

**SUPPORTING STATEMENT  
WEST COAST REGION GROUND FISH TRAWL FISHERY  
ELECTRONIC MONITORING PROGRAM  
OMB CONTROL NO. 0648-xxxx**

**INTRODUCTION**

This is a new information collection request.

Under the authority of the [Magnuson-Stevens Fishery Conservation and Management Reauthorization Act](#) (16 U.S.C 1801 et seq), the Pacific coast groundfish fishery is managed under the Pacific Coast Groundfish Fishery Management Plan (FMP). Part of the groundfish fishery, the sector that has limited entry permits endorsed for trawl gear, is managed under a catch share program. Amendments 20 and 21 to the FMP established the catch share program in 2011 that consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet, and cooperative (co-op) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets. The catch share program had a number of objectives, including: 1) increase net economic benefits, 2) create individual economic stability, 3) provide full utilization of the trawl sector allocation, 4) consider environmental impacts, and 5) achieve individual accountability for catch and bycatch. Amendment 21 established fixed allocations for limited entry trawl participants that were intended to improve management under the program by streamlining its administration, providing stability to the fishery, and limiting bycatch.

The shorebased IFQ program differs from the previous management of the groundfish trawl fishery that was managed with 2-month cumulative trip limits and bycatch limits that were shared among many fishermen. Because limits were shared among fishermen, there was a risk of managers lowering trip limits or closing seasons early if the catch of groundfish proceeded too quickly over the year. The shorebased IFQ program allocated amount of groundfish to individual fishermen to fish at any time during the year. This put the individual fishermen in control of when they fish and reduced the risk of early season closures due to the activities of other fishermen. Under the catch share program, the at-sea MS and C/P fleets primarily operate as co-ops and pool their available harvest of whiting and certain overfished species. The MS fishery also has a non-co-op fishery option that would operate similar to recent management strategies for this fishery where multiple vessels are competing for the same amount of fish, risking early season closure.

While the at-sea whiting fishery (MS and C/P) targets whiting, the shorebased IFQ program has different groundfish target strategies. The shorebased IFQ non-whiting fishery targets any groundfish other than whiting and is required to sort their catch at sea; it also tends to use bottom trawl gear (large or small footrope or selective flatfish gear). In addition, a gear switching provision for non-whiting fisheries in the shorebased IFQ program allows fishermen to target groundfish with groundfish non-trawl gear (generally longline or pot). The shorebased IFQ whiting fishery targets whiting and may either operate as a maximized retention fishery or may sort at-sea.

In the Pacific whiting maximized retention fishery, vessels dump unsorted catch directly into refrigerated salt water tanks. Allowing unsorted catch to be retained allows the fishery to be prosecuted efficiently and the quality of Pacific whiting delivered to shorebased processors

maintained. Pacific whiting deteriorates rapidly and must be handled quickly and immediately chilled to maintain product quality. Unsorted catch landed by Pacific whiting shoreside vessels includes species in excess of trip limits, non-groundfish species, protected species, and prohibited species such as salmon. Some Pacific salmon caught in groundfish fisheries have been listed under the [Endangered Species Act](#). An incidental take statement (ITS) covers specific amounts of take of salmon in both the at-sea and shorebased Pacific whiting fisheries. The groundfish fishery at large also has ITSs for other ESA-listed species, including large whales, Stellar sea lions, eulachon, green sturgeon, leatherback sea turtles, and short-tailed albatross.

As part of the catch share program, Amendment 20 also implemented requirements for 100-percent observer coverage at sea and dockside to ensure full accountability for catch of allocated species and a level playing field for all participants. Beginning in 2011, catcher vessels were required to obtain observers for 100 percent of trips in the shorebased and mothership fisheries, and mothership vessels were required to obtain 200 percent coverage for each trip (2 observers per trip). Buyers of IFQ species, called “first receivers”, were also required to obtain catch monitors to monitor the offload and weighing of all IFQ species.

NMFS initially covered 100 percent of the costs of observers for industry, but this funding declined over time and finally ended in September 2015 when industry took on the full costs of monitoring. Since implementation of the program, industry has been concerned about their ability to bear the full costs of monitoring and has become interested in electronic monitoring (EM) as a potential alternative. Electronic monitoring uses video cameras and integrated sensors (e.g., GPS, motion sensor, hydraulic pressure sensor) to passively monitor fishing activity at sea. The video and sensor data can be reviewed after the trip by an analyst onshore to collect information about location and amount of catch and fishing effort. EM has the potential to reduce monitoring costs because it does not require deploying a person on the vessel and the logistical and travel expenses that generates. In response to industry’s concerns, the Council initiated development of a regulatory amendment in November, 2012, to consider implementing an EM program for catcher vessels in the mothership and shorebased sectors. Prior to Amendment 20, the Council had been developing an EM program for the whiting fishery in Amendment 10 to the Pacific Coast Groundfish FMP. The Council ultimately set this action aside to focus on the development of the catch share program, but did include some components of an EM program in Amendment 20. Amendment 20 allowed for catcher vessels to use EM in place of observers and implemented maximized retention requirements for the whiting fishery, which allows whiting vessels to put all catch directly into the hold with minimal discards (as opposed to sorting and discarding bycatch species). However, the requirements of the EM program were not sufficiently developed to be implemented with the rest of the catch share program in 2011.

The regulatory amendment that is the subject of this collection would specify the detailed requirements necessary to implement this provision of Amendment 20 for two components of the trawl fishery – catcher vessels using midwater trawl gear to target whiting in the mothership and shorebased sectors and trawl-permitted vessels using fixed gear to target other species in the shorebased sector. The purpose of this action is to expand the range of monitoring tools for vessel operators to meet the 100 percent monitoring requirements of the catch share program, and to achieve the following objectives:

1. Reduce total fleet monitoring costs to levels sustainable for the fleet and agency;

2. Reduce observer costs for vessels that have a relatively lower total revenue;
3. Maintain monitoring capabilities in small ports;
4. Increase national net economic value generated by the fishery;
5. Decrease incentives for fishing in unsafe conditions;
6. Use the technology most suitable and cost effective for any particular function in the monitoring system; and,
7. Reduce the physical intrusiveness of the monitoring system by reducing observer presence.

## **A. JUSTIFICATION**

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

The catch share program requires NMFS to accurately monitor the use of all quotas and allocations in order to prevent overfishing and ensure fairness and equity among fishery participants. A catch monitoring and account system is required for NMFS to: 1) track the total catch (retained and discarded) of groundfish species, including Pacific halibut; 2) adequately track the incidental take of Chinook salmon and other listed species as required by the groundfish fishery's incidental take statements; and ensure compliance with the requirements of the catch share program. The catch share program uses a framework of monitoring and reporting requirements to ensure accountability for catch of allocated species:

- 1) 100-percent coverage of vessels at-sea to account for discards of allocated species (OMB Control No. 0648-0593);
- 2) 100-percent coverage of offloads at first receivers to ensure the accurate accounting of retained allocated species, and declarations (OMB Control No. 0648-0620);
- 3) Declarations by vessels before each trips to enable NMFS to track participation (OMB Control No. 0648-0573);
- 4) Shorebased IFQ catch reported on electronic fish tickets to provide timely reporting of IFQ landings (OMB Control No. 0648-0738); and,
- 5) Near real-time accounting of landings and discards in a Vessel Account System (VAS) and the North Pacific Database Program (NorPac).

It is generally accepted by fishery managers and participants that this monitoring and reporting framework has vastly improved the quality of information available for science and management in the groundfish trawl fishery.

The Council is proposing to allow some catcher vessels the option to use EM in place of observers to meet #1 above, the requirements for 100-percent observer coverage at-sea. In place of an observer documenting discards onboard, captains would report estimates of their own discards on a logbook and submit them to NMFS. NMFS would use the discards reported on the logbook to debit allocations in the VAS and NorPac. They would also install and carry an EM system to capture fishing activities at-sea. Following the trip, an analyst would review the video and report estimates of discards of allocated species to NMFS to use to audit the validity of the logbook estimates. The EM data would also be used to monitor compliance with the requirements of the catch share program. In this way, logbooks and EM systems would be used in tandem in place of observers to meet the objectives of 100-percent at-sea monitoring of the catch share program.

Vessel operators would be required to submit a logbook reporting their discards of IFQ species. NMFS would use the logbook data to debit discards of IFQ species from IFQs and cooperative allocations, and use the EM data to audit the logbook data. EM data would also be used to monitor compliance with the requirements of the catch share program. Vessel operators would be required to submit a logbook reporting their discards of IFQ species. NMFS would use the logbook data to debit discards of IFQ species from IFQs and cooperative allocations, and use the EM data to audit the logbook data. EM data would also be used to monitor compliance with the requirements of the catch share program.

To provide the information necessary to achieve the objectives of the catch share program, NMFS requests the following new data collection requirements:

#### For EM service providers

- The preparation and submission of an application to receive a permit to be an EM service provider, including an EM service plan (EMSP), descriptions of prior experience, and certifications of no conflict of interest.
- Appeals for submissions by businesses not issued a permit or for which a permit was invalidated.
- Preparation of a statement certifying the sufficiency of the EM system installed to be included in the vessel owner's application.
- The preparation and submission of standard operating procedures (SOPs) and other documentation describing the EM service provider's operations, if requested by NMFS.
- The submission of two EM units, software, and associated manuals and other documentation, to NMFS for evaluation, if requested by NMFS.
- The submission of reports regarding requests for technical assistance and reports of non-compliance or harassment.
- The submission of catch reports, feedback reports, and storage of EM data and other records. (Note: These requirements would not take effect until 2021).
- The requirement to make employees of the EM service provider available to NMFS and enforcement personnel for debriefing.
- The requirement to provide program and technical support to NMFS upon request to enable NMFS to effectively administer the program.

#### For vessel owners

- The preparation and submission of an application for an authorization to use EM in place of an observer, including an individual vessel monitoring plan (VMP) and a statement certifying the sufficiency of the EM system installed.
- The requirement to have an approved EM system from a NMFS-permitted EM service provider to monitor fishing activity at-sea.
- The requirement to obtain services from a NMFS-permitted EM service provider to install and maintain the EM system.
- The requirement to obtain services from a NMFS-permitted EM service provider to analyze and store EM data, and report it to NMFS. (Note: NMFS intends to conduct the video analysis itself through 2020 to assist the fishery with transitioning to the EM program. Therefore, this requirement will not take effect until 2021).

#### For vessel operators

- Attendance of an EM program training provided by NMFS.

- The preparation and submission of a logbook for each landing.
- The submission of hard drives with EM data for each trip.

**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.**

**EM Service Provider Application, Appeal, and Renewal**

An EM service provider application is a narrative application submitted to NMFS by businesses interested in being certified to provide EM services. This is a biennial application process, but additional applications would be required if a business changes ownership or if the provider is decertified. NMFS would use the application to determine if a business can provide adequate services to support the needs of the EM program and that there is not apparent conflict of interest. Information that would be required to be provided would include the following (as specified in the final regulations at 50 CFR 660.603(b)(1) in the final rule 0648-BF52):

- (i) Certify that the applicant meets the following eligibility criteria:
  - (A) The EM service provider and its employees do not have a conflict of interest as defined at § 660.603(h), and,
  - (B) The EM service provider is willing and able to comply with all applicable requirements of this section and to operate under a NMFS-accepted EM Service Plan.
- (ii) Applicant's contact information.
- (iii) Legal name of applicant organization. If the applicant organization is a United States business entity, include the state registration number.
- (iv) Description of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and employees. List all office locations and their business mailing address, business phone, fax number, and email addresses. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.
- (v) A narrative statement describing prior relevant experience in providing EM services, technical support, or fishery data analysis services, including recruiting, hiring, training, deploying, and managing of individuals in marine work environments and of individuals working with fishery data, in the groundfish fishery or other fisheries of similar scale.
- (vi) A statement signed under penalty of perjury by an authorized agent of the applicant about each owner, or owners, board members, and officers if a corporation, authorized agents, and employees, regarding:
  - (A) Conflict of interest as described in § 660.603(h),
  - (B) Criminal convictions,
  - (C) Federal contracts they have had and the performance rating they received on each contract, and
  - (D) Any previous history of decertification or permit sanction action while working as an observer, catch monitor, observer provider, catch monitor provider, or electronic monitoring provider.

(vii) EM Service Plan. An EM Service Plan that describes in detail how the applicant will provide EM services for vessels. To ensure that the EM Program achieves its purpose, NMFS will develop EM Program Guidelines (see § 660.600(b)) and use them to evaluate proposed EM Service Plans. NMFS may consider alternative, but equivalent, methods proposed by EM service providers and vessel owners in their plans to meet the requirements of this subpart, if they achieve the purpose of the EM program. An EM Service Plan must include descriptions of the following (using pictures and diagrams where appropriate):

(A) Contact information for a primary point of contact for program operations inseason;

(B) A plan for provision of services including communications, service locations, response timelines, and procedures for services, repairs, technical support, and other program services;

(C) Procedures for hiring and training of competent program staff to carry out EM field services and data services, including procedures to maintain the skills of EM data processing staff in:

(1) Use of data processing software;

(2) Species identification;

(3) Fate determination and metadata reporting requirements;

(4) Data processing procedures;

(5) Data tracking; and,

(6) Reporting and data upload procedures.

(D) Procedures for tracking hard drives and/or data files throughout their use cycle, including procedures to ensure the integrity and security of hard drives or data files in transit, and for removing EM data from hard drives or other medium before returning them to the field;

(E) Procedures for data processing, including tracking of EM datasets throughout their processing cycle and documenting any access and modifications;

(F) Procedures for correction and resubmission of EM summary data reports and other reports that NMFS has determined are not of sufficient quality to meet the purpose of the EM program, as described at § 660.603(m)(5), and to ensure that future reports are sufficient for use by NMFS.

(G) Policies on data access, handling, and release to prevent unauthorized disclosure of EM data and other records specified in this section by the EM provider as required under § 660.603(n);

(H) Procedures for retention of records as required under § 660.603(m)(6);

(I) Identifying characteristics of the EMS to be deployed and the video review software to be used in the fishery, including but not limited to: manufacturer, brand name, model name, model number, software version and date, firmware version number and date, hardware version number and date, monitor/terminal number and date, pressure sensor model number and date, drum rotation sensor model number and date, and GPS model number and date.

(J) EM system and software specifications, including a narrative statement describing how the EM system and associated equipment meets the performance standards at § 660.604(j).

(K) EM video review software specifications, including a narrative statement describing how the software meets the EM Program Guidelines and will provide NMFS with data to achieve the purpose of the EM Program as defined at §

660.600(b).

(viii) Provide NMFS the following, if requested:

(A) Two EM system units loaded with software for a minimum of 90 calendar days for testing and evaluation.

(B) Thorough documentation for the EM system, including: user manuals, any necessary interfacing software, performance specifications, technical support information, and tamperproof or tamper evident features.

(C) The results of at-sea trials of the EM system.

(D) Two copies of video review and analysis software for a minimum of 90 calendar days for testing and evaluation.

(E) Thorough documentation for the video review and analysis software, including: user manuals, performance specifications, and technical support information.

(F) Descriptions of database models and analysis procedures for EM data and associated meta data to produce required reports.

EM service provider appeals submissions are narratives that may be received from businesses that were not issued an EM service provider permit or businesses that have been decertified. The purpose of the appeals submission is to provide NMFS with information that may result in the business receiving a permit or not being decertified. One appeal letter is expected to be submitted annually.

EM service provider permit renewals would be a simplified process in which the EM service provider would review and submit a pre-filled form provided by NMFS and the most current EM Service Plan along with a statement certifying that the provider's information and the EM Service Plan are valid and correct. Renewals would be required to be submitted annually to ensure NMFS has the most up-to-date information.

EM service plan amendments would be allowed to be made to give EM service providers the flexibility to modify their operations over time. An amendment would be made by submitting an email to NMFS with the following information:

(1) The date and the name and signature of an authorized agent of the EM service provider;

(2) Address, telephone number, fax number and email address of the person submitting the addendum;

(3) A complete description of the proposed EM Service Plan change.

One amendment is expected to be submitted by each provider annually.

### **EM Service Provider Reports and Support**

Program and technical support would be required to be provided to NMFS, free of charge to NMFS. This information is necessary for NMFS to be able to evaluate the performance and compliance of the EM service provider and participating vessels and ensure compliance with program requirements. It is expected that the EM service provider would receive 10 requests from NMFS for some or all of the following information annually:

(1) Assistance in EM system operation, diagnosing and resolving technical issues, and recovering corrupted or lost data.

(2) Responses to inquiries related to data summaries, analyses, reports, and operational

issues with vessel representatives.

(3) Technical and expert information, if the EM system/data are being admitted as evidence in a court of law. All technical aspects of a NMFS-approved EM system may be analyzed in court for, inter alia, testing procedures, error rates, peer review, technical processes and general industry acceptance. To substantiate the EM system data and address issues raised in litigation, an EM service provider must provide information, including but not limited to:

(i) If the technologies have previously been subject to such scrutiny in a court of law, a brief summary of the litigation and any court findings on the reliability of the technology.

(ii) A non-disclosure agreement limiting the release of certain information that might compromise the effectiveness of the EM system operations.

(4) All software necessary for accessing, viewing, and interpreting the data generated by the EM system, including maintenance releases to correct errors in the software or enhance the functionality of the software.

(5) Notification NMFS within 24 hours after the EM service provider becomes aware of the following:

(i) Any information, allegations, or reports regarding possible harassment of EM provider staff;

(ii) Any information, allegations, or reports regarding possible EM system tampering;

(iii) Any information, allegations, or reports regarding any action prohibited under §§ 660.12(f) or 660.602(a)(13); or,

(iv) Any information, allegations or reports regarding EM service provider staff conflicts of interest.

(6) Notification to NMFS of any change of management or contact information or a change to insurance coverage.

(7) A copy of any contract between the service provider and entities requiring EM services;

(8) Proof of sufficient insurance as defined in paragraph (i);

(9) Copies of any information developed and used by the EM service provider and distributed to vessels, including, but not limited to, informational pamphlets, payment notifications, and description of EM service provider duties; and,

(10) EM data and associated metadata, and other records specified in this section.

Most of these reports would be copies of materials already created by the service provider for their own use.

EM service provider report submissions would provide NMFS with the catch and compliance information derived from the video review to use in debiting discards and enforcing the regulations. Service providers would be required to report vessel requests for assistance so that NMFS can monitor the reliability of the EM systems and ensure that vessels are not fishing unmonitored due to malfunctioning equipment. Service providers would also report instances of harassment or intimidation of their employees by vessel personnel, so that NMFS can ensure the impartiality of the EM data used to validate vessel-reported data. Service providers would also be required to report feedback to vessel operators for EM system maintenance, and provide NMFS copies of such feedback. The specific information providers would be required to report would include:

- (1) The EM service provider must submit to NMFS reports of requests for technical assistance from vessels, including when the call or visit was made, the nature of the issue, and how it was resolved.
- (2) The EM service provider must communicate with vessel operators and NMFS to coordinate data service needs, resolve specific program issues, and provide feedback on program operations. The EM service provider must provide feedback to vessel representatives, field services staff, and NMFS regarding:
  - (i) Adjustments to system settings;
  - (ii) Changes to camera positions;
  - (iii) Advice to vessel personnel on duty of care responsibilities;
  - (iv) Advice to vessel personnel on catch handling practices; and,
  - (v) Any other information that would improve the quality and effectiveness of data collection on the vessel.
- (3) On behalf of vessels with which it has a contract (see § 660.604(k)), the EM service provider must submit to NMFS EM summary reports, including discard estimates, fishing activity information, and metadata (e.g., image quality, reviewer name), and incident reports of compliance issues according to a NMFS-accepted EM Service Plan, which is required under § 660.603(b)(1)(vii), and as described in the EM Program Manual or other written and oral instructions provided by the EM Program, such that the EM program achieves its purpose as defined at § 660.600(b). If NMFS determines that the information does not meet these standards, NMFS may require the EM service provider to correct and resubmit the datasets and reports.
- (4) Retention of records. Following an EM trip, the EM service provider must maintain all of a vessel's EM data and other records specified in this section, or used in the preparation of records or reports specified in this section or corrections to these reports, for a period of not less than three years after the date of landing for that trip. EM data and other records must be stored such that the integrity and security of the records is maintained for the duration of the retention period. The EM service provider must produce EM data and other records immediately upon request by NMFS or an authorized officer.

NMFS anticipates that each provider would submit 20 reports for technical assistance and 35 reports of harassment annually. Catch reports and feedback to vessel operators would not be required until 2021.

EM service provider employee debriefings would be required to be available to NMFS and enforcement personnel upon request. NMFS would use these debriefings to QA/QC data and investigate reports of non-compliance and harassment. Debriefings may be required as frequently as after each trip, at 350 debriefings by each provider annually.

### **Vessel Owner Application, Appeal, and Renewal**

A vessel owner application would be used by NMFS to determine if a vessel owner is capable of meeting the EM program requirements and qualified to use EM in place of an observer. The application would be a two-step process, consisting of an initial application that NMFS would use to determine eligibility, and a final application that NMFS would use to determine if a vessel owner qualifies for the EM authorization. The initial application would provide the vessel owner with some assurance of their ability to qualify for an EM authorization before investing in the

EM unit. Once the EM unit is installed, the vessel owner would submit a final application that includes an individual VMP describing the unique configuration of the EM unit on that vessel and the way it will be used to monitor discards. This would be an annual application, but additional applications would be required if the business changes ownership or if the authorization becomes invalid. The application would include the following information:

(1) Initial application. To be considered for an EM Authorization, the vessel owner must submit a completed application form provided by NMFS, signed and dated by an authorized representative of the vessel, and meet the following eligibility criteria:

- (i) The applicant owns the vessel proposed to be used;
- (ii) The vessel has a valid Pacific Coast Groundfish limited entry, trawl-endorsed permit registered to it;
- (iii) If participating in the mothership sector, the vessel has a valid MS/CV endorsement;
- (iv) The vessel is participating in the Pacific whiting IFQ fishery, mothership sector, or the Shorebased IFQ sector using groundfish non-trawl gear;
- (v) The vessel is able to accommodate the EM system, including providing sufficient uninterrupted electrical power, suitable camera mounts, adequate lighting, and fittings for hydraulic lines to enable connection of a pressure transducer;
- (vi) The vessel owner and operator are willing and able to comply with all applicable requirements of this section and to operate under a NMFS-accepted VMP.

(2) Final application. A final application must be complete and must include:

- (i) EM system certification. A certification form, provided by NMFS, signed by a representative of a NMFS-permitted EM service provider that attests that an EM system and associated equipment that meets the performance standards at paragraph (k) was installed on the vessel, that the system was tested while the vessel was underway, and that the vessel operator was briefed on the EM system operation and maintenance. NMFS will maintain a list of permitted EM service providers on its website.
- (ii) Tentative fishing plan. A description of the vessel owner's fishing plans for the year, including which fishery the vessel owner plans to participate in, from what ports, and when the vessel owner intends to use EM and observers. This information is for purposes of planning observer deployments and is not binding.
- (iii) Vessel monitoring plan. A complete vessel monitoring plan for the vessel that accurately describes how fishing operations on the vessel will be conducted and how the EM system and associated equipment will be configured to meet the performance standards at paragraph (k). NMFS will develop EM Program Guidelines containing best practices and templates and make them available on NMFS' website to assist vessel owners in developing VMPs (see § 660.600(b)). NMFS may consider alternative, but equivalent, methods proposed by EM service providers and vessel owners in their plans to meet the requirements of this subpart, if they achieve the purpose of the EM program. An EM service provider may prepare and submit a VMP on behalf of the applicant. The VMP must include descriptions of the following (using pictures and diagrams where appropriate):

- (A) General vessel information including the vessel name, hull number, gear type(s), home port, captain name, and target fishery or sector;

- (B) The coordinates of the home port box, if a geo-referenced port box will be used to trigger data collection;
  - (C) A diagram of the vessel layout with measurements of the deck and denoting the location of any designated discard control points;
  - (D) The number and location of cameras and with images of corresponding views;
  - (E) The location of lighting, control center, GPS, sensors, monitor, and other EM equipment;
  - (F) Frame rates, image resolution, frequency of data logging, sensor trigger threshold values, and other EM system specifications;
  - (G) The location and procedures for any catch handling, including designated discard control points within camera view, procedures for sorting and measuring discards, the number of crew sorting catch, and what steps will be taken to ensure that all catch remains in camera view;
  - (H) The measurements of all bins, baskets, compartments, and other tools that will be used to calculate estimates of weight;
  - (I) The detailed steps that will be taken to minimize the potential for EM system malfunctions and the steps that will be taken, when malfunctions occur, to ensure the adequate monitoring of catch;
  - (J) The name, address, phone number, and email address of a primary point of contact for vessel operations;
  - (K) The name, address, and phone number of the vessel's EM service provider, and contact information for a primary point of contact at the EM service provider;
  - (L) The name, address, phone number, and signature of the applicant, and the date of the application; and,
  - (M) Any other information required by NMFS.
- (iv) Any updates to information submitted in the initial application.

Many vessels in the fishery are already using EM as part of research projects. NMFS intends to allow vessel owners that previously used EM to submit an abbreviated application consisting of their current VMP and a pre-filled application form.

Vessel owner appeals submissions are narratives that may be received from businesses that were not issued an EM authorization. The purpose of the appeals submission is to provide NMFS with information that may result in the business receiving an authorization. As many as 5 appeal letters are expected to be submitted annually.

Vessel owner authorization renewals would be a simplified process in which the vessel owner would review and submit a pre-filled form and current VMP provided by NMFS. The form would include a statement certifying that the vessel owner's information and VMP are still valid and correct. Renewals would be required to be submitted annually to ensure NMFS has the most up-to-date information.

VMP amendments would be allowed to be made to give vessel owners the flexibility to modify their operations over time. An amendment would be made by submitting an email to NMFS with the following information:

- (1) The date and the name and signature of an authorized agent of the EM service

- provider;
- (2) Address, telephone number, fax number and email address of the person submitting the addendum;
- (3) A complete description of the proposed VMP change.

One amendment is expected to be submitted by each vessel owner annually.

## **Vessel Operator Reports**

Training. Vessel operators would be required to attend a training provided by NMFS once. The training would familiarize vessel operators with the EM program requirements, their responsibilities to maintain the EM system, and how to complete and submit logbooks. This information would assist vessel operators in complying with the EM program and maintaining their eligibility to use EM in place of an observer.

Logbooks. Vessel operators would be required to complete and submit a logbook for each trip reporting trip, effort, and catch information, including: fish ticket numbers, vessel registration and permit numbers, departure and return ports, tow times and locations, characteristics of gear used, pounds and counts of retained and discarded species, codend capacity, amount and type of lost gear, and EM system status and malfunctions. One logbook would be submitted for each trip, for an average of 10 per vessel annually.

Hard Drives. Vessel operators would be required to submit the hard drive from the EM system for each trip to NMFS. The hard drive contains the raw video and sensor data that must be reviewed by an analyst to audit the logbook. Beginning in 2021, vessel operators would submit the hard drives to their EM service provider for analysis. Hard drive submission deadlines differ by gear type, but on average would be submitted 6 times annually by each vessel.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information submitted and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. For the information in the control of third party service providers, NMFS will monitor their compliance with the regulations that require they maintain the integrity, security, and confidentiality of the information consistent with the requirements of the Magnuson-Stevens Act. 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 is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general information 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.**

All applications, appeals, and renewals may be emailed, but must be followed by mailed originals. VMPs, EMSPs, and amendments would be able to be submitted via email.

Logbooks will also be able to be submitted electronically via email or using an electronic logbook application. NMFS will provide the vessel operator training via webinar for the convenience of vessel operators in remote ports. Most EM service provider reports will be submitted electronically via email or database uploads. Vessels choosing to use EM would be required to install an EM system that includes video cameras, a global positioning system (GPS), computer monitors, a control box, and motion and/or hydraulic pressure sensors. Some EM systems may include other integrated equipment, such as temperature loggers or satellite communications. Software would be used to analyze the EM data. In the future, algorithms may be used to automate the analysis of the EM data.

#### **4. Describe efforts to identify duplication.**

Currently, the states of Washington, Oregon, and California require vessel operators to submit logbooks reporting retained catch. The state logbooks collect many of the same data elements as the federal discard logbook proposed in this collection. To minimize duplication, the proposed regulations allow for vessel operators to submit a state logbook that contains all the required information in place of the federal discard logbook. NMFS has also begun working with the state agencies to develop a shared logbook form that would consolidate the reporting requirements for each state and the federal discard logbook into one form to reduce duplication.

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

Some of the vessel owners and service providers are considered small businesses. Given the relatively small numbers of potential service providers and fishery participants, separate requirements based on size of business have not been developed. However, representatives of small businesses had ample opportunity to comment on the proposed collection during its development in the Council process. NMFS made many modifications to the proposed requirements based on comments from service providers and fishermen, to minimize their burden. At the request of service providers to reduce the application burden, NMFS changed the application process from an annual application to a biennial application. NMFS is also providing pre-filled forms and VMP templates to vessel owners to reduce the burden of the application and renewal requirements. NMFS considered requiring hard drives be submitted after each trip, but instead established graduated deadlines based on the operations of individual gear types at the request of fishermen. Overall, only the minimum information required to meet the objectives of the overall monitoring program are requested from service providers and fishery participants.

For vessels choosing to use EM, this information would be collected in lieu of information collected from observer coverage under OMB Control No. 0648-0593.

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

Data collected by certified observers and catch monitors and, upon implementation of the proposed rule, the EM program, are necessary for the conservation and management of the Pacific coast groundfish fishery. Maintaining the integrity of the data collections is an important aspect of the trawl rationalization program and assuring a level playing field for all participants.

The trawl fishery is a multispecies fishery in which the allowable harvest levels for some stocks (including overfished species) is quite low and can constrain access to harvest of target stocks. Loss of individual accountability due to ineffective monitoring programs could create an incentive to misreport catch of constraining stocks in order to maintain access to target stocks. Misreporting could result in underestimates of fishing mortality and overfishing, inconsistent with the mandates of the Magnuson-Stevens Act. The high level of monitoring in the catch share program has been credited with tremendous bycatch reductions in the trawl fishery since its implementation.

This collection is necessary to ensure the quality of the information used to make management decisions. Without this collection, the EM program would be ineffective and would not achieve the objectives of individual accountability of the catch share program. The EM program is needed to provide a lower-cost option for vessel owners to meet the requirements of the catch share program for 100-percent observer coverage. The EM program is also needed to increase flexibility for vessel owners to choose what monitoring tool is most efficient for their operation. Without the EM program, vessel owners would only be able to use observers to meet the 100-percent monitoring requirement, potentially at a greater cost to their businesses. The provider permits are necessary to allow only qualified businesses to provide EM services so that the integrity of the data collections are maintained. EM programs shift the responsibility for discard data collection from the observer to vessel operators. The application process for vessel owners would be used to ensure that only vessel owners and operators capable of complying with the requirements of the EM program and producing quality data are authorized to use EM. The application is quite extensive specifically to provide NMFS the flexibility to consider different business models proposed by different providers and vessels, rather than specifying one-size-fits-all requirements. The renewal and amendment processes for providers and vessel owners ensure that NMFS has the latest information without having to resubmit applications each year. The EM service provider and vessel operator reports provide NMFS with the information to debit discards from allocations and to ensure data quality and compliance with the program regulations.

**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 guidelines suggest that respondents not be required to report more often than quarterly, requirements for logbooks, hard drives, technical assistance reports, catch reports, compliance reports, and reports of harassment will require greater frequency.

Timely submission of catch reports, logbooks, and hard drives are necessary to debit allocations in near real-time. Vessel owners must have quota balance available in their accounts for all species landed, and must cover any inadvertent overages within 30 days. Vessel owners need catch information debited in a timely manner in order to have accurate balances to use in planning future fishing trips. Any delay in catch information can cause an unexpected overage of an account and force the vessel owner to scramble to purchase quota from other vessel owners to cover the overage. Near real-time reporting of compliance issues, harassment, and EM system malfunctions are necessary for NMFS to be able to correct deficiencies in a timely manner to ensure they do not undermine the quality of the data collected and to address compliance issues and take enforcement action, if appropriate.

**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.**

Prior to publication of the proposed rule, numerous other opportunities were provided for public and industry input into the eventual program requirements through the Council process. These regulations were developed in collaboration with state, industry, NGO, and other interested parties in the public Council process at a total of 24 Council and advisory body meetings. And each of these meetings provided an opportunity for public comment on the developing program. A proposed rule, RIN 0648-BF52, was published on September 6, 2016 and collected public comment through October 6, 2016. NMFS received a total of four comments on the proposed rule during the public comment period, three of which were relevant to the action and generally supported implementing the EM program. The Nature Conservancy and members of the fishing industry submitted two additional letters at the April 2017 Council meeting with additional comments on the proposed rule. Although these letters were received outside of the public comment period, NMFS has addressed them in the final rule. Only three of the six total comments addressed reporting requirements.

Both the Environmental Defense Fund (EDF) and an EM service provider commented that the video data should not be stored for more than one year because they noted it is costly to store and not likely to have much value after initial analysis. NMFS preferred a five-year retention timeline, consistent with the statute of limitations for violations under the MSA, but proposed three years as a compromise to industry concerns about costs. NMFS is working on a national policy for storage of EM data, but this policy is not yet final. Through the final rule, NMFS is approving the three-year retention requirement, as deemed by the Council, with the note that this requirement may be revised in a future rulemaking upon completion of the NMFS national EM recordkeeping policy.

EDF commented that NMFS should put EM information, such as forms, applications, etc. online on the vessel account system website where vessels already access their personal account information. NMFS intends to post links to applications forms, etc. on its website along with its other permit applications. Currently, the vessel account system presents information to the user on IFQ account balances, etc., but does not allow the user to upload documentation, as in the case of signed applications or Vessel Monitoring Plans. NMFS is interested in moving to online forms for all its permit renewals and will include EM forms if it does. NMFS is in the process of developing an online system for vessel owners to review their EM summary and compliance reports and plans to make this available to EM vessels as soon as possible.

An EM service provider commented on the proposed requirement for EM service providers to provide support to NMFS, free of charge to NMFS (see § 660.603(l)). The EM service provider commented that such a blanket, open-ended requirement would be impossible to manage or budget and difficult to recoup through fees charged to industry and, therefore, unfair to the EM

service providers. The EM service provider also stated that the potential costs of this requirement were not addressed in the economic impacts analysis and that this was a major oversight. The EM service provider stated that NMFS should instead pay for service requests.

EM service providers will provide services to vessel owners with whom they have contracts. In addition, though, EM service providers need to have permits from NMFS. As a condition of their permits, NMFS clarifies in the final rule at § 660.603(l) that, upon request, EM service providers must provide information—not litigation support—to the agency regarding their EM systems and related data issues. NMFS may use such information for litigation, including enforcement cases. As a condition of their permits, EM service providers will be required to respond to and remedy technical issues identified by NMFS, such as recovery of corrupt data, and provide NMFS software to view and analyze the EM data to evaluate providers' and vessels' performance and to effectively administer the EM program and enforce the regulations. Vessels participating in the fishery using EM, and their contracted EM service providers, gain a benefit from the EM program. Therefore, it is reasonable for NMFS to require EM service providers to provide NMFS with information, respond to issues NMFS identifies with vessels' EM systems and data, and to provide NMFS with the proprietary tools to evaluate that data, at no additional expense to NMFS. NMFS maintains similar requirements in the regulations for vessel monitoring system (VMS) service providers (see § 600.1508).

NMFS did estimate the cost and time burden to providers from these requirements as part of the Paperwork Reduction Act (PRA) package that accompanied this rule, which was summarized in the Classification section of the proposed rule and final rule. As part of estimating the burden of reporting and recordkeeping requirements of the proposed regulations, NMFS estimated that each service provider would receive no more than 10 requests from NMFS each year for the information listed in § 660.603(l). The largest time burden would be associated with responding to inquiries from NMFS following-up on data summaries, analyses, reports, and operational issues with vessel representatives. Most inquiries would be short phone conversations to quality assure/quality check trip data at approximately 15 minutes per trip. Some trips may require more extensive inquiries if an EM system malfunction or compliance issue occurred, potentially up to 25 hours. Assuming 90 percent of trips require some follow-up at 15 minutes per trip and 10-percent of trips require more extensive investigation (25 hours/trip) results in a total annual burden of 4,778 hours ((175 trips x 25 hours/trip) + (1,575 trips x 15 minutes/trip)). This information was summarized in the Classification section of the preamble to the proposed rule and again in this final rule. These costs were also assumed to be included in the field services and data services costs for third party service providers in the RIR/FRFA, which were based on the number of such inquiries seen in the EM EFP program to which service providers and PSMFC have responded.

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

Neither payments nor gifts would be given to the respondents.

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

As stated on the forms, 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 collected 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 a sensitive nature involved in this collection of information.

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

**EM Service Provider Requirements**

NMFS anticipates receiving applications from up to 6 service providers over the burden period. NMFS estimates it would take approximately 5 hours for the service provider to complete the application form and prepare the narrative statements, for a total annualized burden of 10 hours (6 providers x 5 hours/3 years).

The EM Service Plan contains a lot of information and is estimated to take 40 hours to prepare. As the service plan would only need to be prepared once (the same document could be used in subsequent renewals), the burden is annualized for a total annualized burden of 80 hours (40 hours x 6 providers/3 years).

NMFS anticipates it would take an additional 0.5 hours to compile copies of contracts and additional documents, provided to NMFS by certified providers (5 respondents) upon request. The annual total number of responses per provider is estimated at 35 contracts and 10 sets of additional documents for a total annualized burden of 88 hours and 25 hours, respectively.

Provider appeal submissions would be estimated to take 4 hours to prepare. One response over 3 years is expected, for a total annualized burden of 1 hour.

Provider permit renewals have an estimated burden of 1 hour to review the pre-filled form and EMSP provided by NMFS. One response from each of the 5 providers is expected each year, resulting in a total annual burden of 5 hours.

Requests to amend EMSPs would be expected to take up to 2 hours to complete, depending on the nature of the change. One amendment is expected to be submitted from each of 5 providers annually, for a total annual burden of 10 hours.

Upon installing an EM system on a vessel, the EM service provider would be required to complete an EM System Certification Form and provide it to the vessel owner for inclusion in his final application. The form would be expected to take 0.5 hour to complete for each vessel, with a total number of 58 responses per year estimated (1/3 of the fleet). This results in a total annualized burden of 29 hours.

Provider reports of requests for technical assistance from vessels consist of an email to NMFS

staff summarizing the incident and resolution. This report is estimated to take up to 20 minutes to complete, including follow-up responses for clarification. A total of 20 reports are expected to be submitted each year by each of the 5 providers, for a total annual burden of 33 hours.

Providers would report instances of harassment and intimidation of their employees by vessel representatives when they occur. The report would be estimated to take 1 hour to complete, including follow-up responses for clarification. The burden associated with each report is estimated at 1 hour with 2 reports (10 percent of trips) submitted from each of the 5 providers each year. This results in a total annual burden of 10 hours.

The EM service provider's employees must be available for quality assurance debriefings, if requested by NMFS or law enforcement personnel, following each trip. Most debriefings would be short phone conversations to quality assure/quality check trip data at approximately 15 minutes per trip. Some trips may require more extensive debriefings if an EM system malfunction or compliance issue occurred, potentially up to 25 hours. Assuming 90 percent of trips (1,575) require some follow-up at 15 minutes per trip and 10-percent of trips (175) require more extensive investigation (25 hours/trip) results in a total annual burden of 4,778 hours ((175 trips x 25 hours/trip) + (1,575 trips x 15 minutes/trip)).

Beginning in 2021, EM providers would be responsible for reviewing EM data and providing feedback to vessel operators, storing EM data, and reporting catch data and compliance issues to NMFS. NMFS has included the descriptions of these requirements in this collection, but burdens are not estimated at this time as these requirements will not take effect until 2021. NMFS will add burden estimates for these requirements through a revision to this collection in 2020.

### **Vessel Owner Requirements**

A vessel owner's initial application to NMFS would consist of a simple form containing the vessel owner's contact information, captain's information, and statements regarding their eligibility. The initial application is estimated to take 0.5 hours to complete. The number of responses may be as many as 175, the total number of valid limited entry trawl permits in 2015. Annualized over 3 years, this results in a total annual number of responses of 58 and a total annual burden of 29 hours.

The vessel owner's final application would consist of an updated application form, corrected for any errors or missing information, an EM system certification form, and a vessel monitoring plan. The EM system certification form would be completed and provided to the vessel owner by the EM service provider and is discussed under the service provider's reporting burden. Being present during the installation of the EM system is estimated to take 4 hours per vessel, with a total annualized burden of 232 hours for 58 vessels (1/3 of 175). Updating the application form is estimated to take 10 minutes per vessel, for a total annual burden of 10 hours. The VMP is estimated to take 4 hours to prepare, including preparing the narrative descriptions of the vessel's planned operations. The total annualized burden for 58 vessels from the VMP is estimated at 232 hours.

NMFS estimates 10 percent of applications to be denied and appealed (5 appeals). An appeal consists of preparing a narrative statement of the business's petition and rationale and compiling supporting documentation. This is estimated to take 4 hours to complete per response, with a

total annualized burden of 7 hours for 5 appeals over 3 years.

An application renewal would consist of reviewing the pre-filled renewal form and current VMP provided by NMFS, with an estimated burden of 0.5 hours per response. NMFS could receive as many as 175 responses annually, if all vessels elect to use EM, resulting in a total annual burden of 88 hours.

Requests for changes to a VMP would be expected to take up to 1 hour to prepare and submit to NMFS via email, including responding to requests from NMFS for clarification. NMFS anticipates one VMP change request from each vessel owner each year. Assuming all vessels are participating in the EM program in the future (175 vessels), the total annual burden is 175 hours.

### Vessel Operator Requirements

Attending a NMFS training on the EM program requirements would be expected to take 1.5 hours to complete per respondent. Captains would be expected to attend the training only once. Assuming all vessels participate in EM in the future (175 vessels x 1.5 hours/3years = 87.5 hours annualized), and some vessel owners may employ multiple captains over time, up to 25 additional captains may attend annually: 25 x 1.5 = 37.5 hours. Total: 87.5 + 37.5 = 125 hours.

Completing and submitting a discard logbook would be estimated to take 10 minutes per response. Much of this information is already recorded by captains about their own fishing operations and on state logbooks, so completing the discard logbook would consist mainly of transcribing existing notes. As many as 175 vessels may participate in EM in the future, taking an average of 10 trips per vessel per year. This results in a total burden of 292 hours per year.

Retrieving and packaging the hard drive for submission is estimated to take 10 minutes to complete per submission. Submission deadlines differ by gear type, but on average captains would be expected to submit 6 hard drives each year for a total of 1050 responses (175 vessels x 6 hard drives/year). This results in a total annual burden of 175 hours (1050 responses x 0.17 hr).

**Table 1. Estimated burden hours of the information collection.**

Information Collection	# of Entities	Items per Entity	Total # of Items	Response Time (hr)	Total Annual Burden (hr)
<b>EM Service Provider Requirements</b>					
Application	6	1	6	45/15 (annualized)	270/90 (annualized)
Application form (biennial) EM Service Plan Two Units					
Copy of contracts	5	35	175	0.50	88
Copies of additional documents	5	10	50	0.50	25
Appeal	1	1	1	4.00/1.33333 (annualized)	4/1.3333 (annualized)

Change to EMSP	5	1	5	2.00	10
Renewal	5	1	5	1.00	5
EM System Certification Form	5	12	58	0.50	29
Reports					
Technical Assistance	5	20	100	0.33	33
Harassment, etc.	5	2	10	1.00	10
Compliance Reports	Takes effect in 2021				
Catch Reports	Takes effect in 2021				
Feedback to Vessel	Takes effect in 2021				
Data Storage	Takes effect in 2021				
Debrief of EM staff	5	350	1750	2.73	4778
<b>Vessel Owner Requirements</b>					
Initial Application	58	1	58	0.50	29
Final Application	58	1	58	8.67	503
Updated Application Form					
EM Unit, Installation					
Vessel Monitoring Plan					
EM System Certification Form					
Change to VMP	175	1	175		175
Appeal	5	1	5	4.00/1.33 (annualized)	20/7 (annualized)
Authorization Renewal	175	1	175	0.50	88
EM System Maintenance	175	1	175	N/A	N/A
<b>Vessel Operator Requirements</b>					
Captain Training	83	1	83	1.5	125
Logbook	175	10	1750	0.17	292
Hard Drive Submission	175	6	1050	0.17	175
<b>TOTALS</b>			<b>5,689</b>		<b>6,463.33</b>

**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).**

**EM Service Provider Requirements**

Costs from the application for the provider permit derive from materials (\$0.10 per page for copies) and postage. The application package would consist of the application form (2 pages) and the EMSP (50 pages). Multiplied by the number of responses per provider (1 response) and the number of providers (6 providers), results in a total annualized cost over the burden period of \$23.00 for the application package (\$1.20 for the application + \$30.00 for the EMSP + \$37.80 postage certified mail with return receipt, annualized to \$23.00).

Using the same cost assumptions, NMFS estimates an annual cost of \$271.25 for copies of contracts each year [(((\$0.10 x 10 pages) + \$0.55 first class postage) x 175 submissions)].

Materials and postage for copies of additional documents is estimated to cost \$77.50 each year for 50 submissions [ $((\$0.10 \times 10 \text{ pages}) + \$0.55 \text{ postage}) \times 50 \text{ submissions}$ ].

To be approved to provide EM units to the fleet, NMFS may request an EM provider to submit two units and associated manuals and other documentation for evaluation. Currently available EM systems cost approximately \$10,000 per unit. After NMFS completes its evaluation the units would be returned to the provider, but would be used and may have depreciated value. NMFS estimates that the EM provider would be able to resell or lease the refurbished units at 50% of their original value, at a cost to the provider of \$5,000 per unit. Multiplied by 2 units per provider and 6 providers, and adding the cost of packaging and shipping the units to NMFS (approximately \$62 to FedEx a 30 pound package), results in a total annualized cost of \$20,124. ( $\$10,000 \times 2 + \$62 - (\$5,000 \times 2) \times 6 / 3 = \$20,124$ )

Similar to the permit application, the cost of a permit appeal would be from materials and postage. NMFS anticipates receiving 1 appeal consisting of 100 pages of narrative and supporting documentation. This results in a total cost of \$16.30 [ $\$10 ((\$0.10 \times 100 \text{ pages})) + \$6.30 \text{ postage certified mail}$ ] x 1 submission, annualized to \$5.43 per burden period.

Submitting a change to an EMSP is estimated to cost \$56.50 annually for postage and copies assuming each service provider submits one amendment each year [ $((\$0.10 \times 50 \text{ pages}) + \$6.30 \text{ postage}) \times 1 \text{ submission}$ ]. A renewal would be composed of a single pre-filled form and copy of the EMSP. Since the pre-filled form and EMSP will be provided by NMFS, the 5 providers would only be responsible for the cost of return postage (\$6.30 per submission), resulting in a total annual cost burden of \$31.50.

The EM service provider would be required to provide each vessel owner with a completed EM System Certification Form for the vessel owner to include in their application. This is estimated to cost \$0.10 for copies and \$0.55 for postage for each submission. Using an average of 58 submissions per year (175 vessels over 3 years) results in an annualized cost of \$37.70

Reports of technical assistance, harassment and intimidation, would likely be submitted via email. Assuming the provider would be outfitted with computers and an internet connection, there would be no additional cost to the provider. Reports of harassment may be followed by a hard copy in the mail. Such incidents are likely to be rare, so NMFS estimates that fewer than 2 reports would be received from each provider each year. This results in a total annual cost burden of \$7.50 for copies and postage [ $((\$0.10 \times 2 \text{ pages}) + \$0.55) \times 10 \text{ submissions}$ ].

No additional costs would be expected from the requirement for an EM service provider to make their employees available for debriefing.

### **Vessel Owner Requirements**

The cost of submitting initial application is estimated at \$0.75 per submission for postage and copies ( $(\$0.10 \times 2 \text{ pages}) + \$0.55 \text{ for postage certified mail}$ ). An average of 58 submissions are expected to be received each year (1/3 of the fleet), for a total annualized burden of \$43.50.

The final application would consist of an updated application form (\$0.20 per response for

copies), a signed EM System Certification Form provided by the EM service provider (\$0.10 per response for copies), and a vessel monitoring plan (\$2.00 per response for copies). The total cost per submission for copies of these documents and postage is \$8.60 (\$0.20 + \$0.10 + \$2.00 + \$6.30 for postage) with a total annualized burden for 58 respondents of \$498.80.

Vessel owners would be responsible for purchasing or leasing an EM system and having it installed on the vessel. Currently available EM units are estimated to cost \$10,000 per unit and an additional \$2,000 for installation, for a total cost of \$12,000 per entity. EM units may last 3-10 years before needing replacement. Therefore, for the purposes of this cost burden estimate, the EM unit and installation costs are estimated as a one-time cost. Assuming an annualized number 58 applicants results in an average annualized cost of \$696,000 for equipment and installation. Most vessel owners interested in using EM have already received EM units through research projects in 2015-2016. Therefore, this cost is likely an overestimate of the actual costs to the public in the first 3 years of the program.

Vessel owners would also be responsible for paying for the maintenance and repairs of the EM units. Based on anecdotal information from participants in 2015-2016 EM research projects, annual maintenance service costs per vessel are estimated to be \$5,600. This results in a total annual maintenance burden of \$980,000 for 175 vessels.

Amendments to VMPs may be submitted via email, requiring no additional costs in postage or materials. Appeals for denials of EM authorizations would be expected to cost \$9.30 per submission in materials (\$0.10 x 30 pages) and postage (\$6.30 certified mail). Assuming 10 percent of applicants each year would be denied and appeal results in a total annual burden of \$46.50. NMFS would provide vessel owners with pre-filled renewal forms and VMPs, so there would be no additional materials costs from renewals beyond return postage (\$6.30 certified mail). Assuming all eligible vessels would use EM and submit renewals each year, the total annual cost burden would be \$1,102.50.

### **Vessel Operator Requirements**

Attending an online training from NMFS would not be expected to have any additional costs for vessel operators.

NMFS would provide federal discard logbooks in paper and electronic form. Vessel operators may submit completed logbooks electronically via email. Assuming vessel operators own computers or smartphones with standard internet connections or phone plans, this could be done at no additional cost. Some vessel operators may choose to submit logbooks by mail at a cost of \$0.55 in postage per submission. Assuming an average of 1750 trips per year, the total annual cost burden of logbooks would be \$962.50.

Vessel operators would also be required to submit hard drives via mail on a periodic basis (average of 6 per year). Hard drives would be required to be submitted using a method that has return receipt and requires a signature upon delivery. This is necessary to allow both the captain and NMFS to track the transfer of confidential information. Shipping costs would be estimated to be \$15.00 per submission. Assuming an average of 1050 submissions per year, the total annual burden from this requirement is \$15,750.

Table 2. Estimated cost burden of the information collection.

Information Collection	# of Entities	Items per Entity	Total # of Items	Public Cost Per Item	Annual Cost to Public
<b>EM Service Provider Requirements</b>					
Application					
Application EM Service Plan Two Units	6	1	6	\$10,062.00 + 11.50/ \$3,354 + 3.84(annualized)	\$60,441.00 / \$20,147.00 (annualized)
Copy of contracts	5	35	175	\$1.55	\$271.25
Copies of additional documents	5	10	50	\$1.55	\$77.50
Appeal	1	1	1	\$16.30	\$8.15 (annualized)
Change to EMSP	5	1	5	\$11.30	\$56.50
Renewal	5	1	5	\$6.30	\$31.50
EM System Certification Form	5	12	58	\$0.65	\$37.70
<b>Reports</b>					
Technical Assistance	5	20	100	None	None
Harassment, etc.	5	2	10	\$0.75	\$7.50
Compliance Reports	Takes effect in 2021				
Catch Reports	Takes effect in 2021				
Feedback to Vessel	Takes effect in 2021				
Data Storage	Takes effect in 2021				
Debrief of EM staff	5	350	1750	None	None
<b>Vessel Owner Requirements</b>					
Initial Application	58	1	58	\$0.75	\$43.50
Final Application	58	1	58	\$12,008.60	\$696,498.80
Updated Application Form					
EM Unit, Installation					
Vessel Monitoring Plan					
EM System Certification Form					
Change to VMP	175	1	175	None	
Appeal	5	1	5	\$9.30	\$46.50
Authorization Renewal	175	1	175	\$6.30	\$1,102.50
EM System Maintenance	175	1	175	\$5,600.00	\$980,000.00
<b>Vessel Operator Requirements</b>					
Captain Training	83	1	83	None	None
Logbook	175	10	1750	\$0.55	\$962.50
Hard Drive Submission	175	6	1050	\$15.00	\$15,750.00
<b>TOTALS</b>			<b>5,689</b>		<b>\$1,715,040.9</b>

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

The applications submitted by EM service providers would require extensive review to determine their compliance with the regulations and to ensure they meet the objectives of the program. Based on review of similar documents submitted for the catch monitoring program (OMB Control No. 0648-0619), it is anticipated that review of the provider applications would require 20 hours by the EM Program Manager for each application (at \$35/hour), and an additional 3 hours each by members of the Permit Review Board (3 reviewers at \$35/hour) and 1 hour by an attorney (\$57/hour). Evaluating the EM units would be expected to require 40 hours by a technical specialist (\$35/hour). An additional 0.5 hours would be needed for an administrative specialist to copy and file the applications and prepare and mail responses (\$25/hour). As each provider would be required to submit an application only once (6 respondents), the annualized cost to the Federal government is estimated to be \$4,969.

An appeal would require approximately 40 hours of review by a policy specialist (\$35/hour) and 10 hours by an attorney (\$57/hour). An additional 0.5 hours would be needed for an administrative specialist to copy and file the appeal, and prepare and mail a response (\$25/hour). NMFS anticipates receiving no more than 1 appeal over 3 years, for an annualized cost to the Federal government of \$881.11.

An amendment to an EMSP would cost \$412.50, assuming 2 hours of review by the EM Program Manager (\$35/hour) and 0.5 hours of copying and filing by an administrative specialist (\$25/hour). An annual renewal would \$412.50, based on 2 hours of review by the EM Program Manager (\$35/hour) and 0.5 hours of copying and filing by an administrative specialist (\$25/hour).

EM program staff would review technical assistance reports and may follow up with EM service provider staff for additional information by phone or email. This is estimated to require 20 minutes by a ZP-III (\$35/hour). An administrative specialist would also print and file reports, requiring approximately 10 minutes (\$25/hour). The total annualized cost to the government would be \$1,580. Reports of harassment, intimidation, etc. would require approximately 2 hours to review and follow up by a ZP-III (\$35/hour), and copying and filing by an administrative specialist (\$25/hour). The total annualized cost to the government for processing these reports would be \$825.00.

Debriefing employees of EM service providers to investigate data quality and compliance issues would require 2 hours by EM program staff (\$35/hour). The total annualized cost to the government would be \$122,500.

Processing initial applications submitted by vessel owners would require 1 hour of review by EM program staff (\$35/hour), including researching each applicant's eligibility and preparing a response. An additional 0.5 hours of review would be required by an attorney (\$57/hour) and 10 minutes of filing and mailing by an administrative specialist (\$25/hour). This results in an annualized burden of \$3,929.50.

Review of final applications, including reviewing and compiling comments on the vessel monitoring plans, would require 2 hours by EM program staff (\$35/hour), 0.5 hours by an attorney (\$57/hour), and 20 minutes by administrative staff (\$25/hour). The total annualized burden to the government is \$6,191.50 for final applications.

Requests for changes to VMPs would require 0.5 hours review by EM program staff (\$35/hour) and 0.17 hours filing and copying by administrative staff (\$25/hour). The total annualized cost to the government is \$3,806.25.

Appeals for denial of an EM authorization application would require 3 hours by EM program staff (\$35/hour) to review and prepare a response. An attorney (\$57/hour) would review the appeal, supporting documentation, and decision for 1 hour and an administrative specialist would copy, mail, and file the decision (0.5 hours at \$25/hour). As NMFS expects to receive only 1 appeal over 3 years, the total annualized cost to the government for processing appeals would be \$58.16.

To reduce the public burden, NMFS staff would prepare pre-filled renewal forms and VMPs for review by vessel owners. NMFS staff would also review the returned submissions by vessel owners for changes and corrections. This is estimated to take 0.5 hours by an administrative specialist (\$25/hour) and 2 hours by EM program staff (\$35/hour). The total annualized cost to the government to process 175 renewals each year is \$14,437.50.

EM program staff would host a training for captains on EM program requirements. The training would most likely take the form of a webinar. The costs associated with the training would be the 1.5 hours of program staff time to host the training and 1 hour to prepare for it (\$35/hour). NMFS would host on average 5 trainings per year, one for each gear type. This results in a total annualized cost to the government of \$437.50.

Administrative support staff would enter data from logbooks into a database and print and file hard copies (\$25/hour). Based on the time to process similar forms, data entry would be expected to take 10 minutes per response. The total annualized cost to the government for 1750 responses is \$7,437.50.

Table 3. Estimated cost burden of the information collection to the Federal government.

<b>Information Collection</b>	<b># of Entities</b>	<b>Items per Entity</b>	<b>Total # of Items</b>	<b>Annual Cost to Government</b>
<b>EM Service Provider Requirements</b>				
Application				\$4,969.00
Application form EM Service Plan Two Units	6	1	6	
Copy of contracts	5	35	175	
Copies of additional documents	5	10	50	
Appeal	1	1	1	\$881.11
Change to EMSP	5	1	5	\$412.50
Renewal	5	1	5	\$412.50
EM System Certification Form	5	12	58	Incl. in owner app.
Reports				

Technical Assistance	5	20	100	\$1,580.00
Harassment, etc.	5	2	10	\$825.00
Compliance Reports	Takes effect in 2021			
Catch Reports	Takes effect in 2021			
Feedback to Vessel	Takes effect in 2021			
Data Storage	Takes effect in 2021			
Debrief of EM staff	5	350	1750	\$122,500.00
<b>Vessel Owner Requirements</b>				
Initial Application	58	1	58	\$3,929.50
Final Application	58	1	58	\$6,191.50
Updated Application Form				
EM Unit, Installation				
Vessel Monitoring Plan				
EM System Certification Form				
Change to VMP	175	1	175	\$3,806.25
Appeal	5	1	5	\$58.16
Authorization Renewal	175	1	175	\$14,437.50
EM System Maintenance	175	1	175	None
<b>Vessel Operator Requirements</b>				
Captain Training	83	1	83	\$437.50
Logbook	175	10	1750	\$7,437.50
Hard Drive Submission	175	6	1050	
<b>TOTAL</b>			<b>5,689</b>	<b>\$167,878.02</b>

**The total annualized cost to the government would be \$167,878.02.**

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

This is a new program.

**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.**

Not applicable.

**18. Explain each exception to the certification statement.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.