

Appendix III
Draft PRA Supporting Statements

SUPPORTING STATEMENT

FOR OMB# 0648-****

NORTHEAST MULTISPECIES LOGBOOK INFORMATION DATA COLLECTION NOAA FISHERIES NORTHEAST REGIONAL OFFICE

INTRODUCTION

This submission requests that the Office of Management and Budget (OMB) approve the information collection provisions for the vessel trip report requirements contained within Framework Adjustment 40-B (FW 40-B) to the Northeast (NE) Multispecies Fishery Management Plan (FMP). The data collections under this submission are new elements of programs already approved under OMB# 0648-0502 and OMB# 0648-0212.

However, each of these collections are or will soon be renewed. Thus, a new OMB control number is requested for this collection at this time. It is intended that this collection, along with OMB# 0648-0502 will be integrated into the NERO Logbook Family of Forms (OMB# 0648-0212) at a later appropriate time.

The New England Fishery Management Council (Council) proposed management measures under FW 40-B that create additional opportunities for commercial fishing vessels to harvest healthy groundfish stocks. The proposed measures under FW 40-B include the Western Gulf of Maine (WGOM) Rod/Reel Haddock Special Access Program (SAP). The National Marine Fisheries Service (NOAA Fisheries) will publish a proposed rule soliciting comments on these measures and the information collection based upon these measures.

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 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 NOAA Fisheries. The Council develops management plans for fishery resources in New England. The NE Multispecies FMP 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 monitor their activity levels and landings. Recently, however, the information collected through VTRs is also being collected electronically through Vessel Monitoring System (VMS). The use of VMS in addition to VTRs allows for real-time monitoring and enforcement of

management provisions by collecting information on the time and location of fishing operations and the catch and discard of particular species on a daily basis. 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.

This information is necessary to enforce the management measures and prevent overfishing.

The current regulations outlining the reporting requirements, including VTRs, for vessel owners and operators are specified at 50 CFR 648.7(b). FW 40-B includes new provisions that would create new VMS reporting requirements for those vessels electing to fish in the Western GOM Rod/Reel Haddock SAP. Collecting this information would be necessary to monitor the activities of vessels participating in the SAP's, and to enforce compliance with other provisions outlined in FW 40-B. These data are crucial to the monitoring of fishing effort and discards to ensure compliance with the mortality objectives of Amendment 13 to the FMP.

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. 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 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 Magnuson-Stevens Act and other applicable law, and complied with the Court-ordered implementation deadline of May 1, 2004. requirements for these SAPs that were previously proposed under Amendment 13. FW 40-B creates further opportunities to target healthy stocks through using Category B DAS in the SAP so that the Magnuson-Stevens Act requirement to attain optimum yield from the fishery can be met.

One of the ways the NE Multispecies FMP 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 Category A DAS, Category B DAS, or Category C 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 to achieve, but not exceed, the target total allowable catch (TAC) amounts established for all regulated

groundfish species consistent with the mortality objectives of the FMP. Category A DAS could be used beginning May 1, 2004, to target any regulated groundfish stock. 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.

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. Both Amendment 13 and FW 40-A have included SAP's as a means to achieve optimum yield from healthy groundfish stocks. FW 40-B adds an additional SAP opportunity for fishermen in the Gulf of Maine.

Western Gulf of Maine Rod/Reel Haddock SAP

FW 40-B proposes one new SAP, the WGOM Rod/Reel Haddock SAP, to allow fishermen to target haddock in the WGOM with hook gear. This SAP will provide smaller vessel owners an opportunity to use Category B DAS to target healthy stocks in an area more accessible than previously approved SAP's.

This SAP is available to all limited access NE Multispecies vessels. The SAP will be open for 2 months (March – April) or until a TAC is reached for regulated species. The TAC allocated to this SAP is 50 mt of haddock, and 6.3 mt of cod for 2005, and 7.5 mt of cod in 2006. Vessels are required to use VMS to declare into the SAP prior to departure, and submit daily catch reports of all regulated species by statistical area.

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.

Landings reports specified under the SAP to be implemented in FW 40-B would require the owner or operator of a vessel fishing in the SAP to report the total amount of specific species, including discards, on a daily basis when operating under these programs. This information must be submitted via VMS. Vessels are still required to submit VTRs for all trips in addition to the daily electronic catch and discard reporting via VMS.

Similar information has been collected from vessels fishing in previously approved SAP's. This information will be used by NOAA Fisheries to monitor the amount of cod and haddock caught within the SAP. 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 incidental catch hard TACs associated with the U.S./Canada Resource Sharing Agreement and the incidental TAC of each species of concern, 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. Specifically, without daily catch information for the incidental catch TACs for the species of concern, real-time monitoring of the relatively small TACs would not be possible. Timely information is necessary to ensure that these incidental TACs are not exceeded, thereby potentially threatening the mortality objectives of Amendment 13.

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 FW 40-B is submitted entirely via an electronic medium. As stated previously, this information is submitted using a commercially available vessel monitoring system. There are currently two vendors approved to provide this service to fishing vessels. This system incorporates the most advanced means of reporting this type of information to date. Future actions may implement provisions that would replace VTRs with electronic catch reporting for all trips taken by vessels within the Northeast Region.

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 provide spatial and temporal elements not currently available by any other means. The paper logbook (VTR) does require many of the same data elements, however because the logbooks are only required to be submitted monthly, they are not effective providing real-time data to fishery managers. 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.

NOAA Fisheries recently certified a new VMS vendor that is less expensive than the other certified VMS vendor currently being used by the fishing industry. In addition, this new VMS vendor uses hardware and software that more closely mirrors those used in home computers and are, therefore, more familiar to industry participants than the other certified vendor. This reduces the burden on the public by minimizing the need to learn to use unfamiliar hardware and software associated with VMS.

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 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 Management 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 Resource Sharing Agreement. In addition, exceeding the incidental TACs for species of concern under the SAP proposed under FW 40-B could result in fishing mortality rates rising above legal limits and reaching levels that may compromise the fishing mortality objectives specified in Amendment 13. This would require additional reductions in fishing effort in the future. Failure to collect catch information for vessels fishing both inside and outside of the Western U.S./Canada Area would prevent the accurate monitoring of yellowtail flounder catch from the Western U.S./Canada Area. This information is necessary to ensure that harvest of yellowtail flounder from the U.S./Canada Management Area does not exceed the amount allocated to U.S. vessels under the U.S./Canada Resource Sharing Understanding. Therefore, daily 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 would be required to be submitted on a daily basis for vessels fishing in the proposed 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 are not 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 FW 40-B. This framework, including the proposed SAP, have been developed under the close scrutiny of the public as the New England groundfish fishery is important to a lot of people for a lot of different reasons.

NOAA Fisheries will publish a notice in the Federal Register soliciting comments on the proposed rule implementing FW 40-B before this information collection is implemented.

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.

This submission is an estimate of the new data collection burdens associated with daily electronic catch reporting for the WGOM Rod/Reel Haddock SAP. 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). As a result, this submission only includes the additional burden associated with the daily electronic reporting of regulated groundfish catch and discard information via VMS. These burdens would be in addition to those previously considered under Amendment 13 and approved under OMB Control No. 0648-0212 and 0648-0502. 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.

A daily catch report detailing the amount of haddock and other stocks of concern for each statistical area fished must be submitted by vessels participating in the WGOM Rod/Reel Haddock SAP. These vessels would only be allowed to enter and exit the SAP once per trip and would be required to submit a catch report when entering or exiting the area. Daily electronic reporting of catch and discards for haddock and other stocks of concern for each statistical area when fishing on a Category B (regular) DAS 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.

Based on an average of 500 pounds of haddock per day fished, and a TAC of 100,000 pounds of haddock, a total of 200 fishing days would be available for this SAP. If 200 vessels elect to participate in this SAP that would result in 1 fishing days for each vessel. One fishing day translates into one daily catch report (item per entity) for a total of 200 items estimated for this collection. This results in a total annualized burden estimate of 50 hours (0.25 hours/report x 200 items).

Table 1 summarizes the burden hours, number of respondents, and the total burden of the reporting requirements for the vessel reporting provisions contained within FW 40-B to the NE Multispecies FMP.

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 other information collections relating to Amendment 13 to the NE Multispecies FMP. Accordingly, the costs associated with the purchase, installation, and operation of VMS units are not included in this submission.

Vessels participating in the WGOM Rod/Reel Haddock SAP would be required to report their catch of haddock and cod per statistical area on a daily basis through VMS. Using a VMS transmission cost of \$0.004 per character, the cost for reporting the daily catch would amount to \$0.08 (18 characters per report x \$0.004/character). There is an additional surcharge of \$0.50 per report as well. As specified above, the total number of days available to participate in this SAP is estimated to be 200. Using the estimated 200 days per year for this reporting burden, the annualized public costs associated with this submission would be \$116 (\$0.58/day x 200 days).

The estimates of the total annual cost burden to respondents or record-keepers resulting from this collection are summarized in Table 1 below.

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

The NMFS Northeast Region currently processes VMS data 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 already budget for in OMB #0648-0202. 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 do not increase as a result of this collection.

The annualized cost to the government, summarized in Table 1, from this collection is \$0.

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

This is a new information collection. It is clearly documented in the justification section (Item #1) why this program is being implemented.

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

Requirement	Number of Entities	Items Per Entity	Total Number of Items (Repsponses)	Response Time (hours)	Total Burden (hours)	Cost:	
						Public	Government
WGOM Rod/Reel Haddock SAP:							
VMS Trip Reports	200	1.0	200	0.25	50	*116.00	0
Total	200	1.0	200		50	\$116.00	\$0

*This cost assumes 200 daily catch reports for this SAP with 18 characters per report and a transmission fee of \$0.004 per character and a transmission surcharge of \$0.50 per report.

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**SUPPORTING STATEMENT
NORTHEAST MULTISPECIES FRAMEWORK 40B
PERMIT DATA COLLECTION**

INTRODUCTION

This submission requests Office of Management and Budget (OMB) clearance of information collection provisions for the vessel permit requirements proposed under Framework Adjustment 40B (Framework 40B) to the Northeast (NE) Multispecies Fishery Management Plan (FMP). This information collection submission builds upon a previously approved submission under the “Northeast Region Permit Family of Forms” (OMB Control No. 0648-0202). OMB Control No. 0648-0202 includes information collection burden estimates for provisions relating to the permitting requirements of all FMP’s managed by the Northeast Regional Office of the National Marine Fisheries Service (NOAA Fisheries). Currently, OMB Control No. 0648-0202 is being modified to include information collection provisions proposed under Amendment 2 to the Monkfish FMP. Since these revisions are currently under review with the OMB, this submission to further modify the information collections approved under OMB Control No. 0648-0202 is considered a new information collection. If approved, NOAA Fisheries intends to integrate this new information collection submission for the provisions contained in Framework 40B into OMB Control No. 0648-0202 when circumstances allow.

The New England Fishery Management Council (Council) is proposing management measures under Framework Adjustment 40B that create additional opportunities for commercial fishing vessels to harvest healthy groundfish stocks and to modify existing programs implemented under Amendment 13 to improve the effectiveness of these programs. The proposed measures under Framework 40B include the following provisions requiring new information collection requirements: (1) Requests for allocation of Georges Bank (GB) cod to facilitate research projects; (2) The Western Gulf of Maine (WGOM) Rod/Reel Haddock Special Access Program (SAP); and (3) Herring vessel observer and law enforcement notifications. This information collection submission requests approval of new information collection requirements to implement the above provisions for Framework Adjustment 40B 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 U.S. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and NOAA Fisheries. The Council develops management plans for fishery resources in New England. The NE Multispecies FMP 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. On November 6, 2003, the Council approved measures outlined in Amendment 13. Final measures approved by the Secretary were implemented on May 1, 2004. The implementation of Amendment 13 brought the FMP into full compliance with the provisions of the Magnuson-Stevens Act and other applicable law. Amendment 13 included programs to facilitate targeting of healthy groundfish stocks. Framework 40A built upon the measures adopted in Amendment 13, implementing additional programs that would allow vessels to target healthy groundfish stocks without compromising the rebuilding objectives established under Amendment 13. Framework 40B further builds upon these actions to improve the effectiveness of the effort reductions implemented under Amendment 13 and to establish an additional opportunity to target healthy groundfish stocks without compromising the rebuilding objectives of the FMP. To do so, Framework 40B proposes to facilitate research on GB cod through a research set-aside total allowable catch (TAC), establish an additional SAP to facilitate the harvest of healthy groundfish stocks, and collect further groundfish bycatch information from herring vessels.

GB Cod Research Set-aside TAC

Amendment 13 established a range of measures to control fishing mortality that would prevent overfishing and allow overfished stocks to rebuild. For some species, the measures included in Amendment 13 are likely to reduce fishing mortality more than is needed to maintain the rebuilding schedule for these species. As a result, Framework 40A established incidental catch TAC's for stocks of concern (i.e., stocks under rebuilding programs whose Amendment 13 fishing mortality reductions would be closer to the rebuilding program) that would allow for limited increases of effort on these stocks without compromising the rebuilding objectives of Amendment 13.

Framework 40B proposes to set aside 10 percent of the GB cod incidental catch TAC to facilitate research. This TAC would be used to allow researchers to conduct experiments on groundfish without increasing fishing mortality on GB cod. Any TAC not allocated to research would be distributed to other programs using portions of the GB incidental catch TAC such as the Regular B DAS Pilot Program or the Eastern U.S./Canada Haddock SAP Pilot Program implemented under Framework 40A. Researchers would be required to submit a written request to NOAA Fisheries for a portion of the TAC they would require to conduct their experiments. NOAA Fisheries would then allocate a portion of the research set-aside TAC to these researchers. This request would include the amount of GB cod researchers anticipate to catch during the course of their experiments. This information is necessary to track the amount of GB cod expected to be caught during research operations. If not all of the research set-aside TAC has been allocated to facilitate research, information collected under this request would also be used to determine the amount of remaining TAC that should be redistributed to other programs utilizing this TAC as specified above.

WGOM Rod/Reel Haddock SAP

One of the ways the NE Multispecies FMP 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 DAS that can be used. These DAS are categorized as either Category A DAS, Category B (regular or reserve) DAS, or Category C 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 to achieve, but not exceed, the target TAC amounts established for all regulated groundfish species consistent with the mortality objectives of the FMP. 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 in specific programs. Amendment 13 implemented one such program, the Closed Area II Yellowtail Flounder SAP, while Framework 40A implemented two additional SAP's (Closed Area I Hookgear Haddock SAP and the Eastern U.S./Canada Haddock SAP Pilot Program) and the Regular B DAS Pilot Program.

SAP's 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.

Framework 40B proposes to implement another SAP for vessels fishing for haddock in the GOM: The WGOM Closed Area Rod/Reel Haddock SAP. Vessels participating in this SAP would be required to meet the following requirements:

- Vessels would be required to obtain a Letter of Authorization (LOA) from the Regional Administrator (RA) declaring their intent to fish exclusively within the SAP for a minimum of seven days;
- Vessels would be required to purchase, install and use an approved Vessel Monitoring System (VMS);
- Vessel operators would be required to notify the NOAA Fisheries Observer Program 72 hours in advance of a trip into this SAP so that NOAA Fisheries can plan observer coverage;
- Vessel operators must declare their intent to participate in this SAP along with the type of DAS, if any, they are using during a trip into this SAP prior to the start of the trip using VMS;
- Vessel operators would be required to report the catch of stocks of concern daily through the VMS. This reporting requirement will be addressed in a separate new information collection request modifying the information collection previously approved for the "Northeast Region Logbook Family of Forms" (OMB Control No. 0648-0212).

Because SAP's allow for exemptions from the current regulations of a FMP, special permitting or LOA's are often required to ensure compliance and consistency with the purpose of the exemption. Special permits and LOA's provide a list of participants, their period of participation, and assist the agency in monitoring compliance with regulations governing these SAP's or exemption programs. Framework 40B would require vessels to participate in this SAP for a minimum of seven days. When participating in this SAP, vessels would be prohibited from fishing or setting any gear capable of catching groundfish outside of the SAP area. To facilitate the enforcement and monitoring of these provisions, Framework 40B would require vessels to obtain a LOA during the period they intend to participate in this SAP.

Vessels issued a limited access NE multispecies permit that intend to fish in this SAP 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 RA that a certified VMS has been installed, including the installation receipt from a NOAA Fisheries-certified VMS vendor. Once installed, the VMS units of limited access NE multispecies vessels are polled once per hour regardless of where they are operating. However, when operating within WGOM Closure Area or any other closed area established under the NE Multispecies FMP, vessels would be polled twice per hour. Without a VMS on board, monitoring vessel position, vessel participation in a SAP, DAS usage, and species' TACs as defined in Framework 40B and previous groundfish actions would not be possible.

Limited access multispecies vessels would be required to declare their intention to participate in this SAP through the VMS prior to leaving port. Under Framework 40B, category A or B DAS may be used within the WGOM Closure Area Rod/Reel Haddock SAP. Accordingly, vessels may choose whether to use a category A or B DAS prior to each trip into a particular SAP. 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. 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 40B.

Proposed measures for this SAP would also require vessels to notify the NOAA Fisheries Observer Program of their intent to participate in this SAP 72 hours before beginning a trip into this SAP. This notification would be made in the form of a telephone call to the Observer Program. This notification is used by NOAA Fisheries to ensure that trips into each approved SAP 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.

Herring Vessel Notifications

Currently, the herring fishery is considered an exempted fishery that is not capable of catching groundfish. However, recent reports of herring vessels catching regulated groundfish have

prompted an interest in gaining a better understanding of the scope of groundfish bycatch in the herring fishery. This bycatch may not be accounted for in the rebuilding program established for the NE Multispecies FMP. Framework 40B proposes to require vessels with a Category I herring permit that fish in the GOM or GB Regulated Mesh Areas (RMA's) to notify the NOAA Fisheries Observer Program 72 hours before beginning a trip. In addition, if an observer is not provided for the trip, the vessel must notify NOAA Fisheries Office of Law Enforcement via VMS prior to offloading the catch. These provisions would be new requirements on the herring fishery and are intended to improve the ability to place an observer on herring vessels and to monitor offloads to determine the extent of groundfish bycatch in the herring fishery.

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 under this submission would be used by several offices of NOAA Fisheries and the U.S. Coast Guard for the monitoring, implementation, and enforcement of the provisions proposed in Framework 40B.

As specified above, Framework 40B proposes to allocate 10 percent of the incidental catch TAC for GB cod to facilitate research. Information collected under this submission would be used by NOAA Fisheries staff to determine which research projects would be allocated portions of this TAC and how much of the remaining research set-aside TAC would be re-allocated to other programs using B DAS. Researchers interested in conducting research projects that are expected to catch GB cod would be required to submit one request to NOAA Fisheries once per year prior to May 1.

Vessels issued a limited access NE multispecies DAS permit and interested in participating in the WGOM Closure Area Rod/Reel Haddock SAP would be required to obtain a LOA to document their participation in this SAP. The minimum participation period for this LOA is seven days. To obtain a LOA for this SAP, vessels would be required to call NOAA Fisheries and request a LOA for the WGOM Closure Area Rod/Reel Haddock SAP. Given the season proposed for this SAP spans two months (March and April), it is possible that vessels could request this LOA several times throughout the season of this SAP. NOAA Fisheries Permit Office staff would use the information provided from the phone call to issue the requested LOA. This LOA would document a vessel's participation in the SAP and that the vessel has not set gear capable of catching groundfish outside of the WGOM Closure Area Rod/Reel Haddock SAP during the participation period of the LOA.

Framework 40B would require vessels participating in the WGOM Closure Area Rod/Reel Haddock SAP to use a 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 once per hour to determine geographic location regardless of the area they are fishing in. However, when fishing in the WGOM Closure Area, vessels would be polled at a rate of twice per hour. 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 implemented under Amendment 13. VMS data would be used by NOAA Fisheries and law enforcement personnel to monitor vessel activity, including vessel location, DAS use, and catch reporting and ensure compliance with the provisions of this SAP.

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. All limited access NE multispecies vessels are eligible to participate in the WGOM Closure Area Rod/Reel Haddock SAP. Vessels that are regulated by the DAS requirements would be required to declare their intent to participate in this SAP along with which category DAS they would be operating under prior to each fishing trip. This information must be submitted by those vessels participating in this SAP every time they intend to operate under the requirements of this SAP. This information would be used by NOAA Fisheries law enforcement personnel to monitor and track DAS usage and insure compliance with the appropriate regulations.

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 intent and DAS declaration information provided to participate in the WGOM Closure Area Rod/Reel Haddock SAP to identify participants as well as enforce the program provisions. Vessels may participate in these programs multiple times throughout the fishing year. DAS and area declaration information would be used by enforcement personnel to monitor compliance with effort and area restrictions. This information is currently being used to track and monitor vessel position; DAS use; and the number of trips into the Regular B DAS Pilot Program and the SAP's implemented under Framework 40A and Amendment 13.

NOAA Fisheries would use notifications of the intent to fish within the WGOM Closure Area Rod/Reel Haddock SAP 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 prior to each trip into the WGOM Closure Area Rod/Reel Haddock SAP. 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. This information is currently being used to deploy NOAA Fisheries-approved observers or sea samplers for vessels intending to fish in other Category B DAS programs implemented under Amendment 13 and Framework 40A.

Vessels issued a Category 1 herring permit that intend to fish for herring in the GOM or GB Regulated Mesh Areas must call the NOAA Fisheries Observer Program and request an observer at least 72 hours in advance of any trip into these areas. In addition, if an observer waiver is granted, vessels would be required to notify the NOAA Fisheries Office of Law Enforcement of the time and place of landing prior to crossing the VMS demarcation line on their return to port. 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. NOAA Fisheries Office of Law Enforcement would use information on the time and place of landing will facilitate the ability of enforcement personnel to observe landing operations to collect additional groundfish bycatch information from the herring fishery.

It is anticipated that the information collected would 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 would 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 would 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 use of VMS involves the electronic collection of vessel position, activity code selection, and DAS category usage when participating in the WGOM Closure Area Rod/Reel Haddock SAP. Vessel position information is automatically transmitted by the VMS unit, while vessel operators would be required to manually enter activity codes and DAS selections. VMS represents the most advanced means of reporting this information to date. These requirements mirror those implemented under Amendment 13 and Framework 40A to participate in SAP's and the Regular B DAS Pilot Program.

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.

NOAA Fisheries recently certified a new VMS vendor that is less expensive than the other certified VMS vendor currently being used by the fishing industry. In addition, this new VMS vendor uses hardware and software that more closely mirrors those used in home computers. These units are, therefore, more familiar to industry participants than the other certified vendor. This reduces the burden on the public by minimizing the need to learn to use unfamiliar hardware and software associated with VMS as well as minimizing costs associated with VMS.

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 40B 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 40B 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 40B such as the WGOM Closure Area Rod/Reel Haddock SAP. This program could help offset some of the potential negative economic impacts caused by reductions in DAS that were adopted by Amendment 13. The GB cod research TAC set-aside proposed in Framework 40B would not be able to be allocated to facilitate research projects unless NOAA Fisheries is aware of research projects that could potentially catch GB cod. Failure to collect information on research projects catching GB cod would prevent NOAA Fisheries from accounting for the GB cod mortality associated with these research projects. Failure to collect information on herring vessel activity or collecting it less frequently could undermine efforts proposed in Framework 40B to collect groundfish bycatch information by herring vessels. This information is important in determining the impact of herring vessel operations on groundfish fishing mortality.

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 would require more frequent reports. This information collection is required to be submitted twice per hour for vessels fishing inside of the WGOM Closure Area as part of the WGOM Closure Area Rod/Reel Haddock SAP and once per hour when fishing outside of a closure area. Polling of vessels twice per hour is required in order to accurately monitor vessel position and activity. In addition, since the season for this SAP is specified for only two months of the year, collecting VMS information, including activity code declaration and DAS selection, on more than a quarterly

basis is required to allow vessels to fish in this SAP more than once per fishing year. This information would be used to by NOAA Fisheries Office of Law Enforcement to enforce provisions of the WGOM Closure Area Rod/Reel Haddock SAP. Failure to collect information on the time and place of herring vessel offloading could minimize the ability of law enforcement personnel from observing herring vessel landings operations. This could reduce the amount of groundfish bycatch data obtained from the herring fishery, potentially leading to underestimating groundfish bycatch in the herring fishery.

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 40B during the period July 2004 through November 2004 during which there were opportunities for public discussion of proposed management strategies. The Council approved the measures contained in Framework 40B, including those specified above, on November 17, 2004. The information collections contained in this submission are part of a proposed rule to implement management measures outlined in Framework Adjustment 40BA 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 would be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). In addition, any information submitted according to the provisions outlined in Framework 40B 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 Table 1 at the end of the text. There are approximately 310 individual respondents estimated under this submission. These respondents include five research scientists, 105 herring vessels, and 200 vessels possessing limited access NE multispecies permits. Due to duplication of participants in the various programs, affected entities were only counted once. Regulatory changes contained in this action would implement new burden estimates for new programs specified under Framework 40B. This submission provides an estimate of new burdens associated with these new programs.

Framework 40B would establish a research set-aside TAC for GB cod. Researchers would be able to apply to use portions of this TAC by submitting a written request to NOAA Fisheries by May 1. Each written request is anticipated to take approximately 30 minutes to prepare, including time to determine how much GB cod is expected to be caught during research vessel operations. There is no information available to determine the number of research TAC applications expected to be received by NOAA Fisheries as the decision to apply for research TAC rests exclusively with each individual researcher. An estimate of five research set-aside TAC requests was used for this submission based upon a conservative estimate of the number of research projects catching GB cod on a yearly basis. Using this estimate, the annual time burden for requesting GB cod research set-aside TAC is three (3) hours.

The WGOM Closure Area Rod/Reel Haddock SAP would require vessels possessing a limited access NE multispecies DAS permit and electing to participate in this SAP to obtain a LOA from the Regional Administrator. These LOA's may be obtained by calling the NOAA Fisheries Permit Office. It is estimated that each call to request this LOA would take approximately five (5) minutes per request. While any vessel issued a limited access NE multispecies DAS permit would be eligible to participate in this SAP, it is estimated that approximately 50 such vessels would participate in this SAP. It is estimated that each vessel would request one LOA per year. Thus, for this provision, the annual burden would amount to four (4) hours.

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 approximately 140 vessels have elected to do so. Although this has yet to be required of all NE multispecies vessels, previously approved information collection submissions (OMB Control No. 0648-0202) for earlier groundfish 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. Therefore, the number of vessels in the original burden estimates would likely include the number of vessels likely to participate in the WGOM Closure Area Rod/Reel Haddock SAP and required to use a VMS as proposed under

Framework 40B. Therefore, the burden associated with purchase and installation of VMS for the participants the WGOM Closure Area Rod/Reel Haddock SAP for this action has already been considered and approved under previous submissions of OMB Control No. 0648-0202. 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.

Available trip report data was used to obtain an estimate of the number of limited access NE multispecies vessels (those already using hook gear or rod/reel gear) that have previously operated in the area surrounding the WGOM Closure Area Rod/Reel Haddock SAP. This resulted in an estimate of 100 vessels. It is anticipated that the potential to fish for haddock in the WGOM Closure Area could induce other limited access NE multispecies vessels to use rod/reel gear that have previously never utilized that gear to target groundfish in the GOM. Therefore, it is estimated that an additional 100 vessels could potentially participate in the WGOM Closure Area Rod/Reel Haddock SAP for a total of 200 potential participants.

Framework 40B would re-categorize 10 Category C DAS to Category B (reserve) DAS for those vessels allocated zero Category A or B DAS under Amendment 13. Under Amendment 13, approximately 400 vessels were allocated zero Category A or B DAS. These vessels could participate in the WGOM Closure Area Rod/Reel Haddock SAP using Category B (reserve) DAS. Of the 200 vessels eligible to participate in this SAP, it is estimated that up to 50 of these vessels would be among the vessels allocated zero Category A or B DAS under Amendment 13 and therefore only Category B (reserve) DAS under Framework 40B. Overall, the 200 vessels eligible to participate in this SAP are not likely among the 140 NE multispecies vessels that currently use VMS. As a result, these vessels are considered new participants that would be required to abide by the VMS provisions proposed under Framework 40B and specified below.

The WGOM Closure Area Rod/Reel Haddock SAP would be controlled by a haddock TAC of 50 mt, or a little over 1,000,000 lb. Although a very small bycatch TAC is proposed for GOM cod, this TAC was not considered for this estimate as this SAP is intended to provide incentives to catch haddock without catching cod. Therefore, basing this information collection submission on the larger haddock TAC would provide a conservative estimate of the burden associated with this SAP. Once the haddock TAC is reached, the SAP would be closed. Assuming that 500 lb of haddock are caught per day fished, this TAC would be caught in 200 days. Given the proximity of the WGOM Closure Area Rod/Reel Haddock SAP to many of the major groundfishing ports and the small size of the vessels likely to participate in this SAP, it is assumed that each trip would only last 1 day. Assuming that all 200 vessels participate in this SAP, each vessel would only be able to fish in this SAP approximately one day per year.

Once a limited access NE multispecies vessel elects to use VMS in order to fish the WGOM Closure Area Rod/Reel Haddock SAP, these vessels would be polled for vessel position once per hour regardless of where the vessel operates. When operating within the WGOM Closure Area, vessels would be polled twice per hour. A recent submission for the information collection provisions contained in the NE Multispecies FMP Permit Family of Forms (OMB Control No. 0648-0202) and Framework 40A (OMB Control No. 0648-0501) assessed the burden for 997 NE

multispecies vessels fishing with VMS. Of the 200 vessels likely to participate in the WGOM Closure Area Rod/Reel Haddock SAP, 150 of these vessels are likely included within the 997 vessels previously included in the information collection submissions for Framework 40A. The remaining 50 vessels eligible to participate in the WGOM Closure Area Rod/Reel Haddock SAP proposed under Framework 40B, but not included in the Framework 40A information collection submission, would likely include the vessels allocated zero Category A and B DAS under Amendment 13 as described above. Therefore, these vessels are not eligible to participate in the Category B (regular) DAS Pilot Program implemented under Framework 40A and were not included in the burden estimates approved for that action. Accordingly, for the burden associated with the automated VMS positional polling of vessels fishing in this program, a total of 50 vessels was used. The burden for the automated polling of vessel position is estimated to be five (5) seconds (0.001 hours) per poll. The annualized burden for VMS positioning for this provision is 439 hours [(24 polls/day x 364 days/year x 0.001 hours/poll x 50 vessels) + (48 polls/day x 1 day/year x 0.001 hours/poll x 50 vessels)]. This estimate includes the increased polling rate when operating inside the WGOM Closure Area.

The WGOM Closure Area Rod/Reel Haddock SAP would create an opportunity to use Category A or B DAS in the WGOM Closure Area. Vessels subject to DAS requirements that intend to participate in this program would have to declare their intent to use a Category A or B DAS every time they wished to fish under this SAP. In addition, these vessels would be required to declare their intent to participate in this SAP 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. Since only 200 days are expected to be fished in this SAP each year and each trip requires only one declaration for the intended area to be fished and the DAS category to be used, this amounts to a total of 200 declarations for this submission and an annualized burden of 17 hours.

Framework 40B would require vessels participating in the WGOM Closure Area Rod/Reel Haddock SAP 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. This notification would be in the form of a telephone call to the Observer Program contractor. The reporting burden for 200 vessels eligible to participate in this SAP is based upon the estimated maximum number of trips that would be used in this SAP per year. As specified above, a total of 200 days, and therefore trips, is expected to be fished in this SAP per year. Therefore, for this submission, a total of 200 notifications (one per vessel) was used. Each notification is expected to take approximately two (2) minutes (0.033 hours) per call. This results in an annualized burden of seven (7) hours per year (200 notifications/year x 0.033 hours/notification).

Framework 40B would require vessels issued a Category 1 herring permit and intending to fish in either the GOM or GB RMA as defined in the NE Multispecies FMP to notify the observer program of their intent to fish in these areas prior to leaving port. This notification would be in the form of a telephone call to the Observer Program contractor. This call is expected to take two (2) minutes (0.033 hours) per call. As of 2003, there were 105 vessels issued a Category 1

herring permit fishing a total of 1,337 trips into the GOM and GB RMA's of the NE Multispecies FMP. Therefore, for this submission, a total of 1,337 notifications to the Observer Program would be required for a total yearly burden of 44 hours.

Under Framework 40B, if Category 1 herring vessels are not issued an observer, these vessels would be required to notify the NOAA Fisheries Office of Law Enforcement of the time and port of landing so that enforcement staff could observe offloading operations for groundfish bycatch. This notification would be in the form of an email using VMS. It is expected that this notification would take approximately five (5) minutes. The target observer rate for the herring fishery is 50 percent. Assuming a 50 percent observer coverage rate and a total number of trips into the GOM or GB RMA's of 1,337 trips per year, this provision would result in a total of 669 notifications per year, or 56 hours of additional burden.

The information collections for provisions proposed under Framework 40B result in an annual burden of 569 hours for this submission.

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).

The following information is summarized in Table 1 at the end of the text.

Researchers submitting requests for GB cod research set-aside TAC would only incur costs associated with mailing these requests to NOAA Fisheries. Assuming a total of five TAC requests per year and a mailing rate of \$0.37 per letter for postage, the yearly costs associated with this provision amount to \$1.85.

As specified above, only approximately 50 NE multispecies DAS vessels are expected to participate in the WGOM Closure Area Rod/Reel Haddock SAP would be required to obtain a LOA from the Regional Administrator. To obtain this LOA, vessels would be required to call the NOAA Fisheries Permit Office and request such a LOA. These vessels would incur costs for this call depending on where the call was placed. It is impossible to estimate the costs associated with these calls, but it is expected to be minimal. Therefore, no costs associated with this provision were included in this submission.

All participants in the WGOM Closure Area Rod/Reel Haddock SAP would be required to use VMS. All vessels that do not currently possess VMS must obtain one under this provision. The cost of purchasing and installing a 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 this SAP. 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.

Currently, there are two certified vendors providing VMS services, Boatracs and Skymate. To determine the annual operating costs of VMS units, an estimated monthly operations cost of \$150 was used. This represents the monthly operating costs of the Boatracs VMS, a more conservative estimate for the monthly operating costs between the two VMS systems currently certified. This cost assumes a vessel positional polling rate of two polls per hour. Therefore, this monthly operational cost includes the costs associated with additional polling for vessels participating in the WGOM Closure Area Rod/Reel Haddock SAP proposed under Framework 40B. As a result, no additional costs are included for the automated VMS positional polling in this submission.

The monthly operating cost associated with VMS usage 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. It represents a conservative estimate of the yearly operating costs to vessels for VMS operation. Because this action does not affect the number of electronic messages sent and received by an individual vessel, it is estimated that the provisions within Framework 40B would not increase the basic monthly operational costs of VMS beyond that which was previously estimated.

As specified above, the information collection submission for Framework 40A (OMB Control No. 0648-0501) included the yearly VMS operational costs associated with 945 vessels eligible to participate in the Category B Regular DAS Pilot Program. This number includes 150 vessels eligible to participate in the WGOM Closure Area Rod/Reel Haddock SAP proposed under Framework 40B as specified above. However, the yearly VMS operational costs associated with the 50 additional vessels eligible to participate in the WGOM Closure Area Rod/Reel Haddock SAP, but not included in OMB Control No. 0648-0501, were not accounted for in previous information collections. Therefore, this information collection includes the yearly VMS operational costs for these vessels. This results in a yearly cost of \$90,000 for these vessels (\$150/month x 12 months/year x 50 vessels).

Vessels participating in the WGOM Closure Area Rod/Reel Haddock SAP as proposed in Framework 40B would be required to declare their intent to fish in this SAP along with the category of DAS they intend to use, if appropriate, via VMS prior to leaving port for each trip. Each declaration into this SAP and the DAS to be used would cost \$0.50 per submission. Assuming a trip length of 1 DAS, approximately 200 trips are expected to be taken in the WGOM Closure Area Rod/Reel Haddock SAP per year. This results in an annualized costs associated with these declarations of \$100 (200 declarations x \$0.50/declaration).

The 200 possible participants in the WGOM Closure Area Rod/Reel Haddock SAP and the 105 Category 1 herring vessels would be required to notify the NOAA Fisheries Observer Program at least 72 hours prior to starting a fishing trip into this SAP or the GOM or GB RMA, respectively. This notification would be in the form of a telephone call. Vessels would incur costs for this call depending on where the call was placed. It is impossible to estimate the costs associated with these calls, but it is expected to be minimal. For the consideration of this submission, there are no additional costs to the public for observer coverage as specified in Framework 40B.

Category 1 herring vessels fishing in the GOM or GB RMA that have been granted an observer waiver would be required to notify NOAA Fisheries Office of Law Enforcement of the time and port of landing via VMS prior to crossing the VMS demarcation line ending their trip. Each notification would cost \$0.50. Assuming a target observer coverage rate of 50% for herring trips into the GOM and GB RMA's results in approximately 668 trips with observers and 669 trips without observers. Therefore, under Framework 40B, Category 1 herring vessels are expected to make approximately 669 notifications to the NOAA Fisheries Office of Law Enforcement informing them of the time and port of landing. For the 669 notifications per year expected from this provision, the annualized cost to herring vessels would be \$335.

The information collections for provisions proposed under Framework 40B result in total costs to vessels of \$90,435 for this submission.

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

NOAA Fisheries 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 vessels participating in the WGOM Closure Area Rod/Reel Haddock SAP under Framework 40B.

Researchers are expected to submit a total of five requests to receive portions of the GB cod research set-aside TAC. Each submission would be reviewed by NOAA Fisheries staff. It is estimated that each submission would require approximately 2 hours to review to determine if the project should be allocated portions of the GB cod research set-aside TAC. Using a wage rate of \$25/hour, the total yearly cost to the government for this provision would amount to \$250.

The 50 NE multispecies DAS vessels expected to participate in the WGOM Closure Area Rod/Reel Haddock SAP would be required to obtain a LOA from the Regional Administrator. To obtain this LOA, vessels would be required to call the NOAA Fisheries Permit Office and request such a LOA. Each request for a LOA is expected to require approximately 10 minutes (0.17 hours) of response time by Permits Office staff. At a rate of \$25/hour, this provision is expected to result in a yearly cost to the government of \$213 (50 requests x 0.17 hours/request x \$25/hour).

As stated above, the additional VMS positional polling resulting from vessels fishing in the WGOM Closure Area Rod/Reel Haddock SAP proposed under Framework 40B is included in the monthly operational costs associated with VMS usage. In addition, vessels would be required to declare their intent to fish in and the category of DAS to be used when participating in the WGOM Closure Area Rod/Reel Haddock SAP. The costs associated with these positional polls and declarations are charged to individual vessels as specified above. The costs for monitoring VMS usage are included in the recurring costs associated with the VMS program

specified above. Therefore, there are no additional government costs associated with these provisions under this submission.

Participants in the WGOM Closure Area Rod/Reel Haddock SAP as well as Category 1 herring vessels would be required to notify the Observer Program contractor or 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 if they need to accommodate an observer for a particular trip. It is expected that there would be approximately 200 trips per year in the WGOM Closure Area Rod/Reel Haddock SAP. Each response by the Observer Program or NOAA Fisheries 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 \$850 (200 trips x 0.17 hours/response x \$25/hour) for this program. Category 1 herring vessels fishing in the GOM or GB RMA would also be required to make a similar notification prior to each trip. It is estimated that there would be approximately 1,337 trips into the GOM and GB RMA's by Category 1 herring vessels per year. This would result in an annualized cost to the government of \$5,682 (1,337 trips x 0.17 hours/response x \$25/hour).

Costs to the government associated with herring vessel notifications to NOAA Fisheries Office of Law Enforcement regarding the time and place of vessel landing include costs associated with processing these notices. It is estimated that approximately three (3) minutes (0.05 hours) are required to process each email. Assuming a 50 percent observer coverage rate and a total of 1,337 total trips, approximately 669 landings notices would be sent by Category 1 herring vessels each year. Using a wage rate of \$25/hour, the total yearly cost to the government for this provision amounts to \$836 (0.05 hours/notice x 669 notices x \$25/hour).

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

Amendment 13 met Magnuson-Stevens 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 40B 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 permit-related program changes resulting from new requirements specified under Framework 40B.

As described above, this information collection request includes new information collection burdens associated with the provisions included in Framework 40B. These new collections, resulting in an additional burden of 569 hours and \$90,435, therefore, are considered program changes for this submission.

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: Burdens and Costs Associated with the Information Collections for Permit-related Provisions Included in Framework 40B to the NE Multispecies FMP

Permit Requirement	# of Entities ⁽¹⁾	Items Per Entity	Total # of Items	Response Time	Total Burden	Cost to:	
						Public	Govt. ⁽²⁾
GB Cod Research Set-aside TAC Request	5	1	5	0.500	3	\$2	\$250
LOA for WGOM Closure Area Rod/Reel Haddock SAP Participants	50	1	50	0.083	4	\$0	\$213
VMS Installation for WGOM Closure Area Rod/Reel Haddock SAP							
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							
WGOM Closure Area Rod/Reel Haddock SAP ⁽³⁾	50	8,784	439,200	0.001	439	\$0	\$0
VMS Operational Costs⁽⁴⁾							
WGOM Closure Area Rod/Reel Haddock SAP ⁽³⁾	50	N/A	N/A	N/A	N/A	\$90,000	\$0
Area and DAS Declaration (time burden and message cost)							
WGOM Closure Area Rod/Reel Haddock SAP	200	1	200	0.083	17	\$100	\$0
Observer Notification Requirements							
WGOM Closure Area Rod/Reel Haddock SAP	200	1	200	0.033	7	\$0	\$850
Herring Vessel Notifications							
Observer Program Notification	105	13	1,337	0.033	44	\$0	\$5,682
NOAA Fisheries Office of Law Enforcement Landings Notification	105	3	669	0.083	56	\$335	\$836
Totals⁽³⁾	310		441,606		569	\$90,435	\$7,368

(1) Counts affected entities only once.

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

(3) This estimate only includes an estimated 50 vessels eligible to participate in this SAP, but not included in the information collection burden estimate for Framework 40A.

(4) Assumes a monthly operational cost of \$150 per vessel.

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	\$20,000
	(at 5 year amortization)	
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 node 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**

1. The policy reasons for collecting the information.

This information will be outlined in the preamble to the proposed rule for this action and in a permit holder letter to be drafted at a later time. The proposed rule is included with this submission and 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 Framework 40B to the Northeast (NE) Multispecies Fishery Management Plan (FMP). Management measures under Framework 40B to the NE Multispecies FMP were developed to provide additional opportunities to target healthy stocks so that the Magnuson-Stevens Act requirement to attain optimum yield from the fishery can be met. In addition, other measures were developed to provide more information regarding groundfish bycatch in the herring fishery.

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

This information will be outlined in the preamble to the proposed rule for this action and in a permit holder letter to be drafted at a later time. The proposed rule is included with this submission and 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 to track DAS usage, participation in special access programs, and vessel monitoring system operation, 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 DAS usage and possession restrictions.

3. An estimate of the average burden using the specified format.

Since all information collected as part of this submission for provisions included within Framework 40B are submitted electronically via VMS, this information will be included in the preamble to the proposed rule for Framework 40B included with this submission.

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

This information will be included in a permit holder letter to be sent to all vessels with a valid NE multispecies DAS permit once implemented according to the provisions of the Administrative Procedures Act.

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

This information will be outlined in the preamble to the proposed rule for this action and in a permit holder letter to be drafted at a later time. The proposed rule is included with this submission and 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. 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.

6. A particular sentence involving the OMB Control Number.

This information will be outlined in the preamble to the proposed rule for this action and in a permit holder letter to be drafted at a later time.

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SUPPORTING STATEMENT
Revision to OMB# 0648-0475
Northeast Multispecies Days-at-Sea Leasing Program
Northeast Region

A. JUSTIFICATION

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

This collection of information is necessary to implement and manage a days-at-sea (DAS) leasing program for the Northeast (NE) Multispecies Fishery Management Plan (FMP). Management measures implemented on August 1, 2002, as part of a Settlement Agreement Among Certain Parties, and developed as part of a U.S. District Court for the District of Columbia (Court)-sponsored mediation in the case of Conservation Law Foundation, et al. V. Evans (Case No. 00CV011234), resulted in the significant reduction of allocated DAS for limited access Northeast multispecies permit holders. These management measures, plus additional measures, were furthered under Amendment 13 to the Northeast Multispecies FMP (69 FR 22906, April 27, 2004). The DAS leasing program was first implemented as part of Amendment 13 to the FMP in May of 2004.

The reduction in the DAS allocated to permit holders has limited the ability of some vessels to participate in the fishery, resulting in a loss of revenue and/or the ability to operate at a profit. Taking this into consideration, on May 20, 2002, the New England Fishery Management Council (Council) formally requested that the National Marine Fisheries Service (NMFS) develop a pilot DAS leasing program for the multispecies fishery. The Council reiterated this request on December 19, 2002. A DAS leasing program enables vessels to increase their revenue by either leasing additional DAS from another vessel and using them to increase their participation in the fishery, or by leasing their allocated DAS that they may not use to another vessel.

NMFS is requesting a revision to this collection of information to implement a one-time permit characteristics downgrade included in Framework Adjustment 40-B (FW 40-B) to the NE Multispecies FMP. This downgrade provision is only applicable to the DAS leasing program.

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

All vessels with a valid limited access groundfish DAS permit are eligible to lease groundfish Category A DAS to or from another such vessel, subject to certain restrictions. Eligible vessels acquiring DAS through leasing are termed lessees; eligible vessels leasing-out DAS are termed lessors. DAS associated with a CPH may not be leased. Vessels issued a Small Vessel or Handgear A permit, i.e., vessels that do not require the use of groundfish DAS, are not allowed to lease DAS, and vessels

participating in an approved sector under the Sector Allocation Program are not allowed to lease DAS to non-sector vessels during the fishing year in which the vessel is participating in the sector.

An eligible vessel wanting to lease groundfish DAS must submit a complete application to the Regional Administrator at least 45 days prior to the time that the vessel intends to fish the leased DAS. Vessels with a VMS will likely be able to receive notification of an approved lease agreement sooner than 45 days. Upon approval of the application by NMFS, the lessor and lessee will be sent written confirmation of the approved application. Leased DAS will be effective only during the fishing year for which they are leased. A vessel may lease to as many qualified vessels as desired, provided that all of the restrictions and conditions are complied with.

An application to lease DAS for a given fishing year may be submitted at any time prior to the fishing year in question, or anytime throughout the fishing year in question, up until March 1. Should an application be denied, the Regional Administrator will send a letter to the applicant describing the reason(s) for the application's rejection. The decision by the Regional Administrator is the final agency decision. There is no appeal process.

No subleasing of groundfish DAS is allowed. This means that, once a lease application is approved by NMFS, the leased DAS may not be leased a second time, even if the lessee was prevented from fishing the leased DAS due to circumstances beyond his/her control (e.g., a vessel sinking). Vessels are not be allowed to lease carry-over DAS. Only Category A DAS may be leased, and all leased DAS must be Category A DAS.

Vessels are allowed to lease as few as 1 DAS to any one vessel. The maximum number of DAS that can be leased by a lessee is the lessee's vessel's DAS allocation for the 2001 fishing year (excluding any carryover DAS). The lessee may fish that number of DAS as Category A DAS, in addition to the Category A DAS balance the vessel had prior to acquiring the leased DAS. For example, if a person wants to lease DAS for a vessel with a limited access groundfish permit, and that vessel had 88 DAS allocated to it in fishing year 2001, the maximum DAS it may lease is 88. If the same vessel has 53 Category A DAS allocated to it in fishing year 2004, that vessel may hold and fish up to 141 Category A DAS for 2004 (the 53 A DAS allocated for fishing year 2004 plus the 88 DAS allocated to that vessel in fishing year 2001).

A lessor may not lease DAS to any vessel with a baseline horsepower rating that is 20 percent or more greater than that of the horsepower baseline of the lessee vessel. A lessor also may not lease DAS to any vessel with a baseline LOA that is 10 percent or more greater than that of the baseline of the lessee vessel's LOA. For the purposes of this program, the baseline horsepower and LOA specifications of vessels are those associated with the permit as of January 29, 2004.

FW 40-B proposes to allow a one-time permit baseline characteristics downgrade, outside of the January 29, 2004 deadline mentioned previously, for the purpose of the DAS leasing program. This rule would enable vessel owners to downgrade their permit baseline characteristics to match the physical characteristics of the vessel currently associated with the permit. In the NE multispecies fishery the physical characteristics of the vessel that originally qualified for the multispecies permit remain with permit as it's baseline characteristics.

The information requested will be used by several offices of NMFS to implement the DAS leasing program and to track DAS usage. Owner name and permit number are common ownership identifiers used by NMFS. During the operation of the DAS leasing program, this information is used to verify the existence of current, valid permits aboard vessels participating in the leasing program. Vessel name and official number are commonly used as vessel identifiers. This information is necessary to verify the status of vessel permits, identify the horsepower baseline specifications of the vessel, determine available DAS to be used in the leasing request, and execute the DAS lease.

Enforcement offices within NMFS currently track the DAS usage of permit holders. Information collected through this information request enables enforcement officials, including the U.S. Coast Guard, to monitor compliance with the provisions of the FMP, including those governing DAS usage.

Information relating to the total price paid for the DAS could be used by offices within NMFS as well as by the Council to assess the value of DAS to permit holders. With the reductions of DAS enacted through recent management measures, it is estimated that the value of DAS will increase. This information could be used in the evaluation of the affects of future management measures on individual permit holders as well as communities. This information may also be used in future vessel buy-back programs and other effort reducing programs.

Signatures of the participants in the program are necessary to acknowledge the DAS transfer by both parties. Without both signatures, the leasing request would not be processed. This, along with the other data requirements involved in this leasing program, are similar to the collection of information involved in the Atlantic surfclam and ocean quahog Individual Transferrable Quota (ITQ) fishery. As a result, permit holders may already be familiar with providing the information necessary to process a DAS leasing request.

Between April 30, 2004, and January 19, 2005, the Northeast Regional office received a total of 192 DAS lease requests. This is approximately 22 DAS lease requests per month with a maximum of two entities (lessor and lessee) submitting each lease. Annually, this brings the total 528 responses per year, well below that for which this collection is currently budgeted.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and NOAA guidelines. The information collected as part of the DAS leasing pilot program may be used in the analysis of current management initiatives and in the development of future management measures for the NE multispecies fishery. All data will be kept confidential as required by 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.). Only authorized personnel would have access to this information as necessary to implement the DAS leasing program.

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.

This collection of information would be done via a paper form and delivered through the mail or in person. The need to obtain an original signature of both permit holders involved in a DAS lease necessitates paper format and prevents electronic formats from being viable means of exchange. No improved information collection technology has been identified to reduce this burden further. Every effort will be made in the future to use computer technology to reduce the public burden. The form used to collect the information needed to operate this leasing program may be made available online at the NOAA Northeast Regional Office (NERO) website.

4. Describe efforts to identify duplication.

Other than information such as the vessel owner's name, vessel name, permit number and official number needed to identify participants, no information will be collected that is already collected through other means.

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 DAS leasing program is designed to offer opportunities to the fishing industry to recover some of the potential financial losses emanating from the recent reductions in DAS. This program is an optional program and is not mandated by any regulation. If this information is not collected, thereby preventing permit holders from recovering

potential losses from reduced DAS allocations, some vessels would be unable to continue participating in the fishery.

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

The data collection is consistent with OMB guidelines.

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.

A copy of the final rule implementing Amendment 13 to the NE Multispecies FMP is attached. The proposed rule implementing FW 40-B to the FMP, which includes the one-time permit downgrade provision for the DAS leasing program, is attached. The final rule implementing FW 40-B to the FMP is anticipated to be May 1, 2005.

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 kept confidential as required by 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.).

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 number of potential participants in this program would be approximately 1,400 entities (vessel owners). The permit holders wishing to participate in the DAS leasing program are required to fill out a NE Multispecies DAS Leasing Program Application

form (attached). One form is required in order to process an individual DAS leasing request. Both participants in the lease agreement (the lessor and the lessee) must enter information particular to their permit onto the form and sign the form at the bottom, indicating their agreement with the specifics of the lease. This results in a total of potentially 2,800 respondents (2 individual responses) per DAS leasing application. Current data shows that the Northeast Regional Office only processes 22 lease requests per month. FW 40-B may increase the number of requests due to the fact that there is a larger pool of vessels with smaller baseline characteristics. However, this revision will not increase the number of responses that are already budgeted. Although NMFS is not requiring participants to submit a formal contract or bill of sale for the DAS requested to be transferred, it would be emphasized that participants may wish to retain such records of their transaction.

Accordingly, using an estimated average burden of 5 minutes per response, a total of 233 hours (2,800 responses x 0.083 hrs/response) is estimated to be the burden for the DAS leasing program application.

The estimated burden for the one-time permit baseline characteristics downgrade for the DAS leasing program proposed in FW 40-B would be approximately 1 hour per entity (1,400) per response (1) to fill out the request form (attached) and assemble any necessary documentation. This would be a total of 1,400 hours for this collection. However, it should be noted that this is a one-time provision. Thus, this burden will be annualized over the period currently authorized for this collection (May 1, 2004 - June 30, 2006, or 1.17 years). The annualized burden is thus 1,200 (rounded up from 1,197) hours for the one-time baseline characteristics downgrade. It is expected that once this collection is renewed the costs associated with this collection will drop significantly.

The estimated annual cost to respondents for the hour burden this collection assumes a respondent wage and overhead value of \$15/hour. Using this figure, the annualized cost to respondents would be approximately \$3,495 for the DAS leasing program application and \$17,949 for the one-time permit baseline characteristics downgrade.

These figures are summarized in Table 1.

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).

This information collection does not require respondents to purchase new or additional equipment or services. Most computers, telephones and/or facsimile machines utilized by the respondents would have already been purchased as part of customary and usual business practices, thus start up costs associated with these programs are negligible.

However, for each DAS leasing request, two respondents would have to enter information onto the DAS application form and sign the form at the bottom. It is not

known whether DAS leasing agreements between individuals would occur in person, or through other means. Accordingly, participants may mail the DAS application form to the other participant to complete the transaction. This form would then have to be mailed to NMFS for processing. With 1,400 applications anticipated per year for the DAS leasing program, a total of 2,800 stamps would need to be purchased by participants, resulting in an additional cost of \$1,036 (2,800 stamps x \$0.37/stamp). Participants may wish to retain a copy of the DAS leasing application for their own records. Using an estimate of \$0.10 per page for copying costs, participants would also incur an additional \$140 (\$0.10 x 1,400 1-page copies) for copying services related to the DAS leasing program.

In total, the costs to individuals participating in the DAS leasing program for record-keeping and application purposes total \$1,176 (\$1,036 + \$140). An additional \$444 (1,200 x \$0.37) per year is anticipated if every entity were to mail in a request to downgrade their permit baseline characteristics.

This information is summarized in Table 1.

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

Costs associated with the program reflect a cost of \$15/hour to the government at the ZP-02 level. The cost to the government for the DAS leasing program is expected to require 10 minutes per DAS lease request and 2 hours per permit baseline characteristics downgrade. This results in an estimated annualized cost to the government of \$3,510 (1,400 applications x 0.167 hours/response x \$15/hour) to review DAS leasing requests, and \$36,000 (1,200 x 2 hours x \$15) for processing the permit baseline characteristics downgrade.

Additional costs likely to be incurred by the government include the costs of distributing receipts of the DAS lease to both participants. It is estimated that one toner cartridge will be necessary to print these receipts at approximately \$40. These receipts would be mailed to participants resulting in postage costs of \$1,036. This results in an additional cost of \$1,076 to the government for the management of the DAS leasing program.

In total, the costs to the government from the DAS leasing program would be approximately \$40,586 (\$3,510 + \$1,076 + \$36,000). Annualized costs to the Federal government for these programs include staff costs and system operation associated with processing the information.

This information is summarized in Table 1.

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

The program change results from requests made by the fishing industry to allow the size and horsepower specifications of the current permitted vessel, and not the baseline specifications associated with the permit, to be used for the purposes of the DAS leasing program. In order for individuals to notify NMFS that they wish to downgrade their vessel permit baseline specifications a downgrade request form (attached) is required to be filled-out and sent to NMFS. There are a total of 1,400 permit holders and one response per entity for 1.17 years. This one-time request results in the annualized program change of 1,200 hours. The \$1,620 adjustment to the public cost for the program, primarily photocopies and stamps, was not carried over from the supporting statement to the OMB 83i form on the original submission. The cost has not changed substantially from the original submission (\$444 more per year). The cost to the federal government was increased \$36,000 due to the processing time for the one-time baseline characteristics change request annualized over 1.17 years.

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 NMFS employees in detailed form on a need-to-know basis only.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons 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; the requirements are optional for all eligible participants in the NE multispecies fishery.

Table 1.

Collection	Number of Entities	Items per Entity	Total # of Items (Responses)	Response Time	Total Burden Hours	Cost	
						Public ²	Government
Application to lease DAS	2,800	1 ¹	2,800	0.083	233	\$1,176	\$ 4,586
Request to Downgrade Baseline ³	1,200	1	1,200	1	1,200	\$ 444	\$36,000
Totals	4,000		4,000		1,433	\$1,620	\$40,586

¹An entity may be party to more than one lease application per year. However, it is not anticipated that the total number of items will exceed 2,800 items per year. Data from 9 months in 2004 indicate only 528 items (responses) per year.

²This total excludes the value of burden hours from item #12 in the supporting statement.

³Annualized over a 1.17 year period.

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**APPLICATION TO DOWNGRADE
NE MULTISPECIES DAYS-AT-SEA (DAS)
LEASING BASELINE**

Provide all information requested

SUBMIT TO

**NE MULTISPECIES DAS LEASING PROGRAM
US DEPARTMENT OF COMMERCE, NOAA
NATIONAL MARINE FISHERIES SERVICE
ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930**

Owner Name: _____

Permit #: _____

Vessel Name: _____

Official #: _____
(or state registration #)

Current Vessel Specifications: Length Overall: _____

Horsepower: _____

Check One:

_____ Downgrade DAS Leasing baseline of above vessel to the specifications on verified documents that have been previously submitted.

_____ Downgrade DAS Leasing baseline of above vessel to the specifications on verified documents that I am currently submitting with this application.

Signed: _____
(Vessel Owner)

Dated: _____

By signing this application you agree to downgrade the vessel specifications Length Overall (LOA) and Horsepower (HP) for DAS Leasing purposes only. This is a one-time DAS Leasing baseline downgrade for this permit that can not be reversed for this vessel and can not be applied for again in the future, even if the current vessel baseline specifications change through modification or replacement. If a vessel replacement occurs after a DAS Leasing baseline downgrade has occurred the DAS Leasing baseline will revert to the original DAS Leasing baseline specifications for that permit.

This form is required to obtain approval for the downgrade of DAS leasing baseline specifications under 50 CFR 648.xx for NE multispecies permit holders. Signature of this form certifies that permit holders comply with limited access permit requirements specified in 50 CFR 648.xx and that information provided on this form is true, complete and correct to the best of their knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to NMFS, One Blackburn Drive, Gloucester MA 01930.

OMB Approval No. XXXX-XXXX
Expires xx/xx/xxxx