

Appendix C

Draft Paperwork Reduction Act Supporting Statements

**SUPPORTING STATEMENT
NORTHEAST MULTISPECIES AMENDMENT 13 DATA COLLECTION**

INTRODUCTION

This submission requests Office of Management and Budget (OMB) clearance of data information collection revisions for the vessel permit requirements proposed under Framework Adjustment 40A to the Northeast (NE) Multispecies Fishery Management Plan (FMP). This information collection submission builds upon two previously approved submissions under the “Northeast Region Permit Family of Forms” (OMB Control No. 0648-0202 and 0648-0489). If approved, NOAA Fisheries intends to integrate this submission for Framework Adjustment 40A provisions into OMB form 0648-0202 when circumstances allow.

The New England Fishery Management Council (Council) is proposing management measures under Framework Adjustment 40A that create additional opportunities for commercial fishing vessels to harvest healthy groundfish stocks. The proposed measures under Amendment 13 include the following provisions requiring either new or revised information collection requirements: (1) A Category B (regular) days-at-sea (DAS) pilot program; (2) Special Access Programs, and (3) United States/Canada Resource Sharing Understanding. This data collection submission requests approval of new and revised information collection requirements to implement the above provisions for Framework Adjustment 40A to the NE Multispecies FMP.

A. JUSTIFICATION

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and the National Oceanic and Atmospheric Administration’s (NOAA’s) NOAA Fisheries. The New England Fishery Management Council (NEFMC; Council) develops management plans for fishery resources in New England. The Northeast Multispecies Fishery Management Plan manages twelve regulated groundfish species.

In 1999, the Council began development of an amendment to the management plan that would end overfishing and adopt required rebuilding plans for overfished stocks. In the case of Conservation Law Foundation, et al. V. Evans (Case No. 00CV011234), the U.S. District Court for the District of Columbia (Court) required the Council, along with the NOAA Fisheries, to implement management measures that would prevent overfishing and help rebuild groundfish stocks managed under the NE Multispecies FMP by a specific date. Interim measures were put into place on August 1, 2002, until Amendment 13 to the FMP could be developed. Ultimately, the Court required Amendment 13 to be implemented by May 1, 2004. On November 6, 2003, the Council approved measures outlined in Amendment 13, including those provisions specified above, to meet the court-ordered deadline. Amendment 13 was implemented on May 1, 2004. The implementation of Amendment 13 brought the FMP into full compliance with the provisions of the Sustainable Fisheries Act and other applicable law, and complied with the Court-ordered implementation deadline of May 1, 2004. Amendment 13 included programs to facilitate targeting of healthy groundfish stocks, but only two of these programs were approved by NOAA Fisheries. The Council has developed Framework 40A to create additional opportunities to target healthy stocks so that the Magnuson-Stevens Act requirement to attain optimum yield from the fishery can be met.

Category B (regular) DAS Pilot Program

One of the ways the Northeast Multispecies Fishery Management Plan controls fishing mortality is by limiting the number of days that vessels can fish. Amendment 13 assigned each limited access permit holder a number of days-at-sea (DAS) that can be used. These DAS are categorized these as either Category A DAS or as Category B DAS. Category A DAS could be used beginning May 1, 2004 to target any regulated groundfish stock. The management measures in Amendment 13 (including the allocation of Category A DAS) are designed so that the mortality objectives will be met for all stocks. The number of allocated Category A DAS was chosen so that the appropriate amount of effort would be available. Any Category B DAS that are used increase the amount of effort. In order to prevent these additional DAS from threatening the mortality objectives of Amendment 13, Category B DAS can only be used to target healthy groundfish stocks. Only one program to use Category B DAS that was included in Amendment 13 was approved by NOAA Fisheries – a special access program (SAP) designed to harvest yellowtail flounder in a closed area on Georges Bank.

Amendment 13 further defined Category B DAS as either Category B (regular) or Category B (reserve) DAS and placed limits on how each can be used. Framework 40A includes a pilot program that would allow Category B (regular) DAS to be used outside of any SAPs. Vessels participating in this program must meet the following requirements:

- They must purchase, install and use an approved Vessel Monitoring System.
- Vessel operators must notify NMFS 72 hours in advance of a Category B DAS trip so that NOAA Fisheries can plan observer coverage.
- Vessel operators must notify NOAA Fisheries that they are using a Category B (regular) DAS at the start of the trip. This notification will be made through the VMS.
- Vessel operators must report the catch of stocks of concern daily through the VMS. This reporting requirement will be addressed in a separate PRA submission for the “Northeast Region Logbook Family of Forms” (OMB Control No. 0648-0212).
- While using a Category B (regular) DAS, vessel operators are limited to very low landing limits for certain groundfish stocks that are in poor condition. If these landing limits are exceeded, vessel operators must change the DAS being used to a Category A DAS. This notification (called “flipping” a DAS) must be made through the VMS and must occur before the vessel returns to port.

Vessels issued a limited access NE multispecies permit that are fishing under a NE multispecies Category B (regular) DAS would be required to use a VMS. For those vessels that do not currently possess a VMS, vessel owners would be required to purchase and install a certified VMS aboard their vessel. Vessels would be required to provide proof to the Regional Administrator (RA) that a certified VMS has been installed, including the installation receipt from a NOAA Fisheries-certified VMS vendor. Limited access multispecies vessels would be required to declare their intention to participate in the Category B (regular) DAS pilot program through the VMS prior to leaving port. Once installed, the VMS units of limited access NE multispecies DAS vessels would be polled once per hour while operating on a Category B (regular) DAS. Collecting this information would be necessary to monitor the activities of vessels participating this program, assess the amount of fish harvested under the agreement, and to enforce compliance with the provisions outlined in Framework 40A.

Participants in the Category B (regular) DAS pilot program would be required to notify NOAA Fisheries of their intent to fish on a Category B (regular) DAS to assist in the deployment of observers. Notifications for the purpose of observer deployment must be submitted at least three days prior to each

fishing trip into this area to the contracting company tasked with providing observer coverage. These notifications would be used by NOAA Fisheries to ensure that trips are included in the pool of vessels that would receive observer coverage. These vessels may then be requested to carry on board a NOAA Fisheries-approved observer or sea sampler. Such requests are made at the discretion of the RA for the purpose of monitoring fishing activities, collection of data and compliance as stated under §648.11. The notification must include vessel name, contact name for coordination of observer deployment, telephone number for contact, date, time and port of departure, and general area to be fished (Gulf of Maine, Georges Bank, or Southern New England).

Participants in the Category B (regular) DAS program are limited to very low catch limits for regulated groundfish stocks of concern (stocks that are in poor condition and for which fishing mortality must be carefully controlled as specified in Amendment 13). Vessels are only allowed to use Category B (regular) DAS if they remain below these limits. If a vessel exceeds these low limits for any stock, it must change (“flip”) the DAS it is using from a Category B (regular) DAS to a Category A DAS. This “flip” is accomplished by sending an electronic message to NOAA Fisheries using the installed VMS. The “flip” must take place before the vessel crosses the “VMS Demarcation Line” – a regulatory line that defines when a vessel is entering port and has stopped a fishing trip. This requirement to “flip” a DAS ensures that the additional effort from Category B (regular) DAS will be used to target healthy stocks and will not threaten the mortality objectives of Amendment 13. The requirement for a vessel to report this flip through the VMS facilitates the enforcement of this provision. Because the notice must be given before the vessel lands its fish, it provides an opportunity for Coast Guard and NOAA enforcement agents to meet vessels at the pier and determine if they complied with the low landing limits required for the use of Category B (regular) DAS use.

Framework 40A Special Access Programs (SAPs)

SAPs are narrowly defined fisheries that allow for increased access to specific stocks that might otherwise be restricted. Access to these stocks is permitted through exemptions to regulations that, in the absence of such exemptions, would prevent the full utilization of the allowable catch for those specific stocks. In doing so, the social and economic impacts associated with management initiatives are lessened. These access programs allow for increased yield of target stocks without compromising the efforts to rebuild overfished stocks, end overfishing, minimize bycatch, or minimize impact on essential fish habitat (EFH).

Framework 40A would establish two new SAPs that were originally submitted in Amendment 13 but disapproved by NOAA Fisheries. Because such SAPs allow for exemptions from the current regulations of a FMP, special permitting or Letters of Authorization (LOAs) are often required to ensure compliance and consistency with the purpose of the exemption. Special permits and LOAs provide a list of participants, their period of participation, and assist the agency in monitoring compliance with regulations governing these SAPs or exemption programs. However, neither of the SAPs mentioned below would be required to obtain a LOA. Instead, vessels required to use VMS in order to participate in the two SAPs would declare their intention to fish in a specific area of a particular SAP via VMS. This declaration provides the necessary verification that these vessels are participating in a SAP under Framework 40A. This information serves to document where a vessel intends to fish and what species the vessel would target prior to each particular trip. This information would be used to determine compliance with SAP provisions. Without a VMS on board, monitoring vessel position, vessel participation in a SAP, DAS usage, and species’ TACs as defined in Framework 40A would not be possible.

Vessels operating under a NE multispecies DAS and participating in the CA II Haddock SAP or the CA I Hookgear Haddock SAP described below would be required to have on board an operational VMS unit. The requirement to use VMS is intended to ensure compliance with the provisions of the SAPs as well as the U.S./Canada Area agreement. These two SAPs require participating vessels to declare their intent to fish within these SAPs, specifically the area in which they intend to fish, as well as the category of DAS to be used within the SAPs via VMS prior to leaving the dock.

Under Framework 40A, category B DAS may be used within the CA I or CA II SAPs. Accordingly, vessels may choose whether to use a category A or B DAS prior to each trip into a particular SAP. Therefore, prior to leaving the dock, limited access NE multispecies vessels fishing under a NE multispecies DAS within the CA II Haddock SAP or the CA I Hookgear Haddock SAP would be required to declare whether they are using a category A or B DAS for each trip. Since Category B DAS may be used in approved SAPs, the declaration of DAS category is required to ensure that DAS are accurately monitored and enforced and that compliance with the provisions of approved SAPs and their possession limit regulations is maintained.

Vessels participating in either of these SAPs are required to notify NOAA Fisheries of their intent to fish in these programs to assist in the deployment of observers. Under current regulations, notifications for the purpose of observer deployment must be submitted at least five days prior to each fishing trip into this area via a telephone call to the contracting company tasked with providing observer coverage. These notifications are used by NOAA Fisheries to ensure that trips into the Agreement Management Areas are included in the pool of vessels that would receive observer coverage. These vessels may then be requested to carry on board a NOAA Fisheries-approved observer or sea sampler. Such requests are made at the discretion of the RA for the purpose of monitoring fishing activities, collection of data and compliance as stated under §648.11.

These collection requirements were previously approved under OMB Control No. 0648-0489. Framework 40A changes the observer notification requirement so that it is required 72 hours before the start of the trip. This change provides more flexibility to fishermen planning trips but does not alter the burden or cost estimates.

1) CA I Hookgear SAP: Framework 40A would implement a SAP to allow limited access hookgear category vessels to target haddock within Closed Area I (CAI) of the NE Multispecies FMP from October 1 - December 31 of the fishing year. The season could be extended by a future management action. The RA may close this SAP once the SAPs cod bycatch or targeted haddock TAC are reached. Based on an experimental fishery, the number of trips into the area before the haddock TAC is caught is expected to be about 500 per quarter, or 2,000 per year if the season is extended to the entire year.**CA II**

2) Haddock SAP: Framework 40A would allow all vessels issued a limited access NE multispecies DAS permit to participate in the CAII Haddock SAP. Vessels must comply with specific gear requirements, there is a defined area and season, and catches are limited to a Total Allowable Catches (TACs). There is no limit to the number of trips a vessel may take under this SAP, unless the SAP is closed by the RA.

Combined Trips to the Western U.S./Canada Area

An informal understanding was reached between the United States and Canada regarding the management of GB cod, GB haddock, and GB yellowtail flounder resources found within the waters of both countries within an area known as the U.S./Canada Area. Provisions outlining the U.S. portion of the understanding were incorporated into Amendment 13 to the NE Multispecies FMP. The Amendment 13 implementing regulations do not allow a fishing vessel to fish inside and outside the western U.S./Canada area on the same trip. This practice is referred to in Framework 40A as making a combined trip.

Vessels issued a limited access NE multispecies permit that are fishing under a NE multispecies DAS and wishing to operate within the U.S./Canada Area are required to utilize a VMS. For those vessels that do not currently possess a VMS, vessel owners are required to purchase and install a certified VMS aboard their vessel. Vessels are required to provide proof to the RA that a certified VMS has been installed, including the installation receipt from a NOAA Fisheries-certified VMS vendor. Limited access multispecies vessels intending to fish within the U.S./Canada Area are required to declare their intention to participate in either the Eastern or Western U.S./Canada Area through the VMS prior to leaving port. If fishing in the Western U.S./CA area, they must also state whether they intend to fish inside the western area and outside the western area on the same trip. Once installed, the VMS units of limited access NE multispecies DAS vessels are polled twice per hour regardless of whether they are operating inside or outside of the U.S./Canada Area. Collecting this information is necessary to monitor the activities of vessels participating in the U.S./Canada area, assess the amount of fish harvested under the agreement, and to enforce compliance with the provisions outlined in Amendment 13.

Participants in the Agreement Management Areas (Western U.S./Canada Area and Eastern U.S./Canada Area) under the U.S./Canada Resource Sharing Understanding, including those vessels participating in the Closed Area II (CA II) SAPs specified above, are required to notify NOAA Fisheries of their intent to fish in this area to assist in the deployment of observers. Under current regulations, notifications for the purpose of observer deployment must be submitted at least five days prior to each fishing trip into this area via a telephone call to the contracting company tasked with providing observer coverage. These notifications are used by NOAA Fisheries to ensure that trips into the Agreement Management Areas are included in the pool of vessels that would receive observer coverage. These vessels may then be requested to carry on board a NOAA Fisheries-approved observer or sea sampler. Such requests are made at the discretion of the RA for the purpose of monitoring fishing activities, collection of data and compliance as stated under §648.11.

The above collection requirements were approved in “Northeast Region Permit Family of Forms” (OMB Control No. 0648-0489). Framework 40A will make a minor modification to these requirements. Vessels that choose to fish in the Agreement Management Areas are required to notify NOAA Fisheries of their intent to fish in this area to assist in the deployment of observers. Notifications for the purpose of observer deployment must be submitted at least 72 hours prior (vice five days as approved by OMB Control No. 0648-0489) to each fishing trip into this area via a telephone call to the contracting company tasked with providing observer coverage. While this change will make it easier for fishing vessels to plan fishing trips, it will not increase or decrease the reporting burden. A change to reporting requirements under this program will be addressed in a separate PRA submission for the “Northeast Region Logbook Family of Forms” (OMB Control No. 0648-0212).

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information requested will be used by several offices of NOAA Fisheries and the U.S. Coast Guard for the monitoring, implementation, and enforcement of the provisions outlined in Amendment 13.

As stated previously, Amendment 13 created three categories of DAS within the NE multispecies fishery. Category B DAS may only be used in specific circumstances. Therefore, it is important to determine which category DAS a vessel is using in order to accurately monitor compliance with the regulations. Vessels participating in the Category B (regular) DAS pilot program, the CA II Haddock SAP, or the CA I Hookgear SAP would be required to declare which category DAS they would be operating under prior to each fishing trip. This information must be submitted by those vessels participating in the SAPs every time they intend to operate under the requirements of these SAPs. This information would be used by NOAA Fisheries enforcement personnel to monitor and track DAS usage and insure compliance with the appropriate regulations.

Framework 40A includes provisions modifying the implementation of the U.S./Canada Resource Sharing Understanding. Under this agreement, participating vessels are required to use VMS for all operations within the U.S./Canada Area, including the SAPs identified above. In addition, vessels electing to participate in the CAI Hookgear SAP, the CAII haddock SAP, or the Category B (regular) DAS pilot program would be required to use VMS. Vessels not already possessing a VMS would be required to purchase and install a VMS unit meeting the criteria specified in the final rule for Amendment 13. Vessels would only be required to purchase a certified VMS unit one time. Vessels required to install a new VMS in order to participate in these programs would be required to submit documents to prove that an operational NOAA Fisheries-certified VMS unit has been installed. Once multispecies vessels chose to use VMS, they would be polled twice per hour to determine geographic location regardless of the area they are fishing in. Polling would continue 365 days per year, regardless of vessel activity, unless the VMS is turned off according to the VMS power down exemption process mentioned above. Vessels participating in these programs would be required to notify NOAA Fisheries of their intent to fish in the programs at least 72 hours prior to each trip for the purposes of providing adequate observer coverage on these trips.

The NOAA Fisheries Office of Law Enforcement would use proof of VMS installation and operation, geographic data obtained from the polling of vessels, as well as the area and DAS declaration information provided to participate in the SAPs and the Category B (regular) DAS pilot program to identify participants as well as enforce the program provisions. Vessels may participate in these programs multiple times throughout the fishing year. However, the RA may limit the number of trips into the SAPs or closed areas under these SAPs under specific circumstances. Catch data would be used by NOAA Fisheries to monitor the TACs of species managed under the U.S./Canada Area and approved SAPs, while DAS and area declaration information would be used by enforcement personnel to monitor compliance with effort and area restrictions.

NOAA Fisheries would use notifications of the intent to fish within the SAPs or the Category B (regular) DAS pilot program to ensure that these trips have adequate observer coverage. Vessels would be required to inform NOAA Fisheries of the vessel name, contact name for coordination of observer deployment, telephone number for contact, date, time and port of departure, and the area to be fished. NOAA Fisheries, or a contractor designated to implement the observer program, would use this information to select which vessels, in addition to all other eligible vessels operating outside of these programs, would be requested to carry NOAA Fisheries-approved observers or sea samplers during a specific trip. Observers would be used to monitor vessel activity and to collect catch and discard data.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The declaration of DAS category use will be accomplished electronically through the VMS, if applicable. Also, under the SAPs outlined in Framework 40A, vessels would be required to specify which area of a particular SAP they intend to operate in prior to leaving the dock. This can be accomplished electronically through the VMS. These requirements were previously approved under OMB Control No. 0648-0489.

4. Describe efforts to identify duplication.

NOAA Fisheries is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

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

Only the minimum data to meet the requirements of the above data needs are requested from all participants. Since most of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The consequences of not conducting the collection of information described above would prevent these provisions of Framework 40A from being implemented. This collection of information is necessary for a variety of reasons specific to each particular provision. Failure to collect the above information or collecting it less frequently may compromise the ability of the provisions outlined in Framework 40A to provide opportunities to target healthy stocks without threatening the mortality objectives of Amendment 13. This may also prevent participants from participating in programs specified in Framework 40A such as the SAPs that would offset potential negative economic impacts caused by reductions in DAS that were adopted by Amendment 13.

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

Some of the requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow that respondents be required to report more often than quarterly, requirements for VMS polling requested with this submission will require more frequent reports.

This information collection is required to be submitted twice per hour for vessels fishing in the U.S./Canada Area and/or the associated SAPs within this area. Polling of vessels twice per hour is required in order to accurately monitor vessel position and activity. This information would be used to by NOAA Fisheries Office of Law Enforcement to enforce provisions of the U.S./Canada Area, including those regarding areas fished, transiting of portions of CA II, and possession limits.

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

Council and Groundfish Oversight Committee meetings during the development of Framework 40A were held during the period January 2004 through May 2004 during which there were opportunities for public discussion of proposed management strategies. The Council approved the measures contained in Framework 40A, including those specified above, on May 12, 2004. The information collections contained in this submission are part of a proposed rule to implement management measures outlined in Framework Adjustment 40A to the NE Multispecies FMP. This rule announces the provisions specified above and solicits public comment on the program and the information collection requirements necessary to implement this program.

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

Neither payments nor gifts are given to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

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 submitted according to the provisions outlined in Amendment 13 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 and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of sensitive nature.

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

The following information is summarized in the table that is at the end of the text. There are approximately 997 individual respondents estimated under this submission. Due to duplication of participants in the various programs, affected entities were only counted once. Regulatory changes contained in this action alter previously approved burden estimates for several programs and would implement new burden estimates for new programs specified under Framework 40A. This submission provides an estimate of new burdens associated with revised or new programs, and updates burden estimates in previously approved submissions.

Amendments 5 and 7 to the NE Multispecies FMP granted the RA the authority to require all NE multispecies vessels to purchase, install, and use a certified VMS upon notice. NE multispecies vessels may voluntarily use VMS, but to date, only 118 vessels have elected to do so. Although this has yet to be required of all NE multispecies vessels, previously approved information collection submissions for these actions included the burdens associated with requiring all NE multispecies vessels to purchase, install, and use a certified VMS unit. The number of vessels used in these burden estimates totaled 1,600 vessels, the number of NE multispecies vessels in the fishery at that time. Since that time, the number of NE multispecies vessels has declined and only 997 vessels are eligible to use Category B (regular) DAS. The number of vessels in the original burden estimates would likely include the additional group of vessels expected to participate in the Category B (regular) DAS pilot program under this submission that would be required to use a VMS. Therefore, the burden associated with purchase and installation of VMS for the participants the Category B (regular) DAS pilot program for this action has already been considered. As a result, for this action, the time burdens of one (1) hour for VMS installation and five (5) minutes (0.083 hours) for the proof of installation are included, but no number of entities is specified. (A previous submission considered the burden associated with purchase and use of a VMS in the CAI Hook Gear Haddock SAP and the CAII Haddock SAP).

In a previous submission, available trip report data was used to obtain an estimate of the number of NE multispecies vessels (those using gear types associated with targeting groundfish, i.e., otter trawl, gillnet, longline) that have previously operated within the area defined as the U.S./Canada Area under Framework 40A. This resulted in an estimate of 400 vessels that would likely participate in the U.S./Canada Area and its associated SAPs. This number is likely to include the 118 NE multispecies DAS vessels that currently use VMS. As a result, these vessels were incorporated into further burden estimates associated with VMS usage.

Once a NE multispecies DAS vessel elects to use VMS in order to fish the Category B (regular) DAS pilot program, these vessels would be polled for vessel position twice per hour regardless of where the vessel operates. The burden associated with polling NE multispecies vessels once per hour has already been accounted for in earlier submissions as described above. Therefore, the additional burden associated with operating for these vessels under this submission would be 24 additional polls per vessel for each day of the year, or an additional 8,760 polls/vessel every year. In addition, a previous submission accounted for polling for position twice per hour for approximately 400 vessels that were expected to fish in the U.S./CA Resource Sharing Understanding area and the SAPs in that area. Every limited access permit holder is eligible to participate in the Category B (regular) DAS pilot program, though some vessels may choose not to do so. Since there are 997 limited access permit holders that were allocated Category B (regular) DAS, and previous submissions accounted for increased VMS polling on 400 vessels, the number of additional vessels that may be affected by this action is 597. The burden for the automated polling of vessel position is estimated to be five (5) seconds (0.001 hours) per poll. For this submission, the additional estimated annualized burden associated with the additional automated polling

is 5,230 hours (24 polls/day x 365 days/year x 597 vessels x 0.001 hours/poll) for the 597 additional vessels eligible to participate in the Category B (regular) DAS pilot program.

Framework 40A creates opportunities to use Category B DAS in two SAPs and in the Category B (regular) DAS pilot program. Vessels using these programs would have to declare their intent to use a Category A or B DAS every time they wished to fish under one of the SAPs or the Category B (regular) DAS pilot program. In addition, these vessels would be required to declare the area in which they intend to fish prior to leaving the dock. These declarations are made through VMS. These declarations are expected to take five (5) minutes (0.083 hours) per response, including time to read through all of the menus and options presented. A previous submission accounted for the burden associated with the CAI hook gear haddock SAP, the CAII haddock SAP, and fishing in the U.S./CA area. Framework 40A does not change the burden estimates for the CAII haddock SAP or fishing in the U.S./CA area. The burden estimates for the CAI haddock SAP, however, are re-estimated because analysis in FW 40A suggests the number of trips in this SAP will not be as large as estimated in OMB Control No. 0648-0489. The total number or trips is now estimated as no more than 2,000 trips if the SAP is extended to a year round access program. Since each trip needs one declaration, this amounts to a total of 2,000 declarations for this submission, resulting in an annualized burden of 166 hours, a reduction from the original estimated annualized burden of 2,347 hours. For the Category B (regular) DAS pilot program, the maximum number of trips possible is 4,000 in a year. It is possible, however, that a vessel could start a Category B (regular) DAS trip and not be able to stay within the low landing limits for stocks of concern. In this case, the vessel would have to change to a Category A DAS (“flip” a DAS) and report the change by VMS. Not only is there a collection burden associated with the DAS “flip,” but once a trip is “flipped” it no longer counts as a Category B (regular) DAS trip. The vessel may then choose to start another trip as a Category B (regular) DAS. It is not possible to know with any certainty how often vessels will “flip” DAS. This submission assumes that half of the Category B (regular) DAS will be flipped, creating a burden for an additional 2,000 Category B (regular) DAS declarations for a total of 6,000 declarations. This results in an annualized burden of 498 hours. In addition, this creates a reporting burden for 2,000 DAS “flips.” It is estimated that reporting a “flip” via VMS will take 5 minutes (0.0833 hours) for a total reporting burden of 166 hours.

Vessels fishing in the CAII haddock SAP must remain within a low cod catch limit in order to use a Category B DAS. If a vessel exceeds the low cod catch limit, it must “flip” to a Category A DAS, creating an additional reporting burden. It is not possible to know how often this will be necessary. Analysis in Framework 40A estimates that the maximum number of DAS that will be fished in this SAP is no more than 2,090. If half these DAS must be “flipped” because the cod catch limit is exceeded, then it creates a burden for 1,045 reports. It is estimated that reporting a “flip” via VMA will take 5 minutes (0.0833 hours) for a total reporting burden of 87 hours. Unlike the Category B (regular) DAS pilot program “flip” provision, this practice will not result in additional trips since the number of trips is limited by a hard TAC on haddock and any catch – regardless of the type of DAS used – is applied against that TAC.

Framework 40A would require vessels participating in the Category B (regular) DAS pilot program, the CAI hook gear haddock SAP, the CAII haddock SAP, and fishing in the U.S./CA area, to notify NOAA Fisheries, or the contracting company tasked with providing observer coverage for Northeast fisheries, of their intent to fish within these programs at least 72 hours prior to each trip. The reporting burden for the CAI hook gear haddock SAP, the CAII haddock SAP, and for fishing in the western U.S./CA area was estimated in a previous submission (OMB control number 0648-0489). For the Category B (regular) DAS pilot program, there are 997 vessels eligible to participate. The maximum number of DAS that can be used in the program is 1,000 per quarter, or 4,000 DAS on an annualized basis. This notification is

expected to take approximately two (2) minutes (0.033 hours) per call. Each vessel is estimated to take approximately one (1) trip in the program during each quarter, resulting in an additional burden of four (4) responses per vessel every year. As a result, this provision would result in an additional burden of 132 hours (4 notifications/year x 997 vessels x 0.033 hours/notification).

A previous submission estimated that the requirement for vessels participating in the CA I Hookgear Haddock SAP to provide advance notice of a trip to the observer program would result in a burden of 933 hours. This submission updates the estimates for the CAI hook gear haddock SAP based on the fewer number of trips that are expected. This estimate was based on 48 trips each by 589 participants. The CAI hook gear haddock SAP proposed in Framework 40A SAP will likely result in no more than 2,000 trips. The revised estimate for the reporting burden associated with this advance notice requirement is 66 hours based on 2,000 notifications that take two (2) minutes (0.033 hours) per call, a reduction in the reporting burden of 867 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

It is difficult to accurately estimate the burden associated with the Category B (regular) DAS pilot program under this action since the frequency of participation will be determined entirely by the vessel owner. All participants in the program must use VMS. All vessels that do not currently possess VMS must obtain one under this provision. The cost of purchasing and installing VMS, along with the associated operational costs, have already been considered in previous information collection submissions for the pool of vessels expected to participate in these SAPs. In fact, the costs associated with these previous estimates for VMS unit purchase and installation (\$6,000) are higher than current cost estimates (\$3,600) and are considered to over-estimate the actual costs. Accordingly, the costs associated with the purchase, installation, and operation of VMS units are not included in this submission.

As stated previously, vessels operating within the U.S./Canada Area, the CAI hook gear haddock SAP, or the CAII haddock SAP must use a VMS. These vessels would be polled twice per hour while operating under these provisions. The costs of this increased polling were considered under a previous submission but were borne by respondents or record keepers. This submission changes the burden estimate for increased polling by shifting it to the government.

Vessels participating in the Category B (regular) DAS pilot program, the U.S./Canada Area, the CAI hook gear haddock SAP, or the CAII haddock SAP that would be created as part of Framework 40A would be required to declare via VMS their intent to fish in one of the programs specified and the category of DAS they intend to use while fishing within the program prior to leaving port for each trip. Each declaration into a program or the area to be fished and DAS to be used via VMS would cost \$1 per submission. The reporting costs for fishing in the Western U.S./Canada area, the CAI hook gear haddock SAP, and the CAII haddock SAP were provided in a previous submission. For the Category B (regular) DAS pilot program, the maximum number of trips that can be taken each year is 6,000 (annualized), so the annualized costs associated with these declarations is \$6,000. Based on the revised estimate of the number of trips that are likely to be taken in the CAI hook gear haddock SAP, the annualized cost associated with the area and DAS declarations for these vessels amounts to \$2,000 a reduction of \$26,272 from the estimate of annualized costs in OMB Control No. 0648-0489.

The 997 possible participants in the Category B (regular) DAS pilot program may be requested to carry on board observers during trips into this area. Information obtained from observers aboard fishing trips

within these SAPs is not considered information submitted by the vessel owner or operator, but rather information submitted by the observer to NOAA Fisheries. For the consideration of this submission, there are no additional costs to the public for observer coverage as specified in Amendment 13.

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

A full summary of the following information may be found in Table 1.

The NMFS Northeast Region currently operates a VMS system for the Atlantic sea scallop and NE multispecies fisheries. The ongoing (recurring) costs amount to \$300,000 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system (see Table 2). These costs are not expected to increase with the VMS requirement for the declaration of DAS category for vessels participating in approved SAPs or the Category B (regular) DAS pilot program under Framework 40A. This declaration is performed through the VMS and is automatically entered into computer databases.

Participants in the Category B (regular) DAS pilot program would be required to notify the observer program contractor prior for NOAA Fisheries prior to each trip. The contractor or NOAA Fisheries will make a determination whether an observer will be required for that trip and will advise the vessel operator. It is expected that approximately 6,000 trips per year may be started in this program in this program. Each response is expected to require approximately 10 minutes (0.17 hours). A wage rate of \$25/hour was used to calculate the annualized cost to the government of \$25,550 for this program. In addition, the government funds the transmission cost for this report, estimated at \$1 for each of the 6,000 trips, or \$6,000, for a total cost to the government of \$31,550. Vessels participating in the CAI hook gear haddock SAP must make a similar notification. The costs for that notification were estimated in a previous submission (OMB Control No. 0648-0489) to be \$120,156 (0.17 hours per response for 589 vessels making 48 trips per year). This submission revises that estimate to \$8,500 (based on a maximum of 2,000 trips an 0.17 hours per response). In addition, the government funds the transmission cost for this report, estimated at \$1 for each of the 2,000 trips, or \$2,000, for a total cost to the government of \$10,500. This is a reduction in estimated costs of \$109,656.

Participants in the Category B (regular) DAS pilot program that exceed low catch limits for certain species are required to notify the government via VMS that they are “flipping” from a Category B DAS to a Category A DAS. The cost of this report will be borne by the government. It is estimated that this may occur on one-third of the trips, or 2,000 times. At an estimated cost of \$1 per notification, this adds \$2,000 to the cost burden for the government.

Costs to the government associated with the CAII haddock SAP and fishing in the western U.S./Canada area were estimated in a previous submission (OMB Control No. 0648-0489) and are not expected to change.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Amendment 13 met M-S Act requirements to adopt formal rebuilding programs for overfished fisheries, and to end overfishing. The regulations required to reduce fishing mortality on several groundfish stocks will likely result in substantial negative social and economic impacts to the fishing industry. Accordingly, a number of provisions within Framework 40A strive to provide flexibility and

opportunities for the industry to take advantage of stocks in better condition. The proposed data collection would be used to implement and manage the above proposed program changes resulting from new requirements specified under Framework 40A.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NOAA Fisheries 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 why display would be inappropriate.

All forms will display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

All instances of this submission comply with 5 CFR 1320.9.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.

Table 1: Costs associated with the Permit Family of Forms (OMB Control # 0648-0202) as modified by Framework Adjustment 40A to the NE Multispecies FMP

Permit Requirement	# of Entities	Items Per Entity	Total # of Items	Response Time	Total Burden	Cost to:	
						Public	Govt. ⁽¹⁾
VMS Installation for Category B (regular) DAS Pilot Program Participants							
VMS Purchase and Installation	0	1	0	1	0	\$0	\$0
VMS Proof of Installation	0	1	0	0.083	0	\$0	\$0
Automated VMS Polling of Vessel Position							
Category B (regular) DAS Pilot Program	597	8,760	5,229,720	0.001	5,230	\$0	\$0
Area and DAS Declaration (time burden and message cost)							
Category B (regular) DAS Pilot Program ⁽²⁾	997	6	6,000	0.083	498	\$6,000	\$0
Category B (regular) DAS Pilot Program - DAS "flip" ⁽²⁾	997	2	2,000	0.083	166	0	\$2,000
CAI Hookgear SAP Area and DAS Declaration (revised estimate)	200	10	2,000	0.083	166	\$2,000	\$0
CAII haddock SAP - DAS "flip" ⁽³⁾	400	3	1,045	0.083	87	\$0	\$523
Observer Notification Requirements							
Category B (regular) DAS Pilot Program ⁽²⁾	997	6	6,000	0.033	198	\$0	\$31,550
Closed Area I Hook-gear SAP (revised estimate)	200	10	2,000	0.033	66	\$0	\$10,500
Totals ⁽³⁾	997	8,799	5,248,765		6,410	\$8,000	\$44,573

(1) Assumes wage rate of \$25/hour.

(2) Number of items rounded to the nearest 1,000

(3) Counts affected entities only once.

Table 2. Costs to the Government from VMS Monitoring.

VMS Monitoring Annual Costs	Salary and Benefits ¹	\$230,000
	Internet Connection ²	7,500
	Equipment ³	20,000
	Back-up System ⁴	38,960
	Software Licensing	3,500
	Supplies ⁵	11,000
	Training and travel	8,000
	Total ongoing costs	\$300,000
Start-up Costs	Software adaptations	\$100,000
	Total fixed costs	\$100,000
	Annualized Start-up Costs (at 5 year amortization)	\$20,000
Total Annual Costs⁶		\$320,000
Previously Committed Costs		\$300,000
Total Annual Costs⁷		
Net Annual Costs to Government from Herring VMS Monitoring		\$20,000

Source: Data supplied by NMFS, Office of Enforcement, Northeast Regional Center, and NMFS Headquarters

1. Salary and benefits, three program support personnel.
2. 24-hour maintenance of secure Internet note at Gloucester, MA.
3. Lease and maintenance contract on CPU and monitor.
4. Lease and maintenance contract on CPU and monitor.
5. Optical storage disks, repairs and supplies associated with non-lease equipment (modem, router, printer, thermal paper, WORM drive).
6. Estimated by adding up annualized start-up costs (\$2,383) to total ongoing costs.
7. System operating costs currently funded to support program for the sea scallop fishery.

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**SUPPORTING STATEMENT
NORTHEAST MULTISPECIES AMENDMENT 13 VESSEL TRIP REPORTS
OMB CONTROL NO. 0648-0212**

INTRODUCTION

This submission requests Office of Management and Budget (OMB) clearance of data information collection revisions for vessel trip report requirements proposed under Framework Adjustment 40A to the Northeast (NE) Multispecies Fishery Management Plan (FMP). This information collection submission builds upon a previously approved submission under the “Northeast Region Logbook Family of Forms” (OMB Control No. 0648-0212).

The New England Fishery Management Council (Council) is proposing management measures under Framework Adjustment 40A that create additional opportunities for commercial fishing vessels to harvest healthy groundfish stocks. The proposed measures under Amendment 13 include the following provisions requiring either new or revised information collection requirements: (1) A Category B (regular) days-at-sea (DAS) pilot program; (2) Special Access Programs, and (3) United States/Canada Resource Sharing Understanding. This data collection submission requests approval of new and revised information collection requirements to implement the above provisions for Framework Adjustment 40A to the NE Multispecies FMP.

A. JUSTIFICATION

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and the National Oceanic and Atmospheric Administration’s (NOAA’s) NOAA Fisheries. The New England Fishery Management Council (NEFMC; Council) develops management plans for fishery resources in New England. The Northeast Multispecies Fishery Management Plan manages twelve regulated groundfish species.

In order to monitor fishing vessel effort and the resulting landings, Section 303(a)(5) of the Magnuson-Stevens Act allows the Secretary to collect specific types of information that would identify the catch by species and other information regarding the time and location of fishing effort. This information is most often collected in the form of vessel trip reports (VTRs). VTRs identify the participants of a fishery and monitors their activity levels and landings. This information is necessary to enforce the management measures and prevent overfishing. In general, information requirements for an effective monitoring and enforcement system include:

- Identification of the participating vessels, operators, and dealers;
- Location of the fishing activity;
- Activity levels; and
- Catch and landings information.

The current regulations outlining the reporting requirements, including VTRs, for vessel owners and operators are specified at § 648.7(b). Additional reporting requirements for vessels fishing in the U.S./Canada area or the Closed Area II Yellowtail Flounder SAP are specified in § 684.85(a)

and 648.85(b). Framework 40A includes new provisions that would create new reporting requirements for those vessels electing to fish in the Category B (regular) DAS pilot program, CAI hook gear haddock SAP, the CAII haddock SAP, or vessels fishing combined trips to the western U.S./Canada area. This would be in addition to the VTRs specified above. Collecting this information would be necessary to monitor the activities of vessels participating in the SAPs, the Category B (regular) DAS pilot program, and fishing inside and outside the western U.S./Canada area; assess the amount of fish harvested under the agreement, including bycatch of cod; and to enforce compliance with other provisions outlined in Framework 40A. These data are crucial to the monitoring of fishing effort and discards to ensure compliance with the mortality objectives of Amendment 13.

In 1999, the Council began development of an amendment to the management plan that would end overfishing and adopt required rebuilding plans for overfished stocks. In the case of Conservation Law Foundation, et al. V. Evans (Case No. 00CV011234), the U.S. District Court for the District of Columbia (Court) required the Council, along with the NOAA Fisheries, to implement management measures that would prevent overfishing and help rebuild groundfish stocks managed under the NE Multispecies FMP by a specific date. Interim measures were put into place on August 1, 2002, until Amendment 13 to the FMP could be developed. The Court required Amendment 13 to be implemented by May 1, 2004. On November 6, 2003, the Council approved measures outlined in Amendment 13, including those provisions specified above, to meet the court-ordered deadline. Amendment 13 was implemented on May 1, 2004. The implementation of Amendment 13 brought the FMP into full compliance with the provisions of the Sustainable Fisheries Act and other applicable law, and complied with the Court-ordered implementation deadline of May 1, 2004. Amendment 13 included programs to facilitate targeting of healthy groundfish stocks, but only two of these programs were approved by NOAA Fisheries. The Council has developed Framework 40A to create additional opportunities to target healthy stocks so that the Magnuson-Stevens Act requirement to attain optimum yield from the fishery can be met.

One of the ways the Northeast Multispecies Fishery Management Plan controls fishing mortality is by limiting the number of days that vessels can fish. Amendment 13 assigned each limited access permit holder a number of days-at-sea (DAS) that can be used. These DAS are categorized these as either Category A DAS or as Category B DAS. The management measures in Amendment 13 (including the allocation of Category A DAS) are designed so that the mortality objectives will be met for all stocks. The number of allocated Category A DAS was chosen so that the appropriate amount of effort would be available. Category A DAS could be used beginning May 1, 2004 to target any regulated groundfish stock. Any Category B DAS that are used increased the amount of effort. In order to prevent these additional DAS from threatening the mortality objectives of Amendment 13, Category B DAS can only be used to target healthy groundfish stocks. Amendment 13 further defined Category B DAS as either Category B (regular) or Category B (reserve) DAS and placed limits on how each can be used. Only one program to use Category B DAS that was included in Amendment 13 was approved by NOAA Fisheries – a special access program (SAP) designed to harvest yellowtail flounder in a closed area on Georges Bank.

Amendment 13 implemented provisions created as part of the U.S./Canada Resource Sharing Understanding. Provisions regulating the U.S. portion of the agreement have been incorporated into Amendment 13 to the NE Multispecies FMP. This informal agreement was reached between the United States and Canada regarding the management of Georges Bank (GB) cod, GB haddock, and GB yellowtail flounder resources found within the waters of both countries in an area known as the U.S./Canada Area. This area is further divided into an eastern and western area. In the western area, only

catches of yellowtail flounder are limited by the understanding. Regulations implementing Amendment 13 restrict a vessel to fishing in one area – a vessel cannot fish both inside and outside the western U.S./Canada area on the same trip. Framework 40A alters those provisions by allowing vessels to fish both inside and outside the western U.S./Canada area on the same trip. In order to accurately monitor the catches of yellowtail flounder taken in the western area, vessels are required to report their catches of yellowtail flounder when moving in and out of the area. This report is submitted electronically using a Vessel Monitoring System (VMS).

Framework 40A would establish two new special access programs (SAPs) that would allow vessels to fish for haddock within specified areas and under certain conditions. Vessels participating in these SAPs can use either a Category A or a Category B DAS. These SAPs are the CAI Hook Gear Haddock SAP and the Closed Area II (CA II) Haddock SAP Pilot Program. Part of the management strategy for these SAPs includes the use of total allowable catches (TACs) for each of the species of concern and the target species. These TACs would be used to limit the amount of cod and haddock taken by vessels of fishing in these SAPs so that mortality targets are not exceeded. In order to monitor the catches of cod and haddock, vessels are required to report catches (kept and discarded) on a daily basis through VMS.

Framework 40A includes a pilot program that would allow Category B (regular) DAS to be used outside of any SAPs. Vessels participating in this program must meet the following permit requirements:

- They must purchase, install and use an approved Vessel Monitoring System.
- Vessel operators must notify NMFS 72 hours in advance of a Category B DAS trip so that NOAA Fisheries can plan observer coverage.
- Vessel operators must notify NOAA Fisheries that they are using a Category B (regular) DAS at the start of the trip. This notification will be made through the VMS.
- While using a Category B (regular) DAS, vessel operators are limited to very low landing limits for certain groundfish stocks that are in poor condition. If these landing limits are exceeded, vessel operators must change the DAS being used to a Category A DAS. This notification (called “flipping” a DAS) must be made through the VMS and must occur before the vessel returns to port.

These requirements were addressed in a separate PRA submission. In addition, the Category B (regular) DAS pilot program includes the following reporting requirement: vessel owners or operators must report the catch (kept and discarded) of stocks of concern daily through the VMS. This reporting requirement will be addressed in this PRA submission for the “Northeast Region Logbook Family of Forms” (OMB Control No. 0648-0212).

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Landings reports specified under the Category B (regular) DAS pilot program, the CAI hook gear haddock SAP, the CAII haddock SAP, and the western U.S./Canada area provisions of Framework 40A would require the owner or operator of a vessel fishing under a NE Multispecies day-at-sea (DAS) to report catches (both kept and discarded) on a daily basis when operating in these programs. To minimize reporting requirements, only catches of certain species must be reported for each program. For the Category B (regular) DAS pilot program, vessels must report catches of stocks of concern - that is, regulated groundfish stocks that are overfished or that are subject to overfishing. These catches must be

reported by statistical area so they can be assigned to the correct stock. For the CAI Hook Gear Haddock SAP, vessels must report catches of haddock and stocks of concern. For the CAII Haddock SAP, vessels must report catches of cod, haddock, and yellowtail flounder consistent with the requirements for vessels fishing in the eastern U.S./Canada area. Vessels fishing combined trips to the western U.S./Canada area must report catches of yellowtail flounder, by statistical area. This information would be submitted via VMS. Vessels would still be required to submit VTRs for trips within the U.S./Canada Area, in addition to the daily electronic catch and discard reporting via VMS.

The information collected under this submission would be used by several offices of NOAA Fisheries, the U.S. Coast Guard, the Council, and state fishery enforcement agencies under contract to NOAA Fisheries to develop, implement, and monitor fishery management strategies. The primary purpose is to monitor catches so that the Total Allowable Catch of each species, for each program, is not exceeded. These type of data serve as input for a variety of uses, including biological analyses and stock assessments, regulatory impact analyses, quota allocation selections and monitoring, economic profitability profiles, trade and import tariff decisions, allocation of grant funds among states, and analysis of ecological interactions among species. NOAA Fisheries would be unable to fulfill the majority of its scientific research and fishery management missions without these data.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The new information collection provisions associated with Framework 40A involve the electronic reporting of catch and discards of fish by vessels electing to fish in the Category B (regular) DAS pilot program, the CAI hook gear haddock SAP, the CAII haddock SAP, and vessels fishing combined trips in the western U.S./Canada area. This information is required to be submitted via VMS. This incorporates the most advanced means of reporting this information to date. This information would supplement other catch and effort information submitted using VTRs for each trip. Future actions may implement provisions that would replace VTRs with electronic catch reporting for all trips taken by vessels within the Northeast Region.

The Northeast Regional Office (NERO) is also investigating the use of optical character recognition software to ease the burden of the reporting system on the government. Such a system would “read” the data directly from a form and enter it into a database, reducing the need for manual data entry. It would not reduce the burden on the public, however.

4. Describe efforts to identify duplication.

NOAA Fisheries is aware of all related fishery management activities, and these requirements do not duplicate any in existence. Electronic daily reporting of catch and discards would only be required of

groundfish DAS participants in the programs established by Framework 40A. In addition, these vessels would also be required to submit their current VTRs. The NERO is investigating the feasibility of incorporating electronic reporting into all fisheries currently requiring the submission of VTRs.

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

Only the minimum data to meet the requirements of the above data needs are requested from all participants. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Daily catch and discard information would allow NOAA Fisheries to accurately monitor fishing mortality and catch rates on these species as a result of fishing within these programs. For these programs, groundfish species are managed by TACs. Without daily catch information, these TACs may be exceeded as the data from VTRs may take up to several weeks to process, even if submitted in a timely manner. Exceeding the TACs for these species could result in closure of certain portions of the U.S./Canada Area for the remainder of that fishing year and a reduction of that species' overall TAC for the following fishing year, as well as violate the U.S./Canada Understanding. Exceeding the TACs could also result in fishing mortality rates rising above legal limits and reaching levels that would require additional reductions in fishing effort in the future. Therefore, timely catch and discard data would facilitate the effective management of the groundfish fishery. Failure to collect this information would prevent NOAA Fisheries from monitoring vessel effort and fishing mortality, thereby compromising the potential to end overfishing and rebuild groundfish stocks.

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

The requirements specified in this submission are not consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow that respondents be required to report more often than quarterly, the provision requiring daily electronic catch and discard reporting requested with this submission would necessitate more frequent reports.

This information collection is required to be submitted on a daily basis for vessels fishing in the approved programs. Daily catch reporting is required in order to accurately monitor the catch and discard of groundfish species in these programs. This information would be used to determine if and when the TAC for each species has been caught. Without daily monitoring, accurate assessments of fishing mortality may not be possible.

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

The Council held many Council and Groundfish Oversight Committee meetings during the development of Framework 40A from January 2004 through May 2004 during which there were opportunities for public discussion of proposed management strategies. The Council approved the measures contained in Framework 40A, including those specified above, on May 8, 2004. The information collections contained in this submission are part of a proposed rule to implement management measures outlined in Framework 40A to the NE Multispecies FMP. This rule announces the provisions specified above and solicits public comment on the program and the information collection requirements necessary to implement this program.

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

Neither payments nor gifts are given to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

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 submitted according to the provisions outlined in Amendment 13 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 and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of sensitive nature.

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

It is difficult to accurately estimate the burden associated under this action since the frequency of participation will be determined entirely by the vessel owner. Table 1 summarizes the burden hours, number of respondents, and the total costs for reporting requirements proposed in Framework 40A to the NE Multispecies FMP.

This submission is an estimate of the new data collection burden associated with daily electronic catch reporting for the Category B (regular) DAS pilot program, the CAI hook gear haddock SAP, the CAII haddock SAP, and fishing combined trips to the western U.S./Canada area. Vessels participating in these programs and required to submit daily catch and discard information would still be required to submit VTRs according to the regulations at § 648.7(b) and to comply with other reporting requirements specified in § 648.85. As a result, this submission only includes the additional burden associated with the daily electronic reporting of regulated groundfish catch and discard. Previously approved burden estimates, including those associated with vessel reporting via VTRs are not affected by this submission. The new burden estimate documented by this submission is based upon the number of participants that are likely to participate in the various programs or the number of days that may be fished.

The Category B (regular) DAS Pilot Program is limited to 1,000 DAS per quarter of the fishing year, or 4,000 DAS fished on an annualized basis. One catch report must be submitted for each DAS on trips that begin as a Category B (regular) DAS Pilot Program trip. It is possible, however, that some vessels may start a day fishing on a Category B (regular) DAS but change to a Category A DAS because they are unable to comply with low catch limits for stocks of concern. There is no information on how often this will occur, so an assumption is that it may occur on half the trips. This would increase the number of reports by an additional 2,000. Daily electronic reporting through VMS of catch and discards for regulated groundfish is expected to take approximately 15 minutes (0.25 hours) per response. This estimate includes the time to read through all of the menus and options presented. It is likely this response time will decrease as operators become familiar with VMS operations. This results in a total annualized burden estimate of 1,500 hours (0.25 hours/report x 6,000 reports).

Vessels participating in the CAI hook gear haddock SAP must report catches and discards on a daily basis. Based on an experimental fishery conducted in 2003, the haddock catch allocated to this SAP will be taken in 500 days fished per quarter or less, or a total of 2,000 days fished on an annualized basis. As proposed in Framework 40A, this SAP will only take place in one quarter, but future actions may extend the season so the annualized number of trips is used in this analysis. A catch report must be submitted for each day fished, for a total of 2,000 catch reports. Daily electronic reporting of catch and discards for regulated groundfish is expected to take approximately 15 minutes (0.25 hours) per response. This estimate includes the time to read through all of the menus and options presented. It is likely this response time will decrease as operators become familiar with VMS operations. This results in a total annualized burden estimate of 500 hours (0.25 hours/report x 2,000 reports).

Vessels participating in the CAII haddock SAP must submit daily catch reports. This SAP takes place within the U.S./Canada area. Amendment 13 requires vessels fishing in this area to submit daily catch reports for cod, haddock and yellowtail flounder, a reporting burden that was estimated in a previous submission. The reporting requirements for the CAII haddock SAP mirror this requirement, and does not increase the number of reports or the time expected to complete those reports. There is no additional reporting burden as a result of this action.

Vessels fishing on trips that may move in and out of the western U.S./Canada area must submit catch reports daily and when crossing the boundary of the area. The requirement for daily reports while fishing in the western U.S./Canada area was implemented through Amendment 13 and the reporting burden was included in an earlier submission. Framework 40A adds a requirement to submit a catch report when crossing the boundary into or out of the western U.S./Ca area. It is difficult to estimate the reporting burden since the decision to fish across the boundary is an individual one made by each vessel operator. Available trip report data was used to obtain an estimate of the number of multispecies vessels (those using gear types associated with targeting groundfish, i.e., otter trawl, gillnet, longline) operating within this area. This resulted in an estimate of 400 vessels that would likely participate in the U.S./Canada Area fisheries. These vessels made approximately 2,000 trips into this area during the period analyzed. If every trip is assumed to fish both inside and outside the area, and to cross the boundary twice, there will be a requirement for an additional 4,000 daily catch reports (2,000 trips X 2 boundary crossings X one report per crossing). Daily electronic reporting of catch and discards is expected to take approximately 15 minutes (0.25 hours) per response. This estimate includes the time to read through all of the menus and options presented. It is likely this response time will decrease as operators become familiar with VMS operations, however. This results in a total annualized burden estimate of 1,000 hours (0.25 hours/report x 4,000 reports).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

All participants in these programs must use VMS. All vessels that do not currently possess VMS must obtain one under this provision. The cost of purchasing and installing VMS, along with the associated basic operational costs, have already been considered in previous information collection submissions of the "Northeast Permit Family of Forms" (OMB Control Number 0648-0202) and another information collection request submitted for Framework 40A for the pool of vessels expected to participate in these programs. Accordingly, the costs associated with the purchase, installation, and operation of VMS units are not included in this submission. Please refer to the supporting statement accompanying the Northeast Multispecies Framework Adjustment 40A Data Collection and the most recent submission of OMB form 0648-0202 for more information.

These other information collection submissions include costs associated with the basic operation of a VMS. These costs involve those associated with polling and electronic messages for each vessel. Currently, there are two certified vendors, Boatracs and Skymate, that provide VMS services to vessels fishing in the Northeast Region. The most expensive vendor charges a monthly operations fee of approximately \$150 for each vessel using VMS. However, this rate is a basic estimate and would vary from vessel to vessel based primarily upon the number of electronic messages sent and received by individual vessels.

Costs involved with this submission include only those associated with the additional submission of daily catch and discard reports for vessels operating within these programs. The NMFS plans to assume all costs associated with these additional reports, so they are described in the following section. The most expensive vendor charges a fee of \$0.004 for each character in an electronic message. Daily reports of catch and discards would likely require the entry of a maximum of approximately 36 characters per submission. Each submission of catch information would cost \$0.50 to submit in addition to the cost of the characters, for a maximum charge of \$0.64/submission. Based on the number of trips described above, there will be 10,000 additional reports. Using the above costs, this would amount to a total annualized cost of \$6,400.

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

The NMFS Northeast Region currently operates a VMS system for the Atlantic sea scallop and NE multispecies fisheries. The estimates of the annual administrative and enforcement costs to the Federal Government from this program are summarized in Table 2. The ongoing (recurring) costs amount to \$320,000 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system. These costs are not expected to increase with the VMS requirement for the submission of electronic catch reporting for vessels participating in the programs authorized by Framework 40A.

Costs involved with this submission include only those associated with the additional submission of daily catch and discard reports for vessels operating within these programs. The NMFS plans to assume all costs associated with these additional reports. The most expensive vendor charges a fee of \$0.004 for each character in an electronic message. Daily reports of catch and discards would likely require the

entry of a maximum of approximately 36 characters per submission. Each submission of catch information would cost \$0.50 to submit in addition to the cost of the characters, for a maximum charge of \$0.64/submission. Based on the number of trips described above, there will be 12,000 additional reports. Using the above costs, this would amount to a total annualized cost of \$7,680.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Amendment 13 met M-S Act requirements to adopt formal rebuilding programs for overfished fisheries, and to end overfishing. The regulations required to reduce fishing mortality on several groundfish stocks will likely result in substantial negative social and economic impacts to the fishing industry. Accordingly, a number of provisions within Framework 40A strive to provide flexibility and opportunities for the industry to take advantage of stocks in better condition. The proposed data collection would be used to implement and manage the above proposed program changes resulting from new requirements specified under Framework 40A.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as *Fisheries of the United States* which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NOAA Fisheries 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 why display would be inappropriate.

This information submission would be carried out via electronic means. As a result, no standardized data collection forms would be collected as part of this submission.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

All instances of this submission comply with 5 CFR 1320.9.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures; the requirements are optional for all eligible participants in the NE multispecies fishery.

Table 1: Costs associated with the Logbook Family of Forms (OMB Control # 0648-0212) as modified by Amendment 13 to the NE Multispecies FMP

Requirement	# of Entities	Items Per Entity	Total # of Items	Response Time (hours)	Total Burden	Cost to:	
						Public ⁽¹⁾	Govt.
Electronic Vessel Trip Reports - Category B (regular) DAS pilot program	997	4	6000	0.25	1,500	\$0	\$3,840
Electronic Vessel Trip Reports - CAI Hook Gear Haddock SAP	NA	NA	2000	0.25	500	\$0	\$1,280
Electronic Vessel Trip Reports - Combined Trips to the Western U.S./Canada Area	400	10	4000	0.25	1,000	\$0	\$2,560
Totals	400	35	12000		3000	0	\$7,680

(1) Assumes a maximum of 36 characters per report.

(2) All items rounded to the nearest 1,000

Table 2. Costs to the Government from VMS Monitoring.

VMS Monitoring Annual Costs	Salary and Benefits ¹	\$230,000
	Internet Connection ²	7,500
	Equipment ³	20,000
	Back-up System ⁴	38,960
	Software Licensing	3,500
	Supplies ⁵	11,000
	Training and travel	8,000
	Total ongoing costs	\$300,000
Start-up Costs	Software adaptations	\$100,000
	Total fixed costs	\$100,000
	Annualized Start-up Costs (at 5 year amortization)	\$20,000
Total Annual Costs⁶		\$320,000
Previously Committed Costs Total Annual Costs⁷		\$300,000
Net Annual Costs to Government from Herring VMS Monitoring		\$20,000

Source: Data supplied by NMFS, Office of Enforcement, Northeast Regional Center, and NMFS Headquarters

1. Salary and benefits, three program support personnel.
2. 24-hour maintenance of secure Internet note at Gloucester, MA.
3. Lease and maintenance contract on CPU and monitor.
4. Lease and maintenance contract on CPU and monitor.
5. Optical storage disks, repairs and supplies associated with non-lease equipment (modem, router, printer, thermal paper, WORM drive).
6. Estimated by adding up annualized start-up costs (\$2,383) to total ongoing costs.
7. System operating costs currently funded to support program for the sea scallop fishery.

**ATTACHMENT 1:
INFORMATION THAT MUST BE DISPLAYED ON FORMS
USED TO COLLECT INFORMATION FROM THE PUBLIC**

· **The policy reasons for collecting the information.**

This information will be outlined in a permit holder letter to be drafted at a later time. A summary of the information that will be presented in that letter is as follows:

This collection of information is necessary to implement and manage the provisions outlined in Amendment 13 to the Northeast (NE) Multispecies Fishery Management Plan (FMP). Management measures under Amendment 13 to the NE Multispecies FMP were developed in response to the ruling of the U.S. District Court for the District of Columbia in the case of Conservation Law Foundation, et al. V. Evans (Case No. 00CV011234). These measures were approved by the New England Fishery Management Council (Council) on November 6, 2003.

· **The way in which the information will be used to further performance of agency functions.**

This information will be outlined in a permit holder letter to be drafted at a later time. A summary of the information that will be presented in that letter is as follows:

The information requested in the specified provisions will be used by several offices of NMFS to implement the specific provisions, including monitoring catch resulting from fishing within the U.S./Canada Area, among others. Information collected through this information request would enable enforcement officials, including the U.S. Coast Guard, to monitor compliance with the provisions of the FMP, including those governing participation in the U.S./Canada Area and possession restrictions.

· **An estimate of the average burden using the specified format.**

This information will be provided at the bottom of the instruction form describing how participants may report catch electronically that will be included with a permit holder letter describing Amendment 13 provisions that will be crafted at a later time.

· **Whether responses are voluntary, required to obtain or retain a benefit, or mandatory.**

This information will be provided at the bottom of the instruction form describing how participants may report catch electronically that will be included with a permit holder letter describing Amendment 13 provisions that will be crafted at a later time.

· **The nature and extent of confidentiality to be provided, if any.**

This information will be outlined in a permit holder letter to be drafted at a later time. A summary of the information that will be presented in that letter is as follows:

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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