

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Bering Sea/Aleutian Islands Pot Gear Catcher/Processor Monitoring**  
**OMB Control No. 0648-0815**

**Abstract**

This is a resubmission, with the final rule, of a request by the National Marine Fisheries Service (NMFS), Alaska Regional Office, for a new temporary collection. This request is due to a final rule to revise the monitoring requirements for pot catcher/processors participating in Bering Sea/Aleutian Islands groundfish fisheries (RIN 0648-BL69). This rule is necessary to address management challenges created by observer data collection errors. The rule adds a requirement for Bering Sea/Aleutian Islands pot catcher/processors to comply with pre-cruise meeting notifications, which necessitates revisions to an existing information collection, OMB Control Number 0648-0318. Due to a concurrent action for -0318, NMFS is submitting this request to create a temporary collection for this revision to -0318. After publication of the final rule for this action and the final rule for the concurrent action, and after OMB approves the associated information collection requests, NMFS will submit a request to merge this temporary collection with -0318.

This rule also affects information collection requirements approved under OMB Control Numbers 0648-0330 and 0648-0515. NMFS is submitting separate requests to revise these collections.

**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.**

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands (BSAI) under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. The North Pacific Fishery Management Council prepared the fishery management plan under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the fishery management plan appear at 50 CFR [parts 600](#) and [679](#).

NMFS proposes improvements to existing data collected by observers deployed by the North Pacific Observer Program (Observer Program) for management of the BSAI pot catcher/processor (CP) sector. The Observer Program is an integral component in the management of North Pacific fisheries. Regulations at [50 CFR 679 subpart E](#) implement the Observer Program and prescribe how NMFS-certified observers (observers) will be deployed on

board vessels and in processing plants to obtain information necessary for the conservation and management of the groundfish and halibut fisheries off Alaska. The information collected by observers contributes to the best available scientific information used to manage the fisheries in furtherance of the purposes and national standards of the Magnuson-Stevens Act.

The BSAI pot CP fleet is managed in part under the License Limitation Program (LLP), which requires an LLP license endorsed for the directed fishing of groundfish in the BSAI (see OMB Control No 0648-0334). The pot CP fleet targets primarily Pacific cod using pot gear with single lines. The BSAI pot CP fleet is relatively small, and seasons in the BSAI are often short, lasting approximately one to two weeks during the A season (beginning January 1) and the B season (beginning September 1) in recent years. The fast pace of fishing with single pot gear, high sampling workload, and the need for close communication between the captain and observer make this fleet one of the most difficult fisheries for the Observer Program to sample. This fleet is separate from CPs using pot gear for the groundfish Community Development Quota (CDQ) Program (63 FR 30381; June 4, 1998), and this action will not change the groundfish CDQ regulations.

The final rule revises the monitoring requirements for pot gear CPs participating in BSAI groundfish fisheries (RIN 0648-BL69). This rule is necessary to address management challenges through improved observer data collection. Observer data is NMFS's preferred source of information for estimating catch and discards in the BSAI pot CP fishery. Observer data is used by NMFS for inseason management in near real time, making it imperative this data is as complete and accurate as possible. Currently, NMFS's management of the BSAI pot CP fishery is difficult due to a high rate of observer data loss, either by deletion by the Observer Program due to flawed data collection or failure to collect data in the first place. Since at least 2014, where deletion of observer data has occurred in the fishery due to data collection errors, it has resulted in substantial changes to the estimates of catch and bycatch.

The regulatory changes are intended to reduce the likelihood of data loss on BSAI pot CPs by ensuring experienced observers are deployed on pot CPs; ensuring effective collaboration between the observer, captain, and crew; and providing voluntary monitoring options that may further improve the precision of observer data. Specifying the requirements of the voluntary options through regulations provides NMFS the authority to enforce the monitoring standards needed to ensure the quality of data collected. Although some substantial costs to participants may be associated with these monitoring options, these options, and therefore costs, are voluntary, and some vessels already have this equipment because it is required for other fisheries in which they participate.

This new temporary information collection is necessary because the rule adds a regulatory requirement that necessitates revision to an existing information collection that is being revised by a concurrent rule.

The final rule adds a requirement for BSAI pot CPs to comply with pre-cruise meeting notifications. This regulatory change necessitates revision of OMB Control Number 0648-0318 (North Pacific Observer Program) under which pre-cruise meeting notifications are approved. A concurrent rule (RIN 0648-BL08) is revising -0318.

Once the final rules for RINs 0648-BL08 and 0648-BL69 have published, and OMB has approved the information collection requests, this temporary collection will be merged into OMB Control Number 0648-0318 and then discontinued.

This rule also affects information collection requirements approved under OMB Control Numbers 0648-0330 and 0648-0515. NMFS is submitting separate requests to revise these collections.

**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 requirements described below apply to the owner and operator of a vessel named on an LLP license with a Pacific cod CP pot gear endorsement for the Bering Sea, Aleutian Islands, or both the Bering Sea and Aleutian Islands when using pot gear for groundfish fishing as a CP in the Bering Sea or Aleutian Islands.

**Pre-cruise Observer Notification**

Pre-cruise observer notifications are approved under OMB Control No. 0648-0318 and are currently required for trawl CPs participating in Rockfish Program and Amendment 80 Program fisheries, freezer longline vessels subject to 50 CFR 670.100, pot CPs when groundfish CDQ fishing, and motherships and CPs participating in halibut deck sorting.

The rule adds a regulation at 50 CFR 679.101(b) that requires BSAI pot CPs to notify the Observer Program by phone at 1-907-581-2060 (Dutch Harbor, AK) or 1-907-481-1770 (Kodiak, AK) at least 24 hours prior to departure when the vessel will be carrying an observer who has not previously been deployed on that vessel within the last 12 months.

The timing of this notification is necessary to ensure NMFS can evaluate whether the observer and vessel need a pre-cruise meeting, and if NMFS has staff available to conduct one. By notifying NMFS at least 24 hours prior to departure, a pre-cruise meeting may be arranged and held with minimal impact on vessel operations.

Subsequent to the vessel's departure notification, but prior to departure, NMFS may contact the vessel to arrange for a pre-cruise meeting. A pre-cruise meeting provides an opportunity for staff from the Alaska Fisheries Science Center Fisheries Monitoring and Assessment Division to participate in a conversation between the vessel crew and a newly assigned observer prior to embarking on a trip. This allows staff to clarify expectations and provide knowledgeable advice about anticipated sampling scenarios that an observer may encounter at sea, better preparing the observer and the crew to work together collaboratively and develop clear communication strategies.

This regulatory change is intended to reduce the likelihood of data loss by ensuring effective communication and collaboration between the observer and captain and crew. Because observers

use a sampling design based on units of fishing effort, creating the sampling frame needed for random samples on pot vessels can be difficult to define if pots are pulled out of order or in a varied way. This creates a need for close communication between the observer and vessel captain. This action is necessary to ensure proper sampling design, which will reduce data deletions attributable to sampling defects.

**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.**

Vessel personnel contact the Observer Program for the pre-cruise meeting notification by phone.

**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**

NMFS reviews its requirements to identify any potential for duplication and seeks public comment through proposed rulemaking and periodic meetings with the affected industry. We have identified no duplicative requirements in this information collection. The pre-cruise notification is approved under existing OMB Control Number 068-0318. This temporary collection will be merged into it and discontinued following completion of the two concurrent rules (RIN 0648-BL69 and 0648-BL08) that are revising -0318.

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

This collection of information does not impact small businesses or other small entities. NMFS has determined that the six CPs participating in the BSAI groundfish fisheries using pot gear that will be directly regulated by this rule are not considered small entities under the Regulatory Flexibility Act.

**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.**

This information collection is necessary to improve the quality of data obtained by NMFS for management of the BSAI pot CP sector. This information is required for the efficient operation of the Observer Program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the Observer Program and the effective management of the Alaska groundfish and halibut fisheries.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.**

The pre-cruise meeting notification may require respondents to report information to the agency more often than quarterly. Pre-cruise meeting notifications are required 24 hours prior to departure when the vessel will be carrying an observer who has not been deployed on that vessel within the last 12 months. This could result in a vessel needed to contact NMFS more often than quarterly. This timing is necessary to provide sufficient time for NMFS to evaluate whether a pre-cruise meeting is needed.

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

A proposed rule (RIN 0648-BL69) soliciting public comments published on July 6, 2023 ([88 FR 43072](#)). The comment period ended on August 7, 2023. No comments were received that specifically addressed this information collection. However, one comment was received on the rule. The commenter stated this action is needed to address known catch accounting issues in the fishery and strongly support these changes.

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

No payment or gift to respondents is provided.

**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 information collections by NMFS, Alaska Region, are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, *et seq.*) and under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

The System of Records Notices (SORNs) that cover this information collection is [COMMERCE/NOAA-6, Fishermen's Statistical Data](#).

The Privacy Impact Assessment that covers this information collection is [NOAA NMFS Alaska Region Local Area Network \(NOAA4700\)](#).

**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.

This information collection does not involve information of a sensitive nature.

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

The six vessels currently in the BSAI pot CP fishery are added as new respondents for the pre-cruise meeting notification. As the pre-cruise meeting notification is currently approved under OMB Control Number 0648-0318, to avoid double counting, the numbers for this notification for this new temporary control number presented in the table below are only for the six new respondents due to this rule. The tables in Question 15 show how the totals for the pre-cruise meeting notification will change due to the rule when this temporary collection is merged into -0318. The hourly wage rate is most current rate available (May 2022) from the U. S. Bureau of Labor Statistics. The wage rate estimate of \$22.52 is the Alaska mean hourly wage for Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations; [https://www.bls.gov/oes/current/oes\\_ak.htm#:~:text=1.5%25-,45%2D0000,5.7%25-,45%2D1011](https://www.bls.gov/oes/current/oes_ak.htm#:~:text=1.5%25-,45%2D0000,5.7%25-,45%2D1011).)).

| Information Collection          | Type of Respondent (e.g., Occupational Title) | # of Respondents/year (a) | Annual # of Responses / Respondent (b) | Total # of Annual Responses (c) = (a) x (b) | Burden Hrs / Response (d) | Total Annual Burden Hrs (e) = (c) x (d) | Hourly Wage Rate (for Type of Respondent) (f) | Total Annual Wage Burden Costs (g) = (e) x (f) |
|---------------------------------|---|---------------------------|--|---|---------------------------|---|---|--|
| Pre-cruise Meeting Notification | Vessel owner or operator                      | 6                         | 2                                      | 12  | 5 min.                    | 1 hr                                    | 22.52   | \$22.52  |

**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).**

There are no capital/start-up or ongoing operation/maintenance costs for this collection.

**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 Federal government costs for the pre-cruise meeting notification are based on one ZP-2. The grade and step are from the Department of Commerce Alternative Personnel System (CAPS) 2023 pay tables (<https://www.commerce.gov/hr/practitioners/caps/pay-administration>). The general schedule grade equivalent for CAPS is included in parentheses. The fully loaded

salary cost is based on the 2023 salary of a capped out ZP-2 step 3 and includes 52 percent of the salary to account for benefits and other overhead costs (\$92,174 \* 1.52 = \$140,104 loaded salary).

| Cost Descriptions        | Grade/Step               | Loaded Salary /Cost | % of Effort | Fringe (if Applicable) | Total Cost to Government |
|--------------------------|--------------------------|---------------------|-------------|------------------------|--------------------------|
| <b>Federal Oversight</b> |                          |                     |             |                        |                          |
| Other Federal Positions  | ZP-2 step 3<br>(GS 9/10) | \$140,104           | .05%        |                        | \$70                     |
| <b>Contractor Cost</b>   |                          |                     |             |                        |                          |
| <b>Travel</b>            |                          |                     |             |                        |                          |
| <b>Other Costs:</b>      |                          |                     |             |                        |                          |
| <b>TOTAL</b>             |                          |                     |             |                        | \$70                     |

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

This request is for a new temporary information collection due to the timing of this rulemaking (RIN 0648-BL69) and the revision of OMB Control No. 0648-0318 by a concurrent rule (RIN 0648-BL08). The tables below show how the total respondents, responses, burden hours, and costs for the pre-cruise meeting notification will be revised because of this rule once this temporary collection is merged into -0318 following publication of the final rules.

| 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 |   |
| Pre-cruise Meeting Notification | 59                         | 53                          | 277                        | 265                         | 23                         | 22                          | Program Change: The rule adds a requirement that adds 6 new respondents for this notification, which increases the total annual responses and burden hours for this collection. |
| <b>Difference</b>               | <b>6</b>                   |                             | <b>12</b>                  |                             | <b>1</b>                   |                             |   |

| Information Collection          | Labor Costs |          | Miscellaneous Costs |          | Reason for change or adjustment   |
|---------------------------------|-------------|----------|---------------------|----------|---|
|                                 | Current     | Previous | Current             | Previous |   |
| Pre-cruise Meeting Notification | 624         | 603      | 0                   | 0        | Program Change: The pre-cruise notification requirement added by the rule increases the respondents, which increases the total labor costs for this collection. |
| <b>Difference</b>               | <b>21</b>   |          | <b>0</b>            |          |   |



**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.**

The information collected will not be published.

**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 pre-cruise meeting notification does not have a form on which to provide an OMB expiration date; the vessel owner or operator notifies the Observer Program by phone.

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