

**SUPPORTING STATEMENT
SUBSISTENCE FISHERY FOR PACIFIC HALIBUT IN WATERS OFF ALASKA:
REGISTRATION AND MARKING OF GEAR
OMB CONTROL NO.: 0648-0460**

INTRODUCTION

This statement applies for a renewal of the Pacific halibut subsistence fishery in waters off Alaska collection-of-information. This statement describes the registration forms and marking of gear. Management of the Pacific halibut (hereafter halibut) fishery in and off of Alaska is based on an international agreement between Canada and the United States and is given effect in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act). The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend Fishery Management Plans (FMPs) for any fishery in waters under its jurisdiction. Regulations governing this program are set out in regulations at 50 CFR Part 300.

A. JUSTIFICATION

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

Subsistence fishing and hunting in Alaska has historically been part of the customary and traditional practices of Alaska Natives and non-Natives, especially in rural areas with limited alternative food resources. National Marine Fisheries Service (NMFS) and the Council established a subsistence fishery for halibut in Convention waters off Alaska in 2003. The Halibut Subsistence Environmental Assessment/ Regulatory Impact Review analyzed the corresponding regulations. The objective of the program is to enable persons who have customary and traditional use of halibut for food to continue that practice within a legal framework and to identify those persons fishing legally. This collection will identify those persons via a registration process.

In addition, marking of fishing gear is required. Requirements that fishing gear be marked are essential to facilitate fisheries enforcement and actions concerning damage, loss, and civil proceedings. The ability to link fishing gear to the vessel owner and authorized subsistence halibut fisher is crucial to enforcement of regulations. NMFS Office for Law Enforcement personnel and United States Coast Guard personnel rely on this information to assure compliance with fisheries management regulations. State regulations (5 AAC 01.010) currently require a subsistence fisher to inscribe his or her first initial, last name, and address on a keg or buoy attached to any unattended subsistence fishing gear. Regulations at 300.65(g) specify that setline marker buoys be marked with this same State-required information. Most fishermen have their marker buoys properly identified and are not adversely affected by this regulation. Fishermen affected by this regulation incur the costs of marking their own marker buoys. These fishermen legally would not be able to use another fisherman's marker buoys.

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.

As subsistence fishing for halibut has occurred for many years among the Alaska Native people and non-Native people without any form of regulation, the task at hand is to identify those persons who are currently doing subsistence halibut fishing. A person is eligible to harvest Alaska subsistence halibut by:

(1) Being a resident of an eligible rural community identified by NMFS with customary and traditional uses of halibut; or

(2) Being a member of an Alaska Native tribe identified by NMFS with customary and traditional uses of halibut. The Alaska Natives are members of 123 different Alaska Native Tribes. Subsistence fishing may be conducted in any rural area by any person with a valid Subsistence Halibut Registration Certificate (SHARC) issued by NMFS, where “area of tribal membership” means rural areas of the Commission regulatory area in which the Alaska Native tribal headquarters is located, except that:

(a) A person who is not a rural resident but who is an eligible member of an Alaska Native tribe identified by NMFS, is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership; or

(b) A person who is a resident outside of the State of Alaska but who is a member of an eligible Alaska Native tribe identified by NMFS is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.

Two different registration forms are available. The first application provides separate blocks for use by rural, non-Native applicants registering as individuals or by tribal, Native applicants applying as individuals. The second application is for use by tribal entities that are registering one or more applicants that are members of a distinct tribe.

a. Subsistence halibut registration certificate

Upon registration approval, NMFS issues the fisher a SHARC. A SHARC expires in 2 years if a rural resident registration, or in 4 years if an Alaska Native tribal registration. The difference in duration of the SHARC is explained as follows: Rural, non-Native residents are assumed to change address more frequently than tribal members do. Therefore, it is easier to maintain current addresses of rural residents by requiring renewal at a two-year interval. Maintaining a valid registration for more than one year reduces the burden on eligible persons

Participants may submit the registration information by mail, e-mail, fax, or by completion of the information over the Internet by using one of two registration applications. An individual would submit the single registration form, while a tribal organization would submit a multiple-individual registration form for eligible tribal members. Various methods to obtain the information for registration allow NMFS to estimate an annual cost of \$2 per person (high dollar amount of \$6 per fax and low dollar amount is \$0.10 for an Internet submittal).

One or more members of an eligible Alaska Native Tribe may use the Alaska Native Tribal Subsistence Halibut Registration Certificate Application.

Individual SHARC Application

Block A - Type of Subsistence Halibut Registration

Check to indicate Rural Resident Registration or Alaska Native Tribal Registration
If rural registration, complete **Block B**; if Alaska Native Tribal registration, complete **Block C**
Whether registration is new or a renewal
If a renewal, enter SHARC number

Block B - Alaska Rural Resident Registration

Name of Fisherman (First, Middle, Last)
Mailing address (number and street, city and state, zip code)
Community of residence
Dates of residence in this community (month, day, year)
Date of birth
Social security number – voluntary
Daytime telephone number
Signature and date of signature certifying rural resident status

Block C - Alaska Native Tribal Registration

Name of Alaska Native Tribe
Name of Fisherman (First, Middle, Last)
Community of Residence
Date of Birth
Social Security Number (voluntary)
Mailing Address: (street, city, state, zip code)
Daytime Telephone Number
Signature and date of signature certifying Alaska tribal resident status

Alaska Native Tribal SHARC Application

Block A - Identification of Alaska Native Tribe

Name, mailing address, and telephone number of Alaska Native Tribe
e-mail address

Block B - Tribal Member(s) Information

Name (first, middle, last) of tribal member
Mailing address (street, city, state, zip code), and telephone number
Date of Birth
Community of Residence

Block C - Certification of Tribal Official

Printed name, signature, and date of signature of tribal official
Official's Title

Subsistence halibut registration, Respondent	
Total estimated number of respondents	15,983
Total estimated annual responses (6805 x 1)	6,805
2 year, rural registrants 8862/2 yr = 4431	
4 year, Native registrants 7121/3 yr = 2373.67	
Total estimated burden hours (6805 x 0.17 = 1156.85)	1,157 hr
Time per response = (10 min/60 min) = 0.17 hr	
Total estimated personnel cost (1157 x \$25)	\$28,925
Total miscellaneous cost	\$13,610
\$2 to submit 6805	

Subsistence halibut registration, Federal Government	
Total estimated annual responses	6805
Total estimated burden hours	544 hr
Time per response = (5 min/60 min) = 0.08 hr	
Total estimated personnel cost (544 x \$25)	\$13,600
Total miscellaneous cost	0

b. Subsistence gear marking

Gear types authorized for use in the subsistence halibut fishery are: setline, hand-held gear (*i.e.* handline, rod-and-reel), spear, jig, and hand-troll gear. Of these five types of authorized gear, only setline gear must be marked with identification information. Setline gear means one or more stationary, buoyed, or anchored lines with hooks attached.

Each eligible subsistence halibut fisherman with a SHARC shall plainly and legibly inscribe his first initial and last name (followed by an “S” to indicate subsistence), and address on a keg or buoy attached to the setline gear; this requires approximately 15 minutes to paint each buoy. Materials needed to mark the buoys consist of paint and paintbrush, permanent ink applicator, or tape, costing at most \$5. Labor costs to mark the buoys are estimated to be \$12.50 per hour, based on a range between \$10 and \$15 per hour.

It is estimated that one half of the eligible, active participants (15,983 x 0.50 = 7,991) are subject to marking their gear, because it is assumed that persons using setline gear will harvest subsistence halibut in small groups of two or three fishing together for efficiency in a larger vessel. If three fishermen were fishing together in one vessel, each person’s 30-hook limit could be combined into one setline unit of 90 hooks marked with one pair of buoys. For three fishermen, the ratio of 1 pair (2 buoys) to 3 pair (6 buoys) is equal to one third or an estimated 2,637 pairs (or 5,274 separate buoys) that need to be marked. Not all of these 5,274 buoys would need to be marked each year. An estimated 50% or 2,637 buoys would need marking, because the markings from the previous year are still legible and the information is still correct.

Subsistence halibut gear marking, Respondent	
Total estimated annual respondents	15,983
Total estimated responses (15983 x 0.5 = 7991) (7991 x 0.33 = 2,637 pair of buoys or 5274 buoys) (0.5 x 5274 = 2637)	2,637
Total estimated burden hours (0.25 x 2,637) Estimated time to paint each buoy (15 min/60 min) = 0.25 hr	659 hr
Total estimated personnel cost (659 x \$12.50) Cost per hour, in dollars = 12.50	\$8,237
Total miscellaneous cost Marking materials (\$5 materials x 2,637)	\$13,185

Subsistence halibut gear marking, Federal Government	
Total estimated annual responses	0
Total estimated burden hours	0
Total estimated personnel cost	0
Total miscellaneous cost	0

Alaska Region home page posts subsistence halibut registration information in four lists at <http://www.fakr.noaa.gov/ram/subsistence/halibut.htm>. These lists are: list of all SHARCs by holder; list of tribal SHARC holders by eligible tribe; list of rural SHARC holders by eligible community; and summary count of SHARCs issued. Information posted on the lists will consist of registrant's name, SHARC permit number, area of fishing, name of community or tribe, and expiration date. The gear-marking information will not be disseminated.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. 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.

The registration information may be submitted in various ways, including e-mail and on-line, or as a list of multiple individuals from an Alaska Native tribe.

4. Describe efforts to identify duplication.

No duplication exists with other information collections at NMFS Alaska Region.

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

This collection-of-information does not impose a significant impact on small entities. This determination was made because this action regulates individuals and does not regulate small entities as defined in the Regulatory Flexibility Act.

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

Without this halibut subsistence program, persons who have customary and traditional use of halibut for food may not be able to continue that practice.

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

No special circumstances exist that would require information collection to be conducted in a manner inconsistent with Office of Management of the Budget (OMB) guidelines.

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

A *Federal Register* notice was published ([71 FR 38383, July 6, 2006](#)). No comments were received.

The following person provided comments on the registration of subsistence participants.

Dr. James Fall, State of Alaska
ADF&G Division of Subsistence
907-267-2359

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 this assurance in statute, regulation, or agency policy.

Federal regulations at 50 CFR part 300.60 through 300.66 authorize collection of this information. This information is used to verify the identity of the applicant(s). Where the requested information is a Social Security number (SSN), disclosure is voluntary. The SSN and birthdate are confidential under the Privacy 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.

NA.

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

Total estimated annual respondents: 15,983, up from 13,350. Total estimated responses: 9,442, up from 9,190. Total estimated annual burden hours: 1,816, up from 1,739 hr. Total estimated personnel cost: \$37,162, up from \$36,588.

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

Total estimated miscellaneous costs: \$26,795 up from \$24,989.

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

Total estimated respondents: 6,805, down from 6,987. Total estimated responses: 6,805, down from 6,987. Total estimated annual burden hours: 351, down from 559 hr. Total estimated personnel cost: \$8,775, down from \$13,975.

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

The number of respondents increased from an estimated 13,350 to an actual 15,983, based on issued permits. Because of this adjustment, we estimate an additional 252 responses and 77 hours; related costs are expected to increase by \$1,806.

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

Information obtained through registration to issue SHARCs is posted on the NMFS Alaska Region at <http://www.fakr.noaa.gov/ram/subsistence/halibut.htm#SHARC>. The information is posted in lists sorted by holder, by eligible tribe, and by eligible community. In addition, NMFS posts a summary by date of SHARCs issued to rural and tribal applicants. NMFS does not plan any statistical sampling of the information.

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.

In accordance with OMB requirements, the control number and the expiration date of OMB approval are displayed on the registration forms.

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

No exceptions to the certification statement are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.