

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 02/24/2014

Department of Commerce  
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman

FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 02/24/2014

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201402-0648-011

AGENCY ICR TRACKING NUMBER:

TITLE: Atlantic Mackerel, Squid, and Butterfish Amendment 14 Data Collection

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0679

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: 02/28/2017

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	41,704	3,479	383,384
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	41,704	3,479	383,384
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
Weekly VTR	NA	Vessel trip report	
VMS installation, activation form and call-in	NA	VMS Certification Form	
Trip declaration, mackerel			50 CFR 648.10
Trip declaration, longfin squid			50 CFR 648.10
VMS operation costs, automated polling costs and catch reports	NA	VMS Catch Report and Pre-Landing Notification	50 CFR 648.10
Mackerel pre-landing notification	VMS Catch Report and Pre-Landing Notification	NA	
VMS Power-Down Exemption	NA	VMS Power Down Exemption Form	
Pre-trip notification to observer program			50 CFR 648.11
Released Catch Affidavits: Mackerel and Longfin Squid	NA	Released catch affidavit	
Trip cancellation notification to observer program			50 CFR 648.11

# 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
	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
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
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**  
**ATLANTIC MACKEREL, SQUID AND BUTTERFISH AMENDMENT 14 FAMILY OF**  
**FORMS**  
**OMB CONTROL NO. 0648-XXXX**

**A. JUSTIFICATION**

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

This is a resubmission with the final rule, of a request for a new information collection to support regulatory changes to the Atlantic Mackerel, Squid and Butterfish (MSB) Fishery Management Plan (FMP). FMPs 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).

Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP (Amendment 14) was developed by the Mid-Atlantic Fishery Management Council (Council) to improve catch monitoring for MSB fisheries and to address incidental catch of river herrings and shads through responsible management. Information collection requirements contained in Amendment 14, to be put forth in Proposed Rule 0648-AY26, will be ultimately be added to existing information collections.

On November 7, 2013, NMFS partially approved Amendment 14 on behalf of the Secretary. NMFS sent a letter to the Council on November 7, 2013, informing it of the partial approval of Amendment 14. The disapproved measures in Amendment 14 lacked adequate rationale or development by the Council, and NMFS had utility and legal concerns with the implementation of these measures.

The disapproved measures that had information collection requirements were: A requirement that MSB dealers that do not sort landings by species document, at each transaction, how they estimate the relative composition of catch, and requirements for a \$325 per day industry contribution for observer coverage. NMFS expressed potential concerns with these measures throughout the development of this amendment. The proposed rule for Amendment 14 described potential concerns about these measures' consistency with the MSA and other applicable law. After review of public comment, NMFS determined these measures must be disapproved because they were inconsistent with the MSA and other applicable law. The information collection requirements for the dealer reporting requirement, the \$325 per day industry contribution, and the observer service provider requirements have been removed from this information collection.

The remaining items outlined in this information collection are:

- An increase in vessel trip report (VTR) submission frequency to a weekly basis (from monthly) for all MSB permits;
- A 48-hour pre-trip notification requirement in order to retain, possess or transfer more

than 20,000 lbs. of mackerel;

- A vessel monitoring system (VMS) requirement and daily VMS catch reporting for limited access mackerel and longfin squid/butterfish moratorium permits;
- A 6-hour pre-landing notification via VMS to land more than 20,000 pounds of mackerel; and
- A released catch affidavit for vessels that release catch prior to sampling by observers.

**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 that result from Amendment 14 will be 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. All information collections are necessary for improved monitoring of the MSB fisheries.

**VTR submission**

Amendment 14 revises the reporting frequency of VTRs from monthly to weekly submissions for all MSB permit holders. Compared to the current monthly VTR submission requirement, weekly VTR submissions are expected to supply more accurate and timely landings data, which can be used to cross check dealer data to ensure that directed fishery and mortality cap closures occur appropriately. Vessels that also possess a Northeast multispecies, Atlantic herring limited access, or Tier 3 mackerel permit are already required to submit weekly VTRs. Because many other vessels already have this requirement related to other permits they possess, there are a limited number of vessels that will be affected by this changed provision. Monthly VTR submissions are currently covered under OMB Control No. 0648-0212, and this new information collection would eventually be added to that form family.

**VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders**

Amendment 14 requires all limited access mackerel and longfin squid/butterfish moratorium permit holders to install and maintain a VMS unit on their vessels and to declare intent to target Atlantic mackerel or longfin squid via VMS. Many of these permit holders already have an operational VMS unit related to other Northeast region permits (Northeast multispecies, Atlantic herring, monkfish, surfclam/ocean quahog, scallops). The amendment also requires that limited access mackerel and longfin squid/butterfish moratorium permit holders submit daily catch reports via VMS. VMS reporting is expected to facilitate quota monitoring.

**Pre-landing notifications**

Amendment 14 would require that, when on a declared mackerel trip, vessels that land over 20,000 lbs. mackerel must notify NMFS Office of Law Enforcement (OLE) via VMS of the time and place of offloading at least 6 hours prior to crossing the VMS demarcation line on their

return trip to port, or if a vessel does not fish seaward of the VMS demarcation line, at least 6 hours prior to landing.

### **Observer notification requirements**

Amendment 14 would require any vessel with a limited access mackerel permit intending to land over 20,000 lbs. mackerel to contact NMFS at least 48 hrs. in advance of a fishing trip to request an observer. This measure would assist 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 proposed 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 would require 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. The Council recommended this measure to improve the quality of at-sea monitoring data by reducing the discarding of unsampled 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 would require 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.

NMFS retains control over all information and safeguards it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information would be subjected to 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.**

After the initial permit issuance, permit renewal has been made as simple as possible and currently feasible for both the public and the issuing office. The information obtained from current permits is used to prepare a computer-generated, pre-printed renewal permit, which is sent to the permit holder for updating. If there are no changes in the information required on the permit, renewal requires only the applicant's signature. This feature minimizes the reporting burden on the public as well as the administrative burden on the agency. Permit information and all initial permit applications are posted as fillable Adobe Acrobat documents (PDF file format) on the NE Regional Office's (NERO) web site: <http://www.nero.noaa.gov>. Posting this information on the internet makes it widely available to the public, thereby reducing both public and administrative burden. At this time, permit applications, with signature and accompanying documents, must be mailed.

Federally permitted dealers are required to submit detailed, electronic reports of all purchases from fishing vessels. Dealers submit transaction information through an online data entry form available at <http://www.accsp.org/safis.htm>.

Due to the required confidentiality of fish purchase reports, information sent from dealers to NMFS is subject to strict encryption standards and is available only to authorized agency personnel and the submitter. Dealers receive a username and personal identification number (PIN) that enables them to log onto a secure site and submit their reports. Dealers are also allowed to access, review, and edit the information they have submitted using a secure procedure similar to those in common usage throughout the banking industry. These submissions constitute the official reports as required by the various FMPs in the Northeast region.

All data submitted through the vessel's VMS unit is electronic. VMS vessel polling is automated and other than for the initial cost and transmission costs, does not impose any burden on commercial fishing vessels.

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

The information to be collected through the issuance of permits is not duplicated elsewhere.

The information collected on daily VMS catch reports is often duplicated on vessel trip reports (VTRs) which are approved under the 0648-0212 family of forms. However, VMS daily catch

reports are necessary to monitor fisheries catch in real-time. VTRs are submitted to NMFS on a weekly (for this collection) or monthly basis, and are therefore used to cross-check the accuracy of the daily VMS catch reports.

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 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 initial and renewal vessel and dealer permits, as well as 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.

NMFS has currently certified three vendors to provide VMS service to vessels participating in the fisheries that require VMS as a condition of their permits. Each vendor offers comparable equipment and services over a range of prices. This reduces the burden on the public by increasing competition among vendors, thereby decreasing costs to the fishing industry to obtain and operate a VMS unit. Further, the increased variety of VMS units may allow vessel owners/operators to select the most economical and efficient unit to purchase, therefore minimizing costs associated with VMS.

**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.

Information on permit applications and renewal forms for vessels, dealers, and operators, is necessary for accurately tracking information about who is issued permits annually, gathering data on permit holders, and ensuring compliance with fishing regulations. Furthermore, this information (in a consolidated form) is used by a variety of researchers, students, and managers when making important fisheries policy decisions.

All information is required for the efficient operation of the Atlantic herring 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.

VMS units are crucial for enforcing area based fishing regulations; without VMS tracking of fishing vessel activity, it would be near impossible to monitor whether fishing vessels are complying with such regulations. VMS catch reporting is vital to gaining real-time data on fish catch. Without such information, or if the information was collected less frequently, it would be very difficult to monitor fisheries quotas and ensure sustainable harvests that prevent overfishing.

**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. 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 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 proposed rule for Amendment 14 to the MSB FMP was published on August 29, 2013 (78 FR 53404), with a comment period ending October 11, 2013. The proposed rule solicited public comment on the information collections contained in this submission. There were no comments submitted regarding the utility of the information collection, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, or ways to minimize the burden of information collected.

**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.

**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.**

The time burden of this information collection is presented in Table 1. **The total annual responses are 41,704 and annual time burden is 3,479 hours.**

**VTR submission**

Vessels with Atlantic mackerel, butterfish, longfin squid, and *Illex* squid permits would be required to submit VTRs (Form 88-30) on a weekly basis.

This action does not change the total number of respondents previously covered under this action, but rather adjusts the frequency of the reporting requirement for several of the current respondents. There are an estimated 2,551 MSB permit holders that are already covered in the existing submission for this action. An estimated 135 of these MSB permit holders do not already submit VTRs on a weekly basis due to permit requirements related to Northeast multispecies permits, Atlantic herring limited access permits, or Tier 3 mackerel permits, so only these 135 vessels will be affected by the revision of the VTR reporting requirement.

The estimated response time for the reporting burden for VTRs is 5 minutes. Some of the information being provided by the respondents, such as fishing location and catch, are already collected and recorded in the normal course of fishing activity; therefore that time is excluded from the calculation. While the fishing vessel logbook information is collected on a trip-by-trip basis, the burden calculation is based on the required weekly or monthly submission. **There will be an additional 5,400 annual responses (additional 40 responses per vessel (135 \* 40)) and 450 hours (5 minutes \* 135 vessels \* 40 submissions).**

**VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders**

Limited access mackerel and longfin squid/butterfish moratorium permit holders would be required to purchase and maintain a VMS. Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 63 of the 312 longfin squid butterfish moratorium permit holders, and only 17 of the 132 limited access mackerel permit holders (80 vessels total) do not already have a VMS. **VMS installation takes 1 hour to complete. The VMS certification form takes an estimated 5 minutes to complete, and the call to confirm a VMS unit takes an estimated 5 minutes to complete. The total burden to confirm VMS installation is 94 hours ([80 vessels \* 60 minutes per installation] + [80 vessels \* 5 minutes per certification form] + [80 vessels \* 5 minutes per installation call]).**

Northeast Region regulations require VMS trip declarations, which take an estimated 5 minutes to complete. **If a longfin squid/butterfish moratorium permit holder takes an average of 22 trips per year, the total burden estimate would be 572 hours (312 vessels \* 5 minutes \* 22**

**declarations). If a limited access mackerel permit holder takes an average of 8 trips per year, the total burden estimate would be 88 hours (132 vessels \* 5 minutes \* 8 declarations).**

Permit holders would also be required to submit a daily VMS catch report that would take an estimated 5 minutes to complete. **The total annual time burden for daily VMS catch reports for longfin squid/butterfish moratorium permit holders is 1,144 hours (5 minutes per catch report \* 22 trips \* 2 days per trip \* 312 vessels). The total annual time burden for daily VMS catch reports for limited access mackerel permit holders is 264 hours (5 minutes per catch report \* 8 trips \* 3 days per trip \* 132 vessels).**

Vessels carrying permits that require VMS units must transmit a signal indicating the vessel's position either once or twice per hour, 24 hours a day, depending on the permit type. The vessel power down exemption allows both voluntary VMS users as well as vessels required to use VMS to stop position transmission under certain provisions, provided the vessel would be out of the water for a minimum of 72 hours, or at dock/mooring and not engaging in any fisheries for a minimum of one month. Vessel operators are allowed to discontinue the use of VMS as long as a valid letter of exemption is obtained and the vessel complies with the conditions and requirements of the exemption letter. The vessel is required to retain this exemption letter on board the vessel. The vessel owner may also request to extend the time period for which the exemption was granted. There is no limit to either the length of time a VMS unit may be turned off or the number of times a vessel may participate in this program.

Every vessel with a VMS unit may request a power-down exemption letter at some point during a year, and vessels in the past have requested up to 2 per year to cover boat repairs or seasonal docking. **The request to turn off the VMS unit (power-down exemption) takes approximately 5 minutes per request for a total burden of 13 hours (5 min \* 2 requests \* 80 vessels).** The power down exemption burden for vessels that already have VMS is covered under the Permit Family of Forms (OMB Control No. 0648-0202).

### **Pre-landing notifications**

Amendment 14 would require limited access mackerel permit holders that land over 20,000 lbs. mackerel to submit a VMS pre-landing notification 6 hours prior to landing. Limited access mackerel permit holders take an average of 8 trips per year, so the total annual burden estimate is **88 hours (8 trips \* 132 vessels \* 5 minutes).**

### **Observer notification requirements**

Amendment 14 would increase the reporting burden for measures designed to improve at-sea sampling by NMFS-approved observers. Vessels issued a limited access mackerel permit would be required to call NMFS to request an observer at least 48 hours prior to beginning a mackerel trip (any trip where the vessel intends to land over 20,000 lbs. mackerel). The phone call is estimated to take 5 minutes to complete, for a total annual burden of **88 hours (132 vessels \* 8 trips \* 5 minutes).**

If a vessel has already contacted NMFS to request an observer and then decides to cancel that fishing trip, Amendment 14 would require that vessel to notify NMFS of the trip cancelation.

The call to notify NMFS of a cancelled trip is estimated to take 1 min to complete. Since each vessel has the potential to cancel every trip for which it submitted notification, the total annual burden of the cancellation call is **18 hours (132 vessels \* 8 trips \* 1 minute)**.

### **Released Catch Affidavits**

Amendment 14 would require a released catch affidavit for limited access mackerel and longfin squid/butterfish moratorium permit holders that discard catch before it had been made available to an observer for sampling (slipped catch). The reporting burden for completion of the released catch affidavit is estimated to average 5 minutes. The affidavit requirement would affect an estimated 444 vessels (132 mackerel; 312 longfin squid/butterfish). If a limited access mackerel vessel slipped catch once per trip with an observer onboard, and took an estimated 8 trips per year, **the total annual reporting burden for the released catch affidavit would be 88 hours (132 vessels \* 8 trips per year \* 5 minutes)**. If a longfin squid/butterfish moratorium vessel slipped catch once per trip with an observer onboard, and took an estimated 22 trips per year, **the total annual reporting burden for the released catch affidavit would be 572 hours (312 vessels \* 22 trips per year \* 5 minutes)**.

### **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).**

The cost burden of this information collection is presented in Table 1. **The total annual cost for all requirements in this information collection is \$383,384.**

### **VTR submission**

As VTRs are submitted though the mail, this provision will cost the public an additional \$0.45 per item for postage; accordingly, **the public cost per burden item will increase by \$2,430 (additional \$.45 per stamp (5,400 \* \$.45))**.

### **VMS for limited access mackerel and longfin squid/butterfish moratorium permit holders**

Because other Northeast Federal permits require vessels to maintain a VMS, it is estimated that only 80 vessels issued limited access mackerel or longfin squid/butterfish moratorium permits do not already have a VMS.

The average cost of purchasing and installing a VMS is \$3,400, the VMS certification form costs \$0.45 to mail, and the call to confirm a VMS unit costs \$1. The average cost of maintaining a VMS is \$600 per year. The total cost to install and maintain a VMS unit is **\$320,116 (80 vessels \* \$3,400 = 272,000 + 80 vessels \* \$0.45 + 80 vessels \* \$1 = \$116 + 80 vessels \* \$600 = 48,000)**.

Northeast regulations require VMS trip declarations and automated polling of VMS units to collect position data: **1) Each trip declaration costs \$0.50 to transmit, for a total cost of \$3,960 (\$0.50 \* 22 trips \* 312 longfin squid vessels + \$0.50 \* 8 trips \* 132 mackerel); 2) Each automated polling transmission costs \$0.06. Since automated polling occurs once every hour for each day of the year, the total annual cost is \$42,048 (\$0.06 \* 365 days per year \* 24 hours \* 80 vessels)**.

Vessels are also required to submit a daily VMS catch report, at a cost of \$0.60 per transmission. **The total annual cost for daily VMS catch reports for mackerel vessels is \$1,901 (\$0.60 per catch report \* 8 trips \* 3 days per trip \* 132 vessels). The total annual cost for daily VMS catch reports for longfin squid/butterfish vessels is \$8,237 (\$0.60 per catch report \* 22 trips \* 2 days per trip \* 312 vessels).**

The cost of obtaining a power down exemption letter is the cost of postage (\$0.45), **therefore the total annual cost to the public is \$72 (\$0.45 \* 2 letters \* 80 vessels).**

#### **Pre-landing notifications**

Each VMS pre-landing notification cost \$1. Limited access mackerel vessels take an average of 8 trips per year, so **the total cost for this requirement is \$1,056 (8 trips \* 132 vessels \* \$1).**

#### **Observer notification requirements**

The pre-trip observer notifications, as well as the trip cancellation notification, are calls to NMFS. The cost of these calls is negligible, so there is no additional cost for these requirements.

#### **Released Catch Affidavits**

The released catch affidavits must be submitted by mail, for \$0.45 per submission. If each of the 132 limited access mackerel permit holders required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 8 trips per year, the total annual cost for the released catch affidavit would be **\$475 (132 vessels \* 8 trips per year \* \$0.45)**. If each of the 312 longfin squid/butterfish moratorium permit holders required to submit the affidavits slipped catch once per trip with an observer onboard, and took an estimated 22 trips per year, the total annual cost for the released catch affidavit would be **\$3,809 (312 vessels \* 22 trips per year \* \$0.45)**.

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

The total annualized cost to the Federal government from the herring observer program is **\$262,457**. This is the cost to the Federal government based on 10,498 hours at a rate of \$25 per hour.

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

As described above, this information collection request includes new information collection burdens associated with the provisions included in Amendment 14, and would be used to implement and manage the provisions proposed above.

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

Results from this collection may be used in scientific, management, technical, or general informational publications such as Fisheries of the United States, which follows prescribed

statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

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

Not Applicable.

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

Not Applicable.

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

No statistical methods are employed in the information collection procedures. The requirements are mandatory for all participants in the indicated fisheries.

Table 1.

	Number of entities	Items per entity	Total # of items	Response time (minutes)	Total time burden (hours)	Cost per item	Total Public cost	Response time per item (minutes)	Total Government Response Time	Total Government Cost
<b>Reporting requirements for MSB Permit holders</b>										
Weekly VTR	135	40	5400	5	450	\$0.45	\$2,430	15	1350	\$33,750
VMS installation	80	1	80	60	80	\$3,400.00	\$272,000	0	0	\$0
VMS Certification Form	80	1	80	5	7	\$0.45	\$36	10	13.3	\$333
Call-in for Unit Confirmation	80	1	80	5	7	\$1.00	\$80	10	13.3	\$333
Trip Declaration: Mackerel	132	8	1056	5	88	\$0.50	\$528	10	176.0	\$4,400
Trip Declaration: Longfin Squid	312	22	6864	5	572	\$0.50	\$3,432	11	1258.4	\$31,460
VMS Operation	80	1	0	0	0	\$600.00	\$48,000	0	0	\$0
Automated VMS polling	80	8760	0	0	0	\$0.06	\$42,048	0	0	\$0
Daily VMS Catch Reports: Mackerel	132	24	3168	5	264	\$0.60	\$1,901	10	528	\$13,200
Daily VMS Catch Reports: Longfin Squid	312	44	13728	5	1144	\$0.60	\$8,237	11	2517	\$62,920
Mackerel pre-landing notification	132	8	1056	5	88	\$1.00	\$1,056	15	264	\$6,600
Power down exemption	80	2	160	5	13	\$0.45	\$72	15	40	\$1,000
<b>Observer reporting changes for vessels</b>										
Pre-trip notification to observer program	132	8	1056	5	88	\$0.00	\$0	10	176	\$4,400
Trip Cancellation notification to observer program	132	8	1056	1	18	\$0.00	\$0	5	88	\$2,200
Released catch affidavit: Mackerel	132	8	1056	5	88	\$0.45	\$475	30	528	\$13,200
Released catch affidavit: Longfin Squid	312	22	6864	5	572	\$0.45	\$3,089	31	3546.4	\$88,660
<b>TOTALS</b>			41,704		3,479		\$383,384		10,498	\$262,457

	Number of entities	Items per entity	Total # of items	Public				Government		
				Response time (minutes)	Total time burden (hours)	Cost per item	Total Public cost	Response time per item (minutes)	Total Government Response Time	Total Government Cost
Observer availability report	6	150	900	10	150	\$0.00	email	10	150	\$3,750
Safety refusals	6	25	150	30	75	\$0.00	email	30	75	\$1,875
Raw observer data	6	250	1500	5	125	\$13.00		30	750	\$18,750
Observer debriefing	6	70	420	120	840	\$12.00		120	840	\$21,000
Other reports	6	35	210	30	105	\$0.00	email	30	105	\$2,625
Biological samples	6	250	1500	5	125	\$0.50		30	750	\$18,750
New application to be a service provider	3	1	3	600	30	\$0.45	\$1	60	3	\$75
Applicant response to denial	1	1	1	600	10	\$0.45	\$0	1	0	\$0
Request for observer training	3	2	6	30	3	\$1.80	\$11	1	0.1	\$3
Rebuttal of pending removal from list of approved observer providers	1	1	1	480	8	\$0.45	\$0	5	0.1	\$2
Observer contact list updates	3	12	36	5	3	\$0.00	email	2	1.2	\$30
Observer availability updates	3	12	36	1	1	\$0.00	email	1	0.6	\$15
Service provider material submissions	6	2	12	30	6	\$2.50	\$30	5	1	\$25
Service provider contracts	6	2	12	30	6	\$2.50	\$30	2	0.4	\$10
<b>TOTALS</b>			51,023		5,557		\$1,500,365		9071	\$226,770



## Vessel Monitoring System (VMS) Power Down Exemption Request

Regulations implementing the requirements for the vessel monitoring system (VMS) within the NMFS Northeast Region allow for vessels to be exempt from the requirement to transmit the vessel's location at all times if one or more of the following conditions are met:

- (1) The vessel will be continuously out of the water for more than 72 consecutive hours.
- (2) A vessel with a valid multispecies limited access, scallop limited access or surfclam/ocean quahog permit (only) remains at the dock/mooring and does not engage in any fisheries for a minimum period of 30 consecutive days.

Vessel owners or operators may sign out of the VMS program by first obtaining a VMS 'Letter of Exemption' from the Regional Administrator. To obtain this exemption letter, fill out the appropriate information below and mail or fax (978-281-9317) this form to: **National Marine Fisheries Service, Office of Law Enforcement (OLE), VMS Team, 55 Great Republic Drive, Gloucester, MA, 01930.**

**Vessel:** \_\_\_\_\_ **Permit #** \_\_\_\_\_ **Official #** \_\_\_\_\_

**Exemption Period: Date VMS to be Turned Off:** \_\_\_\_\_; **Date VMS to be Turned On:** \_\_\_\_\_

**Check either Option (1) or Option (2) below, and complete the required information:**

**Option (1): Vessel will be out of the water for more than 72 consecutive hours.**

**Ship Yard and address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Option (2): Vessel will remain at the dock/mooring and not engage in any fisheries for a minimum period of 30 consecutive days. (Note: This option is only available to multispecies limited access, scallop limited access and surfclam/ocean quahog permit holders who do not hold more restrictive VMS permits).**

**Port Location:** \_\_\_\_\_

**NOTE:** The VMS unit must remain operational until a Letter of Exemption from the Regional Administrator is received to turn off a vessel's VMS unit. Upon receipt of the Letter of Exemption, the vessel owner/operator may discontinue VMS operation for the period requested above. The Letter of Exemption must be on board the vessel at all times. Vessel owners/operators may request changes to the time period for this exemption through a written request to the Regional Administrator, provided the minimum period is met.

This form is required to obtain approval for a vessel to turn off their VMS unit consistent with the power down exemption regulations at 50 CFR 648.10(c)(2) and to restart VMS operation. Making a false statement on this form is punishable by law.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to NMFS, 55 Great Republic Drive, Gloucester, MA, 01930.



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SEND THIS ORIGINAL COMPLETED FORM TO:

NOAA FISHERIES  
NE OFFICE OF LAW ENFORCEMENT  
55 GREAT REPUBLIC DRIVE  
GLOUCESTER, MA 01930  
ATTN: NE VMS PROGRAM

or, fax to 1-978-281-9317

**OMB Control No. 0648-0202**  
**Expiration Date: 06/30/2013**

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: John K. Bullard, Regional Administrator, Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930-2276; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The information will be used in the management of the Atlantic sea scallop, Northeast multispecies, monkfish, herring and surfclam/ocean quahog fisheries by ensuring compliance with VMS regulations listed under 50 CFR §648.9 and §648.10 (b). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Any information submitted by any person to obtain a permit is not confidential, and may be disclosed upon request.







# FISHING VESSEL TRIP REPORT

NOAA Form No. 88-30  
OMB No. 0648-0212  
Expires 1/31/2013

**DID NOT FISH**

Start Date

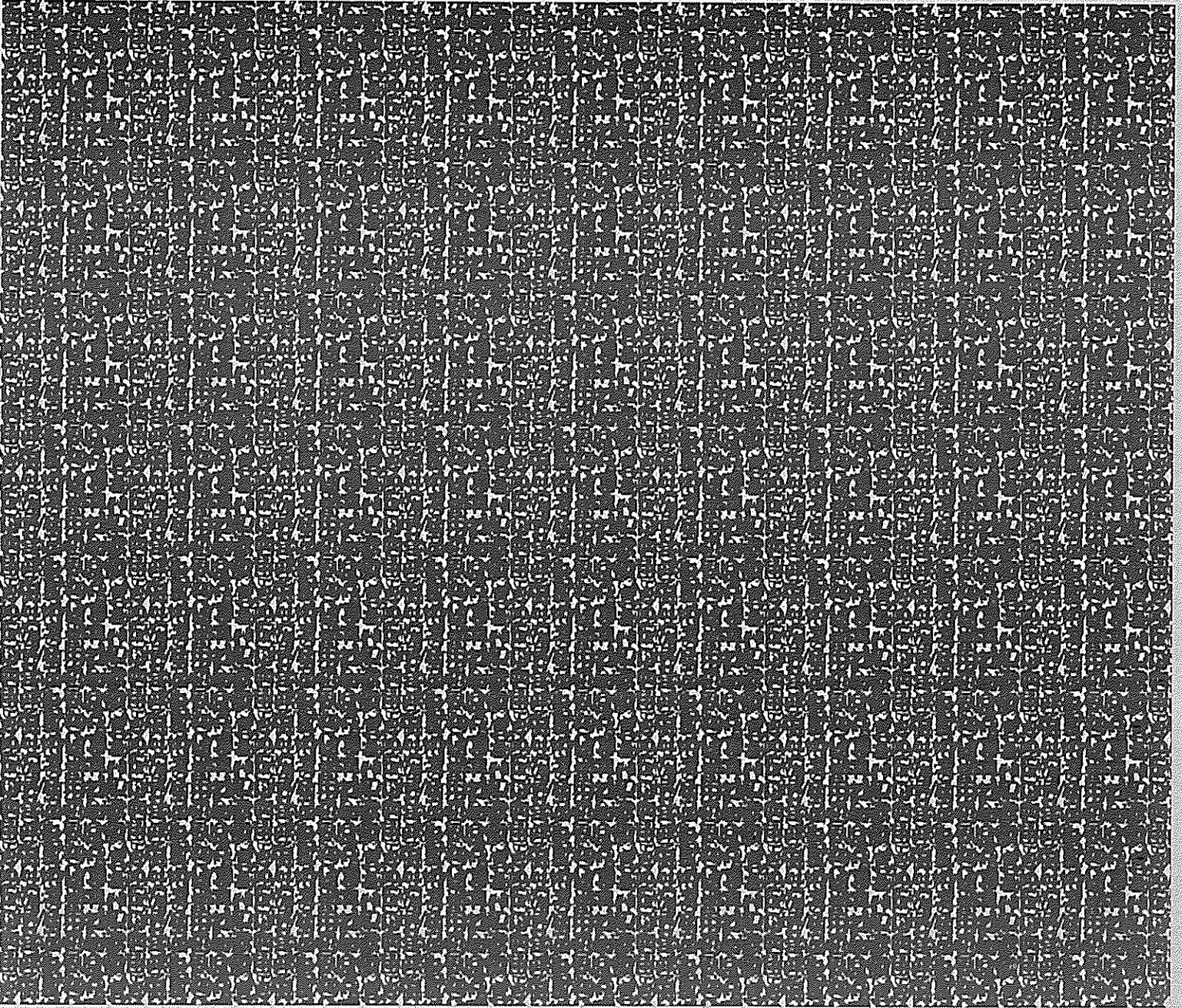
End Date

\_\_\_/\_\_\_/\_\_\_  
MM DD YY

\_\_\_/\_\_\_/\_\_\_  
MM DD YY

VTR Serial Number: **12096302**

1. Vessel Name		2. USCG Documentation or State Registration		3. NMFS Vessel Permit Number	
4. Date and Time Sailed			5. Date and Time Landed		
Date: ___/___/___ MM DD YY		Military Time: ___:___ HH MM	Date: ___/___/___ MM DD YY		Military Time: ___:___ HH MM
6. Trip Type – check one box and record the number of crew including the captain. Party/Charter must also include the number of anglers.					
<input type="checkbox"/> Commercial: # of Crew _____		<input type="checkbox"/> RSA/EFP: # of Crew _____		<input type="checkbox"/> Party: # of Crew _____ # of Anglers _____	<input type="checkbox"/> Charter: # of Crew _____ # of Anglers _____



# FISHING VESSEL TRIP REPORT

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**DID NOT FISH**

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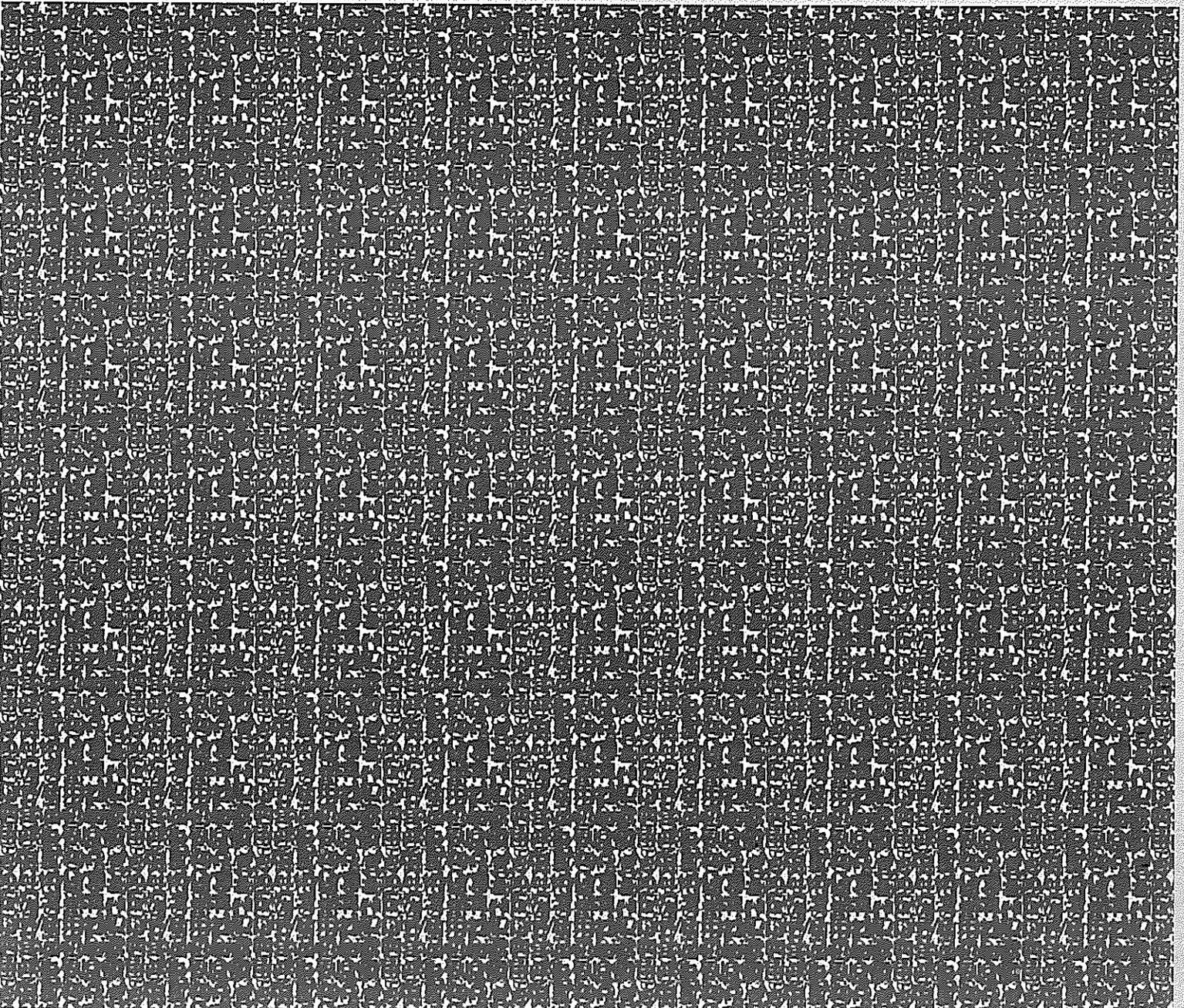
End Date

\_\_\_/\_\_\_/\_\_\_  
MM DD YY

\_\_\_/\_\_\_/\_\_\_  
MM DD YY

VTR Serial Number: **12096302**

1. Vessel Name		2. USCG Documentation or State Registration		3. NMFS Vessel Permit Number	
4. Date and Time Sailed			5. Date and Time Landed		
Date: ___/___/___ MM DD YY		Military Time: ___:___ HH MM	Date: ___/___/___ MM DD YY		Military Time: ___:___ HH MM
6. Trip Type – check one box and record the number of crew including the captain. Party/Charter must also include the number of anglers.					
<input type="checkbox"/> Commercial: # of Crew _____		<input type="checkbox"/> RSA/EFP: # of Crew _____		<input type="checkbox"/> Party: # of Crew _____ # of Anglers _____	<input type="checkbox"/> Charter: # of Crew _____ # of Anglers _____





**MACKEREL AND LONGFIN SQUID DAILY CATCH REPORT**  
**Form Layout**

Submit this daily report for your Mackerel or Longfin Squid trip by 9 AM of the following day.

1. Vessel Operator's **Permit Number**: \_\_\_\_\_
2. Vessel Trip Report (VTR) Serial Number:  
(reported to dealer) \_\_\_\_\_
3. Date fish caught (MMDDYY): \_\_\_\_\_
4. Species (lbs) Kept:  
    Mackerel \_\_\_\_\_  
    Longfin Squid \_\_\_\_\_
5. Total Fish Kept (lbs): \_\_\_\_\_  
(all species including  
mackerel and longfin squid)

**MACKEREL PRE-LANDING NOTIFICATION**  
**Form Layout**

Submit this report from sea for your Mackerel trip at least 6 hours before arrival and only when the landing will exceed 20,000 lbs.

Note: If fishing ends less than 6 hours before arrival, send the report immediately upon leaving the fishing grounds.

1. Vessel Operator's **Permit Number**: \_\_\_\_\_
2. Vessel Trip Report (VTR) Serial Number:  
(reported to dealer) \_\_\_\_\_
3. Estimated Arrival:  
(Report in: MMDDYYHHMI)(HH=00-23) \_\_\_\_\_
4. Landing Port City: \_\_\_\_\_

5. Landing State (abbreviated):

—





**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 NORTHEAST REGION  
 55 Great Republic Drive  
 Gloucester, MA 01930-2298

## RELEASED CATCH AFFIDAVIT

A vessel is prohibited from releasing fish from the codend except when pumping the catch is not possible due to a concern for vessel safety, mechanical failure, or spiny dogfish clog the pump intake. Following such a release, the vessel operator must complete and sign this form and return to port, as detailed at 50 CFR 648.XX. Completed and signed forms must be submitted within 48 hours of the conclusion of a trip to: **National Marine Fisheries Service, Office of Law Enforcement (OLE), 55 Great Republic Drive, Gloucester, MA, 01930.**

### To be Completed by Vessel Captain

<b>Vessel Name</b>	<b>Permit Number</b>	<b>Date &amp; Time</b>
<b>Vessel Trip Report Serial Number</b>		
<b>Primary Reason for Release:</b>	<input type="checkbox"/> <b>Vessel Safety</b>	<input type="checkbox"/> <b>Mechanical Problems</b>
	<input type="checkbox"/> <b>Dogfish</b>	
<b>Please provide additional details on why the codend was released:</b>		

	<b>Pounds</b>
<b>Estimated total weight of tow:</b>	
<b>Estimated total weight of all fish released:</b>	

### Signature

Signature of this form certifies that the vessel operator attests that the information provided on this form is true, complete and correct to the best of their knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

Information obtained from the affidavit is held confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would be used only in summarized form (without identifying the source of data, i.e., vessel name, owner, etc.) for management of the fishery in the future.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

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OMB Control No. 0648-XXXX  
 Expiration Date: XX/XX/XXXX

