

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Atlantic Mackerel, Squid and Butterfish Amendment 14 Data Collection
OMB Control No. 0648-0679

Abstract

This is a request for renewal of an approved information collection. Under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. Much of this responsibility has been delegated to the NOAA's National Marine Fisheries Service (NMFS). Under this stewardship role, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources. One of the regulatory steps taken to carry out the conservation and management objectives is to collect information from users of the resources.

This collection requires limited access mackerel and longfin squid/butterfish moratorium permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. If a catch is not made available to an observer before discard, that catch is defined as slippage, and the vessel operator must complete a "Released Catch Affidavit" form within 48 hours of the end of the fishing trip which details why catch was slipped, estimates the quantity and species composition of the slipped catch, and records the time and location of the slipped catch.

This collection also requires any vessel with a limited access mackerel permit intending to land over 20,000 lb of mackerel to contact NMFS at least 48 hours in advance of a fishing trip to request an observer. Vessels currently contact NMFS via phone, and selection notices or waivers are issued by NMFS via VMS. If service providers are unable to provide coverage, an owner, operator, or vessel manager may request a waiver by calling the Northeast Fisheries Observer Program. Additionally, if a fishing trip is cancelled, vessels must notify NMFS of the cancelled trip to prevent observers from being deployed to a cancelled trip.

A. JUSTIFICATION

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

This is a request for a renewal of a currently approved information collection. Fishery Management Plans (FMP) for Federal Fisheries managed under the National Ocean and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) are developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

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

The information collections under OMB Control No. 0648-0679, are used by several offices of NMFS, the United States Coast Guard (USCG), the Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC), state fishery management agencies, academic institutions, and other fishery research and management organizations to evaluate current management programs and future management proposals. In most cases, aggregated summaries are made available, but for law enforcement, mailings, or resource allocation problems, individual permit information is often required. Mailing lists derived from the applications provide NMFS with the assurance of reaching all concerned constituents with notices of fishery closures, regulatory changes, and other important information. All information collections are necessary for improved monitoring of the mackerel, squid, and butterfish (MSB) fisheries.

Observer Notification Requirements

Amendment 14 requires any vessel with a limited access mackerel permit intending to land over 20,000 lbs. of mackerel to contact NMFS at least 48 hours in advance of a fishing trip to request an observer. This measure assists NMFS's scheduling and deployment of observers across the mackerel fleet, with minimal additional burden on the industry, helping ensure that observer coverage targets for the mackerel fishery are met.

The list of information that must be provided to NMFS as part of this pre-trip observer notification is described in the regulations. Vessels with limited access mackerel permits would be required to contact NMFS via telephone. If a vessel is required to notify NMFS to request an observer before its fishing trip, but it does not notify NMFS before beginning the fishing trip, that vessel would be prohibited from possessing, harvesting, or landing Atlantic mackerel on that trip. If a fishing trip is cancelled, a vessel representative must notify NMFS of the cancelled trip, even if the vessel is not selected to carry an observer. All waivers or selection notices for observer coverage will be issued by NMFS to the vessel via VMS so the vessel would have an on-board verification of either the observer selection or waiver.

If an observer is not available through the observer program, vessels required to carry an observer must arrange for carrying a Northeast Fisheries Observer Program (NEFOP) certified observer from an approved observer service provider. The owner, operator, or vessel manager of a vessel selected to carry an observer must contact the observer service provider by phone and must provide at least 48 hours for the provider to arrange for observer deployment for a specified trip.

An owner, operator, or vessel manager of a vessel who cannot procure a certified observer within 48 hours of the notification to the provider, due to the unavailability of an observer, may request a waiver from the requirement for observer coverage for that trip, but only if the owner, operator, or vessel manager has contacted all of the available observer service providers to secure observer coverage. To request a waiver based on the unavailability of observers, an owner, operator, or

vessel manager of the vessel must call the NEFOP. If the NEFOP confirms that no observers are available, it will issue a waiver within 24 hours.

Released Catch Affidavits

Amendment 14 requires limited access mackerel, longfin squid, and butterfish moratorium permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. The Council recommended this measure to improve the quality of at-sea monitoring data by reducing the discarding of un-sampled catch. If catch is discarded before it has been made available to the observer, that catch is defined as slippage. If a slippage event occurs, Amendment 14 requires the vessel operator to complete a released catch affidavit within 48 hours of the end of the fishing trip. The released catch affidavit would detail: (1) Why catch was slipped; (2) an estimate of the quantity and species composition of the slipped catch; and (3) the time and location of the slipped catch.

One Time Longfin Squid Moratorium Permit Swap

An entity that owns multiple vessels issued longfin squid/butterfish moratorium permits as of May 26, 2017, had a one-time opportunity to swap one Tier 1 longfin squid moratorium permit issued to one of its vessels with a longfin squid Tier 2 moratorium permit issued to another of its vessels with the implementation of Amendment 20. The one-time permit swap gives vessel owners the opportunity to maximize their vessel utility. A permit holder could submit an “Application for a Longfin Squid Permit Swap” form to apply for the permit swap. This form provides information for NMFS about the vessels involved in the swap to ensure the permits are placed on a vessel that meets the vessel baseline size and horsepower restrictions for this provision. This is a renewal of the collection that was established in Amendment 20.

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

The observer/monitor notification is a phone-based system that will be designed to be as simple as possible for both the public and NMFS. Implementing a phone-based notification system makes it widely available to the fishing industry, thereby reducing both public and administrative burden.

The Released Catch Affidavit is available on the NMFS website.

4. Describe efforts to identify duplication.

The application processes and information submissions for the observer program and vessels are unique to the Atlantic mackerel observer program, and direct duplication with other collections does not exist.

None of the other information collected through this family of forms is duplicated elsewhere.

5. If the collection of information involves small businesses or other small entities, describe

the methods used to minimize the burden.

Only the minimum data needed to meet the objectives of Amendment 14 and 20 are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed.

For applications for observer service providers, detailed instructions are included with the application to help facilitate proper completion of the form. NMFS also sends bulletins detailing reporting requirements to all permitted entities.

The Released Catch Affidavit is required only when catch has been released in order to improve our data collection.

Since the vessel permit swap form applies to all permit holders regardless of size, separate requirements based on the size of business have not been developed. We reached out to permit holders at the time of qualification to provide them with the permit swap form.

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

To the extent practicable, frequency of information collection under this family of forms has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement.

All information is required for the efficient operation of the Atlantic mackerel observer program must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the observer program and the effective management of the Atlantic mackerel fishery.

If NMFS did not require the Released Catch Affidavit during slippage events, the quality of at-sea monitoring data would be reduced because NMFS would not be collecting information about catch that is released.

The permit swap form is a one-time collection. To the extent practicable, frequency of information collection under this family of forms has been minimized. Further, without this collection, a vessel owner would not have the opportunity to swap longfin squid permits among vessels owned by that entity. This would reduce fishing opportunities and associated revenue for such owners due to more restrictive access to the longfin squid fishery.

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

The data collection is consistent with 5 CFR 1320.6 guidelines except that it requires information to be reported more frequently than quarterly. The need for this is described in Question 6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe 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 June 17, 2024 (89 FR 51310) solicited public comments. There were no comments received. Our program office has made continuous efforts to reach out to stakeholders and respondents outside of the comment period window. Although we have not received additional comments, we have continued our work to decrease redundancies, burden, and cost.

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

No payment or gift will be made to respondents.

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

All data will be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, e.g., vessel name, owner, etc.). In addition, any information collected under the Permit Family of Forms would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

The permit and permit-related information is covered by the Privacy Act System of Records Notice (SORN), COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries. An amended SORN was published on August 7, 2015, and became effective on September 16, 2017. An updated SORN is under review at the Department of Commerce.

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.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Observer/Monitor Reporting for Vessels								
Pre-trip notification to observer program	Ship and Boat Captains and Operators	132	8	1,056	5 min	88	\$45.42	\$3,996.96
Trip Cancellation notification to observer program	Ship and Boat Captains and Operators	132	8	1,056	1 min	18	\$45.42	\$817.56
Observer Reporting for Vessels								
Released Catch Affidavit	Ship and Boat Captains and Operators	444	18	7,920	5 min	660	\$45.42	\$29,977.20
Longfin Squid Form								
Vessel Permit Swap Form	Ship and Boat Captains and Operators	10	.3	3	5 min	0	\$45.42	\$0
Totals				10,035		766		\$34,791.72

**Occupational Code 53-5020, Ship and Boat Captains and Operators, was used to determine the mean hourly wage rate.*
https://www.bls.gov/oes/current/oes_nat.htm#53-0000

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).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Observer/Monitor Reporting for Vessels					
Pre-trip notification to observer program	132	8	1,056	\$0	\$0
Trip Cancellation notification to observer program	132	8	1,056	0	0
Observer Reporting for Vessels					
Released Catch Affidavit	444	17.8378	7,920	\$0.55	\$4,356
Longfin Squid Form					
Vessel Permit Swap Form	10	.3	3	\$0.55	\$2
TOTALS			10,035		\$4,358

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

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Permits Specialist	Band II/ Step 3	\$128,766	64%		\$82,410
Fisheries Sampling Branch Manager	Band III/ Step 3	\$169,571	26%		\$44,088
Contractor Cost					
Sampling Branch Contractor		\$60,000	59%		\$35,400
Travel					0
Other Costs					0
TOTAL					\$161,898

The Commerce Alternate Pay System (CAPS) pay tables were used to determine the base salary for the above positions. https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf The Rest of U.S. locality was used since NOAA employees are geographically dispersed. A multiplier of 1.5 was used to determine the loaded salary.

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

There are no changes to these information collections.

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.

The expiration date will be displayed on this information collection.

18. Explain each exception to the certification statement.

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).