

SUPPORTING STATEMENT
ALASKA COST RECOVERY & FEE PROGRAMS
OMB CONTROL NO. 0648-xxxx

This is a resubmission of a request, with the final rule, for a temporary new information collection due to an associated rule (**RIN 0648-BF35**). Once approved, and once a revision of OMB Control No. 0648-0711 revision per RIN 0648-BF36 is approved, the two ICRs will be merged. *There were no comments on the information collection requirements, and there are no changes to the request.*

Under the [Magnuson-Stevens Fishery Conservation and Management Act 16](#) U.S.C. 1801 et seq. (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States (U.S.) through National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS). NMFS Alaska Region manages the groundfish fisheries in the EEZ of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under fishery management plans for groundfish in the respective areas by the North Pacific Fishery Management Council (Council). Regulations implementing the FMPs appear at [50 CFR part 679](#) and [part 680](#).

The U.S. Congress amended Section 313(j) of Magnuson-Stevens Act to mandate the Secretary to implement the Crab Rationalization Program (CR Program) for the Bering Sea and Aleutian Islands Management Area crab fisheries. The CR Program allocates BSAI crab resources among harvesters, processors, and coastal communities. The Council prepared, and NMFS approved, the Fishery Management Plan for BSAI King and Tanner Crabs. The FMP establishes criteria for the management of certain aspects of the BSAI crab fisheries by the State of Alaska Department of Fish and Game. Regulations implementing the FMPs appear at 50 CFR part 679 and part 680.

The Magnuson-Stevens Act both authorizes and requires the collection of cost recovery fees for Limited Access Privilege (LAP) programs and Western Alaska Community Development Quota (CDQ) programs. Magnuson-Stevens Act cost recovery fees may not exceed three percent of the ex-vessel value, and must recover costs associated with the management, data collection, and enforcement of these programs that are directly incurred by government agencies tasked with overseeing these fisheries.

NMFS collects cost recovery fees to recover costs incurred by the agency for program management in that same year. A permit holder incurs a cost recovery fee liability for every pound landed on his or her permit(s). The permit holder is responsible for self-collecting the fee liability for all landings on his or her permit(s). The fee liability is based on the sum of all payments made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the permit holder for previously landed fish.

In addition, NMFS collects observer coverages fees to support the funding and deployment of observers on vessels and in plants in the partial observer coverage category. Vessels and

processing plants in the full coverage category directly pay observer providers for the observer on their vessel or in their plant.

This action would revise the authorized methods for payment of cost recovery fees for the Halibut and Sablefish Individual Fishing Quota (IFQ) Program and the CR Program. The action is necessary to improve data security procedures and to reduce administrative costs of processing cost recovery fee payments.

A. JUSTIFICATION

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

The purpose of this action is to improve security procedures for protecting financial information and to reduce costs associated with administering the cost recovery programs. The current regulations for the IFQ Program and the CR Program cost recovery programs allow permit holders to submit credit card information for manual credit card processing by NMFS. This results in the possession and electronic transmission of financial information on the NMFS information network, which is a security vulnerability and an administrative cost to both the permit holder and to NMFS. As a result of this security vulnerability, the NMFS Alaska Region has been directed by the NOAA Office of the Chief Information Officer to cease manual processing of credit card payments for cost recovery fees.

This action will also reduce administrative costs for the IFQ Program and CR Program by eliminating other non-electronic payment methods that require manual processing. All manual processing of cost recovery fee payments made by check and money order generate significant costs for the administration of these programs. Eliminating these non-electronic payment methods from authorized payment method options will reduce the staffing burden for processing cost recovery fee payments and further reduce the costs of administering the cost recovery programs. Reduced administrative costs would result in lower overall fee liabilities for the IFQ and CR Programs.

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.

a. **Cost Recovery Fee and Fee Submission Form [REVISED]**

NMFS established two fees to be paid by participants: the cost recovery fee and the observer coverage fee. The observer fee is assessed on landings by vessels not in the full observer coverage category.

Observer coverage fee

The observer coverage fee must be paid by permit holders in the partial observer coverage category, i.e. small catcher/processors, catcher vessels, shoreside processors and stationary floating processors named on a Federal Fisheries Permit (FPP), or a person named on a Registered Buyer permit. Payment must be made online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Deadline: no later than *February 15* of the year following the calendar year in which the groundfish or halibut landings subject to the observer fee were made.

Cost recovery fee for Rockfish Program

The rockfish cost recovery fee must be paid by a rockfish cooperative quota (CQ) permit holder against which a landing was made. Payment must be made online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Deadline: no later than *February 15* of the year following the calendar year in which the rockfish CQ landings were made.

Cost recovery fee for Western Alaska Community Development Quota (CDQ) groundfish and halibut

The CDQ cost recovery fee must be paid by each CDQ group that receives a CDQ allocation of groundfish and halibut. Payment must be submitted online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Deadline: no later than *December 31* of the calendar year in which the CDQ groundfish and halibut landings were made.

Cost recovery fee for American Fisheries Act (AFA) Bering Sea pollock

The AFA cost recovery fee must be paid by each designated representative. Payment must be made online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Deadline: no later than *December 31* of the calendar year in which the Bering Sea pollock landings were made.

Cost recovery fee for Aleutian Islands pollock

The Aleutian Islands cost recovery fee must be paid by the authorized representative designated by the Aleut Corporation. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Deadline: no later than *December 31* of the calendar year in which the Aleutian Islands pollock landings were made.

Cost recovery fee for Amendment 80

The Amendment 80 cost recovery fee must be paid by the authorized representative designated by the Amendment 80 cooperative. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Deadline: no later than *December 31* of the calendar year in which the Amendment 80 CQ landings were made.

Cost recovery fee for IFQ Program

The IFQ cost recovery fee must be paid by a person who holds an IFQ permit against which an IFQ landing was made. Payment may be submitted online through eFISH at

<https://alaskafisheries.noaa.gov/fisheries/cost-recovery-fee-payment>, or by mail or courier ONLY if paying with a check to: Fee Coordinator, NOAA Fisheries, PO Box 21668, Juneau, Alaska 99802-1668. Starting effective date of the final rule (BF35), a credit card with the paper form may no longer be used for payment (participants can use a credit card if paying electronically). Prior to December 1, 2019, payment must be made in U.S. dollars by personal check drawn on a U.S. bank account, money order, bank-certified check, or electronically by credit card. On or after December 1, 2019, payment must be made electronically in U.S. dollars by automated clearing house, credit card, or electronic check drawn on a U.S. bank account.

Deadline: no later than **January 31** following the calendar year in which any IFQ landing was made.

Cost recovery fee for Crab Rationalization (CR) Program

The CR crab cost recovery fee must be paid by each Registered Crab Receiver (RCR) who receives any CR crab pursuant to § 680.44. Payment may be submitted online through eFISH at <https://alaskafisheries.noaa.gov/fisheries/cost-recovery-fee-payment>, or by mail or courier ONLY if paying with a check to: Fee Coordinator, NOAA Fisheries, PO Box 21668, Juneau, Alaska 99802-1668. Starting effective date of the final rule (BF35), a credit card with the paper form may no longer be used for payment (participants can use a credit card if paying electronically). Prior to June 1, 2020, payment must be made in U.S. dollars by personal check drawn on a U.S. bank account, money order, bank-certified check, or electronically by credit card. On or after June 1, 2020, payment must be made online in U.S. dollars by automated clearing house, credit card, or electronic check drawn on a U.S. bank account.

Deadline: no later than **July 31** following the crab fishing year in which the CR crab landings were made.

Cost Recovery Fee or Observer Fee, respondents	
Total number of respondents	2,182
11 catcher vessels	
2,024 IFQ sablefish and halibut	
6 CDQ groundfish and halibut	
9 Rockfish	
20 RCR crab	
9 AFA pollock	
1 Aleutian Islands pollock	
2 Amendment 80 cooperative	
100 partial observer coverage fee	
Total number of responses	2,182
Response per participant = 1	
Total Time burden (36.37)	36 hr
Time per response = 1 minute	
Total personnel costs (\$37/hr x 36)	\$1,332
Total miscellaneous costs (263.20)	\$263
Submit by mail (.45 x 100 = 45)	
Submit online (0 x 2082 = 0)	
Photocopy (0.05 x 2pp x 2182 =218.20)	

Cost Recovery Fee or Observer Fee, Federal Government	
Total number of responses	0
Total Time burden	0
Total personnel costs	0
Total miscellaneous costs	0

b. Value & Volume Report [UNCHANGED]

IFQ Registered Buyer Ex-vessel Volume & Value Report (IFQ Buyer Report)

The IFQ Buyer Report must be submitted annually by an IFQ Registered Buyer that operates as a shoreside processor and receives and purchases IFQ landings of sablefish or halibut or CDQ landings of halibut.

Deadline: no later than **October 15** following the reporting period in which the IFQ Registered Buyer receives the IFQ fish or CDQ halibut. Payment may be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>. Report also may be submitted:

◆ By mail to: NMFS Alaska Region
Attn: RAM Program
P.O. Box 21668
Juneau AK 99802-1668

◆ By fax to: 907-586-7354

Rockfish Ex-vessel Volume and Value Report

The Rockfish Ex-vessel Volume and Value Report must be submitted annually by a rockfish processor that receives and purchases landings of rockfish CQ groundfish. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Deadline: no later than **December 1** of the year in which the rockfish processor received the rockfish CQ groundfish.

CR Registered Crab Receiver (RCR) Ex-vessel Volume and Value Report

The CR RCR Ex-vessel Volume and Value Report must be submitted annually by an RCR that operates as a shoreside processor or stationary floating crab processor and receives and purchases landings of CR crab for each reporting period in which the RCR receives CR crab. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Deadline: no later than **May 15** of the reporting period in which the RCR received the CR crab.

Pacific Cod Ex-vessel Volume and Value Report

The Pacific Cod Ex-vessel Volume and Value Report must be submitted annually by a Shoreside processor designated on an FPP or a mothership that holds an FPP and that process landings of either CDQ Pacific cod or BSAI Pacific cod harvested by a vessel using trawl gear

for each reporting period for which received Pacific cod. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Deadline: no later than **November 10** of the year in which the processor or mothership received the Pacific cod.

First Wholesale Volume and Value Report

The First Wholesale Volume and Value Report must be submitted annually by an Amendment 80 vessel owner that harvests Amendment 80 species, other than Pacific cod, for each reporting period for which the vessel harvests Amendment 80 species. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Deadline: no later than **November 10** of the year in which the Amendment 80 vessel received the Amendment 80 species, other than Pacific cod.

Value & Volume Report, Respondents	
Total number of respondents	187
154 (142+6 IFQ sablefish and halibut + 6 CDQ groundfish and halibut uses IFQ Buyer Report)	
0 AFA pollock uses COAR	
0 Aleutian Islands pollock uses COAR	
2 Amend 80 coop uses Pcod report for Pcod	
2 Amend 80 coop uses First wholesale report for rest	
20 RCR crab	
9 Rockfish	
0 Observer Program uses eLandings	
Total number of responses	187
Response per participant = 1	
Total Time burden (3.17)	3 hr
Time per response = 1 minute	
Total personnel costs (\$37/hr x 3)	\$111
Total miscellaneous costs (12.05)	\$12
Submit by mail (.45 x 6 = 2.70)	
Submit online (0 x 181 = 0)	
Photocopy (0.05 x 187 =9.35)	

Value & Volume Report, Federal Government	
Total number of responses	0
Total Time burden	0
Total personnel costs	0
Total miscellaneous costs	0

c. Appeals (UNCHANGED)

Any person whose interest is directly and adversely affected by an initial administrative determination (IAD) may file a written petition. Any person who receives an IAD for incomplete payment of a fee liability may appeal under the appeals procedures set out at 15 CFR part 906.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

The entities directly regulated by this action are permit holders who make halibut and sablefish landings in the IFQ Program fisheries and RCRs who receive landings of crab in the CR Program fisheries. The universe of entities was defined based on who is directly billed by NMFS for cost recovery fees, and therefore who would be directly impacted by a change in the authorized payment methods. Based upon available data, and more general information concerning the probable economic activity of vessels in the IFQ Program fisheries, no entity could have been used to land more than \$20.5 million in combined gross receipts in 2014. Therefore, all 2,038 IFQ permit holders are classified as small entities. Under the CR Program, 11 RCRs are classified as small entities.

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

Overall, this action will likely result in a small net benefit from the reduction in the total amount of cost recovery fees collected due to the reduced administrative costs of processing cost recovery fee payments. If the collection were not conducted, this benefit would not be seen.

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

Not Applicable.

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 published a proposed rule, RIN 0648-BE35 on December 31, 2015 (80 FR 81798), requesting comments from the public. There were no comments received on these information collection requirements.

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

No payment or gift is provided.

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

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act; and also under [NOAA Administrative Order \(AO\) 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a [Privacy Act System of Records Notice, NOAA #19](#), Permits and Registrations for United States Federally Regulated Fisheries

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.

Not Applicable.

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

Estimated total respondents: 2,182. Estimated total responses: 2,370. Estimated total burden: 43 hr. Estimated total personnel cost: \$1,591.

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 cost: \$277.

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

Estimated number of responses: 1. Estimated total burden: 4 hr. Estimated total personnel cost: \$300.

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

This is a new program that will be integrated into OMB Control No. 0648-0711.

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

The information collected will not be published.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.