

**SUPPORTING STATEMENT
HARVEST OF PACIFIC HALIBUT BY GUIDED SPORT CHARTER
VESSEL ANGLERS OFF ALASKA
OMB CONTROL NO.: 0648-(0575)**

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 new 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. During 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 new management measures.

This action is a revised request for approval of a new collection-of-information with the informally assigned OMB Control Number of 0648-0575. Regulations to implement this collection will be established at 50 CFR 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 new regulations. This information collection is necessary to monitor and enforce the area-specific daily catch limit imposed by the new regulations. The daily catch limit is expected to reduce the charter vessel harvest below the 2008 GHL.

*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.

This Supporting Statement revises the originally submitted Supporting Statement. The proposed rule for this action was written with two options, the choice of which depended upon the GHL set by the IPHC and Council in January 2008. The National Marine Fisheries Service (NMFS) needed to publish the proposed rule with the two options before the 2008 GHL was set to enact the rule in time for the 2008 guided charter halibut vessel fishing season. Option A, the preferred alternative if the GHL remained at the 2007 level, would implement an annual catch limit of halibut. Option B, the preferred alternative if the GHL was reduced, would implement a one-fish daily bag limit of halibut in Area 2C. Implementation of an annual limit (Option A) would have required more extensive collection-of-information requirements than Option B. The 2008 GHL was substantially reduced from the 2007 GHL, thus Option B was selected as the preferred alternative.

The original Supporting Statement contained the full list of possible recordkeeping and reporting requirements, some of which are no longer necessary. Because no annual limit of halibut is being implemented, NMFS has removed from the final rule the proposed requirements that anglers record the number of halibut caught and retained in Area 2C on the back of their State of Alaska Department of Fish & Game (ADF&G) licenses, and that they retain their licenses for three years. To enforce an annual catch limit, NMFS proposed requiring that charter vessel guides record in the ADF&G logbook the number of halibut caught year-to-date as recorded on the back of the angler's license. This requirement is not needed because no annual catch limit is being implemented. NMFS proposed requiring that youth names and birth dates be recorded in the ADF&G logbook to better track and enforce an annual catch limit. Because no annual catch limit is being implemented, the date of birth for youth anglers will not be required in Federal regulations.

NMFS received public comments to the proposed rule regarding the burden of the proposed Option A recordkeeping and reporting requirements for enforcement of the proposed annual catch limit. However, because Option A was not selected, no further changes beyond those listed above needed to be made to the proposed requirements in response to those comments.

In summary, this revised Supporting Statement describes fewer recordkeeping and reporting requirements and relieves the collection-of-information burden relative to the original Supporting Statement.

The Council, NMFS, and ADF&G stressed the importance of minimizing the reporting burden on the charter vessel industry and developed an 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 this action 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 halibut harvest in Area 2C. The new logbook information that the charter vessel guide would be required to provide under this action is reduced from four items to two, and includes:

- (1) the regulatory area in which halibut were caught and kept during the fishing trip, and
- (2) the printed name of each charter vessel angler.

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

- (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. Charter vessel anglers would also acknowledge that their information in the logbook is correct by signing the back of the logbook data sheet.

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 total annual catch by all charter vessel anglers. 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 in the table on the following page indicates requirements in the ADF&G logbook that are strictly Federal requirements and not State requirements*).

| 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 where charter vessel occurred because different daily catch limits apply in different areas. |
| | Angler Sport Fishing license number and printed name; the printed name is recorded for each youth angler under 16 years of age | To record the identity of each charter vessel angler subject to the daily catch limit. The State does not issue sport fishing licenses to anglers under 16 years of age, so only a name is recorded for those anglers. |
| | 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 sport fish harvest of halibut and the new federal requirement will be used to monitor angler specific compliance with the daily 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 sport 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 the rule. Each trip would use one logsheet, unless halibut are caught in both Area 2C and 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 ADF&G 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 this 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 action.

Charter Vessel Anglers

The time burden to charter vessel anglers to verify their information and sign the ADF&G logbook is estimated to be 1 minute 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 4 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 1,594 hours. Assuming a personnel cost of \$25 per hour, the cost to the industry is estimated to be \$39,850, or \$1.67 per trip.

| Charter Halibut Vessel Guide Respondents | |
|---|-----------------|
| Total number of guide respondents | 696 |
| Total annual responses (23,907.6) Frequency of response = 34.35 | 23,908 |
| Total annual time burden (1593.87) Estimated response time = 0.067 hr (4 minutes) | 1,594 hr |
| Total personnel costs Cost per hour = \$25 | \$39,850 |
| Total miscellaneous costs | \$0 |

| Charter Halibut Vessel Angler Respondents | |
|--|-----------------|
| Total number of angler respondents | 92,394 |
| Total responses Frequency per response = 1 | 92,394 |
| Total annual time burden Estimated response time = 1 minute (0.017 hr) | 1,540 hr |
| Total angler cost (not really personnel; on vacation) Cost per hour = \$25 | \$38,500 |
| Total miscellaneous costs | 0 |

Note: The logbooks and instructions will not change from those included in the original submission, because the logbooks have already been printed and distributed to charter vessel operators by the State of Alaska. To inform the public and charter vessel business owners of the changes in recordkeeping and reporting requirements, the Alaska Department of Fish and Game will issue an information bulletin explaining changes to the logbook reporting requirements. Additionally, NMFS will issue a news release on its website and to media outlets throughout Alaska to inform the public of the changes to the regulations and reporting requirements. NMFS has developed a brochure explaining the new regulations that will be distributed by enforcement personnel at the docks and by direct mailing to charter operators. Workshops may be held if requested and deemed necessary. NMFS is developing a list of Frequently Asked Questions and answers about the new regulations for the public. A small entity compliance guide will be available on the NMFS website. The State revises and issues new logbooks each year, so NMFS will work with the State to revise the logbooks and their instructions for 2009 and beyond.

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 new 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, and inaccurate information in the logbook. 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 ADF&G 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 ADF&G 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 daily catch limit of halibut, 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 daily catch limit of halibut for charter vessel anglers fishing in Area 2C. The daily catch limit is one of several measures recommended by the Council to reduce the harvest of halibut by the charter vessel fishery to the GHL. 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 this information collection is not conducted, the daily 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 daily 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 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.

The NMFS Alaska Region submitted a proposed rule, Regulation Identifier Number (RIN): 0648-AW23, requesting comments from the public. NMFS received 21 letters of comment opposing some of the proposed information collection requirements, but because Option B was selected instead of Option A (see response to #1), some of the information will not be required. Comments received were: The proposed paperwork requirement for monitoring the annual catch limit is burdensome and time consuming for operators and anglers. The requirement to print the angler name is redundant. It would be better to collect youth and senior angler information for inclusion in the database when issuing the harvest cards. Furthermore, the proposed requirement for anglers to retain their licenses for three years is unreasonable, the license paper is flimsy and hard to keep track of, and retention is a burden for clients.

NMFS responded to the comments as follows: Under Option A, which would have implemented an annual catch limit for Area 2C, it would have been necessary for anglers to retain their licenses in the event that discrepancies arose in the logbook data. However, because NMFS is implementing Option B, the one fish daily bag limit, the requirement to retain angler licenses is no longer necessary and has been removed from the final rule. Other requirements for recording the angler name and license number are retained to improve accuracy of recorded information.

One comment was received requesting that NMFS issue harvest tags with licenses instead of the burdensome recordkeeping and reporting requirements proposed to monitor and enforce an annual catch limit. NMFS responded the proposed annual catch limit will not be implemented because that management tool would not reduce the Area 2C charter vessel harvest sufficiently to avoid exceeding the 2008 GH. Harvest tags are not required for the monitoring and enforcement of a one-fish daily bag limit.

One comment was received urging NMFS to keep the angler signature provision because that will lead to more accurate reporting. NMFS responded that it agrees and has maintained this requirement.

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: 3,134 hr. Estimated total (personnel) costs: \$78,350.

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.

This 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 the logbook, fish license, and catch cards are ADF&G forms, the OMB number and expiration date will not be displayed.

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.