SUPPORTING STATEMENT
NMFS OBSERVER PROGRAMS' INFORMATION THAT CAN BE GATHERED ONLY THROUGH QUESTIONS
OMB CONTROL NO. 0648-0593

INTRODUCTION

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) deploys fishery observers on United States (U.S.) fishing vessels and to fish processing plants in order to collect biological and economic data. NMFS has at least one observer program in each of its five regions. These observer programs provide the only reliable and/or most effective method for obtaining information that is critical for the conservation and management of living marine resources. Observer programs primarily collect data through direct observations or through non-standardized oral communication in connection with such direct observations; and such collections are not generally subject to the Paperwork Reduction Act (PRA) (see 5 C.F.R. §§ 1320.3(h)). However, observer programs also collect the following information that requires clearance under the PRA: (1) standardized questions of fishing vessel captains/crew or fish processing plant managers/staff (includes fish buyers/dealers), which include gear and performance questions, safety questions, and trip costs, crew size and other economic questions; (2) questions asked by observer program staff/contractors to plan observer deployments; (3) forms that are completed by observers and that fishing vessel captains are asked to review and sign; (4) questionnaires to evaluate observer performance; (5) forms to certify that a fisherman is the permit holder when requesting observer data from the observer on the vessel; and (6) information on reimbursement forms. Economic information not available during the trip may be requested via mail in a follow-up survey.

The primary authority for NMFS to place observers on fishing vessels is included in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA). Sec. 303(b)(8) of the MSA states that any fishery management plan which is prepared by any Council, or by the Secretary of Commerce (Secretary), with respect to any fishery, may require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; Sec. 403(a) requires the Secretary to promulgate regulations for fishing vessels that carry observers; and Sec. 403(b)(1) requires the Secretary to establish programs to ensure that each observer receives adequate training in collecting and analyzing the information necessary for the conservation and management purposes.

Each observer program was subsequently authorized and implemented via MSA regulations: 50 CFR 600 Subpart H, 50 CFR 679 Subpart E, 50 CFR 648 Subpart A, 50 CFR 660 (Subparts C, E, F, I, K); 50 CFR 665 (Subparts B and C), 50 CFR 635 Subpart A, 50 CFR 622 Subpart A, and 50 CFR 222 Subpart D (Marine Mammal Protection).

Similar authority to place observers on fishing vessels is provided by Sec. 118 of the MMPA (50 USC Part 229) and Parts 222 and 223 (USC) of the ESA.

A. JUSTIFICATION

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

Biological and economic information collection programs implemented by NMFS address statutory and regulatory mandates to conserve and manage living marine resources, which includes collecting information that may be used to: (1) monitor catch and bycatch; (2) understand the population status and trends of fish stocks and protected species, as well as the interactions between them; (3) determine the quantity and distribution of net benefits derived from living marine resources; and (4) predict the biological, ecological, and economic impacts of existing management measures and alternative proposed management measures.

In particular, these biological and economic information collection programs contribute to analyses required under the MSA, the ESA, the MMPA, the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), Executive Order 12866. NMFS observer programs are often the only reliable and/or most effective means to collect the biological and economic information required to meet the legislative and regulatory mandates that define the NMFS stewardship responsibilities for the conservation and management of living marine resources.

The lack of more complete economic information in the majority of Federally managed fisheries has limited NMFS' ability to conduct these analyses and has led to lawsuits and regulatory challenges of fisheries policies in the last several years, resulting in overturned rebuilding objectives, biologically unsustainable total allowable catches, and eroded confidence in NMFS' decision making process and social sciences capability. Maintaining and expanding the fishery economic information collections will improve the scientific foundation of the Agency's policies and help decision makers weigh the economic impacts of their decisions.

It is important to note that a key feature of the Federal regulatory process is that NMFS cannot simply implement a regulation to achieve a conservation goal but instead must consider a suite of management alternatives. Economic analyses can identify the alternative that minimizes losses to stakeholders while still achieving conservation goals, allowing NMFS to be proactive, rather than reactive, in its resource management strategy.

Background

MSA

The MSA establishes eight Councils, each of which is charged with the preparation of a fishery management plan and plan amendments with respect to each fishery requiring management within its jurisdiction. Each fishery management plan (FMP) prepared by a Council, or by the Secretary, must contain conservation and management measures that are consistent with the national standards, and any other applicable law [MSA Sec. 303(a)(1)(C)], and a description of the fishery including actual and potential revenues from the fishery [MSA Sec. 303(a)(2)]. The MSA authorizes FMPs developed by the Secretary or Council to require one or more observers be carried on board a fishing vessel engaged in fishing for species subject to the plan, for the

purposes of collecting data necessary for conservation and management of the fishery [MSA Sec. 303 (b)(8)]).

Acting under authorities provided in the MSA, the Councils and Secretary have implemented 47 FMPs, each of which addresses biological and socio-economic characteristics and issues associated with the fishery. For example, the Pacific Coast groundfish FMP includes a framework for the development and evaluation of management decisions having substantial socio-economic implications (Section 6.2.3 of the Pacific Coast Groundfish Plan (see Attachment A). Where management is necessary to address socio-economic issues, the Council must prepare a report, which addresses the achievement of goals and objectives of the FMP, biological and economic impacts and how the proposed action will address at least one of 15 items including: maintaining stability in the fishery, increasing economic yield, and increasing fishing efficiency. With respect to allocation actions, the Council must consider such factors as present participation in and dependence on the fishery, including alternative fisheries, historical fishing practices in and historical dependence on the fishery, as well as consistency with MSA national standards. FMPs prepared by other Councils address issues comparable to those addressed in the Pacific Coast groundfish FMP.

An observer program provides a very efficient method of collecting high quality information at the trip level. Economic information is required to determine what further improvements in safety are practicable.

Each FMP also relies on stock assessments to aid in managing the fishery, set harvest levels, prevent overfishing, and rebuild overfished stocks, as directed by MSA. Stock assessments estimate historical effects of fishing on fish stocks and project sustainable catch levels. The stock assessment process requires detailed information for each species, including size, age, gender, and number caught. Fishery biologists use the information provided by observer programs, along with other data sources such as research cruises and fishermen-reported data, to complete a stock assessment.

MMPA

The MMPA seeks to maintain marine mammal stocks at optimum sustainable population levels, principally by regulating the human-induced mortality and serious injury of marine mammals. This includes fishing-related mortality and serious injury. Although the MMPA prohibits the "take" of marine mammals, it provides exceptions for incidental mortality and serious injury during the operation of commercial fishing, as well as a limited number of other activities. "Take" is defined in the MMPA as, "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal" (16 U.S.C. § 1362 (13)). In 1994, Congress amended the MMPA to include Section 118, which established a regime to regulate the take of marine mammals incidental to commercial fishing so that it does not occur at a level that jeopardizes a marine mammal stock's ability to reach its "optimum sustainable population", defined as "the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element" (16 U.S.C. § 1362(9)).

Section 118 of the MMPA requires that NMFS classify each U.S. commercial fishery according to whether there is a frequent (Category I), occasional (Category II), or a remote (Category III) likelihood of incidental mortality and serious injury of marine mammals. It also requires the establishment of take reduction teams to develop take reduction plans (TRPs) for those fisheries with the greatest impact on marine mammal stocks (Category I and Category II). Participants in Category I or II fisheries are required to register with NMFS, take on board an observer if requested by NMFS [Sec. 118 3(B)], and comply with all applicable TRP regulations.

The MMPA establishes both short-term (six month) and long-term (five year) goals for marine mammal bycatch reduction. Take Reduction Plans are required to reduce, within six months of implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than a stock's potential biological removal (PBR) level. Within five years of implementation, TRPs are required to reduce the mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate (commonly referred to as the Zero Mortality Rate Goal or ZMRG), taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans (16 U.S.C. § 1387(f)).

ESA

The ESA requires the Federal government to protect and conserve species and populations that are endangered or threatened with extinction, and to conserve the ecosystems on which these species depend. Some threatened and endangered species, including all sea turtle species and certain species of salmon, seabirds, and marine mammals, are captured as bycatch in commercial and recreational fisheries. The ESA requires development of a recovery plan that identifies criteria and actions to recover each listed species. Recovery plans for marine species generally include reducing incidental capture of protected species in fishing operations as a priority-one action, which is necessary to prevent extinction or irreversible declines. In some cases, fisheries can be restricted or terminated because they incidentally take protected species and impede recovery of the listed population. Other provisions of the ESA ensure that sources of mortality for protected species are identified and minimized or mitigated.

ESA Section 9 prohibits the take of endangered species within the United States or the territorial sea of the United States, and on the high seas. "Take" is defined by the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct" (16 U.S.C. 1536(18)). ESA Sections 4, 6, 7, and 10 provide exceptions to the take prohibition of ESA-listed species. Of particular relevance for fisheries bycatch is Section 7, which provides that "Each Federal agency shall ... insure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species or threatened species or rest in the destruction or adverse modification of habitat of such species ..." (16 U.S.C. §1536(a)(2)).

Under Section 7(a)(2) of the ESA, Federal agencies must consult with NMFS on activities that may affect a listed species. For Federally managed fisheries, NMFS must formally consult with itself on the effects fisheries management plans may have on listed species and their critical habitat. These interagency, or Section 7, consultations are designed to assist Federal agencies in

fulfilling their duty to ensure their actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat. Should an action be determined by NMFS to jeopardize a species or adversely modify critical habitat, NMFS will suggest Reasonable and Prudent Alternatives (RPAs) that would not violate Section 7(a)(2). Biological Opinions document NMFS' opinion as to whether the Federal action is likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. Where appropriate, biological opinions provide an exemption for the "take" of listed species while specifying the extent of take allowed, the Reasonable and Prudent Measures (RPMs) necessary to minimize impacts from the Federal action, and the Terms and Conditions with which the action agency must comply. These RPMs may include observer program coverage.

In 2007, the NMFS Office of Protected Resources developed a regulation requiring vessels fishing in areas in state or Federal waters where sea turtles may be present and interactions likely to occur to carry observers when requested to do so by NMFS [ESA Sec. 222 and 223]. Previous ESA regulations only allowed for limited, temporary monitoring of vessels suspected of sea turtle interactions, usually only after an emergency event, such as a mass sea turtle stranding, or under a Biological Opinion. Consequently, NMFS has had to rely on MMPA and MSA authorities to obtain observer coverage in som fisheries. This approach has not always allowed the agency to monitor fisheries it needed to (e.g., non-Federal MMPA Category III fisheries) or to design monitoring programs to optimize data collection of sea turtle bycatch data. The 2007 regulation has enabled NMFS to learn more about interactions between fishing operations and sea turtles, to evaluate existing measures to reduce sea turtle takes, and to determine whether additional measures to address sea turtle bycatch may be necessary.

Requirements for economic analysis are also included in the ESA. For example, to designate critical habitat, and make revisions thereto, the Secretary is to consider the economic impact [Sec. 4(b)(2)].

NEPA

NEPA requires Federal agencies to consider the interactions of natural and human environments, and the impacts on both systems of any changes due to governmental activities or policies. This consideration is to be done through the use of "a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences .... in planning and in decision-making …." [NEPA Sec. 102(2)(A)] and, further, to “identify and develop methods and procedures, ….., which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations” [NEPA Sec. 102(2)(B)]. In addition, NOAA’s NEPA implementation guidelines require that the environmental impact statement (required under NEPA Sec. 102(2)(C)(i)) must include biological, ecolocal, economic, and social consequences.[1] The observer programs provide some of the information that is required to meet these NEPA requirements.

[1] For NOAA’s NEPA implementation guidelines see, NOAA Administrative Order (NAO) 216-6, "Environmental Review Procedures for Implementing the National Environmental Policy Act," May 20, 1999.

EO 12866

EO 12866 requires an assessment of all costs and benefits of available regulatory alternatives. Under EO 12866, when choosing among regulatory approaches, agencies should select those approaches that maximize net benefits [EO 12866 Sec. 1(a)]. In addition, EO 12866 states that "Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic and other information concerning the need for, and consequences of, the intended regulation" [EO 12866 Sec. 1(b)(7)].

This executive order, combined with the MSA national standard on use of best scientific information available, obligate NMFS to seek clearance for the collection of the information necessary to meet decision standards set out in the national policies outlined above. Regardless of what action the Councils and Secretary take with respect to management of Federal fisheries for 2009 and beyond (including no action alternatives), biological and economic information is needed to meet the requirements listed above; and, in many cases, the NMFS observer programs are the only reliable or most effective sources for such information.

RF

Whenever an agency is required to publish general notice of proposed rulemaking for any proposed rule, it is required to prepare an initial regulatory flexibility analysis that describes: (1) the impact of the proposed rule on small entities [Sec. 603(a)] and (2) any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the proposed rule on small entities [Sec. 603(c)]. Each final regulatory flexibility analysis is required to describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes [Sec. 604(a)(5)]. In addition, several Sections of the RFA require Federal agencies to analyze the effects of regulations to determine whether an action will have or has had "a significant economic impact on a substantial number of small entities". For example, “Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of small entities” [Sec. 610(c)]. Cost and revenue information for the specific activity in question (fish harvesting and processing), as well as some level of general information on the full range of income producing activities in which firms are engaged are necessary to effectively conduct these types of RFA analyses.

Other Information Collections from the Same Universe of Respondents

NMFS and state fishery management agencies collect information that will be used in conjunction with the information that will be provided by this collection. For example, the landed catch and effort data that are collected by the state agencies and the data obtained by oberver programs though direct observations or through nonstandardized oral communication in connection with such direct observations are used with the gear and performance information provided by this collection to estimate bycatch and total catch. Similarly, the information on the physical and operational characteristics of fishing vessels are used to test for, and as necessary adjust for, any sampling bias for the observed vessels and trips. This is important, for example, when logbook or landings data are used to extrapolate observed bycatch to unobserved portions of the fishery. In addition, observer programs provide an independent data source that can be

used to verify the accuracy of information obtained by self reporting programs, such as logbook and landings report programs.

Coordination among NMFS and state information collections for the fisheries is used to consolidate requirements on the respondents to this collection. The Interstate Commissions were created in part to facilitate such coordination.

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.

How the information will be used

The information collected will be used to: (1) monitor catch and bycatch in Federally managed fisheries; (2) monitor interactions with protected resources (e.g., marine mammals and sea turtles); (3) understand the population status and trends of fish stocks and protected species, as ll as the interactions between them; (4) determine the quantity and distribution of net benefits derived from living marine resources; (5) predict the biological, ecological, and economic impacts of existing management measures and alternative proposed management measures.

Comprehensive catch and bycatch information is an essential component of all stock assessments and is necessary for the development of effective fisheries and protected resource management strategies. At-sea observer programs are the most reliable method of collecting bycatch information. The MSA requires implementation of annual catch limits for all Federally managed fisheries. Bycatch data collected by at-sea observer programs are an essential component in the estimation of total catch because bycatch approaches or exceeds landed catch in some fisheries and is a significant part of the total catch in many other fisheries. Analysis of catch, bycatch, and fishing effort information collected by observers also supports development of and recommendations within Take Reduction Plans, Biological Opinions, and Fishery Management Plans. Observer data are also used to assess the impact of experimental fisheries, monitor the effectiveness of bycatch reduction technologies, and enforce fisheries regulations.

In general, analysis of catch and bycatch, cost, revenue, and employment information for fishing vessels will assist analysts in estimating:

1. Environmental impacts of proposed regulations
2. Net economic value to the nation
3. Economic health of the fisher
4. Effects on business efficiency
5. Community economic impacts
6. Firms' economic dependence on the fishery
7. Economic impacts of proposed regulations, including area closures, gear restrictions, and catch or bycatch restrictions
8. Distribution of economic impacts from proposed regulations and, in particular, the significance of impacts on small businesses

9. Likelihood of bankruptcies
10. Effects on international competitiveness.

The following is a summary of the need for each type of question.

Safety Questions: Safety information is required to ensure that an observer can be safely deployed on a specific fishing vessel or stationed at a specific processing plant and work safely once assigned to a specific vessel or plant.

Other Pre-Deployment/Logistical Questions: Pre-deployment questionnaires are utilized by observer program staff when a vessel is selected to be observed. The responses provide critical information on vessel departure point, return point, and communications (to coordinate observer deployment); planned fishing locations (in order to ensure that appropriate coverage levels are achieved for all areas); and Commercial Fishing Vessel Safety Decal number (Decals are required for all vessels in an observed fishery).

Vessel Characteristics: Informati on vessel characteristic (e.g., vessel name, permit or license number, documentation number, length, year built, hull construction, tonnage, horsepower) is necessary to help identify specific vessels. While much of the information on physical descriptors such as hull type, tonnages, and length are available from other sources, these data are often outdated, missing or conflicting. Such information can be used in stratifying vessels; and, as noted above, vessel characteristics information is used in assessing and adjusting for any bias in the selection of the vessels that are observed.

Ownership: The vessel owner's name and address are collected for contact information. Questions regarding ownership are useful in terms of social interest; however, evaluation of owner participation also plays a role in predicting whether marginal vessels will stay in business. For example, the owner of a vessel with zero or slightly negative net profits may decide to remain in the fishery if the owner is deriving a wage from personally operating a vessel. On the other hand, an owner who hires a skipper may be more likely to choose to exit the fishery under a similar circumstance.

Effort/Gear Descriptors: These questions are useful in helping the analyst describe and quantify effort on the fishing grounds in terms of the types and amounts of gear deployed. This information could be used in developing models of efficient fleet size to support such activities as fleet reduction programs, as well as provide information on the level of capitalization within the various sectors of a fishery. Effort information often is collected through direct observations, which includes obtaining the information from the fishing vessel's logbook. However, if a vessel is not required to maintain logbook that the observer can access (e.g., in state fisheries with MMPA observers), the observer asks questions to obtain that information from the captain/crew. Effort information and gear descriptors are used to estimate and extrapolate catch and bycatch for unobserved hauls and unobserved portions of the fleet, where coverage levels are less than 100%. Even where coverage levels are 100%, this information is still necessary, as some vessels may be considered n-observable due to safety concerns.

Trip Level Operating Costs: This information is necessary to estimate the net value of

participation in the fishery; calculate producer surplus and short-run economic and financial profit measures; assess the change in net benefits caused by proposed management actions; and is used in the Fishery Economic Assessment Model and IMPLAN[2] Model to estimate economic impacts.

Catch/Revenue: As noted above, the MSA requires FMPs to contain a description of the fishery including actual and potential revenues from the fishery. Revenue information, in conjunction with cost information, is necessary to derive net economic value. Additionally, revenue information from all activities can be used to allocate fixed costs between different activities and as part of the assessment of relative dependence on the fishery.

For vessels delivering to motherships, these questions are particularly important because in some fisheries there are no fish ticket records for at-sea landings. Information on revenue from other fisheries is needed because of similar deficiencies in fish ticket records, and the lack of access to confidential information for fisheries in some states.

In addition, if the respondents calculate their net income based on their other answers and the result is out-of-line with their experience, they may stop to consider whether they have answered the preceding questions on costs and revenue correctly and entirely. Further, if respondents provide previously calculated ne income without checking for consistency, or analysts compare the reported values with fish ticket revenue information where available, analysts may derive a result different from the survey responses alerting them to some degree of incompleteness in either the survey or the responses to the questions.

Regional Impact: One assumption generally made in assessing impacts on coastal communities is that all employees live in the coastal area of the vessel's homeport and, consequently, crew share is spent in the vessel's homeport. Similarly, current models assume all impacts occur in the port of landing or in a homeport (for vessels delivering to motherships). This information is particularly important in assigning community impacts for vessels delivering to motherships but is also useful when the vessel is active in multiple ports. While this simplifying assumption was useful in the early development of the models used in fisheries income impact assessments, more recent versions of these models allow analysts to relax this assumption. The information solicited by these questions is necessary to make use of this ability to more accurately estimate the distribution of effects. These questions are intended to address the issue with better quality information that is more evenly distributed across sectors.

Crew Size: This information is of interest in terms of effect on the fishing community and general community employment. Income-related questions will allow a systematic assessment of the degree to which individuals are engaged and dependent on fishing-related activities.

<u>Information users and purpose and frequency of use</u>
The information will be used by NMFS staff, as well as by others who are authorized to access this confidential information. It will be used for the purposes of developing, implementing,

[2] The Fishery Economic Assessment odel and IMPLAN® (**IM**pact analysis for **PLAN**ning) are economic impact assessment modeling systems, which allows the user to build economic models to estimate the impacts of economic changes in their states, counties, or communities.

revising, and monitoring fishery management plans and actions that are taken in support of the MSA, MMPA, and ESA. The information will be used on a frequent and ongoing basis in meeting NMFS stewardship responsibilities identified in the MSA, MMPA, ESA, NEPA, other applicable law, and treaties.

Complies with all applicable information quality guidelines

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 Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected will not be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. All such uses of this information will be subject to: (1) the quality control measures and pre-dissemination review pursuant to Sec. 515 of Public Law 106-554 (Information Quality Act) and (2) NOAA Information Quality Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information which it disseminates. Among other things, the NOAA guidelines establish an administrative mechanism allowing affected persons to seek and obtain correction of information that does not comply with OMB or NOAA applicable guidelines

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.

Typically, the information is collected during brief conversations between the observer and the captain/crew of the fishing vessel; and the form or list of questions is not given to the captain/crew; instead, it is used by the observer to ensure that the appropriate questions are asked. Therefore, in this case, the electronic submission of responses is not possible. In most cases, the forms or lists of questions are included in the observer manuals. Manuals can be found on the National Observer Program webpage: http://www.st.nmfs.noaa.gov/st4/nop/Observer_training_resources.html.

The major exceptions are the questions observer program staff/contractors ask fishing vessel permit holders/captain in order to plan observer deployments, the questions that are asked to evaluate observer performance, and the reimbursement forms (e.g., for the purpose of reimbursing the captain/owner for observer meals). The first can include questions concerning the logistics of planned fishing trips, vessel safety, vessel call numbers, and means of reaching the vessel at sea in case of emergencies. Often, the potential respondents are mailed a form and asked to complete it and return it by fax. The reimbursement forms typically are mailed or handed to the vessel captain and returned by mail to the service provider.
In two regional observer programs, NMFS has implemented the ability to download and submit electronic observer evaluations. One observer program places a secured lock box at the main fishing dock where fishermen can deposit their observer evaluation. Three other programs allow electronic submission of the.

Observers typically use paper forms because the technology for electronic data entry at sea is very expensive and not available in all cases. However, NMFS has begun to expand the use of electronic data entry by observers. For example, the Northeast Fishery Observer Program (NEFOP) has begun to record data electronically on rugged laptops or handheld devices such as Toughpads from which data can be transmitted wirelessly. Similarly, the West Coast Groundfish Observer Program (WCGOP) has begun testing handheld devices for use in automatic, electronic data collection. . Currently, each observer in the WCGOP is issued a laptop with the option for offline data entry to expedite data availability.

Non-confidential summaries of the information will often be made available to the public over the internet.

4. Describe efforts to identify duplication.

Federal and State collection programs were reviewed to ensure that the questions covered in this collection request do not duplicate information provided by other collection programs. The economic, gear, safety, and other questions asked by observers were designed to provide types of information that are not available from or similar to the information provided by other collection programs. An extensive consultative process is used by each NMFS observer program to determine if the information is available from another collection program. In most cases, this determination is made through an open public process that includes input from a NMFS Regional Office, a NMFS Fisheries Science Center, a Council (including its Scientific and Statistical Committee and other advisory panels), an Interstate Commission, one or more State fishery management agencies, the fishing industry, environmental organizations, and others interested in or affected by the conservation and management of living marine resources.

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

Since most of the respondents are considered small businesses, separate requirements based on size of business have not been developed. The methods used to minimize the burden include: (1) limiting the questions that are asked; (2) asking questions that can be answered readily and that do not require additional recordkeeping costs; (3) having the observer ask the questions at times that are convenient for the captain/crew of the fishing vessel; and (4) using plain, coherent, and unambiguous terminology that is understandable to respondents.

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

Fisheries observers are trained biologists who monitor and record catch and bycatch data and collect other biological and economic data from U.S. fishing vessels and processing facilities. Data from observers are used to understand the population status and trends of fish stocks and protected species, as well as the interactions between them. Observer data are necessary for determining levels of bycatch of protected species and non-target fish stocks, which can be a major factor affecting mortality rates and, thus, population status and recovery of protected species. Information on target species, gear types used, fishing vessel locations, etc. are

necessary to calculate fishing effort, an important component of bycatch estimation. When these data cannot be collected through direct observation (such as when an observer is off-duty), or when the information is known only to the captain and crew (e.g., target species), questions must occasionally be asked of the captain/crew. This includes questions that are asked in order to: (1) ensure the effectiveness and efficiency of the observer programs and (2) maintain the safety of fisheries observers aboard fishing vessels and at processing plants. To effectively and efficiently meet the NMFS stewardship responsibilities, including those identified in the MSA, MMPA, ESA, and NEPA, NMFS observer programs must continue to collect these data.

Trip level economic data, including cost, revenue, and employment data, are among the data required to monitor and predict the economic effects of specific conservation and management actions. Therefore, the ability of NMFS to design and implement actions that will assist in meeting its stewardship responsibilites for living marine resources and their habitat would be limited severely if observer programs do not continue to collect this information.

The gear, safety, and other noneconomic questions asked by observers are critical for the safety of the observers or are used to make the information gathered by observers through direct observation more useful. Therefore, these questions are required for safe and effective observer programs, without which, some of the key biological and economic information used in meeting the Agency's stewardship responsibilities would not be available.

Most of the requested information is trip specific, can vary by trip, and is used with directly observable or reported trip level data to monitor the biological and economic characteristic of observed fishing trips and to estimate the characteristics of unobserved trips. In some cases, haul-specific target, gear, catch, and effort questions are asked to expand the information for observed hauls to all hauls during a trip. Therefore, if the collection is conducted less frequently, the Agency's ability to effectively monitor the full trip characteristics of observed trips and to estimate the characteristics for unobserved trips would be decreased substantially.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

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

The collection will be conducted in a manner consistent with OMB Guidelines.

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 Federal Register Notice published on April 22, 2015 (80 FR 22501) solicited public comment

on this collection. No comments were received.
Comments were also solicited from respondents from two observer programs.

Respondents for the WC California Large-Mesh Drift Gillnet Fishery stated “no comments”.

During a visit with the Alaska Fishing Vessel Owners Association at Fisherman's Terminal: there were four fishing vessel captains there, and only one responded that he had filled out the comment form and that it was “fine”. Also, another captain was reached by telephone. He felt that the estimate of 30 minutes was reasonable for the form. He commented that it was straight forward and simple to complete. He had no further comments on the form. Note that other forms are completed by the observers, from the vessel logbooks.

A number of people, both within agencies and the industry were consulted on the types of data elements necessary and available, recordkeeping disclosures, confidentiality of the data and timing of data collection exercises.

Each observer program included an extensive consultative process to determine: (1) whether the information is available from another collection program; (2) whether an observer program is the appropriate data collection mechanism; (3) the appropriate frequency of collection; (4) whether the instructions and recordkeeping requirements were clear: (5) the appropriate disclosure rules and or reporting format; and (6) what data elements should be included in this collection. In most cases, these determinations were made through an open public process that included input from a NMFS Regional Office, a NMFS Fisheries Science Center, a Council (including its Scientific and Statistical Committee and other advisory panels), an Interstate Commission, one or more State fishery management agencies, the fishing industry, environmental organizations, and others interested in or affected by the conservation and management of living marine resources. That consultative process typically is also used to review each collection program and suggest improvements to it.

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

No payments or gifts are made.

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

Information obtained through this collection for fisheries conservation and management will be kept confidential as required under Section 402(b) of the MSA (18 U.S.C. 1881a(b)) and regulations at 50 C.F.R. Part 600, Subpart E. Information provided through this collection for monitoring incidental takes of marine mammals will be kept confidential as required under Section 118(d)(8) of the MMPA (16 U.S.C. 1387(d)(8)) regulations at 50 C.F.R. Part 229, Subpart A and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics.

Observers are trained to provide this assurance of confidentiality as part of their trip protocol. NMFS has recently published a proposed rule on confidentiality. Once final guidance is provided, NMFS will draft a standard letter and provide to observers that clarifies the

confidentiality requirements.

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.

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

The estimates are of the average annual buren hours that would occur in the next three years (approximately December 2015 - November 2018) under the current and planned collection of each NMFS observer program for the following six types of information collections: (1 standardized questions of fishing vessel captains/crew or fish processing plant managers/staff; (2) questions asked by observer program staff/contractors to plan observer deployments; (3) forms that are completed by observers and that fishing vessel captains are asked to review and sign; (4) questionnaires to evaluate observer performance; (5) a form to certify that a fisherman is the permit holder when requesting observer data from the observer on the vessel; and (6) information on reimbursement forms.

Some questions (e.g., target species for a set and catch forsets) are set-specific and asked several times during a trip. Some questions are asked once per trip or deployment. Other questions are asked only on trips in which the observer cannot collect the information through direct observations or through nonstandardized oral communication in connection with such direct observations. **There are 12,247 active vessels and 71 processing plants (unduplicated respondents) in observer programs.** Planned observed vessels and processing plants: 3,699. Planned observed trips: 20,377 (19,774 based on estimated response rate per observer program). Total hours based on 100% response rate: 28,250 hours; based on estimated response rates, 27,238.

Table 1. Average annual burden estimates for all six NMFS Observer Program, 2012-2015.

	Alaska		**Northeast**		**Northwest**		
	NPGHOP	**AMMOP**	**NEFOP**	**ASM**	**ASHOP**	**WCGOP Limited-Entry Sablefish-Endorsed Fixed Gear**[3] [4]	**WCGOP Trawl Catch Shares**
Active vessels in fisheries with a NMFS observer program	1,270	480	1,450	740	15	812	107
Observed vessels	417	36	1,338	700	15	238	107
Planned observed trips	5,883 (5,830)*	250 (238)	5,550 (5,273)	4,000 (,3800)	70 (69)	1000 (990)	2200 (2,178)
Fish processing plants in fisheries with a NMFS observer program	71						
Observed fish processing plants	6 (6)						
Other fishprocessing plants contacted	0						
Burden minutes/trip	55	15	112	112	53	53	53
Estimated burden hours with 100% response	5,398	63	10,360	7,467	62	883	1943
Response rate	99%	95%	95%	95%	99%	99%	99%
Estimated burden hours adjusted by response rate	5,344	60	9,843	7,093	61	874	1924

*Adjusted per response rate shown

NPGHOP: North Pacific Groundfish and Halibut Observer Program
AMMOP: Alaska Marine Mammal Observer program
NEFOP: Northeast Fisheries Observer Program
ASM: At-Sea Monitors (Northeast)
ASHOP: At-Sea Hake Observer Program (Northwest)
WCGOP: West Coast Groundfish Observer Program

[3] unique vessels observed

[4] number of permits (some vessels have multiple permits and some permits are associated with the fisher, not the vessel); there are 1,287 permits that are in the observed fisheries but are excluded because of inactivity, very small landing amounts, etc.

Table 1. Continued.

	Pacific Islands	Southeast				Southwest	All NMFS Observer Programs
	PIROP	**SESFOP**	**SEPOP**	**GOM-RFSOP**	**Snapper-Grouper**	**SWROP**	
Active vessels in fisheries with a NMFS observer program	194	97	80	3,577	2,339	86	12,247
Observed vessels	142	45	62	164	349	86	3,699
Planned observed trips	386 (367) *	120 (120)	150 (150)	244 (244)	349 (349)	175 (166)	20,377 (19,774)*
Fish processing plants in fisheries with a NMFS observer program							71
Observed fish processing plants							6
Other fish processing plants contacted							0
Burden minutes/ trip	81	70	80	105	105	60	NA
Estimated burden hours with 100% response	521	140	200	427	611	175	28,250
Response rate	95%	100%	100%	100%	100%	95%	NA
Estimated burden hours adjusted by response rate	495	140	200	427	611	166	27,238

*Adjusted per response rate shown

PIROP: Pacific Islands Region Observer Program
SESFOP: Southeast Shark Fishery Observer Program
SEPOP: Southeast Pelagic Observer Program
GOMRFSOP: Gulf of Mexico Reef Fish and Shrimp Observer Program
Snapper-Grouper: Gulf of Mexico Snapper-Grouper (currently unfunded)
SWROP: Southwest Region Observer Program

The estimated burden minutes per trip are of the amount of time on average for a trip that is actually taken up by asking questions in this collection and responding to them. The burden hours for processing plants are included in the burden per trip estimates. Alaska is the only Region in which observers are deployed at processing plants. However, in that and other Regions, an observer who has been deployed on a fishing vessel may request minimal information from a processing plant, such as the fishticket number for

a fishticket (landings report) for the trip that was just observed. For the purpose of this collection, the term "fish processing plant" includes fish buyers/dealers.

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 Question 12 above).

Capital and Start-Up Costs

There are no start-up, capital, or maintenance costs associated with this collection. No new or specialized equipment is needed to respond to this collection. Most of the information is collected by observers directly from fishing vessel captains/crews through one or more brief conversation during a fishing trip when it is convenient for the captain/crew. Gathering and maintaining the information in this collection is part of the customary and usual business practices of fishing vessel captains/crews. This is also true for the limited information obtained from processing plant managers/staff, as well as the pre-deployment information obtained from fishing vessel operators or permit holders.

Operations and Maintenance Costs

Excluding labor costs, the total operations and maintenance costs will be limited to approximately $1,161, which is the cost of mailing or faxing the pre-deployment information for about 509 fishing trips (rest by local calls) and reimbursement forms to NMFS or the service providers. The decreased cost is primarily due to a drop in observer coverage.

14. Provide estimates of annualized cost to the Federal government.
See the Observer Costs table for total costs of $69,242,169, including NMFS staff costs, which are also broken out below

	Salary	Yearly Hours	Average hrly rate
NE Manager	$147,232	2080	$70.78
SE Manager	$151,836	2080	$73.00
Pelagic Manager	$86,072	2080	$41.38
Bottom LL Manager	$126,949	2080	$61.03
Drift G Manager	$101,859	2080	$48.97
WC NW Manager	$108,108	2080	$51.98
SW Manager	$100,632	2080	$48.38
PI Manager	$137,454	2080	$66.08
AK Manager	$157,100	2080	$75.53
TOTAL	**$1,117,242**	**18720**	**$59.68**
AVERAGE	$124,138	2080	$59.68

Observer Program costs by regional observer program for 2013 (Source: National Observer Program)

	ALASKA	NORTHWEST	SOUTHWEST	PACIFIC ISLANDS	NORTHEAST	SOUTHEAST
CONGRESSIONAL APPROPRIATIONS	$7,900,845	$10,291,595	$899,357	$5,817,975	$17,884,338	$9,170,910
INDUSTRY	$13,642,543	$1,619,556	$0	$0	$2,015,000	$0
TOTAL	$21,543,388	$11,911,151	$899,357	$5,817,975	$19,899,338	$9,170,910

Total of this table: $69,242,169.

Note: 2014 costs not yet available.

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

Adjustments: There was a decrease of 270 active vessels, from 12,517 to 12,247, due to decrease in size of more than one fleet; this is consistent with rationalization of the U.S. fishing fleet. Planned observed vessels have decreased from 4,490 to 3,699. However, probably due to cumulative small changes in sample size, estimated responses increased by 478, from 19,296 to 19,774. Estimated hours increased by 455, from 26,783 to 27,238, with an estimated total compliance rate of 96%, compared to the previous 97%.

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

The information collected is not expected to be disseminated directly to the public; however, results may be used in scientific, management, technical, or general informational publications. All such uses will be subject to the quality control measures and pre-dissemination review pursuant to: (1) Sec. 515 of Public Law 106-554 (Information Quality Act); (2) NOAA Information Quality Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information which it disseminates; and (3) the previously mentioned information confidentiality requirements of the MSA and MMPA.

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.