

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 04/22/2015

Department of Commerce  
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Jerry Harper  
FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 04/06/2015

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201504-0648-005

AGENCY ICR TRACKING NUMBER:

TITLE: Greater Atlantic Region, Atlantic Sea Scallop Fishery Management Plan

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0491

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 06/30/2017

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	55,126	3,388	789,574
New	55,923	3,460	790,283
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	797	72	709
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini  
Acting Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
VMS: trip declarations, power down codes and polling fees			50 CFR 648.9
Access area trip exchange	NA, NA	Broken trip adjustment sheet, Trip exchange request	50 CFR 648.53
IFQ Ownership Cap Forms	NA	Vessel ownership form	50 CFR 648.53
RUPH Applications	NA	Application for vessel upgrade, replacement and confirmation of permit history	50 CFR 648.53
VMS Pre-Landing Notifications: IFQ, NGOM, some limited access trips	NA	Prelanding notification revised to include certain limited access trips	50 CFR 648.53
Quota Transfer Applications - Temporary and Permanent	NA	Request to transfer LACG IFQ Scallop Allocation	50 CFR 648.53
Cost Recovery			50 CFR 648.53
Sector Proposals			50 CFR 648.63
Sector Operation Plans			50 CFR 648.63
VMS Catch Report	NA	Daily scallop catch report (in file with other Web shots)	50 CFR 648.10

# 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  
GREATER ATLANTIC REGION, ATLANTIC SEA SCALLOP FISHERY  
MANAGEMENT PLAN DATA COLLECTION  
OMB CONTROL NO. 0648-0491**

**INTRODUCTION:**

This request is a resubmission of a revision of the information collection requirements pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491, with the Final Rule 0648-BE68. The title has been changed from “Northeast Region Atlantic Sea Scallop Fishery Management Plan” to “Greater Atlantic Region, Atlantic Sea Scallop Fishery Management Plan Data Collection” to reflect that the Northeast Regional Office has been changed to Greater Atlantic Regional Fisheries Office (GARFO).

There are no changes to the information collection requirements in original request, due to public comment or for any other reason.

**A. JUSTIFICATION**

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Fishery Management Councils and the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS). NMFS manages the Atlantic sea scallop (scallop) fishery through a set of regulations that limit catch of scallops and fishing vessel activity. In addition, regulations limit catch of certain other species of fish in order to minimize bycatch and bycatch mortality (bycatch is the catch and discard of species that are not targeted in the scallop fishery). Finally, the regulations control vessel permitting and the exchange of effort and quota allocations between vessels. In order to effectively manage the fishery, track fishing effort and catch, and to allow vessel owners to exchange fishing trips and quota, NMFS must collect information through the reporting requirements included in this renewal. All of the collection requirements remain necessary without revision.

This current revision expands the number of vessels that would need to submit pre-landing notification forms and removes previous reporting requirements related to scallop access area broken trip and compensation trip procedures. To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

1. Vessel monitoring system (VMS) requirements:
  - Trip declaration, including powerdown provisions
  - Trip termination and compensation trip identification
  - VMS purchase and installation
  - VMS daily catch reports

- VMS prelanding notification form
  - VMS state waters exemption enrollment
2. Permit Provisions for Limited Access General Category (LAGC) vessels
  3. IFQ Transfers
  4. Cost Recovery
  5. IFQ Sector Program

## **VMS Requirements**

VMS requirements under the FMP apply to all vessels issued a scallop permit and VMS serves as an important enforcement and fishery monitoring tool. The details of the VMS requirements are provided below. Enforcement officials utilize VMS data to monitor vessel activity relative to scallop access areas and fishery closure areas. NMFS monitors vessel activity relative to fleetwide trip allocations and uses information submitted through VMS to monitor catch relative to fishery total allowable catch (TAC).

### Trip Declaration and Powerdown

Vessels issued limited access and LAGC Individual Fishing Quota (IFQ) and Northern Gulf of Maine (NGOM) scallop permits are required to declare a fishing activity code prior to leaving port. This enables NMFS to monitor a vessel's fishing activity, vessel allocation, catch, and trip information relative to catch and trip limits under the FMP. Owners/operators of LAGC IFQ and NGOM vessels can also turn their VMS units off when the vessel is tied to the dock or mooring to reduce electrical power costs when the vessel is inactive. Prior to turning off the VMS unit, the owner/operator must submit a powerdown declaration through VMS indicating to NMFS that the vessel is inactive. This serves the dual purpose of enabling the vessel owner/operator to make this declaration through an efficient system and enables NMFS to have real-time vessel activity status.

### VMS Purchase and Installation

Vessels that are issued LAGC permits are required to purchase, install, and maintain a VMS on their vessel. VMS reporting requirements include trip declaration, power down, and polling frequency requirements. This VMS requirement has been implemented to improve scallop regulation enforcement and oversight of the above permit restrictions and requirements.

### VMS Catch Reports

The owner or operator must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NMFS-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include:

- VTR serial number;
- Date fish were caught

- Total pounds of scallop meats kept
- Total pounds of all fish kept.

Submission of this information on a daily basis is needed for monitoring scallop catch.

### VMS Prelanding Reports

The FMP requires individual fishing quota (IFQ) and Northern Gulf of Maine (NGOM) vessels to submit a VMS pre-landing notification form prior to crossing the demarcation line on their return to port that would provide scallop hail weight (an estimate of the weight of scallops), estimated time and port of landing. Data from the VMS pre-landing notification form submitted by IFQ vessels is used to enforce and oversee individual fishing quotas, alert enforcement personnel approximately when, where and how much a vessel should have onboard, and enforce the 600 lb IFQ possession limit. Data from the VMS pre-landing notification form submitted by NGOM vessels is used to monitor the Northern Gulf of Maine Management Area TAC quota and to enforce the 200 lb. Northern Gulf of Maine Management Area possession limit.

In addition, Framework 26 to the Scallop FMP proposes to require limited access scallop vessels to submit VMS pre-landing notification forms. These forms would be required under two circumstances and the information that must be provided would be identical to that of the current IFQ and NGOM pre-land notification form. First, all limited access vessels would need to submit this form at the end of a scallop access area trip. Data from this VMS pre-landing notification form submitted by limited access vessels on access area trips are used to enforce and oversee access area allocations, and alert enforcement personnel approximately when and where a vessel will land access area scallops, and how much a vessel should have onboard. Secondly, any limited access vessel intending to land scallops caught in open areas at ports south of Cape May, NJ and wanting to steam to those ports while not using a day-at-sea would need to submit the pre-landing notification form once it finished its open area trip. Data submitted from this VMS pre-landing notification form under this situation would be used to alert enforcement personnel approximately when and where a vessel will land open area scallops, and how much a vessel should have on board.

### VMS Polling Frequency

The VMS polling frequency for all vessels issued a scallop permit is 30 minutes (it is one hour for some other fisheries). The 30-min polling frequency enhances the monitoring capability to catch violators fishing in the closed areas. Since the average polling increased from 30 minutes from 1 hour, there is a 50 percent greater chance of detecting entries into the closed areas of more than 15 minutes. This requirement applies to the Occasional and LAGC scallop vessels only, as Full-time and Part-time vessels have been accounted for in OMB Control No. 0648-0202.

### **Access Area Trip Exchange Application**

The one-for-one access area trip exchange program provides flexibility to scallop vessels about where they may fish. Participants need to send an access area trip exchange application to NMFS with the following information: Vessel name and permit number, owner name and signature, specification of the areas involved in the exchange. Both vessels involved in the

exchange are required to submit forms for cross verification. This measure is expected to provide flexibility to vessels regarding which areas to fish, thereby reducing the possibility of revenue loss to those vessels that are unable to access some distant areas due to vessel capacity constraints. Although there will be some transaction costs associated with the exchange of access area trips, the net result will likely be a reduction in overall costs of fishing.

Administrative and enforcement costs associated with the exchange of controlled access trip authorizations are modest when compared with the potential improvement in controlled access allocation programs and reduced economic cost to industry.

### **Permit Provisions for LAGC permits**

Amendment 11 implemented a limited access permit program in 2008 for general category scallop vessels with the creation of 3 LAGC scallop permit categories: IFQ, Incidental Catch (IC), and NGOM. Like all of GARFO's limited access permit programs, if a vessel owner wants to move their permit to a new vessel or retain their permit eligibility through a confirmation of permit history (CPH), they must complete a replacement, upgrade, permit history (RUPH) application. This requirement is necessary to allow vessel owners to transfer the vessel's eligibility to a new vessel or retain the eligibility in CPH if the vessel has been destroyed or sold.

To maintain the historical character of the general category fishery, there is a restriction on the amount of quota a given vessel owner or individual vessel can have. Specifically, vessel owners cannot own more than 5% of the general category IFQ Total Allowable Catch (TAC) and individual vessels could not have more than 2% of the IFQ TAC. Consequently, IFQ permit holders are required to submit an ownership form with their permit renewal each year documenting all of the IFQ vessels in which they have an ownership interest. The ownership form is necessary to effectively administer the ownership cap. The 2% vessel quota cap does not require the submission of information by permit holders, and is administered internally using NMFS permit and quota allocation data.

### **IFQ Transfers**

IFQ permit holders can temporarily and/or permanently transfer individual fishing quota from one IFQ vessel to another. Quota transfers are requested through the submission of transfer applications. Required information includes vessel information, quota transfer information, and authorizing signatures from both parties. The IFQ transfer program is entirely optional, and provides greater flexibility for IFQ permit holders by enabling them to increase their vessel's IFQ or for individuals to lease or sell IFQ if they choose not to fish the allocation.

### **Cost Recovery**

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires an IFQ cost recovery plan to recover management and enforcement costs for IFQ fisheries. The FMP includes an IFQ cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of the IFQ program. IFQ permit holders are required to submit a cost recovery payment annually via a pre-existing Federal payment system called [www.pay.gov](http://www.pay.gov), which is also currently used by the Alaska Region and the Southeast Region. Information submitted via the internet would require the user to establish an online account, including personal and financial information. This requirement is necessary in

order to comply with the provisions of the MSA and to collect payments from individuals that have been granted an allocation to a public resource.

## **IFQ Sector Program**

The FMP contains provisions that authorize allocation of a portion of the overall IFQ fishery TAC to a self-selected group of IFQ permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. Individuals or other entities (corporations, cooperatives, etc.) proposing a sector are required to submit documents as described below.

### Sector Allocation Proposal

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council, at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

This document specifies the proposed maximum amount of TAC to be allocated to sector participants and the sector's proposed rules describing movement of vessels among sectors or to the common pool of vessels managed under the FMP. This document is required to include an appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).

### Operations Plan

A group that wants to form a sector and receive an allocation is required to submit a legally binding operations plan to the Council and the Regional Administrator. The operations plan must be agreed upon and signed by all members of the sector and, if approved, would constitute a contract.

This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC associated with the proposed sector; detailed information regarding potential redistribution of TAC within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sector rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document is required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. NMFS may consult with the Council and would solicit public comment on the operations plan for at least 15 days, through proposed rulemaking in the Federal Register. Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination pursuant to the Administrative Procedure Act.

This information is necessary to describe the proposed sector and the proposed rules under which the sector would operate. This information is used to determine whether this sector would maintain consistency with the goals and objectives of the FMP.

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

Several offices of NMFS, the U.S. Coast Guard (USCG) and the Fishery Management Councils will utilize the information. The number of responses for each requirement is provided in Question 12 and Table 1 in this document. Data collected through these programs will be incorporated into the NMFS database and would be used to track and confirm vessel permit status and eligibility, and IFQ status. Vessel replacements, CPH applications, and IFQ transfer requests are expected to be submitted regularly throughout the year. VMS submissions are submitted daily throughout the year depending on vessel activity. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

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 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. Prior to dissemination, the information will be subjected to quality control measures and a 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.**

**Permit requirements**

RUPH and CPH applications are available on the GARFO web site at [www.nero.noaa.gov](http://www.nero.noaa.gov). Posting this information on the web makes it easier for the general public to obtain necessary forms and instructions, and eases the administrative burden on the agency. However, submission of paper forms is necessary for verification of original signature of the applicant or agent.

**VMS Requirements**

VMS reporting requirements are fulfilled through electronic transmissions of codes and information. VMS form items are collected and housed in databases automatically, minimizing data entry by the vessel operator. Vessel owners may also download broken trip adjustment sheets and access area trip exchange applications from the Regional Office website. Vessel owners may fax access area trip exchange applications. VMS position data is collected via automated polling. The VMS catch report and pre-landing notification forms are available electronically through the vessel's VMS unit. These VMS forms are submitted electronically from the vessel.

## **IFQ Transfers**

IFQ transfer applications would be available via GARFO's website, [www.nero.noaa.gov](http://www.nero.noaa.gov). Applications may be emailed to GARFO's IFQ transfer email address.

## **Cost Recovery**

Vessel owners would submit payment via the secure internet site: [www.pay.gov](http://www.pay.gov).

NMFS collects all other information from vessel owners and/or operators through completed forms and/or instructions. Forms may be sent by mail, fax, or scanned and emailed.

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

The reporting requirements under 0648-0491 do not duplicate any other reporting requirements.

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

The proposed collection of information would not have a significant impact on small entities. Only the minimum data to meet the requirements of the above data needs are requested from all participants. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

VMS transmissions are required to monitor compliance with access area trip allocations for the limited access and LAGC IFQ fleets. These data are collected at a rate deemed necessary to ensure scallop fleet activities comply with FMP requirements. The increased polling frequency enhances monitoring capability to catch violators fishing in closed areas.

The LAGC permit provisions under 0648-0491 are necessary to ensure consistent permit application procedures and to promote effective management of the scallop fishery. The RUPH applications are consistent with all other GARFO limited access fisheries, and provide vessel owners flexibility to move and maintain their eligibility for the general category scallop fishery as they change vessels.

VMS polling and reporting requirements are critical in the enforcement of scallop regulations and the oversight of individual fishing quotas, the Northern Gulf of Maine Management Area TAC, and access area trip quotas. Without these requirements, it would be extremely difficult to enforce spatial and temporal restrictions in addition to other regulatory requirements, and impossible to effectively manage access area trip limits and the Northern Gulf of Maine Management Area TAC.

IFQ transfer applications are needed to implement a transfer program. Without these applications, industry would not be afforded the benefit of the transfer program.

The cost recovery requirements are critical to administer the cost recovery program and collect payment from IFQ permit holders. The minimum amount of information would be collected to effectively administer this program.

Without sector application, analysis, and reporting requirements, NMFS could not successfully implement a sector program.

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

Vessel applicants would be required to submit RUPH applications for each such action. It is possible that an applicant may perform a replacement or CPH more often than quarterly. Vessels would be required to submit a VMS trip declaration and pre-landing notification report each fishing trip. Consequently, individuals may be required to submit a trip identification code more often than quarterly. IFQ vessel owners may transfer quota, and limited access vessel owners may exchange access area trips more frequently than quarterly, but this collection is completely voluntary and to the benefit of the fishing industry. A vessel owner may submit more than one transfer application quarterly. Each time a vessel enrolls in the state waters exemption program, they would be required to submit the appropriate VMS code and enrollment form. They are allowed to enroll in this program more often than quarterly.

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

A Federal Register Notice was published March 17, 2015, (80 FR 13806), soliciting public comment on this revision/extension. No comments regarding the information collection were received.

The changes to the preland VMS form and the additional collections of information are necessary to implement measures requested by the scallop industry and measures to streamline/update the area rotation program. The industry requested the ability to declare out of fishery south of 39 degrees N. lat. They knew that a preland would be required in order to accomplish this, and were aware of this requirement since its inception. The requirement for a preland on access area trips streamlines and replaces the current broken trip and compensation trip procedure. Vessels are no longer required to submit a broken trip notification form if they are unable to land their full possession limits on an access area trip. Vessels also no longer need to apply to NMFS to receive, or wait for NMFS to issue, a compensation trip to fish their remaining access area scallop allocation. Although this is an additional requirement, it eliminates a large portion of the broken trip procedures and updates the collection of information to be more consistent with operations.

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

No payment or gift would be made to 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 would be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, would be maintained in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and would not be transferred for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.)

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of a sensitive nature.

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

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

NMFS estimates that 347 limited access vessels, 200 LAGC IFQ, and 100 LAGC NGOM vessels will fish for scallops each fishing year, for an unduplicated respondent number of 647. LAGC incidental catch vessels will operate only under other fisheries that have reporting requirements under those other fishery FMPs. Table 1 summarizes the time burden of these reporting requirements. This analysis assumes a labor cost of \$15/hour.

**Trip Declaration, Including Powerdown**

Vessels must submit a trip declaration code each time they sail.

The 347 limited access vessels will take on average a total of 2,000 trips (estimated 20,000 days allocated per year/10 days per trip), for a total of 2,000 trip declarations. At 2 minutes per response, the total time burden for the limited access fleet is estimated to be 67 hr (4,000 min/60).

It will take 7,500 IFQ trips to harvest the total allowable catch (approximately 3 million lb annually (3 m lb/likely 400 lb per trip)) for the IFQ fleet and 350 NGOM trips to harvest the 70,000 lb annual NGOM TAC (70,000 lb/200 lb per trip), for a total of 7,850 LAGC trips per year. LAGC vessels may send a power down code at the conclusion of each trip, generating an additional 7,850 declarations, for a total of 15,700 declarations.

Therefore, the total trip declaration and power down time burden for the LAGC fleet is estimated to be 523 hours (2 minutes x 7,850 declaration codes) + (2 minutes x 7,850 power down codes) = 31,404/ 60 = 523 hours).

The total time burden for 17,700 declarations is estimated to be **590 hr**. At an hourly rate of \$15, the annualized time burden would be **\$8,850**.

### VMS Purchase and Installation

Vessel owners with a limited access or LAGC permit on their vessel have already purchased and installed VMS systems in order to comply with the VMS requirement in the regulations implementing the FMP. Therefore, only those vessel owners that replace a limited access or LAGC permit that is in confirmation of permit history would need to purchase and install a VMS unit. An estimated 10 vessels per year would purchase and install VMS units. However, approved hours for additional VMS purchase and installation in OMB Control No. 0648-0202 more than adequately cover these estimated 10 VMS units.

### VMS Daily Catch Reports

Annual transmission of data from all vessels fishing in access areas, based on 27,500 fishing days per season and response time of 2 minutes per response, is estimated to be **917 hr** ((27,500 days x 2 min)/60). At an hourly rate of \$15, the annualized time burden would be **\$13,755**.

### VMS Prelanding Reports

VMS pre-landing notification forms are currently required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. It is estimated that it would take 5 minutes per each of the 7,850 reports, for an annual pre-landing notification time burden of 654 hr (7,850 x 5 minutes/60 minutes). At an hourly rate of \$15, this burden would be \$9,810.

In addition, Framework 26 proposes that VMS pre-landing notification forms be required for certain limited access scallop trips. In a given fishing year, NMFS estimates that for access area reporting, each of the 313 full-time limited access vessels would submit a pre-landing report 5 times (1,565 responses) and each of the 34 part-time limited access vessel would submit a pre-landing report up to 3 times (102 responses), for a total of 1,667 responses annually. It is estimated that it would take 5 minutes per each of the 1,667 reports, for an annual pre-landing notification time burden of 139 hr (1,667 x 5 minutes/60 minutes). At an hourly rate of \$15, this burden would be \$2,085.

For the new open area days-at-sea pre-landing requirements, NMFS estimates that this would likely impact 30 vessels and result in each of those vessels reporting one time a year, for a total of 30 responses annually. It is estimated that it would take 5 minutes per each of the 30 reports, for an annual pre-landing notification time burden of 3 hr (2.5 hr) (30 x 5 minutes/60 minutes). At an hourly rate of \$15, this burden would be \$45.

The total time burden for all 9,547 responses declarations (7,850 + 1,667 + 30) is estimated to be **796 hr**. At an hourly rate of \$15, the annualized time burden would be **\$11,940**.

### VMS Polling Frequency

There are 347 limited access scallop vessels and 783 LAGC scallop vessels subject to the half-hour VMS polling frequency. However, only the polling frequency for LAGC vessels is covered under the 0648-0491 collection because the limited access vessels are covered under OMB Control No. 0648-0202. Since the transmission of position polling is automated through the vessel's VMS, there is no associated time burden with this reporting requirement.

### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges, based on prior years. Since each exchange involves two vessels, the number of entities affected is estimated to be 180. Average response time to complete the trip exchange application has been estimated to be 15 minutes, for a total burden of **45 hr** (15/60 x 180). At an hourly rate of \$15, the annualized time burden would be **\$675**.

### Permit Provisions for LAGC Vessels

To implement the 5% IFQ ownership cap, vessel owners would be required to submit an ownership form with each permit renewal (permit renewals are part of the Northeast Permit Family of Forms, OMB Control No. 0648-0202). There are 322 IFQ permits subject to the ownership cap, and it would take an estimated 5 minutes to complete each ownership form; therefore, the annual reporting burden would be **27 hr** (322 x 5 minutes/60 minutes). At an hourly rate of \$15, the annualized time burden would be **\$405**.

### RUPH Applications

LAGC scallop vessels are subject to the same replacement and permit history restrictions as other GARFO limited access fisheries. Completion of an RUPH application requires an estimated 3 hours per response. It is estimated that no more than 50 RUPH applications would be received annually. The resultant burden would be **150 hr** (3 x 50). At an hourly rate of \$15 / hour, the total public cost burden for RUPH applications would be **\$2,250** per year.

### IFQ Transfers

Quota temporary transfers and permanent transfers apply to IFQ vessels only. A total of 200 leases could be expected for the full year (the scallop fishing year runs from March 1 through February 28). Each application would include information from both parties involved in the temporary transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per temporary quota transfer application. Therefore, the estimated temporary transfer burden would be **33 hr** (200 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for temporary quota transfer applications would be **\$495**.

There would be approximately 10 permanent quota transfers per year. Each application would include information from both parties involved in the transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per permanent transfer application. Therefore, the estimated permanent quota transfer burden would be **2 hr** (10 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for permanent quota transfer applications would be **\$30**.

The total for temporary and permanent transfers is **35 hr** and **\$525**.

### Cost Recovery

After taking IFQ transfers into account, 200 of the 349 IFQ vessels are expected to land scallops. Therefore, 200 payments, at 2 hours each, would take **400 hr**. At an hourly rate of \$15 / hour, the total public cost burden for cost recovery would be **\$6,000**.

### IFQ Sector Program

One sector proposal was received in 2008 but was withdrawn. GARFO estimates that there would be 2 sector proposals annually. There have been no sector proposals since the 2008. However, some permit holders may want to form a sector in the future. Any new sector proposal would be approved in 2015 at the earliest since applicants must submit proposals at least one year prior to when they want the sector to be approved and operational.

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55. Based upon consultations with the Northeast multispecies sector program, it is estimated it would take 150 hours to prepare and submit a sector proposal. Therefore, the annualized time burden for sector proposals would be 300 hours per year (2 x 150). At an hourly rate of \$15/hour, the total public cost burden for sector proposals would be **\$4,500**.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. Based upon consultations with the Northeast multispecies sector program, each operations plan takes approximately 100 hours. Therefore, it is estimated it would take 200 hours to submit 2 operation plans. At an hourly rate of \$15/hour, the annual time burden cost would be approximately **\$3,000**.

The total for submission of a Sector allocation proposal and operations plan (4 total submissions: 2 proposals and 2 operations plans) is **500 hr** and **\$7,500**.

**Total annual responses, time burden and labor cost to respondents are 55,923, 3,460 hr and \$51,900, respectively (see Table 1).**

**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).**

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

Trip Declaration, Including Powerdown

It is estimated that each trip declaration costs \$0.79 to transmit; therefore, total transmission costs for limited access scallop vessels will be \$1,580 (2,000 x \$0.79) and for LAGC vessels, will be \$6,201.50 (7,850 x \$0.79). In addition, each powerdown transmission will cost \$0.79, for a total of \$6,201.50 (7,850 x \$0.79). The total cost for transmitting trip declarations is **\$13,983** (\$6,201.50 + \$6,201.50 + \$1,580.00).

VMS Purchase and Installation

Costs are covered under OMB Control No. 0638-0202.

VMS Daily Catch Reports

Cost to respondents based on the number of messages (27,500) and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$21,725** (27,500 x \$0.79).

VMS Prelanding Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. In addition, Framework 26 proposes VMS pre-landing notification requirements for some limited access scallop trips, which would result in 1,697 limited access pre-landing notification forms submitted annually. Cost to respondents based on 9,547 messages and \$0.79 fixed rate per VMS e-mail message (Boatracs) is **\$ 7,542** (9,547 x \$0.79).

VMS Polling Frequency

Annual dues paid by VMS users are determined by polling frequency. There are 783 LAGC vessels subject to this requirement. The annual average cost of operating a VMS at a polling rate of once every half hour is \$953.70. The total annual cost to scallop vessels is **\$746,747.10** (\$746,747) (783 x \$953.70).

Access Area Trip Exchange

Additional costs to respondents resulting from the trip exchange program include application mailing costs, and printing and stationary costs. NMFS expects 90 applications to be submitted for trip exchanges. Each application costs \$0.49 to mail; therefore, total mailing costs are \$44.10 (90 x 0.49 = \$44.10). An additional \$10 has been included to cover printing and stationary costs. Therefore, total costs are **\$54.10** (\$54).

### Permit Provisions for LAGC Vessels

The IFQ ownership form must be submitted with either an initial or renewal permit application, which is covered under OMB Control No. 0648-0202. Therefore, there are no additional costs associated with this collection.

### RUPH Applications

It is estimated that it would cost approximately \$1 in mail fees and \$1 in copy fees to submit an RUPH application. Therefore, it is estimated that 100 RUPH applications submitted annually would cost **\$200** to print and mail ( $\$2 \times 100$ ).

### IFQ Transfers

It is estimated that IFQ transfer submission would cost \$0.49 postage and \$0.10 copy fees per transfer application (\$0.59 total). Electronic submissions have no associated cost since the cost of the transmission is included in overall internet service fees, but almost all transfers are submitted via mail. Since NMFS anticipates approximately 210 transfers per year (200 temporary transfers, 10 permanent transfers) the resultant annual cost burden would be **\$123.90 (\$124)** ( $210 \times \$0.59$ ).

### Cost Recovery

PRA collection cost does not include the actual cost recovery funds submitted by industry; only the costs associated with the submission of these funds. Since cost recovery would be collected only via the internet, there is no cost burden associated with this cost recovery program.

### IFQ Sector Program

The submission of sector allocation proposals and plans of operations would incur costs from copying and postage of these documents. Costs for one proposal and one operation plan: It would cost \$1.00 for one copy of each 10-page document (\$2.00 total), and two \$0.49 stamps for each document. The total cost burden for each sector proposal and operation plan is estimated to be \$3.96 ( $\$2.00 + (2 \times \$0.98)$ ). Therefore, the annual cost for 2 sector proposals and 2 operation plans would be **\$7.92 (\$8)** ( $2 \times \$3.96$ ).

**Total annual cost excluding time burden to respondents is \$790,283.**

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

The following summarizes the costs to the Federal government, based on an hourly wage rate of \$25. There are no other costs to the Federal government other than the time burden associated with processing and reviewing submitted information and approving and implementing resulting actions (see Table 1).

### Trip Declaration, Including Powerdown

There is no cost to the Federal Government for processing trip declarations and powerdown codes.

### VMS Purchase and Installation

There is no cost to the Federal Government for VMS Purchase and Installation.

### VMS Daily Catch Reports

There is no cost to the Federal Government for processing VMS daily catch reports.

### VMS Prelanding Reports

There is no cost to the Federal Government for processing VMS prelanding reports.

### VMS Polling Frequency

There is no cost to the Federal Government for the VMS polling frequency.

### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges based on prior years. Average time for NMFS to review and process a trip exchange application has been estimated to be 15 minutes, for a total burden of 45 hours ( $15/60 \times 90$ ). Cost to the Federal Government would be **\$1,125** ( $45 \times \$25$ ).

### Permit Provisions for LAGC Vessels

It takes approximately 10 minutes to process each ownership cap form. Since there are 322 vessels subject to the ownership cap requirement, the annual government burden would be 54 hr ( $(10/60 \times 322)$ ). The cost to the Federal Government would therefore be **\$1,350** ( $54 \times \$25$ ).

### RUPH Applications

It would take NMFS staff one hour to review each RUPH application, with an estimated 50 RUPH applications submitted annually (for LAGC permits only). The total government time burden would be 50 hr. At a rate of \$25 per hour, the cost to the Federal Government is estimated to be **\$1,250** ( $50 \times \$25$ ).

### IFQ Transfers

It is estimated that it would take 15 minutes for NMFS to process each transfer request and 210 requests (temporary and permanent) are expected annually for a total of 53 hr of government time ( $15/60 \times 210$ ). Therefore, the annual government cost would be **\$1,325** ( $53 \times \$25$ ).

### Cost Recovery

Cost recovery payments would be collected through [www.pay.gov](http://www.pay.gov), an established government payment collection program. Since the program has been established to accept payment from [www.pay.gov](http://www.pay.gov), there would be no additional cost to the government since the scallop cost recovery program would be completely automated.

### IFQ Sector Program

Based upon Northeast multispecies sector program estimates, sector proposals and operation plans require extensive review by the Council and NMFS staff to ensure that proposals and operation plans meet the objectives of the FMP. It is estimated that each proposal and operation plan requires approximately 150 hours to review, process and implement. The annual cost to the government would be of **\$7,500** (300 x \$25).

**Total annual cost to the Federal government is \$12,550 (see Table 1).**

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

This revision includes the following adjustments and program changes:

**Adjustment:** The respondent numbers are revised from 620 to 647, reflecting greater confidence in the actual unduplicated permit holders.

#### **Program Changes:**

The VMS pre-landing notification form requirements has been expanded to include limited access vessels fishing on access area trips and on certain open area trips.

The requirements have been removed for access area broken trip adjustment sheets and trip termination and compensation trip identification. These previous reporting requirements are replaced by the new VMS pre-landing notification requirement for limited access vessels on a scallop access area trip.

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

The results from this collection may be used in scientific, management, technical or general information publications such as the Fisheries of the United States, which follows prescribed statistical tabulations and summary table format, and the annual Stock Assessment and Fishery Evaluation Report prepared by the New England Fishery Management Council for the scallop fishery. Data obtained from this collection would be available to the public upon request in summary form only. Furthermore, 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.**

Except for VMS forms, all forms would display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995. The VMS forms would not display this information because these forms are in electronic media format only. There is limited space in this format to provide the expiration date. One of the approved VMS vendors (Boatrac, Inc) has a limit of 50 lines of text per macro or VMS form, and is also limited to a total of 600 lines of text for all macros. As VMS requirements become more complex with changing Northeast regulations, the macros are approaching these limits. Including the PRA text would negatively impact NMFS's ability to expand the macros within the current limits to comply with regulatory changes. NMFS will continue to display the OMB control number for VMS reporting requirements on Small Entity Compliance Guides (i.e., permit holder letters and fishery bulletins) that describe and explain the VMS reporting requirements.

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

Not applicable.

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

No statistical methods are employed in the information collection procedures.

**TABLE 1**

<b>Reporting Requirement</b>	<b># Respondents per item</b>	<b>Responses per respondent</b>	<b>Total responses</b>	<b>Burden hours</b>	<b>Wages and salaries</b>	<b>Recordkeeping/reporting costs</b>	<b>Cost to Government</b>
<b>IFQ Ownership Cap Forms</b>	322	1	322	27	\$405	\$0	\$1,350
<b>RUPH applications</b>	50	1	50	150	\$2,250	\$100	\$1,250
<b>VMS Purchase and Installation</b>	0	0	0	0	\$0	\$0	\$0
<b>VMS polling</b>	783	1	0	0	\$0	\$746,747	\$0
<b>Trip Declaration and Power Down</b>	5,917	1	17,700	590	\$8,850	\$13,983	\$0
<b>VMS Catch Report</b>	27,500	1	27,500	917	\$13,755	\$21,725	\$0
<b>VMS Pre-Landing Notification Form</b>	9,547	1	9,547	796	\$11,940	\$7,542	\$0
<b>Trip Exchange Request</b>	90	2	180	45	\$675	\$54	\$1,125
<b>Quota Transfer Applications (temporary and permanent)</b>	210	2	420	35	\$525	\$124	\$1,325
<b>Cost Recovery</b>	200	1	200	400	\$6,000	\$0	
<b>Sector Proposals and Operation Plans</b>	2	2	4	500	\$7,500	\$8	\$7,500
<b>TOTAL</b>	<b>-*</b>	<b>-</b>	<b>55,923</b>	<b>3,460</b>	<b>\$51,900</b>	<b>\$790,283</b>	<b>\$12,550</b>

\*Unduplicated respondents: 647.

**SCALLOP PRE-LANDING NOTIFICATION**  
**Form Layout**

Submit this report from sea at least 6 hours before arrival (or immediately after fishing ends if less than 6 hours before arrival) when:

(a) On declared LAGC scallop trip, or when LAGC IFQ/NGOM scallop-permitted vessel is on any other declared trip outside the scallop fishery when scallops kept.

(b) On a declared limited access scallop access area trip.

(c) Declaring out of the limited scallop day-at-sea fishery to transit to a port south of 39° N with scallops onboard (send this report immediately once shoreward of the VMS Demarcation Line at or south of 39° N).

1. Operator's Permit Number: \_\_\_\_\_

2. Correction of a prior report (Y/N): \_\_\_\_\_

If yes, Date of prior report (MMDDYY): \_\_\_\_\_

If yes, all information provided below, including blank fields, will replace data submitted in the prior report.

3. Vessel Trip Report (VTR) Serial Number: \_\_\_\_\_  
(Reported to dealer)

4. Scallops Retained/Landed? (Y/N): \_\_\_\_\_

If NO, send form.

If YES, complete remaining blocks then send form.

5. Any scallops caught in Northern Gulf of Maine  
(NGOM) Area? (Y/N): \_\_\_\_\_

6. Estimated Scallops onboard:  
(Note: Only enter lbs and bushels if intending to land both)

Meats (lbs): \_\_\_\_\_

Bushels in-shell: \_\_\_\_\_

7. Estimated Arrival: \_\_\_\_\_  
(Report in: MMDDYYHHMI)(HH=00-23)

8. Landing Port City: \_\_\_\_\_

9. Landing State (abbreviated): \_\_\_\_\_

