

SUPPORTING STATEMENT
NORTHWEST REGION GROUND FISH TRAWL FISHERY MONITORING AND
CATCH ACCOUNTING PROGRAM
OMB CONTROL NO. 0648-0619

BACKGROUND

This request is for a revision to OMB Control No. 0648-0619. *This request is being resubmitted with the Final Rule. There were no changes associated with public comments on the proposed rule.*

In January 2011, the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) implemented a trawl rationalization program, a catch share program, for the Pacific coast groundfish fishery's trawl fleet. The program was developed through Amendment 20 to the Groundfish Fishery Management Plan (FMP) and consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting fisheries); and cooperative (coop) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets (whiting only). Fixed allocations to the limited entry trawl fleet were developed through a parallel process with Amendment 21 to the FMP.

On May 12, 2010 (75 FR 26702), NMFS published a notice of availability of Amendments 20 and 21, and — consistent with requirements of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) — made its decision to partially approve the amendments on August 9, 2010. Because of the complexity of Amendments 20 and 21, NMFS implemented them through multiple rulemakings. Over 2010, NMFS published three rulemakings related to the trawl rationalization program. First, a final rule to collect ownership information from all potential participants in the program and to notify them of the databases that would be used for initial issuance and the date by which to make any changes to those databases ([75 FR 4684](#), January 29, 2010). Second, a final rule to restructure the Pacific coast groundfish regulations, establish the allocations set forth under Amendment 21, and establish procedures for the initial issuance of permits, endorsements, quota share, and catch history assignments under the IFQ and coop programs ([75 FR 60868](#), October 1, 2010; correction published [75 FR 67032](#), November 1, 2010). Third, a final rule to establish several of the program components required for implementation of the rationalized trawl fishery in January 2011, including: a) IFQ gear switching provisions, b) first receiver site licenses, c) equipment requirements, d) retention requirements in the Shorebased IFQ Program, e) quota share (QS) accounts, f) vessel accounts for use of quota pounds, g) requirements for coop permits and coop agreements, g) economic data collection requirements, h) details of observer requirements and first receiver catch monitor programs, i) catch weighing requirements, and j) further tracking and monitoring components, ([75 FR 78344](#), December 15, 2010). Items g) through i) are currently covered in this information collection.

The regulations implementing the program were effective January 1, 2011; all of the necessary tracking systems to make the program operational became active on January 11, 2011, the date fishing began under the new program. Since that time, the Council and NMFS have been addressing implementation issues as they arise. NMFS is moving forward with: 1) a proposed rule, RIN 0648-BB13, including items that are further revisions and refinements to the program,

while still within Council intent for Amendments 20 and 21; 2) corrections of errors or old regulatory language that needs to be corrected, revised, or made consistent with other sections of the regulations. The Council took final action at its June 2011 meeting on some trailing actions for the program, and this revision addresses some of those actions.

JUSTIFICATION

The trawl rationalization program is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch for participants in the shorebased IFQ groundfish fishery and at-sea whiting mothership fishery.

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

a. New process for first receivers and catch monitors to address trucking/transport.

Since implementation of the program in January 2011, there have been some procedural issues with the regulation that prohibits transport, or trucking, of catch away from the point of landing until the catch has been sorted, weighed, and recorded for submittal on the electronic fish ticket (e-ticket). Early in the program, there were data issues (since resolved) that resulted from catch being transported away from the point of landing and crossing state borders. For example, there were some cases where the catch monitors were not aware of the e-ticket number that was issued by the processing facility in another state, or there were some cases where two e-tickets (one for each state) were issued for the same catch resulting in double counting against the quota pounds in a vessel account. These data issues have since been resolved and procedures have been developed to prevent this from occurring in the future. In an effort make the trawl rationalization program more efficient and to better match industry business practices, where possible, NMFS, the Council, and industry have been working together to develop solutions to allow trucking of fish before the e-ticket has been submitted.

Current regulations at §660.112(b)(2)(iv) state that it is prohibited to: “transport catch away from the point of landing before that catch has been sorted and weighed by federal groundfish species or species group, and recorded for submission on an electronic fish ticket. (If fish will be transported to a different location for processing, all sorting and weighing to federal groundfish species groups must occur before transporting the catch away from the point of landing).” In addition, e-tickets must be submitted within 24 hours as specified at §660.113(a)(4)(ii)(D). These regulations do not specify that the e-ticket must be filled out at the offload site nor do they specify that the e-ticket must be submitted before the catch is transported or trucked away from the offload site. They do state that the information that will be used to fill out the e-ticket must be recorded before the catch is transported away from the offload site. No changes are being proposed to these regulations. The process is being modified, but the obligations on the affected public remain the same.

NMFS interprets these regulations to mean that the e-ticket can be filled out and submitted at a different location, but the recording of information that will be used for the e-ticket must be done prior to transport. For example, the e-ticket could be filled out and submitted 20 hours after the

offload from another facility in the port, but the fish must not be trucked away from the point of landing until the information that will be used to fill out the e-ticket has been recorded.

In working through the Council process and with industry, NMFS proposes to add some additional regulations outlining the reporting requirements for first receivers and catch monitors whether transporting fish away from the offload site or not, to add additional required fields for e-tickets (explained below under b. Creation of Additional E-Ticket Fields), and to add additional requirements for catch monitoring plans. These changes were recommended by the Council at its June 2011 meeting and should better align industry business practices while maintaining accurate catch accounting and supporting implementation of the trawl rationalization program. In addition, these changes should further facilitate state adoption of the Pacific States Marine Fisheries Commission's (PSMFC) e-ticket format.

The additional reporting requirements for first receivers and catch monitors are outlined below and differ depending on whether the catch is being processed at the offload site or whether it is being trucked or transported away for processing at a different location. All existing e-ticket recording and submittal regulations would remain in place with the modifications outlined below.

For offloading at a first receiver* where the fish will be processed at the offload site, the following process is being proposed:

1. The first receiver will communicate the e-ticket number to the catch monitor.
2. After completing the offload, the e-ticket information will be recorded immediately.
3. Prior to submittal of the e-ticket, the information recorded for the e-ticket will be reviewed by the catch monitor and the vessel operator who delivered the fish.
4. After review, the first receiver and the vessel operator will sign a printed hard copy of the e-ticket or the original dock ticket if the delivery occurs outside of business hours.
5. Three copies of the signed e-ticket will then be produced by the first receiver with the following distribution: one copy retained by the vessel operator, one copy retained by the first receiver, and one copy sent to the state of origin if required by state regulations.
6. After review and signature, the e-ticket will be submitted within 24 hours of the completion of the offload.

For offloading at a first receiver where the fish will be transported or trucked for processing at a different location, the following process is being proposed:

1. The first receiver will communicate the e-ticket number to the catch monitor at the beginning of the offload.
2. The vessel name and the e-ticket number will be recorded on each dock ticket related to that delivery. The term "dock ticket," as used here, means a form generally accepted by the state to record the landing, receipt, purchase, or transfer of fish.
3. Upon completion of the dock ticket, but prior to transfer of the offload to another location, the dock ticket information that will be used to complete the e-ticket will be reviewed by the catch monitor and the vessel operator who delivered the fish.
4. After review, the first receiver and the vessel operator will sign the original copy of each dock ticket related to that delivery.

* A person who receives, purchases, or takes custody, control, or possession of catch onshore directly from a vessel

5. Three copies of the signed dock ticket will then be produced by the first receiver with the following distribution: one copy retained by the vessel operator, one copy retained by the first receiver, and one copy sent to the state of origin if required by state regulations.
6. Based on the information contained in the dock ticket, the e-ticket will be completed and submitted within 24 hours of the completion of the offload.
7. To facilitate monitoring and catch tracking, original dock tickets must be retained by the first receiver submitting the e-ticket as required by state and Federal regulations.
8. Upon submittal of the e-ticket, three copies of the e-ticket will be produced by the first receiver with the following distribution: one copy retained by the vessel operator, one copy retained by the first receiver, and one copy sent to the state of origin if required by state regulations.

It is NMFS' understanding that transport requires supporting documentation per state regulations and that this process would support the state regulation by allowing dock tickets or e-tickets to accompany the transported catch. The term "dock ticket" means a form generally accepted by the state to record the landing, receipt, purchase, or transfer of fish. The states may use different terms for this document.

The states of Washington, Oregon, and California retain the option to address areas of Federal regulations with more specific and restrictive state regulations. For example, it is NMFS' understanding that the state of Washington may require the e-ticket or state fish receiving ticket to be submitted before the catch is transported out of the state of Washington.

In addition to the reporting and process changes outlined above, the catch monitoring plan requirements as part of the first receiver site license application will be revised to add an additional requirement detailing how the e-ticket submittal requirements will be met. As with other aspects of the catch monitoring plans, e-ticket submittal proposals will be evaluated and accepted or rejected by NMFS.

These changes are being proposed by revisions and additions to the following regulations: §§ 660.11 for definitions; 660.113(a)(2) and (b)(4)(i) and (ii) for recordkeeping and reporting of e-tickets; and 660.140(f)(3)(iii)(C) for the catch monitoring plan requirements. NMFS is not proposing changes to the regulations at §660.112(b)(2)(iv) on prohibitions, described above, because those regulations do not restrict the process and changes outlined here.

b. Creation of Additional E-Ticket Fields:

NMFS is proposing several new fields to be added to electronic fish tickets as well as making it mandatory to complete the existing ex-vessel value field on e-tickets. These include:

1. A field to type the name of the vessel operator.
2. A signature block for the vessel operator's written signature for printed documents.
3. A signature block for first receiver's written signature for printed documents.

4. A drop down box titled “Inside/Outside State Waters”, containing the following: caught outside 3 miles, caught inside 3 miles, or both.
5. Recording of the ex-vessel value of the landing as a mandatory field.

The first four fields are being added to further facilitate state adoption of the PSMFC’s e-ticket format. Field 5 on the current E-ticket already exists, but will now be considered a mandatory field, as explained below. *NOTE: it will not be possible to submit revised screen shots with this request. The changes will be made when the RIN 0648-BB13 becomes effective.*

Fields 1 through 3 identify the vessel operator and provide signature blocks for the vessel operator and the first receiver. These fields will facilitate tracking of landings and will provide points of contact for resolving any discrepancies in E-ticket landings. Field 4 is being added to document whether the fish were caught in state waters, Federal waters, or both. This will aid enforcement efforts for the catch share program. Federal jurisdiction over the Pacific coast groundfish fishery under the MSA applies only to fishing in the exclusive economic zone, beyond three miles from shore, and to some extent also on the high seas beyond the exclusive economic zone. So, generally speaking, in a MSA groundfish enforcement case, part of the burden is to prove the illegal fish were caught in Federal waters, i.e., beyond three miles. It is NMFS’ understanding that the Washington state fish ticket form includes three boxes to check, including “fish caught outside 3 miles.” The burden of proof for enforcement cases can also be met in other ways, such as logbook entries or statements by the skipper, but a check box would make the burden of proof clearer for both state and Federal enforcement cases.

Field 5 will now be considered a mandatory requirement. While a field for ex-vessel value already exists on the e-ticket, NMFS has had mixed reporting of the ex-vessel value on the e-ticket because it is not currently listed in the “required information” section of the regulations. Regulations at §660.113(b)(4)(i) require first receivers to complete certain fields on an e-ticket. These regulations also have a clause that the Regional Administrator may deem other information as required to be completed by the IFQ first receiver on the e-ticket. In a memo dated April 4, 2011, NMFS’s Northwest Regional Administrator determined that the ex-vessel value of the landing is a mandatory field that must be completed by the IFQ first receiver.

NMFS has determined that the ex-vessel value of the landing is a mandatory reporting requirement for several reasons: 1) in order for the states to have the option of adopting the Federal e-ticket to cover their state reporting requirements, the e-ticket must include the items required to be reported on the state fish tickets; 2) the ex-vessel prices are a state reporting requirement for the state to be able to collect excise taxes and fees; 3) the ex-vessel value will be also used in the cost recovery program that is currently being developed by the Council and NMFS. The ex-vessel value is not collected through the economic data collection program forms and is necessary information for that program to measure the economic changes in the fishery for the 5-year review of the program and beyond. The ex-vessel value may also be used by NMFS in required regulatory flexibility analyses for rulemakings.

NMFS expects and requires that the information reported by IFQ first receivers on the e-ticket is true and accurate. If any of the information on the e-ticket changes after it has been submitted, including the ex-vessel value of the landing, then the e-ticket should be revised. For example, if the price of Pacific whiting is not known until after the e-ticket has been submitted, then the

initial e-ticket would report the best estimate of the ex-vessel value and would be revised once the ex-vessel value is known. Because ex-vessel value as reported on the e-ticket may change after sorting or marketing, the first receiver or processor must either edit the e-ticket or submit a revised e-ticket according to state requirements. Similarly, other information on an e-ticket, such as the species and weight in an offload, may change after the original e-ticket has been submitted due to new information from cutting and processing the offload. However, the gross weight of the sorted offload, as observed by the catch monitor should not change, except for the rare occurrence of a data entry error not found upon review prior to e-ticket submittal.

State requirements for editing and revising fish tickets vary (e.g. up to 6 years for Oregon versus California which doesn't allow edits). In addition, the state regulations can be more conservative than Federal regulation. Because state requirements vary and state regulation can be more conservative, NMFS decided a timeframe for editing or revising e-tickets would be more appropriate in state regulation and is not necessary in Federal regulation.

c. Updated e-ticket hardware/software requirements

Current hardware and software requirements for e-tickets, specified in regulations at §660.15(d), are insufficient and incorrect. NMFS is proposing to update the hardware requirements for e-tickets to reflect more current computer operating systems and the minimum requirements necessary to run the software for e-tickets.

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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.

To achieve individual accountability for catch and bycatch and track total catch (landed catch and discards), the shorebased IFQ program is subject to 100 percent monitoring both at-sea (with observer coverage) and dockside (with catch monitors). Groundfish caught under the shorebased IFQ program may only be landed at shorebased first receivers with a first receiver site license. To obtain a first receiver site license from NMFS, the first receiver must have a NMFS-approved catch monitoring plan, have been subject to a site inspection, meet the required equipment requirements (including scales), and report the landings through an electronic fish ticket system. The first receiver is responsible for having a catch monitor available to monitor every landing of fish from vessels participating in the IFQ program. The first receiver is also required to accurately weigh the catch from each landing and report them on the Federal electronic fish ticket system. Electronic fish ticket reports are used to track the landed catch relative to allocations, quotas, and prohibited species catch.

Changes to the trucking/transport process and to the information required on the fish ticket are to bring federal and state requirements more into line with each other.

As explained in the preceding paragraphs, the information gathered has utility. NMFS 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 to Question10 of this Supporting Statement for more information on

confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

Electronic fish tickets: The electronic fish tickets are based on information currently required by the states on paper fish receiving tickets or landing receipts (fish tickets). First receivers will provide the computer hardware and software necessary to support the electronic fish ticket program. The electronic fish ticket software is provided by NMFS at no cost and runs on Microsoft Access, 2007 or newer. Data will be transmitted daily via email.

All other information described in this revision, e.g. revisions to catch monitoring plans, may be emailed, but must be followed by mailed originals.

4. Describe efforts to identify duplication.

For the electronic fish tickets, measures were taken to minimize duplication of the catch accounting requirements by providing fish ticket software that is based on the existing state systems and does not require additional data gathering. When state law allows, the electronic fish ticket can be used to print a paper copy for submission to the state. In Oregon, specified information may be submitted either on a paper fish ticket provided by the state or on a computer generated ticket provided specified data fields are included. However, in the States of California and Washington standard paper forms provided by the states must be used.

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

Some applicants are individuals or small companies and as such are considered small businesses. Given the relatively small numbers of applicants, separate requirements based on size of business have not been developed. Only the minimum data required to meet the objectives of the overall monitoring program are requested from all applicants.

Catch monitoring plans: To minimize the burden, only essential information needed to assure adequate catch accounting is being requested.

Electronic fish tickets: Measures were taken to minimize the costs of the catch accounting requirements by providing: 1) fish ticket software at no cost; 2) fish ticket software that used a standard operating system and common software already owned by most businesses; 3) fish ticket software that is compatible with the existing fish ticket requirements in each of the three states; and 4) a software that can be used to print a paper copy for submission to the state, when state law allows. Because the information is already being gathered by the processors there

is no requirement that additional data be gathered.

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

The intent of this program is to provide permits to harvest and/or receive fish or fish products managed under the trawl rationalization program. This program is expected to reduce the race for fish and provide industry with the ability to schedule their activities to allow more efficient fishing and a better quality of fish products. Without the specific permitting scheme described in this supporting statement, the program would be jeopardized. Furthermore, indirect biological impacts could result if catch data were inaccurate or delayed such that fishing could not be stopped before one of the specifications were exceeded, including: IFQs, halibut individual bycatch quotas, allocations, optimum yields (OYs), and biological opinion thresholds.

If quotas of the most constraining overfished species were greatly exceeded due to delayed catch reporting, the risk of exceeding rebuilding-based OYs is increased. This is a particular concern for canary rockfish which is one of the most constraining species in the groundfish fisheries and whose rebuilding trajectory is very sensitive to changes in harvest levels. Although there are many variables that affect the time it takes a stock to rebuild, exceeding the rebuilding based OY could result in an extended rebuilding period for overfished species. Exceeding Chinook salmon take thresholds could increase the risk to some more vulnerable Evolutionarily Significant Units (ESUs). Exceeding the Pacific halibut Individual Bycatch Quotas (IBQs) or trawl fishery allocations could affect future opportunity for both the trawl fishery and the directed commercial and recreational halibut fisheries (non-trawl).

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

Not Applicable.

8. Provide information on 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 proposed rule, RIN 0648-BB13, was published coincident with the original request, for public comment. *There were no comments on the information collection requirements.*

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

No payments or gifts are provided.

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

Section 402(b) of the Magnuson-Stevens Act sets forth procedures for confidentiality of fisheries statistics, including statistics collected by observers and NMFS staff. [NOAA Administrative Order 216-100](#), Protection of Confidential Fisheries Statistics, further establishes procedures for confidentiality of collected and submitted data.

Electronic fish ticket data will be submitted to PSMFC. The electronic fish ticket data is considered confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. The PSMFC currently receives and stores fish ticket data from the states. These data are maintained on the Pacific Fisheries Information Network (PacFIN) data base.

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 a sensitive nature being asked.

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

Total burden hours and annual capital/recordkeeping/reporting and labor costs for the current information collection: **total unduplicated respondents (3 catch monitor provider applicants, 50 catch monitors, 80 first receivers, 6 mothership processors, and 10 catcher/processors) are 149. Annual responses are 6,059 and hours are 1,784.** The original estimates assumed that values of the landings would be included on E-tickets, and therefore the changes being proposed in this package do not modify the estimated hours.

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

Cost burden will not change as a result of these modifications. Currently, **capital costs annualized over three years are \$11,700. Annualized reporting/recordkeeping costs are \$380,836. Total costs are \$392,541.**

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

Current costs of the catch monitor program, including electronic fish tickets, are estimated to be approximately \$300,000 - \$400,000. The cost estimates have not changed due to this submission.

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

There are no program changes or adjustments.

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

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.