

**SUPPORTING STATEMENT
HARVEST OF PACIFIC HALIBUT BY GUIDED SPORT CHARTER
VESSEL ANGLERS OFF ALASKA
OMB CONTROL NO.: 0648-NEW**

INTRODUCTION

Regulations governing the U.S. fisheries for Pacific halibut are developed by: 1) the International Pacific Halibut Commission (IPHC), established by a convention between the U.S. and Canada, 2) the Pacific Fishery Management Council, 3) the North Pacific Fishery Management Council (Council), and 4) the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 ([Halibut Act, 16 U.S.C. 773c](#)) allows the regional council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters* as long as those regulations do not conflict with IPHC regulations. The proposed regulations are consistent with the Council's authority to allocate halibut catches among fishery participants in the waters in and off Alaska.

In June 2007, the Council proposed management measures to maintain the harvest of Pacific halibut by guided sport charter vessel anglers in Regulatory Area 2C of Southeast Alaska (see Figures 15a and 15b) to a specified guideline harvest level (GHL). The GHL serves as a benchmark for monitoring the charter vessel fishery relative to the commercial fishery and other sources of fishing mortality and does not limit the charter vessel fishery. The GHL is based on 125 percent of the average of the 1995 through 1999 charter vessel harvests. In recent years, for Area 2C the GHL has been set at 1,432,000 lb (649.5 mt) net weight. Each year from 1999 through 2005, the charter vessel sector in Area 2C has harvested more halibut than the year before. Over the most recent three years (2004 through 2006) the average annual charter vessel sector harvest has been 1,838,000 lb (833.7 mt) or about 406,000 lb (184.2 mt) above the GHL. This overage has created management concerns within the IPHC and allocation issues between the commercial and recreational halibut fisheries that led to the proposed management measures.

One of the new GHL management measures proposed by the Council would establish an annual catch limit in Area 2C of four halibut per charter vessel angler. Monitoring and enforcement of this annual limit would create new recordkeeping and reporting requirements for charter vessel anglers and guides. These requirements were designed to use the existing Alaska Department of Fish and Game (ADF&G) Saltwater Sport Fishing Charter Trip Logbook (ADF&G logbook) and Alaska Sport Fishing License (fishing license) for monitoring and enforcement. The proposed annual catch limit of four halibut would impose a new restriction on each charter vessel angler in Area 2C. A charter vessel guide also would be responsible to look at each client's fishing license to determine how many halibut each client had previously harvested on a charter vessel that year and limit a charter vessel angler's harvest if necessary.

For example, when a charter vessel angler arrives for a charter vessel fishing trip, the charter vessel guide would be required, before the trip begins, to record the number of halibut caught and

*Convention waters are defined as the waters off the west coasts of Canada and the U.S. within the respective maritime areas in which either party exercises exclusive jurisdiction.

retained year-to-date by the angler. A charter vessel angler who begins the trip with three halibut already harvested that year would be limited to only one additional halibut regardless of the daily bag limit of two halibut. The proposed annual catch limit would apply only to charter vessel anglers. Halibut harvested by non-guided sport fishermen would not count toward the proposed four-fish annual catch limit. Likewise, charter vessel anglers who have harvested their annual catch limit would be allowed to continue sportfishing for halibut as non-guided anglers.

This action is a request for approval of a new collection-of-information. Proposed regulations that would implement this collection would be established at 50CFR part 300, subpart E.

A. JUSTIFICATION

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

As noted in the Introduction above, the average annual charter vessel sector harvest has been about 406,000 lb (184.2 mt) above the GHL. This overage has created management concerns within the IPHC and allocation issues between the commercial and recreational halibut fisheries, leading to the development of the proposed regulations. This information collection is necessary to monitor and enforce the area specific annual catch limit imposed by the proposed regulations.

The proposed annual catch limit would reduce the charter vessel harvest by an estimated 335,000 lb (152.0 mt). The anticipated effect of this restriction in conjunction with other proposed management measures would be to reduce total charter vessel halibut harvests in Area 2C to between 78 percent and 84 percent of the current GHL. The Council considered but did not recommend more liberal annual catch limits of five halibut and six halibut which would allow a total charter vessel harvest in Area 2C closer to the GHL. Public comment on these alternative catch limits is being solicited. However, any annual catch limit would require the same information collection and create a similar burden for respondents.

The Council, National Marine Fisheries Service (NMFS), and ADF&G stressed the importance of minimizing the reporting burden on the charter vessel industry and developed a proposed information collection program that would allow for the recording of the necessary information in the existing ADF&G logbook and on existing fishing licenses or catch cards. Use of the information recorded in the ADF&G logbook and on fishing licenses under the proposed rule is coordinated between NMFS and ADF&G.

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.

NMFS and ADF&G coordinated closely in the development of this information collection to use the existing ADF&G logbook to record information necessary for the monitoring and enforcement

of the charter vessel angler annual catch limit. The new logbook information that the charter vessel guide would be required to provide under this proposed action includes:

- (1) the regulatory area in which halibut were caught and kept during the fishing trip,
- (2) the printed name of the charter vessel angler,
- (3) the date of birth of each youth angler under 16 years of age (because they are not required to have an Alaska Sport Fishing License), and
- (4) the total number of halibut caught and retained in the current year to date in Area 2C for each charter vessel angler as noted on the angler's fishing license.

As currently required by the State, the charter vessel guide also would be required to provide under the proposed regulations:

- (1) the business license number issued by ADF&G,
- (2) the charter vessel guide license number issued by ADF&G,
- (3) the date the charter vessel fishing trip was taken,
- (4) the Alaska Sport Fishing License number of each charter vessel angler, and
- (5) the number of halibut retained.

At the end of each fishing trip, each charter vessel guide would be required to acknowledge that the information recorded in the logbook is correct by signing the logbook data sheet.

The requirement for charter vessel anglers to record on their fishing license or catch card the number of halibut caught in area 2C and retained also is required by the State. Under the proposed regulations, charter vessel anglers also would be required to retain their fishing licenses for three years after the date of their last halibut caught and retained in area 2C.

Each charter vessel angler would be required to record on the back of his or her fishing license or catch card the date and number of halibut caught and retained in Area 2C. This information will be used to monitor retained catch relative to the annual catch limit. This information will also be used by the charter vessel guide to determine the number of halibut retained to date during a calendar year so that the angler's annual catch limit is not exceeded during the charter vessel fishing trip. Each angler who retains halibut catch from Area 2C would be required to retain his or her fishing license or catch card for a period of three years from the date of the latest Area 2C halibut entry. Maintenance of these records is necessary in the event NMFS Enforcement needs to verify the number of retained halibut as recorded by the angler or to compare an angler's record of retained halibut with the number of halibut retained in Area 2C as recorded by charter vessel guides for that angler on ADF&G logbook sheets.

Information recorded in the ADF&G logbook for each fishing trip on the number of halibut caught and retained in Area 2C by each charter vessel angler would be used by NMFS to

monitor and enforce the individual catch limit. Charter vessel guides and anglers are mutually and severally responsible for the accuracy and completeness of recorded information. Specific ADF&G logbook information requirements are summarized below for charter vessel guides and anglers. (Highlighted text indicates Federal requirements in the ADF&G logbook.)

Information Recorded in the ADF&G Saltwater Sport Fishing Charter Trip Logbook		
Who Records the Information in the ADF&G Logbook	What Information is Recorded	Purpose of Information Collection
Charter Vessel Guide	Sport fish charter business license number issued by ADF&G to a person who owns or employs the charter vessel	To provide the identity of the charter vessel business owner and guide who are mutually and severally responsible for accurate recordkeeping and reporting of charter vessel angler harvest of halibut in Area 2C
	The charter vessel guide license number issued by ADF&G to the guide that led the fishing trip	
	Month and date of each fishing trip. Separate logsheets are required for each trip on the same day, and for each day that halibut are caught and kept on a multi-day fishing trip	To be able to determine when the charter fishing trip occurred
	IPHC Regulatory area fished – circle either regulatory area 2C or 3A where halibut caught and retained. Separate logbook sheets must be completed if both areas fished during the same charter vessel fishing trip	To verify that charter vessel fishing did or did not occur in Area 2C where an annual catch applies. The catch and retention of halibut in Area 2C triggers additional recordkeeping and reporting requirements.
	Angler Sport Fishing license number and printed name; the printed name and date of birth is recorded for each youth angles under 16 years if age	To record the identity of charter vessel anglers subject to the annual catch limit
	From each angler’s ADF&G sport fishing license or catch card, record the total number of halibut caught and retained in the current year to date aboard a charter vessel in Area 2C	To provide the charter vessel guide information on the number of halibut each angler is allowed to retain during the fishing trip so that halibut are not retained in excess of each angler’s annual catch limit
	For each angler, the number of halibut caught and retained during the charter vessel fishing trip	This information currently is required by ADF&G to estimate sports fish harvest of halibut and the proposed federal requirement will be used to monitor angler specific compliance with the annual catch limit
	Signature of the charter vessel guide	To provide acknowledgement of the guide that the recorded information is correct
Charter Vessel Angler	Signature of the charter vessel angler on the back of the logbook sheet	To provide acknowledgement by the angler that his or her Area 2C halibut retention information is correctly recorded.

State of Alaska (State) regulations require that the logbook sheets be submitted on a weekly basis to the appropriate ADF&G office, according to the time schedule printed in the instructions at the beginning of the ADF&G logbook.

Information recorded in ADF&G logbooks is verified by ADF&G using a separate recreational fishery survey and port-side creel census. ADF&G logbook information and fishing licenses or catch cards also may be inspected and verified by National Oceanic and Atmospheric Administration (NOAA) Office for Law Enforcement (OLE) or U.S. Coast Guard personnel. Logbook records submitted to ADF&G are entered into a database that will be supplied to NOAA OLE. These records would be queried to summarize the number of halibut in Area 2C harvested and retained by each sports fish angler when fishing as a client aboard a charter vessel.

Costs are provided separately for charter vessel guides and for charter vessel anglers. Because the respondents are already required by the State of Alaska to return the logbook forms, there are no additional miscellaneous costs involved with this information collection. The additional administrative costs to ADF&G are unknown.

Charter Vessel Guides

Because logbook sheets are already required to be submitted to ADF&G, no additional postage costs are associated with this proposed rule. Each trip would use one logsheet, unless halibut are also caught in Area 3A, in which case an additional logsheet would be used to record halibut caught in the second area. Out of all charter vessel halibut fishing trips, it is estimated this additional logsheet use would occur only 23 times per year. It should be noted that drop boxes are available at many ports to submit the logsheets for the convenience of the charter vessel guides, in which case no postage would be required. Because up to three pages can be mailed for the cost of one first class stamp, the use of one additional logsheet caused by the proposed action is unlikely to affect previously required postage expenses and is considered not significant in regards to additional postage costs. Therefore, no additional postage costs are associated with this proposed rule.

Charter Vessel Anglers

The time burden to charter vessel anglers to sign the ADF&G logbook, record the number of halibut caught and retained in Area 2C on their fishing licenses or catch cards, and to retain that information is estimated to be 2 minutes per year. The average number of halibut annually harvested by charter vessel anglers in Area 2C is less than two fish per angler; most anglers harvest only one halibut. The information added by Federal regulations is highlighted on the logsheet.

The time burden for each charter vessel guide to record required information in the ADF&G logbook is estimated to be 5 minutes for each charter vessel fishing trip based on an average of 3.86 clients per trip. The estimated 696 charter vessels are expected to average 34.35 trips per year, for a total of 23,908 trips. The total time burden for all charter vessels is estimated to be 1,992 hours. Assuming a personnel cost of \$25 per hour, the cost to the industry is estimated to be \$49,800, or \$2.08 per trip.

Charter Halibut Vessel Guide Respondents	
Total number of guide respondents	696
Total annual responses (23,907.6)	23,908
Frequency of response = 34.35	
Total annual time burden (1984.36)	1,984 hr
Estimated response time = 0.083 hr (5 minutes)	
Total personnel costs	\$49,600
Cost per hour = \$25	
Total miscellaneous costs	\$0

Charter Halibut Vessel Angler Respondents	
Total number of angler respondents	92,394
Total responses	92,394
Frequency per response = 1	
Total annual time burden	3,049 hr
Estimated response time = 2 minutes (0.033 hr)	
Total angler cost (not really personnel; on vacation)	\$76,225
Cost per hour = \$25	
Total miscellaneous costs	0

Federal use of the ADF&G logbook and fishing license information would require additional staff time. Federal staff would be required to coordinate with ADF&G and respond to agency needs. A part-time NMFS or NMFS OLE staff person would be required to process and query operator, business, and angler information. This person would also provide assistance to NMFS OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintenance of the database by working closely with NMFS programmers and ADF&G staff as needed. The expected annual cost for a GS-9 part-time NMFS staff person (estimated at \$25/hr) is approximately \$50,000 annually.

Programmer time would also be required to build and maintain a secure Federal database. Periodic data transfers would be the simplest database format, with programmer time required to construct and maintain the Federal database and workstation structure. Construction and maintenance of this database would likely be minimal, requiring one to two weeks of programmer time annually. The estimated cost for NMFS programmer time is \$2,500 to \$5,000 annually.

Enforcement of the proposed regulations would require on-site observations of a person or charter vessel with an illegal halibut. This would require regular visits by enforcement officers to areas where halibut are harvested and landed by charter vessels including remote areas such as lodges and urbanized areas. These enforcement officers would check for failures to record retained halibut, incomplete information in the logbook, inaccurate information in the logbook, failure to record a halibut on an angler catch card or fishing license, and violation of the annual limit. An additional four enforcement officers are expected to be needed. These enforcement officers would be based in Juneau, Sitka, and

Ketchikan, Alaska. The expected cost for four additional enforcement officers is approximately \$600,000 annually.

Charter Halibut, Federal Government	
Total Responses	0
Total annual time burden	0
Total personnel costs	\$655,000
Part-time NMFS staff person = \$50,000	
Programmer, One to two weeks at \$2,250 per week = \$5,000	
Enforcement officers	
Four at \$150,00 per year = \$600,000	
Total miscellaneous costs	\$0

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. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #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.

NMFS currently does not have the capability to collect the ADF&G logbook information electronically. The ADF&G logbook is a State form that is made available to each person receiving a business license to operate as a sport fish charter vessel business. The ADF&G logbooks are maintained onboard charter vessels and must be filled out prior to clients' boarding the vessel and prior to clients' leaving the vessel. NMFS and ADF&G are discussing the possibility of collecting this information electronically in the future. At this point, funds are not available for the State to develop electronic submission. The respondents provide completed logbook sheets in printed form to ADF&G.

ADF&G logbooks are not available for the public to print from the Internet, because that is not the procedure used by the State to distribute its logbooks.

The overall results of the information collection will be made available to the public through the Council and IPHC meeting processes. This information is typically available on the Internet at <http://www.fakr.noaa.gov/npfmc/default.htm> and at <http://www.iphc.washington.edu/halcom/default.htm>.

4. Describe your efforts to identify duplication.

NMFS and ADF&G coordinated closely in the development of this information collection to use the existing ADF&G logbook to record information necessary for the monitoring and enforcement of the charter vessel angler annual catch limit, so that a separate federal logbook system would not be necessary. This approach reduces burden to both the charter vessel industry and federal and state management agencies.

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

This information collection will not have a significant impact on small businesses or other small entities.

In 2006, 696 vessels operated as charter vessels in Area 2C. All of these operations are believed to be small entities, with annual gross revenues of less than the Small Business Administration limit of \$6.5 million dollars for charter vessels. Actual costs of submission of the logbook sheets that include additional information required by NMFS would pose no additional burden or costs to businesses because the State already requires the weekly submission of logbook data information. Federal regulations for submission simply mirror existing regulations.

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

The information collection is necessary to monitor and enforce the annual catch limit of Pacific halibut proposed for charter vessel anglers fishing in Area 2C. The annual catch limit is one of several measures recommended by the Council to reduce the harvest of halibut by the charter vessel fishery to the guideline harvest level. This level of harvest has been established to address the competitive impacts of an increasing charter fishery harvest and the compensatory reductions in the commercial fishery. If the proposed information collection is not conducted, the annual catch limit could not be enforced and the multi-agency management program being developed to address the competition between the halibut charter vessel industry and the commercial halibut fishery could not be implemented.

The frequency of collection must be tailored to the frequency of charter vessel fishing trips, because the collection-of-information is focused on trip specific angler harvest. This information cannot be collected less frequently and still meet the purpose of supporting the monitoring and enforcement of angler-specific annual catch limits. The actual submission of logbook sheets to ADF&G is dependent on current State requirements for submission of logbook sheets for all guided sport fish fisheries off Alaska.

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

OMB guidelines state that an information collection should not require respondents to report information more than quarterly, nor sooner than 30 days after they receive the request. As stated in response #6, the submission of logbook sheets to ADF&G is dependent on current State

requirements for submission of logbook sheets for all guided sport fish fisheries off Alaska. The submission schedule is generally weekly and must be postmarked or received by ADF&G within eight days following the end of the prior week's fishing.

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.

The NMFS Alaska Region will submit a proposed rule, Regulation Identifier Number (RIN): 0648-AW23, requesting comments from the public.

ADF&G staff from the Sport Fish Division were consulted in the design of this information collection and how best to integrate it into the current ADF&G logbook format. The individuals were: Mr. Douglas Vincent-Lang, Fishery Biologist (907)267-2339; and Ms. Dora Sigurdsson, Fishery Biologist, (907)267-2390. In response to discussions with Mr. Vincent-Lang and Ms. Sigurdsson, federal logbook requirements were modified and better integrated into the existing ADF&G logbook format currently used by charter vessel businesses.

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

No payment or gift will be provided under this program.

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

The responses to this information request are not confidential under Federal law. The information submitted in the ADF&G logbook collected is protected by Alaska State confidentiality statute AS 16.05.815.

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: 93,090. Estimated total responses: 116,302. Estimated total burden hours: 5,033 hr. Estimated total (personnel) costs: \$125,825.

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 #12 above).

Estimated total miscellaneous costs: \$0.

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

Estimated total (personnel) costs: \$ 655,000.

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

This is a new program.

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

The proposed information collection is for monitoring purposes and will not be published by NMFS. The data collected from individual charter vessel businesses is confidential under State law. Fishery management agencies, fishermen, researchers, economists, etc. may request from ADF&G and receive ad hoc summary reports (non-confidential data) from the ADF&G logbook database for various reasons.

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.

Because this is an Alaska State form, the OMB number and expiration date will not be displayed on the ADF&G logbook, State fish license, and catch cards.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.