

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

06/06/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 05/25/2005.

TITLE: Haddock Bycatch Notification of Landing

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0525

EXPIRATION DATE: 11/30/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	669	56	0
Difference	669	56	0
Program Change		56	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) ( <i>if applicable</i> )	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT HADDOCK BYCATCH NOTIFICATION OF  
LANDING OMB CONTROL NO.: 0648-XXXX**

**INTRODUCTION**

This submission requests Office of Management and Budget (OMB) clearance of information collection provisions for the vessel permit requirements proposed under an emergency rule to address haddock bycatch in the 2005 herring fishery. The information requirement under this emergency rule expands provisions specified in Framework Adjustment 40B (Framework 40B) to the Northeast (NE) Multispecies Fishery Management Plan (FMP). This information collection submission builds upon previously approved submissions under the “Northeast Region Permit Family of Forms” (OMB Control No. 0648-0202), OMB Control No. 0648-0501 and more recently under “Northeast Multispecies Framework Adjustment 40-B Permit Information Data Collection (OMB Control No. 0648-0521). If approved, and this collection is needed past December 31, 2005, the collection would be merged with the 0648-0202 information collection.

The NOAA Fisheries Service is proposing temporary management measures under this emergency rule that will allow the herring fishery to be prosecuted in the 2005 fishing year. The proposed measures under emergency rule include a requirement for all non-observed vessels to submit a prior notification of landing message electronically through the vessel monitoring system (VMS) unit required on these vessels. This information collection submission requests approval of new information collection requirement in order that provisions in the emergency rule can be monitored and enforced.

**A. JUSTIFICATION**

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

**Herring Vessel Notifications**

Regulations established under the Fishery Management Plan for the NE Multispecies FMP prohibit vessels fishing for Atlantic herring (herring) from possessing or landing any groundfish species, including haddock. In July 2004, NOAA’s Office for Law Enforcement (OLE) observed prohibited juvenile haddock in catches being landed by midwater trawl vessels fishing for herring on Georges Bank (GB).

Due to the presence of the extremely large 2003 year class, or cohort of fish, and reports of another large year class in 2004 of haddock, the herring industry is concerned that they will continue to catch haddock during 2005. The issue was raised to the attention of the New England Fishery Management Council (Council), which voted on March 30, 2005, to request emergency action to authorize all Category I herring vessels to possess 1,000 lb of haddock incidentally caught when fishing for

herring.

Due to concerns regarding the immediacy of this problem, the Council requested that NOAA Fisheries Service should enact measures through an emergency rule, to be effective through December 31, 2005. The Council's formal request for emergency action was received by NMFS on April 6, 2005. The NOAA Fisheries Service is proposing the following measures under an emergency, temporary rule effective until December 31, 2005: 1) suspension of the prohibition on the possession of haddock by vessels using purse seines or midwater trawls (including pair trawls), 2) establishment of a 1,000 lb haddock incidental possession allowance for Category 1 herring vessels, 3) suspension of the haddock minimum fish size for Category 1 herring vessels, 4) prohibition on the purchase and sale of haddock landed by Category 1 herring vessels for human consumption, 5) establishment of a provision to require herring processors to cull landings made by Category I herring vessels and retain haddock for inspection by enforcement officials, 6) expansion of the prior notification of landing requirement to all Category 1 herring vessels via the Vessel Monitoring System (VMS), and 7) establishment of a cap on the total amount of haddock that could be landed under the haddock incidental possession allowance. This last provision would establish a haddock total allowable catch (TAC) for the herring fishery. If landings made under the incidental possession allowance reaches the TAC, the directed herring fishery in the Georges Bank haddock stock area would close, and a prohibition on the possession of haddock would be re-instated for all Category 1 herring vessels fishing in all other areas.

Framework 40B proposes to require vessels with a Category I herring permit that fish in the GOM or GB Regulated Mesh Areas (RMA's) to notify the NOAA Fisheries Observer Program 72 hours before beginning a trip. In addition, if an observer is not provided for the trip, the vessel must notify NOAA Fisheries Office of Law Enforcement via VMS prior to offloading the catch. These provisions would be new requirements on the herring fishery and are intended to improve the ability to place an observer on herring vessels and to monitor offloads to determine the extent of groundfish bycatch in the herring fishery. This emergency rule would expand the prior notification of landing requirement approved in Framework 40B to include all Category 1 herring vessels in order to facilitate the enforcement on the 1,000 lb haddock incidental possession limit.

**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.**

Vessels issued a Category 1 herring permit that fish for herring in the GOM or GB Regulated Mesh Areas vessels would be required to notify the NOAA Fisheries Office of Law Enforcement of the time and place of landing prior to crossing the VMS demarcation line on their return to port. The time and place of landing would facilitate the ability of enforcement personnel to observe landing operations to collect additional

groundfish bycatch information from the herring fishery, including compliance with the 1,000 lb haddock incidental possession limit.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service 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.**

Transmission of the notification of landing is entirely electronic automated via the Vessel Monitoring System (VMS) unit. The purchase and operation of this by these vessels has been authorized under OMB Control #0648-0202.

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

NOAA Fisheries is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

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

Only the minimum data to meet the requirements of the above data needs are requested from all participants. Since most of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

Vessels would be able to communicate to the U.S. Coast Guard or the Center for Coastal

Studies that they are standing by an entangled whale using VHF. This would not result in any additional costs to vessel.

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

Failure to collect information on herring vessel activity or collecting it less frequently could undermine efforts proposed in this emergency action to facilitate enforcement. This information is important in determining the impact of herring vessel operations on groundfish fishing mortality.

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

Some of the requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow that respondents be required to report more often than quarterly, requirements for VMS polling requested with this submission would require more frequent reports. Failure to collect information on the time and place of herring vessel offloading could minimize the ability of law enforcement personnel to observe herring vessel landing operations.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The emergency rule implementing this collection of information will be published in the Federal Register and will solicit public comment.

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

Neither payments nor gifts are given to the respondents.

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

All data would be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). In addition, any information submitted according to the provisions outlined



in Framework 40B would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

1. **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.**

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

There are no questions of sensitive nature.

This emergency rule would require vessels issued a Category 1 herring permit fishing in either the GOM or GB RMA as defined in the NE Multispecies FMP to notify the NOAA Fisheries Office of Law Enforcement of the time and port of landing so that enforcement staff could observe offloading operations for groundfish bycatch. This notification would be in the form of an email using VMS. It is expected that this notification would take approximately five (5) minutes. As of 2003, there were 105 vessels issued a Category 1 herring permit fishing a total of 1,337 trips into the GOM and GB RMA's of the NE Multispecies FMP. However, 50% of these trips are already approved under OMB No. 0648-0502. This provision would result in a total of 669 notifications per year, or 56 hours of additional burden.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

Category 1 herring vessels fishing in the GOM or GB RMA would be required to notify NOAA Fisheries Office of Law Enforcement of the time and port of landing via VMS prior to crossing the VMS demarcation line ending their trip. Each notification would cost \$0.50. Fifty-percent of these trips have been approved under OMB No. 0648-0502 therefore, Category 1 herring vessels are expected to make approximately 669 notifications to the NOAA Fisheries Office of Law Enforcement informing them of the time and port of landing. For the 669 notifications per year expected from this provision, the annualized cost to herring vessels would be \$335.

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

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

Requirement	Entities	Items	Total Items	Response Time	Total Burden	Public Cost	Govt. Cost
VMS Notification	105	3	669	0.083	56	335	836
<b>Total</b>					<b>56 hrs.</b>	<b>\$335</b>	<b>\$836</b>

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

This collection is a new requirement under an emergency temporary rule. Justification of this requirement is explained in Section 1 of this document.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States, which follows, prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NOAA Fisheries employees in detailed form on a need-to-know basis only.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

All forms will display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

All instances of this submission comply with 5 CFR 1320.9.

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

No statistical methods are employed in the information collection procedures.