to allow the use of EM on trips with bottom-trawl and non-whiting midwater trawl gear.

NMFS is publishing a proposed rule 0648-BH70 to implement regulations that authorize the use of EM with two additional gear types: non-whiting midwater trawl and bottom-trawl gear. In addition, this rulemaking proposed minor administrative regulatory changes that would affect information collection requirements under 0648-0785 are as follows:

1. Change the submission deadline for EM trip data hard drives from 24 hours to 72 hours from the beginning of offload for shorebased catcher vessels.
2. Allow reuse of hard drives on which EM trip data is stored where end-to-end encryption is used, rather than scrubbing, to reduce wear on hard drives.
3. EM Vessels would submit discard logbooks to their contracted EM service providers, instead of NMFS, for processing.
4. Establish submission deadlines for:
 - a. Vessel operator feedback: 3 weeks from the date of receipt of EM data for processing from the vessel operator.
 - b. EM summary and data compliance reports: 3 weeks from the date of receipt of EM data for processing from the vessel operator.
 - c. Request for technical assistance reports: submitted within 24 hours of the EM service provider being notified by the vessel operator.
5. Allow the formation of cooperative self-enforcing agreements in lieu of individual EM Authorizations. A group of eligible vessel owners participating in the shorebased IFQ sector would be able to obtain an EM Authorization for a self-enforcing agreement. This agreement allows a group of eligible vessels to encourage compliance with the requirements of this section through a private, contractual arrangement.

Additional administrative regulatory changes are included under this proposed rule, but would not change information collection requirements under 0648-0785. Specifically these changes would remove limits on vessels switching between observers and EM systems, remove requirements for mothership catcher-vessel endorsement to participate in the EM program, and clarify language and definitions for vessel owners and EM service providers.

Starting January 2024, catcher vessels using whiting and non-whiting midwater trawl, bottom trawl, and fixed gear types will be allowed the option to use EM in place of observers to meet objective #1 above, the requirements for 100-percent observer coverage at-sea. In place of an observer documenting discards onboard, captains would be required to submit a logbook reporting their discards of IFQ species to NMFS. NMFS would use the discards reported on the logbook to debit allocations in the VAS and NorPac. Vessel operators would also install and employ an onboard EM system to capture fishing activities at-sea. Following the trip, an analyst would review the video and report estimates of discards of allocated species to NMFS to use to audit the validity of the logbook estimates. EM data would also be used to monitor compliance with the requirements of the catch share program. In this way, logbooks and EM systems would be used in tandem in place of observers to meet the objectives of 100-percent at-sea monitoring of the catch share program.

To provide the information necessary to achieve the objectives of the catch share program, NMFS requests the following data collection requirements from program participants:

For EM service providers

- The preparation and submission of an application to receive a permit to be an EM service

provider, including an EM service plan (EMSP), descriptions of prior experience, and certifications of no conflict of interest.

- Appeals for submissions by businesses not issued a permit or for which a permit was invalidated.
- Preparation of a statement certifying the sufficiency of the EM system installed to be included in the vessel owner's application.
- The preparation and submission of standard operating procedures (SOPs) and other documentation describing the EM service provider's operations, if requested by NMFS.
- The submission of two EM units, software, associated manuals, and other documentation for evaluation, if requested by NMFS.
- The submission of reports regarding requests for technical assistance and reports of non-compliance or harassment.
- The submission of catch reports, feedback reports, and storage of EM data and other records.
- The requirement to make employees of the EM service provider available to NMFS and enforcement personnel for debriefing.
- The requirement to provide program and technical support to NMFS upon request to enable NMFS to administer the program effectively.

For vessel owners

- The preparation and submission of an application for an authorization to use EM in place of an observer, including an individual vessel monitoring plan (VMP) and a statement certifying the sufficiency of the EM system installed.
- The requirement to have an approved EM system from a NMFS-permitted EM service provider to monitor fishing activity at-sea.
- The requirement to obtain services from a NMFS-permitted EM service provider to install and maintain the EM system.
- The requirement to obtain services from a NMFS-permitted EM service provider to analyze and store EM data, and report it to NMFS.

For vessel operators

- Attendance of an EM program training provided by NMFS.
- The preparation and submission of a logbook for each landing.
- The submission of hard drives with EM data for each trip.

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.

EM Service Provider Application, Appeal, and Renewal

An EM service provider application is a narrative application submitted to NMFS by businesses interested in being certified to provide EM services. This is a biennial application process, but additional applications would be required if a business changes ownership or if the provider is decertified. NMFS would use the application to determine if a business can provide adequate services to support the needs of the EM program and that there are no apparent conflicts of interest. Information required to be provided includes the following (as specified in the regulations at 50 CFR 660.603(b)(1) in the final rule 0648-BF52):

(i) Certify that the applicant meets the following eligibility criteria:

(A) The EM service provider and its employees do not have a conflict of interest as defined at §

660.603(h), and,

(B) The EM service provider is willing and able to comply with all applicable requirements of this section and to operate under a NMFS-accepted EM Service Plan.

(ii) Applicant's contact information.

(iii) Legal name of applicant organization. If the applicant organization is a United States business entity, include the state registration number.

(iv) Description of the management, organizational structure, and ownership structure of the applicant's business, including 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 employees. List all office locations and their business mailing address, business phone, fax number, and email addresses. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(v) A narrative statement describing prior relevant experience in providing EM services, technical support, or fishery data analysis services, including recruiting, hiring, training, deploying, and managing of individuals in marine work environments and of individuals working with fishery data in the groundfish fishery or other fisheries of similar scale.

(vi) A statement signed under penalty of perjury by an authorized agent of the applicant about each owner, or owners, board members, and officers if a corporation, authorized agents, and employees, regarding:

(A) Conflict of interest as described in § 660.603(h),

(B) Criminal convictions,

(C) Federal contracts they have had and the performance rating they received on each contract, and

(D) Any previous history of decertification or permit sanction action while working as an observer, catch monitor, observer provider, catch monitor provider, or electronic monitoring provider.

(vii) EM Service Plan. An EM Service Plan that describes in detail how the applicant will provide EM services for vessels. To ensure that the EM Program achieves its purpose, NMFS will develop EM Program Guidelines (see § 660.600(b)) and use them to evaluate proposed EM Service Plans. NMFS may consider alternative, but equivalent, methods proposed by EM service providers and vessel owners in their plans to meet the requirements of this subpart, if they achieve the purpose of the EM program. An EM Service Plan must include descriptions of the following (using pictures and diagrams where appropriate):

(A) Contact information for a primary point of contact for program operations inseason;

(B) A plan for provision of services including communications, service locations, response timelines, and procedures for services, repairs, technical support, and other program services;

(C) Procedures for hiring and training of competent program staff to carry out EM field services and data services, including procedures to maintain the skills of EM data processing staff in:

(1) Use of data processing software;

(2) Species identification;

(3) Fate determination and metadata reporting requirements;

- (4) Data processing procedures;
- (5) Data tracking; and,
- (6) Reporting and data upload procedures.

(D) Procedures for tracking hard drives and/or data files throughout their use cycle, including procedures to ensure the integrity and security of hard drives or data files in transit, and for removing EM data from hard drives or other medium before returning them to the field;

(E) Procedures for data processing, including tracking of EM datasets throughout their processing cycle and documenting any access and modifications;

(F) Procedures for correction and resubmission of EM summary data reports and other reports that NMFS has determined are not of sufficient quality to meet the purpose of the EM program, as described at § 660.603(m)(5), and to ensure that future reports are sufficient for use by NMFS.

(G) Policies on data access, handling, and release to prevent unauthorized disclosure of EM data and other records specified in this section by the EM provider as required under § 660.603(n);

(H) Procedures for retention of records as required under § 660.603(m)(6);

(I) Identifying characteristics of the EMS to be deployed and the video review software to be used in the fishery, including but not limited to: manufacturer, brand name, model name, model number, software version and date, firmware version number and date, hardware version number and date, monitor/terminal number and date, pressure sensor model number and date, drum rotation sensor model number and date, and GPS model number and date.

(J) EM system and software specifications, including a narrative statement describing how the EM system and associated equipment meets the performance standards at § 660.604(j).

(K) EM video review software specifications, including a narrative statement describing how the software meets the EM Program Guidelines and will provide NMFS with data to achieve the purpose of the EM Program as defined at § 660.600(b).

(viii) Provide NMFS the following, if requested:

(A) Two EM system units loaded with software for a minimum of 90 calendar days for testing and evaluation.

(B) Thorough documentation for the EM system including: user manuals, any necessary interfacing software, performance specifications, technical support information, and tamperproof or tamper evident features.

(C) The results of at-sea trials of the EM system.

(D) Two copies of video review and analysis software for a minimum of 90 calendar days for testing and evaluation.

(E) Thorough documentation for the video review and analysis software, including: user manuals, performance specifications, and technical support information.

(F) Descriptions of database models and analysis procedures for EM data and associated metadata to produce required reports.

EM service provider appeals submissions are narratives that may be received from businesses that were not issued an EM service provider permit or businesses that have been decertified. The purpose of the appeals submission is to provide NMFS with information that may result in the business receiving a permit or not being decertified. One appeal letter is expected to be submitted annually.

EM service provider permit renewals would be a simplified process in which the EM service provider would review and submit a pre-filled form provided by NMFS and the most current EM Service Plan along with a statement certifying that the provider's information and the EM Service Plan are valid and correct. Renewals would be required to be submitted annually to ensure NMFS has the most up-to-date information.

EM service plan amendments would be allowed to be made to give EM service providers the flexibility to modify their operations over time. An amendment would be made by submitting an email to NMFS with the following information:

- (1) The date and the name and signature of an authorized agent of the EM service provider;
- (2) Address, telephone number, fax number, and email address of the person submitting the addendum;
- (3) A complete description of the proposed EM Service Plan change.

One amendment is expected to be submitted by each provider annually.

EM Service Provider Reports and Support

Program and technical support would be required to be provided to NMFS, free of charge to NMFS. This information is necessary for NMFS to be able to evaluate the performance and compliance of the EM service provider and participating vessels and ensure compliance with program requirements. It is expected that the EM service provider would receive 10 requests from NMFS for some or all of the following information annually:

- (1) Assistance in EM system operation, diagnosing and resolving technical issues, and recovering corrupted or lost data.
- (2) Responses to inquiries related to data summaries, analyses, reports, and operational issues with vessel representatives.
- (3) Technical and expert information, if the EM system/data are being admitted as evidence in a court of law. All technical aspects of a NMFS-approved EM system may be analyzed in court for, inter alia, testing procedures, error rates, peer review, technical processes, and general industry acceptance. To substantiate the EM system data and address issues raised in litigation, an EM service provider must provide information, including but not limited to:
 - (i) If the technologies have previously been subject to such scrutiny in a court of law, a brief summary of the litigation and any court findings on the reliability of the technology.
 - (ii) A non-disclosure agreement limiting the release of certain information that might compromise the effectiveness of the EM system operations.
- (4) All software necessary for accessing, viewing, and interpreting the data generated by the EM system, including maintenance releases to correct errors in the software or enhance the functionality of the software.
- (5) Notification NMFS within 24 hours after the EM service provider becomes aware of the following:
 - (i) Any information, allegations, or reports regarding possible harassment of EM provider staff;
 - (ii) Any information, allegations, or reports regarding possible EM system tampering;
 - (iii) Any information, allegations, or reports regarding any action prohibited under §§

660.12(f) or 660.602(a)(13); or,

(iv) Any information, allegations or reports regarding EM service provider staff conflicts of interest.

(6) Notification to NMFS of any change of management or contact information or a change to insurance coverage.

(7) A copy of any contract between the service provider and entities requiring EM services;

(8) Proof of sufficient insurance as defined in paragraph (i);

(9) Copies of any information developed and used by the EM service provider and distributed to vessels, including, but not limited to, informational pamphlets, payment notifications, and description of EM service provider duties; and,

(10) EM data and associated metadata, and other records specified in this section.

Most of these reports would be copies of materials already created by the service provider for their own use.

EM service provider report submissions would provide NMFS with the catch and compliance information derived from the video review to use in debiting discards and enforcing the regulations. Service providers would be required to report vessel requests for assistance so that NMFS can monitor the reliability of the EM systems and ensure that vessels are not fishing unmonitored due to malfunctioning equipment. Service providers would report instances of harassment or intimidation of their employees by vessel personnel, so that NMFS can ensure the impartiality of the EM data used to validate vessel-reported data. Service providers would be required to report feedback to vessel operators for EM system maintenance, and provide NMFS copies of such feedback. The specific information providers would be required to report would include:

(1) The EM service provider must submit to NMFS reports of requests for technical assistance from vessels, including when the call or visit was made, the nature of the issue, and how it was resolved. Reports of technical assistance must be submitted to NMFS within 24 hours of the EM service provider being notified by the vessel owner or operator.

(2) The EM service provider must communicate with vessel operators and NMFS to coordinate data service needs, resolve specific program issues, and provide feedback on program operations. The EM service provider must provide feedback to vessel representatives, field services staff, and NMFS regarding:

(i) Adjustments to system settings;

(ii) Changes to camera positions;

(iii) Advice to vessel personnel on duty of care responsibilities;

(iv) Advice to vessel personnel on catch handling practices; and,

(v) Any other information that would improve the quality and effectiveness of data collection on the vessel.

(3) On behalf of vessels with which it has a contract (see § 660.604(k)), the EM service provider must submit to NMFS within 3 weeks from the date of receipt of EM data for processing from the vessel operator, EM summary reports, including discard estimates, fishing activity information, and metadata (*e.g.*, image quality, reviewer name), and incident reports of compliance issues according to a NMFS-accepted EM Service Plan, which is required under § 660.603(b)(1)(vii), and as described in the EM Program Manual or other written and oral instructions provided by

the EM Program, such that the EM program achieves its purpose as defined at § 660.600(b). If NMFS determines that the information does not meet these standards, NMFS may require the EM service provider to correct and resubmit the datasets and reports.

(4) Retention of records. Following an EM trip, the EM service provider must maintain all of a vessel's EM data and other records specified in this section, or used in the preparation of records or reports specified in this section or corrections to these reports, for a period of not less than three years after the date of landing for that trip. EM data and other records must be stored such that the integrity and security of the records is maintained for the duration of the retention period. The EM service provider must produce EM data and other records immediately upon request by NMFS or an authorized officer.

NMFS anticipates that each provider would submit 20 reports for technical assistance and 35 reports of harassment annually.

EM service provider employee debriefings would be required to be available to NMFS and enforcement personnel upon request. NMFS would use these debriefings to QA/QC data and investigate reports of non-compliance and harassment. Debriefings may be required as frequently as after each trip, at 350 debriefings by each provider annually.

Vessel Owner Application, Appeal, and Renewal

A vessel owner application would be used by NMFS to determine if a vessel owner is capable of meeting the EM program requirements and qualified to use EM in place of an observer. The application would be a two-step process, consisting of an initial application that NMFS would use to determine eligibility, and a final application that NMFS would use to determine if a vessel owner qualifies for the EM authorization. The initial application would provide the vessel owner with some assurance of their ability to qualify for an EM authorization before investing in the EM unit. Once the EM unit is installed, the vessel owner would submit a final application that includes an individual VMP describing the unique configuration of the EM unit on that vessel and the way it will be used to monitor discards. This would be an annual application, but additional applications would be required if the business changes ownership or if the authorization becomes invalid. The application would include the following information:

- (1) Initial application. To be considered for an EM Authorization, the vessel owner must submit a completed application form provided by NMFS, signed and dated by an authorized representative of the vessel, and meet the following eligibility criteria:
 - (i) The applicant owns the vessel proposed to be used;
 - (ii) The vessel has a valid Pacific Coast Groundfish limited entry, trawl-endorsed permit registered to it;
 - (iii) If participating in the mothership sector, the vessel has a valid MS/CV endorsement;
 - (iv) The vessel is participating in the Pacific whiting IFQ fishery, mothership sector, or the Shorebased IFQ sector using groundfish trawl or fixed gear;
 - (v) The vessel is able to accommodate the EM system, including providing sufficient uninterrupted electrical power, suitable camera mounts, adequate lighting, and fittings for hydraulic lines to enable connection of a pressure transducer;
 - (vi) The vessel owner and operator are willing and able to comply with all applicable requirements of this section and to operate under a NMFS-accepted VMP.

(vii) The vessel owner and operator are willing and able to comply with the terms and conditions of a NMFS-approved self-enforcing agreement, if applicable, and if so, include a copy of the proposed self-enforcing agreement in their initial application

(2) Final application. A final application must be complete and must include:

- (i) EM system certification. A certification form, provided by NMFS, signed by a representative of a NMFS-permitted EM service provider that attests that an EM system and associated equipment that meets the performance standards at paragraph (k) was installed on the vessel, that the system was tested while the vessel was underway, and that the vessel operator was briefed on the EM system operation and maintenance. NMFS will maintain a list of permitted EM service providers on its website.
- (ii) Tentative fishing plan. A description of the vessel owner's fishing plans for the year, including which fishery the vessel owner plans to participate in, from what ports, and when the vessel owner intends to use EM and observers. This information is for purposes of planning observer deployments and is not binding.
- (iii) Vessel monitoring plan. A complete vessel monitoring plan for the vessel that accurately describes how fishing operations on the vessel will be conducted and how the EM system and associated equipment will be configured to meet the performance standards at paragraph (k). NMFS will develop EM Program Guidelines containing best practices and templates and make them available on NMFS' website to assist vessel owners in developing VMPs (see § 660.600(b)). NMFS may consider alternative, but equivalent, methods proposed by EM service providers and vessel owners in their plans to meet the requirements of this subpart, if they achieve the purpose of the EM program. An EM service provider may prepare and submit a VMP on behalf of the applicant. The VMP must include descriptions of the following (using pictures and diagrams where appropriate):
 - (A) General vessel information including the vessel name, hull number, gear type(s), home port, captain name, and target fishery or sector;
 - (B) The coordinates of the home port box, if a geo-referenced port box will be used to trigger data collection;
 - (C) A diagram of the vessel layout with measurements of the deck and denoting the location of any designated discard control points;
 - (D) The number and location of cameras and with images of corresponding views;
 - (E) The location of lighting, control center, GPS, sensors, monitor, and other EM equipment;
 - (F) Frame rates, image resolution, frequency of data logging, sensor trigger threshold values, and other EM system specifications;
 - (G) The location and procedures for any catch handling, including designated discard control points within camera view, procedures for sorting and measuring discards, the number of crew sorting catch, and what steps will be taken to ensure that all catch remains in camera view;
 - (H) The measurements of all bins, baskets, compartments, and other tools that will be used to calculate estimates of weight;
 - (I) The detailed steps that will be taken to minimize the potential for EM system malfunctions and the steps that will be taken, when malfunctions occur, to ensure the adequate monitoring of catch;
 - (J) The name, address, phone number, and email address of a primary point of contact for

vessel operations;

(K) The name, address, and phone number of the vessel's EM service provider, and contact information for a primary point of contact at the EM service provider;

(L) The name, address, phone number, and signature of the applicant, and the date of the application; and,

(M) Any other information required by NMFS.

(iv) Any updates to information submitted in the initial application.

(v) If applicable, a copy of the complete self-enforcing agreement, or an adherence agreement under which they agree to be bound by the terms of the self-enforcing agreement

A group of eligible vessel owners may obtain a group EM authorization for a cooperative self-enforcing agreement in lieu of individual EM authorizations. Through a private, contractual arrangement, the self-enforcing agreement allows a co-signed group of vessels to cooperatively encourage compliance with EM program requirements. To be considered for a group EM authorization, a group of vessel owners must submit a complete EM authorization application package to NMFS for review and approval and must include in their initial application a self-enforcing agreement. The self-enforcing agreement must include the following information:

(A) A list of all participating vessels, owners, operators, and other parties;

(B) The name and contact information of a designated representative who will be responsible for ensuring that each vessel is complying with the terms and conditions of the agreement and the requirements of this section, and who will promptly inform the appropriate parties and NMFS if any vessel fails to comply;

(C) Eligibility criteria for participating vessels, owners, and operators;

(D) The roles and responsibilities of participating vessels, owners, operators, the designated representative, and any other parties to the agreement;

(E) Procedures for communication between participating vessels, owners, operators, the designated representative, and any other parties to the agreement, NMFS or its designated agent, and EM service providers, for the execution of the agreement and the requirements of this section;

(F) Performance standards or requirements for equipment, if applicable;

(G) Reporting requirements, if applicable;

(H) Time and area restrictions, if applicable;

(I) Provisions for the use and protection of confidential data necessary for execution of the agreement;

(J) Provisions to encourage or enforce the compliance of members with the agreement and the requirements of this section;

(K) Procedures for addressing the non-compliance of members with the agreement and the requirements of this section, including procedures for restricting or terminating vessel's participation in the agreement;

(L) Procedures for notifying NMFS when a participating vessel or its owner(s) or operator(s) are not complying with the terms of the agreement or the requirements of this section;

(M) Procedures for participating vessels, owners, operators, the designated representative, or

other parties to the agreement, to exit the agreement;

- (N) Any other provisions that the applicants deem necessary for the execution of the agreement; and,
- (O) Procedures for the designated representative to submit an annual report to the Council prior to applying to renew a group EM authorization containing information about the group's performance from the previous year, including a description of any actions taken by the self-enforcing group in response to the non-compliance of members with the agreement.

Many vessels in the fishery are already using EM as part of research projects. NMFS intends to allow vessel owners that previously used EM to submit an abbreviated application consisting of their current VMP and a pre-filled application form.

Vessel owner appeals submissions are narratives that may be received from businesses that were not issued an EM authorization. The purpose of the appeals submission is to provide NMFS with information that may result in the business receiving an authorization. As many as five appeal letters are expected to be submitted annually.

Vessel owner authorization renewals would be a simplified process in which the vessel owner would review and submit a pre-filled form and current VMP provided by NMFS. The form would include a statement certifying that the vessel owner's information and VMP are still valid and correct. Renewals would be required to be submitted annually to ensure NMFS has the most up-to-date information.

VMP amendments would be allowed to be made to give vessel owners the flexibility to modify their operations over time. An amendment would be made by submitting an email to NMFS with the following information:

- (1) The date and the name and signature of an authorized agent of the EM service provider;
- (2) Address, telephone number, fax number and email address of the person submitting the addendum;
- (3) A complete description of the proposed VMP change.

One amendment is expected to be submitted by each vessel owner annually.

Vessel Operator Reports

Training. Vessel operators would be required to attend a training provided by NMFS once. The training would familiarize vessel operators with the EM program requirements, their responsibilities to maintain the EM system, and how to complete and submit logbooks. This information would assist vessel operators in complying with the EM program and maintaining their eligibility to use EM in place of an observer.

Logbooks. Vessel operators would be required to complete and submit a logbook for each trip reporting trip, effort, and catch information, including: fish ticket numbers, vessel registration and permit numbers, departure and return ports, tow times and locations, characteristics of gear used, pounds and counts of retained and discarded species, codend capacity, amount and type of lost gear, and EM system status and malfunctions. For each trip one logbook would be submitted to a third party EM service provider for review, for an average of 10 per vessel annually.

Hard Drives. Vessel operators would be required to submit the hard drive from the EM system for each

trip to their third party EM service provider. The hard drive contains the raw video and sensor data that must be reviewed by an analyst to audit the logbook. This would be accomplished by either uploading the file to a secure website or downloading the data to a hard drive and shipping it. Hard drive submission deadlines differ by gear type, but on average would be submitted six times annually by each vessel.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information submitted and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. For the information in the control of third party service providers, NMFS will monitor their compliance with the regulations that require they maintain the integrity, security, and confidentiality of the information consistent with the requirements of the Magnuson-Stevens Act. 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general information publications. Should NMFS decide to disseminate the information, it will be subject to the 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.

All applications, appeals, and renewals may be emailed, but must be followed by mailed originals. Mailed originals of these documents are currently required because NMFS does not yet have an electronic signature function that allows permit applicants to sign an electronic application that meets guidance from the Department of Commerce on what constitutes a legally valid, electronic signature. NMFS is working to address this situation, and make it possible to dispense with paper copies in the future.

VMPs, EMSPs, and amendments would be able to be submitted via email.

Logbooks will also be able to be submitted electronically via email or using an electronic logbook application. NMFS will provide the vessel operator training via webinar for the convenience of vessel operators in remote ports. Most EM service provider reports will be submitted electronically via email or database uploads. Vessels choosing to use EM would be required to install an EM system that includes video cameras, a global positioning system (GPS), computer monitors, a control box, and motion and/or hydraulic pressure sensors. Some EM systems may include other integrated equipment, such as temperature loggers or satellite communications. Software would be used to analyze the EM data. In the future, algorithms may be used to automate the analysis of the EM data.

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

Currently, the states of Washington, Oregon, and California require vessel operators to submit logbooks reporting retained catch. The state logbooks collect many of the same data elements as the federal discard logbook proposed in this collection. To minimize duplication, the proposed regulations allow for vessel operators to submit a state logbook that contains all the required information in place of the federal discard logbook to third party EM service providers. NMFS has also begun working with the

state agencies to develop a shared logbook form that would consolidate the reporting requirements for each state and the federal discard logbook into one form to reduce duplication.

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

Some of the vessel owners and service providers are considered small businesses. Given the relatively small numbers of potential service providers and fishery participants, separate requirements based on size of business have not been developed. However, representatives of small businesses had ample opportunity to comment on the proposed collection during its development in the Council process. NMFS made many modifications to the proposed requirements based on comments from service providers and fishermen to minimize their burden. At the request of service providers to reduce the application burden, NMFS changed the application process from an annual application to a biennial application. NMFS is also providing pre-filled forms and VMP templates to vessel owners to reduce the burden of the application and renewal requirements. NMFS considered requiring hard drives be submitted after each trip, but instead established graduated deadlines based on the operations of individual gear types at the request of fishermen. Overall, only the minimum information required to meet the objectives of the overall monitoring program are requested from service providers and fishery participants.

For vessels choosing to use EM, this information would be collected in lieu of information collected from observer coverage under OMB Control No. 0648-0593.

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.

Data collected by certified observers and catch monitors and, upon implementation of the proposed rule, the EM program, 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 a level playing field for all participants. The trawl fishery is a multispecies fishery in which the allowable harvest levels for some stocks (including overfished species) is quite low and can constrain access to harvest of target stocks. Loss of individual accountability due to ineffective monitoring programs could create an incentive to misreport catch of constraining stocks in order to maintain access to target stocks. Misreporting could result in underestimates of fishing mortality and overfishing, inconsistent with the mandates of the Magnuson-Stevens Act. The high level of monitoring in the catch share program has been credited with tremendous bycatch reductions in the trawl fishery since its implementation.

This collection is necessary to ensure the quality of the information used to make management decisions. Without this collection, the EM program would be ineffective and would not achieve the objectives of individual accountability of the catch share program. The EM program is needed to provide a lower-cost option for vessel owners to meet the requirements of the catch share program for 100-percent observer coverage. The EM program is also needed to increase flexibility for vessel owners to choose what monitoring tool is most efficient for their operation. Without the EM program, vessel owners would only be able to use observers to meet the 100-percent monitoring requirement, potentially at a greater cost to their businesses. The provider permits are necessary to allow only qualified businesses to provide EM services so that the integrity of the data collections are maintained. EM programs shift the responsibility for discard data collection from the observer to vessel operators. The application process for vessel owners would be used to ensure that only vessel owners and operators capable of complying with the requirements of the EM program and producing quality data are

authorized to use EM. The application is quite extensive specifically to provide NMFS the flexibility to consider different business models proposed by different providers and vessels, rather than specifying one-size-fits-all requirements. The renewal and amendment processes for providers and vessel owners ensure that NMFS has the latest information without having to resubmit applications each year. The EM service provider and vessel operator reports provide NMFS with the information to debit discards from allocations and to ensure data quality and compliance with the program regulations.

7. Explain any special circumstances used to conduct an information collection 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 logbooks, hard drives, technical assistance reports, catch reports, compliance reports, and reports of harassment will require greater frequency.

Timely submission of catch reports, logbooks, and hard drives are necessary to debit allocations in near real-time. Vessel owners must have quota balance available in their accounts for all species landed, and must cover any inadvertent overages within 30 days. Vessel owners need catch information debited in a timely manner in order to have accurate balances to use in planning future fishing trips. Any delay in catch information can cause an unexpected overage of an account and force the vessel owner to scramble to purchase quota from other vessel owners to cover the overage. Near real-time reporting of compliance issues, harassment, and EM system malfunctions are necessary for NMFS to be able to correct deficiencies in a timely manner, to ensure they do not undermine the quality of the data collected, and to address compliance issues and take enforcement action, if appropriate.

Absent the reporting frequency, the collection will be conducted in a manner 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.

On March 1, 2022, NMFS published a proposed rule in the Federal Register ((87 FR 11382) to solicit public comment. The comment period on the proposed rule closed March 31, 2022. No comments were received during the public comment period. NMFS did **not** receive any comments in response to the PRA Federal Register Notice for this collection extension.

Prior to publication of the proposed rule, numerous opportunities were provided for public and industry input into the eventual program requirements through the Council process. These regulations were developed in collaboration with state, industry, NGO, and other interested parties in the public Council process at a total of 24 Council and advisory body meetings. Each of these meetings provided an opportunity for public comment on the developing program.

Recently, many topics were discussed with members of the fishing industry, prospective EM service providers, and other members of the public at Pacific Fishery Management Council meetings in September and November 2019, and April and June 2020. Topics included some specifics regarding the information collections, such as the frequency of collection, data elements to be collected, recordkeeping

requirements, data availability and confidentiality, and reporting formats. NMFS held public webinars on April 1 and July 23, 2020 to review the requirements with these same groups. NMFS provided the documents electronically to prospective service providers in March and April to provide them an opportunity to provide input outside of a public meeting in case they wanted to share proprietary business information with us. Most feedback NMFS received was positive, because the original requirements were developed through the Council process collaboratively with those same groups.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments nor gifts will be given to the 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.

As stated on the forms, all data will be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, *i.e.*, vessel name, owner, etc.). In addition, any information collected would be considered confidential and would not be disclosed except as provided in Section 402(b) of the [Magnuson-Stevens Act](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior 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 estimates of the hour burden of the collection of information.

NMFS anticipates receiving applications from up to 6 service providers over the burden period. NMFS estimates it would take approximately 5 hours for the service provider to complete the application form and prepare the narrative statements, for a total annualized burden of 10 hours (6 providers x 5 hours/3 years). It is anticipated that one service provider application may be rejected over the course of the burden period, which is why the # of entities in Table 1 begins with 6 and is reduced to 5.

The EM Service Plan contains a lot of information and will take approximately 40 hours to prepare. As the service plan would only need to be prepared once (the same document could be used in subsequent renewals), the burden is annualized for a total annualized burden of 80 hours (40 hours x 6 providers/3 years).

NMFS anticipates it would take an additional 30 minutes to compile copies of contracts and additional documents, provided to NMFS by certified providers (5 respondents) upon request. The annual total number of responses per provider is estimated at 35 contracts and 10 sets of additional documents for a total annualized burden of 29 hours (35 contracts x 1/2 hour x 5 providers/3 years) and 8 hours (10 contracts x 1/2 hour x 5 providers/3 years) respectively.

Provider appeal submissions will take approximately 4 hours to prepare. One response over 3 years is expected, for a total annualized burden of 1 hour (4 hours x 1 provider/3 years).

Provider permit holders must renew biennially prior to the permit expiration date (December 31 of year following permit issuance). Provider permit renewals have an estimated burden of 1 hour to review the pre-filled form and EMSP provided by NMFS. One response from each of the 5 providers is expected every other year, resulting in a total annualized burden of burden of 2 hours (1 hour x 5 providers biennially/3 years).

Requests to amend EMSPs are expected to take up to 2 hours to complete, depending on the nature of the change. One amendment is expected to be submitted from each of 5 providers annually, for a total annual burden of 10 hours.

Upon installing an EM system on a vessel, the EM service provider would be required to complete an EM System Certification Form and provide it to the vessel owner for inclusion in his final application. The form is expected to take 30 minutes to complete for each vessel, with a total number of 58 responses per year estimated (1/3 of the fleet). This results in a total annual burden of 29 hours.

Provider reports of requests for technical assistance from vessels consist of an email to NMFS staff summarizing the incident and resolution. This

report will take approximately up to 20 minutes to complete, including follow-up responses for clarification. A total of 20 reports are expected to be submitted each year by each of the 5 providers, for a total annual burden of 33 hours (20 minutes/60 minutes x 20 reports x 5 providers).

Providers would report instances of harassment and intimidation of their employees by vessel representatives when they occur. The report would be estimated to take 1 hour to complete, including follow-up responses for clarification. The burden associated with each report will require approximately 1 hour with 2 reports (10 percent of trips) submitted from each of the 5 providers each year. This results in a total annual burden of 10 hours (1 hour x 2 reports x 5 providers).

EM providers would be responsible for reviewing EM data and providing feedback to vessel operators, storing EM data, and reporting catch data and compliance issues to NMFS. Providers would provide a compliance report for each trip taken derived from the video review to ensure observance of the regulations, and submit compliance reports with 3 weeks from the date of receipt of EM data for processing from the vessel operator. The report will take approximately 20 minutes to fill out, since much of the information will already have been compiled during the video review. Assuming 1,740 trips per year (10 per vessel), results in a total annual burden of 580 hours (20 minutes/60 minutes x 1,740 trips).

Providers would provide a catch report for every trip taken, estimated to take 15 minutes to complete. Assuming 1,740 trips per year, results in a total annual burden of 435 hours (15 minutes/60 minutes x 1,740 trips).

Providers would be required to provide feedback to vessel operators regarding EM system issues, settings, and maintenance within 3 weeks from the date of receipt of EM data for processing from the vessel operator, as well as provide this feedback to NMFS. Feedback reports are estimated to take 10 minutes to complete. Assuming 1,740 trips per year, results in a total annual burden of 290 hours (10 minutes/60 minutes x 1,740 trips).

Following an EM trip providers will be required to maintain EM data for a period of not less than one year after completion of catch accounting for the fishing year (typically 15-27 months from the date of landing depending on what time of year the trip was taken). NMFS will publish a public notice to inform vessel operators, and service providers when the storage period has begun for the previous fishing year. Upon request by NMFS or an authorized enforcement officer, the provider must produce EM data in the form of raw video and/or sensor data for QA/QC purposes. The time burden would be uploading the file to a secure website where NMFS could retrieve it or downloading to a hard drive and shipping it. Assuming an audit rate of 25% (435 trips/year), results in a total annual burden of 109 hours (15 minutes/60 minutes x 435 trips).

The EM service provider's employees must be available for quality assurance debriefings, if requested by NMFS or law enforcement personnel, following each trip. Most debriefings would be short phone conversations to quality assure/quality check trip data at approximately 15 minutes per trip. Some trips may require more extensive debriefings if an EM system malfunction or compliance issue occurred, potentially up to 10 hours. Assuming 90 percent of trips (1,566) require some follow-up at 15 minutes per trip and 10 percent of trips (174) require more extensive

investigation (10 hours/trip) results in a total annual burden of 2,132 hours ((1,566 trips x 15 minutes/60 minutes) + (174 trips x 10 hours/trip)).

Vessel Owner Requirements

A vessel owner's initial application to NMFS would consist of a simple form containing the vessel owner's contact information, captain's information, and statements regarding their eligibility. The initial application will take approximately 30 minutes to complete. The number of responses may be as many as 174, the total number of valid limited entry trawl permits (LEPs) in 2020. This results in a total annualized burden of 29 hours [(174 LEPs x 1/2 hour)/3 years].

Some vessel owners may choose to apply for a group EM authorization under a self-enforcing agreement in lieu of individual vessel authorizations. The self-enforcing agreement will be submitted with the initial applications for vessels in the group, and requires approval prior to accepting final applications from the group. One self-enforcing agreement would be completed and submitted by a designated representative for each group of vessel owners applying under a group authorization. NMFS expects no more than 3 such self-enforcing group agreements for the first three years of this collection. Each self-enforcing agreement is expected to take approximately 3 hours to complete. The total annualized burden for self-enforcing agreements would be 3 hours (3 hours x 3 agreements/ 3 years).

The vessel owner's final application would consist of an updated application form, corrected for any errors or missing information, an EM system certification form, a vessel monitoring plan, and if applicable, a copy of the self-enforcing agreement. Updating the application form will take approximately 10 minutes per vessel, for a total annual burden of 10 hours (10 minutes/60 minutes x 174 vessels/3 years). The EM system certification form would be completed and provided to the vessel owner by the EM service provider and is discussed under the service provider's reporting burden. Being present during the installation of the EM system will take approximately 4 hours per vessel, with a total annualized burden of 232 hours (4 hours x 174 vessels/3 years). The VMP will take approximately 4 hours to prepare, including preparing the narrative descriptions of the vessel's planned operations. The total annualized burden for vessels to prepare their VMPs will require approximately 232 hours (4 hours x 174 vessels/3 years).

NMFS estimates 10 percent of applications to be denied and appealed (5 appeals). An appeal consists of preparing a narrative statement of the business's petition and rationale and compiling supporting documentation. This will take approximately 4 hours to complete per response, with a total annualized burden of 7 hours for 5 appeals over 3 years (4 hours x 5 appeals/3 years).

An application renewal would consist of reviewing the pre-filled renewal form and current VMP provided by NMFS, with an estimated burden of 30 minutes per response. NMFS could receive as many as 174 responses annually, if all vessels elect to use EM, resulting in a total annual burden of 87 hours (174 responses x 1/2 hour).

Updated Application Form	Ship Captain	58	1	58	0.17	10	\$ 25.25	\$ 252.50
EM Unit, Installation	Ship Captain	58	1	58	4	232	\$ 25.25	\$ 5,858.00
Vessel Monitoring Plan	Ship Captain	58	1	58	4	232	\$ 25.25	\$ 5,858.00
EM System Certification Form	Ship Captain	58	1	58	0	0	\$ 25.25	\$ -
Self-Enforcing Agreement	Vessel Group Representative	1	1	1	3	3	\$ 25.25	\$ 75.75
Change to VMP	Ship Captain	174	1	174	1	174	\$ 25.25	\$ 4,393.50
Appeal	Ship Captain	5	1	5	4	7	\$ 25.25	\$ 176.75
Authorization Renewal	Ship Captain	174	1	174	0.5	87	\$ 25.25	\$ 2,196.75
EM System Maintenance	Ship Captain	174	1	174	0	0	\$ 25.25	\$ -
EM Service Provider Requirements								
Application	Program Manager	6	1	6	5	10	\$ 59.15	\$ 591.50
EM Service Plan	Program Manager	6	1	6	40	80	\$ 59.15	\$ 4,732.00
Two Units (if requested)	Program Manager	6	1	6	1	2	\$ 59.15	\$ 118.30
Copy of contracts	Program Manager	5	35	175	0.5	29	\$ 59.15	\$ 1,715.35
Copies of additional documents	Program Manager	5	10	50	0.5	8	\$ 59.15	\$ 473.20
Appeal	Program Manager	1	1	1	4	1	\$ 59.15	\$ 59.15
Change to EMSP	Program Manager	5	1	5	2	10	\$ 59.15	\$ 591.50
Renewal (biennial)	Program Manager	5	1	5	1	2	\$ 59.15	\$ 118.30
EM System Certification Form	Program Manager	5	12	58	0.5	29	\$ 59.15	\$ 1,715.35
Reports	Program Manager						\$ 59.15	\$ -
Technical Assistance	Program Manager	5	20	100	0.33	33	\$ 59.15	\$ 1,951.95
Harassment, etc.	Program Manager	5	2	10	1	10	\$ 59.15	\$ 591.50
Compliance Reports	Program Manager	5	348	1,740	0.33	580	\$ 59.15	\$ 34,307.00
Catch Reports	Program Manager	5	348	1,740	0.25	435	\$ 59.15	\$ 25,730.25
Feedback to Vessel	Program Manager	5	348	1,740	0.17	290	\$ 59.15	\$ 17,153.50
Data Storage	Program Manager	5	87	435	0.25	109	\$ 59.15	\$ 6,447.35
Debrief of EM staff	Program Manager	5	350	1,740	2.73	2,132	\$ 59.15	\$ 126,107.80
Totals				11,316		5,123		\$256,819.75

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

EM Service Provider Requirements

Costs from the application for the provider permit derive from materials (\$0.10 per page for copies) and postage. The application package would consist of the application form (2 pages) and the EMSP (50 pages). Multiplied by the number of responses per provider (1 response) and the number of providers (6 providers), results in a total annualized cost over the burden period of \$23.00 for the application package (\$1.20 for the application + \$30.00 for the EMSP + \$37.80 postage certified mail with return receipt, annualized to \$23.00).

Using the same cost assumptions, NMFS estimates an annual cost of \$271.25 for copies of contracts each year [(((\$0.10 x 10 pages) + \$0.55 first class postage) x 175 submissions]. Materials and postage for copies of additional documents is estimated to cost \$77.50 each year for 50 submissions [(((\$0.10 x 10 pages) + \$0.55 postage) x 50 submissions].

To be approved to provide EM units to the fleet, NMFS may request an EM provider to submit two units and associated manuals and other documentation for evaluation. Currently available EM systems cost approximately \$10,000 per unit. After NMFS completes its evaluation, the units would be returned to the provider, but would be used and may have depreciated value. NMFS estimates that the EM provider would be able to resell or lease the refurbished units at 50% of their original value, at a cost to the provider of \$5,000 per unit. Multiplied by 2 units per provider and 6 providers, and adding the cost of packaging and shipping the units to NMFS (approximately \$62 to FedEx a 30-pound package), results in a total annualized cost of \$20,124. ($\$10,000 \times 2 + \$62 - (\$5,000 \times 2) \times 6 / 3 = \$20,124$)

Similar to the permit application, the cost of a permit appeal would be from materials and postage. NMFS anticipates receiving 1 appeal consisting of 100 pages of narrative and supporting documentation. This results in a total cost of \$16.30 [$\$10 ((\$0.10 \times 100 \text{ pages})) + \6.30 postage certified mail) x 1 submission, annualized to \$5.43 per burden period.

Submitting a change to an EMSP is estimated to cost \$56.50 annually for postage and copies assuming each service provider submits one amendment each year [(((\$0.10 x 50 pages) + \$6.30 postage) x 1 submission]. A renewal would be composed of a single pre-filled form and copy of the EMSP. Since the pre-filled form and EMSP will be provided by NMFS, the 5 providers would only be responsible for the cost of return postage (\$6.30 per submission), resulting in a total annual cost burden of \$31.50.

The EM service provider would be required to provide vessel owners with a completed EM System Certification Form for them to include in their application. This is estimated to cost \$0.10 for copies and \$0.55 for postage for each submission. Using an average of 58 submissions per year (175 vessels over 3 years) results in an annualized cost of \$37.70

Reports of technical assistance, harassment and intimidation, would likely be submitted via email. Assuming the provider would be outfitted with computers and an internet connection, there would be no additional cost to the provider. Reports of harassment may be followed by a hard copy in the mail. Such incidents are likely to be rare, so NMFS estimates that fewer than 2 reports would be received from each

provider each year. This results in a total annual cost burden of \$7.50 for copies and postage [(((\$0.10 x 2 pages) + \$0.55) x 10 submissions)].

No additional costs are expected from the requirement for an EM service provider to make their employees available for debriefing.

Vessel Owner Requirements

The cost of submitting initial application is estimated at \$0.75 per submission for postage and copies (((\$0.10 x 2 pages) + \$0.55 for postage certified mail). An average of 58 submissions are expected to be received each year (1/3 of the fleet), for a total annualized burden of \$43.50.

The final application would consist of an updated application form (\$0.20 per response for copies), a signed EM System Certification Form provided by the EM service provider (\$0.10 per response for copies), and a vessel monitoring plan (\$2.00 per response for copies). The total cost per submission for copies of these documents and postage is \$8.60 (\$0.20 + \$0.10 + \$2.00 + \$6.30 for postage) with a total annualized burden for 58 respondents of \$498.80.

One self-enforcing agreement would be completed and submitted by a designated representative for each group of vessel owners applying under a group authorization, estimated at \$3.00 (\$0.10 x 30 pages) To be deemed eligible to operate under the agreement vessel owners and operators would be required to have executed a copy of the agreement for an adherence agreement under which they agree to be bound. A copy of the self-enforcing agreement is estimated to cost \$3.00 (\$0.10 x 30 pages). At most, 10 vessel owners are expected to participate in any one self-enforcing agreement, each would be required to have a copy of the agreement, for a total annualized burden of \$33.00 [(\$0.10 x 30) x (1 original + 10 copies)].

Vessel owners would be responsible for purchasing or leasing an EM system and having it installed on the vessel. Currently available EM units are estimated to cost \$10,000 per unit and an additional \$2,000 for installation, for a total cost of \$12,000 per entity. EM units may last 3-10 years before needing replacement. Therefore, for the purposes of this cost burden estimate, the EM unit and installation costs are estimated as a one-time cost. Assuming an annualized number 58 applicants results in an average annualized cost of \$696,000 for equipment and installation. Most vessel owners interested in using EM have already received EM units through research projects in 2015-2016. Therefore, this cost is likely an overestimate of the actual costs to the public in the first 3 years of the program.

Vessel owners would also be responsible for paying for the maintenance and repairs of the EM units. Based on anecdotal information from participants in 2015-2016 EM research projects, annual maintenance service costs per vessel are estimated to be \$5,600. This results in a total annual maintenance burden of \$980,000 for 175 vessels.

Amendments to VMPs may be submitted via email, requiring no additional costs in postage or materials. Appeals for denials of EM authorizations are expected to cost \$9.30 per submission in materials (\$0.10 x 30 pages) and postage (\$6.30 certified mail). Assuming 10 percent of applicants each year would be denied and appeal results in a total annual burden of \$46.50. NMFS would provide vessel owners with pre-filled renewal forms and VMPs, so there would be no additional materials costs from renewals beyond return postage (\$6.30 certified mail). Assuming all eligible vessels would use EM and submit

renewals each year, the total annual cost burden would be \$1,102.50.

Vessel Operator Requirements

Attending an online training from NMFS would not be expected to have any additional costs for vessel operators.

NMFS would provide federal discard logbooks in paper and electronic form. Vessel operators may submit completed logbooks electronically via email. Assuming vessel operators own computers or smartphones with standard internet connections or phone plans, this could be done at no additional cost. Some vessel operators may choose to submit logbooks by mail at a cost of \$0.55 in postage per submission. Assuming an average of 1740 trips per year, the total annual cost burden of logbooks would be \$957.

Vessel operators would also be required to submit hard drives via mail on a periodic basis (average of 6 per year). Hard drives would be required to be submitted using a method that has return receipt and requires a signature upon delivery. This is necessary to allow both the captain and NMFS to track the transfer of confidential information. Shipping costs would be estimated to be \$15.00 per submission. Assuming an average of 1044 submissions per year, the total annual burden from this requirement is \$15,660.

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (\$0.10/page) (h)	Total Annual Cost Burden (i) = (c) x (h)
Vessel Operator Requirements					
Captain Training	83	1	83	\$ -	\$ -
Logbook	174	10	1,740	\$ 0.55	\$ 957.00
Hard Drive Submission	174	6	1044	\$ 15.00	\$ 15,660.00
Vessel Owner Requirements					
Initial Application	58	1	58	\$ 0.75	\$ 43.50
Final Application	58	1	58	\$ 14.90	\$ 864.20
Updated Application Form	58	1	58	\$ 0.20	\$ 11.60
EM Unit, Installation	58	1	58	\$ 2,000.00	\$ 696,000.00
Vessel Monitoring Plan	58	1	58	\$ 2.00	\$ 116.00
EM System Certification Form	58	1	58	\$ 0.10	\$ 5.80
Self Enforcing Agreement	1	1	1	\$ 3.00	\$ 3.00
Self-Enforcing Agreement Adherence Copies	10	1	10	\$ 3.00	\$ 30.00
Change to VMP	174	1	174	\$ -	\$ -
Appeal	5	1	5	\$ 9.30	\$ 46.50
Authorization Renewal	174	1	174	\$ 6.30	\$ 1,096.20
EM System Maintenance	174	1	174	\$,600.00	\$ 974,400.00
EM Service Provider Requirements					
Application	6	1	6	\$ 6.50	\$ 39.00
EM Service Plan	6	1	6	\$ 5.00	\$ 30.00
Two Units (if requested)	6	1	2	\$ 10,063	\$ 20,147 (annualized)

Copy of contracts	5	35	175	\$ 1.55	\$ 271.25
Copies of additional documents	5	10	50	\$ 1.55	\$ 77.50
Appeal	1	1	1	\$ 16.30	\$ 16.30
Change to EMSP	5	1	5	\$ 11.30	\$ 56.50
Renewal (biennial)	5	1	5	\$ 6.30	\$ 31.50
EM System Certification Form	5	12	58	\$ 0.65	\$ 37.70
Reports					
Technical Assistance	5	20	100	\$ -	\$ -
Harassment, etc.	5	2	10	\$ 0.75	\$ 7.50
Compliance Reports	5	348	1,740	\$ -	\$ -
Catch Reports	5	348	1,740	\$ -	\$ -
Feedback to Vessel	5	348	1,740	\$ -	\$ -
Data Storage	5	87	435	\$ 27.86	\$ 12,119.10
Debrief of EM staff	5	350	1,740		\$ -
TOTALS			11316		\$ 1,722,067

There are several reasons why the forms and documents in this collection are mailed and provided in paper format versus electronically. We have created an online application for EM service providers and intend to do the same for vessel owners. However, the regulations do not require electronic submission, so we must maintain a paper option. Some forms/information requests, such as logbooks, contain Personally Identifiable Information (PII), Business Identifiable Information (BII), or otherwise sensitive or confidential information that cannot be transmitted over email and we do not have a user-friendly method of receiving documents securely from the public. We do not currently have funding to build a secure site to receive confidential data. Fishermen could undertake building an electronic logbook themselves, but that would be more expensive than just submitting paper forms. So, for the time being, we maintain a paper option to allow submission of confidential data. Additionally, many of our fishermen are unfamiliar and uncomfortable with using electronic means of submission or prefer paper, so we maintain paper options.

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.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	Band II / Step 1	\$62,400 \$30/hr	25%		\$15,660
Other Federal Positions	Band III / Step 1	\$72,800 \$35/hr	258%		\$188,029
	Attorney	\$118,560 \$57/hr	3.6%		\$4,218
	Administrative Support Staff	\$52,000 \$25/hr	22%		\$11,600
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$219,507

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

Changes to this collection under rulemaking 0648-BH70 will add new reporting requirements for vessel owners who wish to enter into cooperative self-enforcing agreements to ensure compliance with EM monitoring requirements. Self-enforcing agreements are voluntary, and will increase the reporting burden under this collection in proportion to the number of cooperative agreements formed annually by vessel owner groups using EM systems. The rulemaking under 0648-BH70 will also revise requirements that will not change public reporting burden (*i.e.* submission deadlines for vessel feedback, compliance, and technical assistance reports)

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Self-Enforcing Agreement	1	0	1	0	3	0	CHANGE: New reporting requirement taking effect under rule 0648-BH70
Total	175	174	11,316	11,315	5,123	5,120	
Difference	1			1		3	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Self-enforcing Agreement/adherence copies	\$75.75	0	33	0	CHANGE: New reporting requirements under rule 0648-BH70
Vessel Owner Requirements			696,998	696,864	Correcting previous administrative error
Total for Collection	\$256,819.75		1,722,067 (difference in ROCIS due to rounding)	1,721,903	
Difference			164		

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 may be used in scientific, management, technical, or general informational publications such as Fisheries of the United States (<https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-united-states>), which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

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

The agency plans to display the expiration date for OMB approval of the information collection on all of the NMFS-supplied forms. NMFS requests approval to not display the expiration for OMB approval of the collection on the EM Fixed Gear logbook, which is an existing requirement of the states. In order to avoid duplication and reduce the time and effort to obtain the information we require, NMFS is piggybacking our discard data onto the state forms. This serves to expedite the collection of information with the least amount of time and effort while keeping the data consolidated. Currently, three states (WA, OR, and CA) will be printing them and distributing them.

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\(b\)\(3\)](#).