

**SUPPORTING STATEMENT**  
**NMFS ALASKA REGION**  
**AMERICAN FISHERIES ACT REPORTS**

**OMB CONTROL NO. 0648-0401**

This action revises the existing collection of information in support of the associated rule, RIN 0648-BA80, and supports the new Chinook Salmon Economic Data Reports (EDR) Program managed under the American Fisheries Act (AFA). In addition, this action merges OMB Control No. 0648-0608 into this collection. *This request is being resubmitted in conjunction with the final rule, with changes based on a comment on the proposed rule: the National Marine Fisheries Service (NMFS) will move pollock data formerly required in the AFA Cooperative Report, to the Incentive Plan Agreement (IPA) Annual Report, in order to provide a single location for Chinook and pollock data. See Question 8 for more information. There are no burden or cost changes to the individual information collections, or to the request overall.*

- ◆ *Incentive Plan Agreement (IPA) Annual Report.*  
*The IPA report must include Chinook PSC, pollock sub-allocation data, and number of salmon caught at the end of each season*
  
- ◆ *AFA Cooperative Report.*  
*The AFA Annual Cooperative Report must include retained and discarded catch of pollock and Chinook salmon PSC, as well as any additional data from each AFA cooperative on sub-allocations and catches of Chinook PSC and Pollock.*

NMFS Alaska Region manages the groundfish fisheries in the Exclusive Economic Zone off Alaska. The North Pacific Fishery Management Council (Council) prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). The FMP is implemented through regulations at 50 CFR part 679.

NMFS manages the Bering Sea pollock fishery under the American Fisheries Act (AFA) (16 U.S.C. 1851 note). The AFA “rationalized” the Bering Sea pollock fishery in part by allowing for the formation and management of fishery cooperatives in the three pollock sectors (catcher/processor, mothership, and inshore). A separate CDQ Program manages a portion of the Bering Sea pollock fishery. The AFA inshore sector is further subdivided into seven inshore cooperatives. Each sector or cooperative further subdivides pollock allocation among participants in the sector or cooperative through private contractual agreements. The cooperatives manage these allocations to ensure that individual vessels and companies do not harvest more than their agreed upon share of pollock. The cooperatives also facilitate transfers of pollock among the cooperative members, enforce contract provisions, and participate in an intercooperative agreement to reduce salmon PSC.

AFA fishing vessels harvest pollock using pelagic (mid-water) trawl gear, which consists of large nets towed through the water by the vessel. At times, Chinook salmon and pollock occur in

the same locations in the Bering Sea. Consequently, Chinook salmon are incidentally caught in the nets as pollock is harvested. This incidental catch is called bycatch and is also called prohibited species catch (PSC). Chinook salmon are defined as a prohibited species because they are caught by a vessel issued a Federal Fisheries Permit under § 679.4(b) while fishing for groundfish (pollock) in the Bering Sea and Aleutian Islands Management Area (BSAI) or Gulf of Alaska.

In December 2009, the Council recommended that NMFS implement the Chinook Salmon Economic Data Report (Chinook Salmon EDR) to evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the BSAI FMP (5 FR 53026, August 30, 2010).

In addition to creation of the Chinook Salmon EDR (see OMB Control No. 0648-0633), NMFS will revise this collection, OMB Control No. 0648-0213 (Groundfish Family of Forms) and OMB Control No. 0648-0515 (eLandings Electronic Reporting System) to obtain additional data for the Chinook salmon analysis. Questions concerning vessel movements on the fishing grounds to avoid salmon bycatch are added to OMB Control No. 0648-0213. Questions on Chinook salmon and pollock allocations and transfers are added to the Incentive Plan Agreement (IPA) Final Report and the AFA Cooperative Report in OMB Control No. 0648-0401.

## A. JUSTIFICATION

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

Chinook salmon PSC management measures for the Bering Sea pollock fishery that previously were implemented under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

The Chinook EDR Program will:

- ◆ Evaluate the effectiveness of the IPA incentives in times of high and low levels of salmon PSC abundance, the upper limit to Chinook salmon PSC, and the performance standard in terms of reducing salmon PSC.
- ◆ Determine where, when, and how pollock fishing and salmon PSC occur
- ◆ Provide data for NMFS to study and verify conclusions drawn by industry in the IPA annual reports

### 2. 1Explain how, by whom, how frequently, and for what purpose the information will be used. 1If 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.

Each year under Amendment 91, NMFS will allocate up to the 60,000 Chinook salmon PSC limit to the mothership sector, catcher/processor sector, inshore cooperatives, and CDQ groups

that participate in an incentive plan agreement (IPA) and remain in compliance with the performance standard. An IPA is a private contract that establishes incentives for participants to reduce Chinook salmon PSC. For those Bering Sea pollock participants that form an approved IPA, the allocations may be further sub-allocated to a sector, cooperative, or vessel owner and may be transferred among sectors, cooperatives, and their members.

Creation of individual accountability is one of the cornerstones of the PSC reduction measures in Amendment 91. However, the specific methods for creating individual accountability are left to the sectors, cooperatives, western Alaska Community Development Quota (CDQ) groups and IPAs. Annual IPA reports are required to include a comprehensive explanation of incentive measures in effect in the previous year, an assessment of how incentive measures affected individual vessels, and an evaluation of whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures. In general, these requirements result in descriptions of the IPA and the individual accountability that arises under the IPA structure.

Each vessel will be allocated a share of the Chinook salmon PSC allocation in proportion to its share of Bering Sea pollock; the responsibility for the actual allocations will be made by cooperatives and IPAs. Therefore, NMFS may not have data on individual vessel salmon PSC allowances unless the sectors, cooperatives, and IPAs provide this data to the agency. This information could be documented in the annual IPA reports, including the formulas used to distribute the Chinook salmon PSC allocations and the allocation assigned to each vessel. If the members of an IPA are different than the members in an AFA inshore cooperative, mothership sector level entity, or catcher/processor sector level entity, then NMFS would require all of the data to be included in the AFA cooperative report.

The IPA reports, describing the distribution of individual PSC allowances will be the basis for measuring performance of individual vessels for those sectors which have formed IPAs. From this perspective, the IPA reports will be useful in determining the effectiveness of Amendment 91, assuming that the distribution of allowances is transparent.

The burden associated with the IPA and cooperative reports is difficult to predict, as the burden will likely depend on the structure of the IPA or cooperative and the rules applicable to distributions and transfers. A simple IPA structure that either directly limits or creates disincentives for transfers may have little associated reporting burden. On the other hand, a structure that either makes frequent distributions or favors transfers could have a substantial associated burden. In considering this burden, it should be noted that a structure with substantial disincentives for transfers of Chinook PSC allowances may reduce the reporting burden on IPAs, but create an incentive for pollock quota transfers that would increase the cooperative reporting burden.

With this action, NMFS would move some pollock data to the IPA Annual Report formerly requested in the AFA Cooperative Report to provide a single location for Chinook and pollock data. This data would include initial allocation, sub-allocations, NMFS-approved Chinook salmon PSC transfers, internal cooperative or sector-level entity Chinook PSC transfers, and catch by season and year for each catcher vessel, catcher/processor, or mothership participating in an IPA. NMFS would remove the requirement from the AFA cooperative report to report the

cooperative’s actual retained and discarded catch of pollock and Chinook PSC on an area-by-area and vessel-by-vessel basis.

**a. Chinook Salmon Incentive Plan Agreement (IPA) Annual Report**

This action would revise the IPA Annual Report to include the sub-allocation of Chinook salmon PSC and pollock to each participating vessel at the start of each fishing season and the number of Chinook salmon PSC and amount of pollock (mt) caught at the end of a season. The IPA Annual Report would also request information on transfers of Chinook salmon PSC regardless of whether the transfers were “compensated” transfers. This action would require each IPA representative to report additional sub-allocations or transfers of Chinook within a sector-level entity or between participants in two or more sector-level entities. This additional information will increase the time to complete the IPA Annual Report from 8 hr to 40 hr.

The IPA representative (estimated cost \$150/hr) must submit a written annual IPA Report to the Council at 605 West 4th Avenue, Suite 306, Anchorage, AK 99501, and must be postmarked or received by the Council no later than April 1 of each year following the year in which the IPA is first effective. The Council will make the annual report available to the public.

**Chinook Salmon IPA Annual Report**

- Incentive measures in effect in the previous year
- How incentive measures affected individual vessels
- How incentive measures affected salmon savings beyond current levels
- IPA amendments approved by NMFS since the last annual report and the reasons for amendments
- Sub-allocation to each participating vessel
  - number of Chinook PSC and amount of pollock (mt) at the start of each fishing season, and
  - number of Chinook PSC and amount of pollock (mt) caught at the end of each season
- Inseason transfers among entities of Chinook salmon PSC or pollock among AFA cooperatives, entities eligible to receive Chinook salmon PSC allocations, or CDQ groups
  - Date of transfer
  - Name of transferor and transferee
  - Number of Chinook salmon transferred
  - Amount of pollock (mt) transferred
- Transfers among IPA vessels
  - Date of transfer
  - Name of transferor and transferee
  - Number of Chinook salmon transferred
  - Amount pollock (mt) transferred

<b>IPA annual report, Respondent</b>	
<b>Estimated number of respondents</b>	<b>3</b>
<b>Total annual responses</b>	<b>3</b>
Response per respondent = 1	
<b>Total burden hours</b>	<b>120 hr</b>
Time per response = 40 hr	
<b>Total personnel cost = \$150/hr</b>	<b>\$18,000</b>
<b>Total miscellaneous costs (4.64)</b>	<b>\$5</b>
Photocopy (10 pg x .10 x 3 = 3)	
Postage (\$1.32 x 3 = 3.96)	

Agency cost is estimated to be \$35,000 associated with use of IPA and cooperative reports to collect transfer data. Individual reporting on compensated transfers that were administered

through intermediaries (e.g., IPAs or cooperatives) will need to be integrated with the IPA and cooperative reports to make full use of the data. The extent of these costs will depend on the number of compensated transactions and the IPA and cooperative structures adopted by industry. Structures that limit the number of transfers and simplify the transfer structure would reduce agency administrative costs.

<b>IPA annual report, Federal Government</b>	
<b>Total annual responses</b>	<b>3</b>
<b>Total burden hours = 40</b>	<b>120</b>
<b>Total personnel cost = 75</b>	<b>\$9,000</b>
<b>Total miscellaneous cost</b>	<b>\$35,000</b>
One-time data integration procedure	

### **b. AFA cooperative annual report**

NMFS requires an annual AFA cooperative report to describe the fishing activities of each AFA cooperative through December 1 of each year. This report must be submitted and postmarked by April 1 of the following year or received by a private courier service by the submission deadline. Each AFA fishery cooperative must submit the cooperative report to the Council at 605 West 4th Avenue, Suite 306, Anchorage, AK 99501. The Council posts the reports on its website at <http://www.alaskafisheries.noaa.gov/npfmc/default.htm>.

The fishing industry accounting for the AFA cooperative report involves the services of a representative, Sea State, Inc., a company that provides catch accounting services (estimated at \$150/hr). Sea State works on a data release agreement between the industry and NMFS. Sea State, an independent contractor, receives data from the NMFS Observer Program via satellite from participating vessels.

Sea State regularly provides catch reports which include cumulative fleet-wide and vessel-level catch data as well as a tow-by-tow summary for each vessel. The Sea State program works as follows:

- ◆ Observers sample hauls and estimate catch and bycatch;
- ◆ Each vessel electronically transmits its observer data to Sea State which checks the data and performs statistical extrapolations to factor in any hauls that were not sampled;
- ◆ Position-specific data for each vessel is used to create a chart of vessel-specific bycatch rates that is faxed to participating vessels within 24 hours; and
- ◆ Vessels move away from high bycatch areas and exert peer pressure on any vessel that is reluctant to move.

AFA cooperative reports are one of the only sources of disaggregated catch data that are available to the public. In addition, the AFA cooperative reports are the only sources that can be used by analysts to report comprehensive data on individual AFA vessel harvests without violating NMFS and State of Alaska Department of Fish and Game (ADF&G) data

confidentiality rules.

With this action, the annual cooperative report does not request any information about pollock or Chinook salmon PSC. However, each AFA cooperative collects and summarizes information on its allocated target species all through the year and provides it to Sea State to perform parallel accounting of “sideboard” species for each cooperative. Sideboard species are non-pollock groundfish species allocated annually as incidental catch to AFA and other fishery cooperatives. Sea State summarizes each cooperative’s target species and sideboard information and maintains analyses of cooperatives compared with each other in order to keep each and all cooperatives from overfishing.

**Cooperative annual report**

- Allocated catch of pollock and sideboard species
- Any sub-allocations of pollock and sideboard species made to individual vessels on a vessel-by-vessel basis
- Cooperative's actual retained and discarded catch of pollock, sideboard species, and PSC , on an area-by-area and vessel-by-vessel basis
- Description of monitoring method for fisheries in which cooperative vessels participate
- Description of any actions taken by the cooperative in response to any vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries
- Total weight of pollock landed outside State of Alaska waters on a vessel-by-vessel basis
- Number of salmon taken by species and season, and list each vessel’s number of appearances on the weekly “dirty 20” lists for non-Chinook salmon

<b>Cooperative annual report, Respondent</b>	
<b>Estimated number of respondents</b>	<b>11</b>
<b>Total annual responses</b>	<b>11</b>
Annual responses per respondent = 1	
<b>Total burden hours</b>	<b>88 hr</b>
Estimated hours per response = 8	
<b>Total personnel cost</b>	<b>\$13,200</b>
Personnel cost \$150/hr	
<b>Total miscellaneous costs (17.82)</b>	<b>\$18</b>
Postage cost (1.32 x 11 = 14.52)	
Photocopy cost (11 x 6 pg x 0.05 = 3.30)	

<b>Cooperative annual report, Federal Government</b>	
<b>Total annual responses</b>	<b>11</b>
<b>Total burden hours</b>	<b>33 hr</b>
Estimated hours per response = 3 hr	
<b>Total personnel cost</b>	<b>\$825</b>
Personnel cost \$25/hr	
<b>Total miscellaneous cost</b>	<b>0</b>

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See 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.**

No forms exists for the IPA Report, the AFA Cooperative Report, or the ICA; these reports may be submitted to the Council by mail or fax. A cooperative catch report may be submitted as an attachment to an e-mail or by fax. Information describing agent for service of process may be submitted by e-mail. An application for an Incentive Plan Agreement (IPA) and List of IPA Participants may be submitted online at <http://www.alaskafisheries.noaa.gov>.

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

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

The proposed action applies only to those entities that participate in the directed pollock trawl fishery in the Bering Sea. The only small entities that are directly regulated by this action are the six western Alaska CDQ organizations. A significant increase in burden is estimated for the IPA annual report -- from 16 hr annually to 120 hr annually. An increased estimate for personnel cost is also due to figuring in the cost of the contractor (representative) at \$150/hr. These increases are the result of adjusting these figures to the cost of an independent contractor or representative.

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

This information collection is one of four components of the Chinook Salmon Economic Data Program developed to assess the effect that the BSAI Amendment 91 has on Chinook salmon prohibited species catch (PSC) in the pollock fishery.

The IPA Report and AFA Cooperative Report provide information on the number and characteristics of Chinook PSC transfers, in addition to other information. Without this data, NMFS will not be able to tell how vessels differ from each other in terms of efficient use of Chinook PSC or of the costs of avoiding Chinook PSC. Without this data, it will not be possible to determine if the tradable Chinook PSC is working or if it is not working, how to fix it.

If the information were not collected, NMFS would be unable to implement the socioeconomic goals and objectives of the AFA, the Magnuson-Stevens Act, and the FMP.

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

No special circumstances exist.

**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.**

NMFS Alaska Region **submitted** a proposed rule (RIN 0648-BA80) coincident with this submission, requesting comments from the public. **The following comments were received on this collection-of-information.**

**Comment 1 (OMB 0648-0401):**

To avoid duplicate reporting of an AFA cooperatives' vessels sub-allocations and seasonal harvest of the number of Chinook salmon PSC and amount of pollock (mt), the proposed rule required these data be reported in **either** the IPA annual report in § 679.21(f)(13) **or** the AFA annual cooperative report in § 679.61(f)(2), but not both. The commenter requests that the reporting of these data be required **only** in the IPA annual report, and be optional for each AFA cooperative to report these data in the AFA cooperative report. Because each IPA may be formed by more than one cooperative, it is difficult for each AFA cooperative to be informed of a different AFA cooperative's records of sub-allocations and catches, complicating the coordination of data from multiple sources into a single report without some centralized depository for this data. In contrast, an IPA representative has the ability to request, organize and report that information from each AFA cooperative.

**Response to comment 1**

NMFS agrees with the commenter. The option for avoiding duplicate data reporting was proposed by NMFS by requiring all Chinook PSC and pollock sub-allocation data, and number of salmon caught at the end of each season be reported in either the AFA cooperative report or the IPA report (not both). NMFS originally believed that providing a choice for either an AFA cooperative representative or the IPA representative to submit that data would provide some additional flexibility for the industry. The commenter provides new information that this approach may create additional reporting burden and will not provide the flexibility intended by NMFS.

**Changes due to comment 1**

With this action, NMFS would move some pollock data formerly requested in the AFA Cooperative Report to the IPA Annual Report to provide a single location for Chinook and pollock data.

- ◆ **Incentive Plan Agreement (IPA) Annual Report.**  
The IPA report must include Chinook PSC, pollock sub-allocation data, and number of salmon caught at the end of each season

◆ AFA Cooperative Report.

The AFA Annual Cooperative Report must include retained and discarded catch of pollock and Chinook salmon PSC, as well as any additional data from each AFA cooperative on sub-allocations and catches of Chinook PSC and Pollock.

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

No payment or gift is provided under this program.

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

None of the information in the IPA Report or the AFA Cooperative Report submitted under this collection of information, including individual vessel information, contains confidential business information. All of the information in the IPA Report and the AFA Cooperative Report will be posted on the NMFS Alaska Region webpage and made available to the public.

**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.**

This information collection does not involve information of a sensitive nature.

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

Estimated total respondents: 11. Estimated total responses: 163, increased from 162. Estimated total burden: 424 hr, increased from 320 hr. Estimated total personnel costs: \$ 61,600, increased from \$ 33,800.

**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).**

Estimated total miscellaneous costs: \$52.

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

Estimated total burden: 216 hr, increased from 19 hr. Estimated total personnel cost: \$13,900, increased from \$ 4,275. Estimated total one-time cost: \$35,000.

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

Adjustments in this collection are due to merging OMB Control No. 0648-0608 into this collection. The merger adds a net increase of 8 responses, 220 hours, \$31,300 personnel costs, and \$16 miscellaneous costs.

Non-chinook bycatch reduction intercooperative agreement (ICA) [added by 608]

An increase of 1 response, 1 instead of 0  
An increase of 40 hr burden, 40 hr instead of 0 hr  
An increase of \$6,000 personnel costs, \$6,000 instead of \$0  
An increase of \$2 miscellaneous costs, \$2 instead of 0

Non-chinook ICA annual report [added by 608]

An increase of 1 response, 1 instead of 0  
An increase of 4 hr burden, 4 hr instead of 0 hr  
An increase of \$100 personnel costs, \$100 instead of \$0  
An increase of \$2 miscellaneous costs, \$2 instead of 0

Application for an Incentive Plan Agreement (IPA) and List of IPA Participants [added by 608]

An increase of 4 responses, 4 instead of 0  
An increase of 160 hr burden, 160 hr instead of 0  
An increase of \$24,000 personnel costs, \$24,000 xx instead of 0  
An increase of \$7 miscellaneous costs, \$7 instead of 0

Chinook Salmon IPA Annual Report [added by 608]

an increase of 2 responses, 2 instead of 0  
an increase of 16 hr burden, 16 hr instead of 0  
an increase of \$1,200 personnel costs, \$1,200 instead of 0  
an increase of \$5 miscellaneous costs, \$5 instead of 0

Program changes in this collection are due to Proposed Rule 0648-BA80, regarding the Chinook Salmon Economic Data Reports.

Chinook Salmon IPA Annual Report [revised by EDR]

an increase of 1 respondent and response, 3 instead of 2  
an increase of 104 hr burden, 120 hr instead of 16 hr  
an increase of \$16,800 personnel costs, \$18,000 instead of \$1,200

AFA Cooperative Annual Report [revised by EDR]

an increase of \$11,000 personnel costs, \$13,200 instead of \$2,200

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

The IPA Annual Reports and AFA Cooperative Report are posted on the NMFS Alaska Region website at <http://www.alaskafisheries.noaa.gov/sustainablefisheries/default.htm>.

**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 identified in Item 19 of the OMB 83-I.**

Not applicable.

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

This collection does not employ statistical methods. However, the information gathered in this collection will be used in the analyses for the Chinook Salmon EDR Program (see OMB 0648-0633).