

**SUPPORTING STATEMENT
ALASKA INDIVIDUAL FISHING QUOTA PROGRAM REQUIREMENTS
OMB CONTROL NO. 0648-0398**

INTRODUCTION

National Marine Fisheries Service (NMFS), Alaska Region administers the Halibut and Sablefish Individual Fishing Quota (IFQ) Program (see Office of Management and Budget (OMB) Control No. 0648-0272) in the North Pacific. The IFQ Program is a limited access system authorized by section 303(b) of the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act) and the Northern Pacific Halibut Act of 1982. IFQ cost recovery is mandated by Section 304(d)(2) of the Magnuson-Stevens Act.

The IFQ Program:

- ◆ Was developed to reduce fishing capacity that had increased during years of management as an open access fishery, while maintaining the social and economic character of the fixed gear fishery that is relied on as a source of revenue for coastal communities in Alaska.
- ◆ Provides economic stability for the commercial hook-and-line fishery while reducing many of the conservation and management problems commonly associated with open access.
- ◆ Provides each fisherman a catch quota that can be used any time during the open season. Individual shares are intended to allow fishermen to set their own pace and adjust their fishing effort.
- ◆ Is intended to reduce the premium that was traditionally placed on speed, allowing fishermen to pay more attention to efficiency and product quality.

Regulations implementing the IFQ Program and cost recovery are set forth at 50 CFR part 679.

This action is a request for renewal of this collection.

A. JUSTIFICATION

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

The purpose of the IFQ fee is to recover actual costs (expenditures) incurred in managing and enforcing the IFQ Program (75%) and to make funds available for Congress to appropriate for support of the North Pacific IFQ Loan Program (25%). The fee liability is based on the sum of all payments of monetary worth 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 IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of

ex-vessel value: “actual” and “standard.” “Actual” ex-vessel value is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. “Standard” ex-vessel value is the default value on which to base fee liability calculations. IFQ permit holders have the option of using actual ex-vessel value if they can satisfactorily document it, otherwise the “standard” ex-vessel value is used.

Regulations at § 679.45(c)(2)(i) require NMFS to publish IFQ standard prices during the last quarter of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ sablefish landings, to calculate standard values. The standard prices are described in United States (U.S.) dollars per IFQ equivalent pound for IFQ halibut and IFQ sablefish landings made during the year. IFQ equivalent pound(s) is the weight (in pounds) for an IFQ landing, calculated as the round weight for sablefish and headed-and-gutted net weight for halibut. NMFS calculates the standard prices to closely reflect the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings by month and port or port-group. NMFS publishes standard ex-vessel values during the last quarter of each year (see, for example, 73 FR 73908, December 4, 2008) for use in the calculation of fees by individual IFQ participants.

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.

Fees must be collected at the time of: 1) a legal landing of halibut or sablefish, 2) filing of a landing report, or 3) sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested. An IFQ permit holder incurs a fee liability for every pound of IFQ halibut and sablefish that is landed on his or her permit. The IFQ permit holder must collect the amount due for all IFQ halibut and IFQ sablefish landings on his or her permit(s). The IFQ permit holder is also responsible for submitting this payment to NMFS on or before the due date of January 31 following the calendar year in which the landings were made.

NMFS requires the use of two forms: an IFQ Fee Submission Form and a Registered Buyer Value and Volume Form.

a. IFQ Permit Holder Fee Submission Form

After each IFQ fishing year, NMFS Restricted Access Program (RAM) mails to each IFQ participant an annual statement that shows the individual’s fee liability based on standard ex-vessel values.

If the participant agrees with the summary and therefore the fee liability, the calculation part of the form is not completed. The participant would complete Blocks A through E and submit payment to NMFS by January 31 of the following year.

There are four ways to pay IFQ fees:

- ◆ Pay ONLINE via credit card or check. If paid online, the fee form is not submitted.

- ◆ Fill out the Fee Submission form and mail or courier the form with a check or money order made payable to:
 NMFS
 NOAA Fisheries - OMI
 P.O. Box 21668
 Juneau, AK 99802-1668
- ◆ Call RAM at: (800) 304-4846 (#5) or (907) 586-7202 (#5). In cases of credit card payment, the transaction may be done over the telephone and a fee form is not submitted.
- ◆ NMFS also provides an option for participants to pay amounts during the fishing year toward the fee (called prepayment of fees). The summary which NMFS provides, in this case, would also show the amounts paid and the amount still due, if any.

If the participant disagrees with the amount due as displayed on the Fee Summary based on standard value, he or she may calculate the actual ex-vessel value using the calculation section of the form. The IFQ permit holder would complete Block F (Fee Calculation), in addition to Blocks A through E, to calculate fee liabilities based on the ex-vessel value of a permit holder's IFQ landings. The IFQ permit holder may calculate a revised fee liability for all or part of his or her IFQ landings. A permit holder who challenges RAM's calculation of the amount due must provide receipts and other information that shows actual receipts from the sale of fish.

IFQ Permit Holder Fee Submission Form

Block A. Overpayment

If estimated "balance due" is less than zero (deficit), select one of the following options:

- Apply overpayment to future fee liabilities or
- Issue Refund

Block B. Identification (ID) of IFQ permit holder

- Name and NMFS Person ID of IFQ permit holder
- Tax ID (Social Security Number or Employer ID Number)
- Business mailing address, telephone number, FAX number and e-mail address (if any)
- Indicate if business mailing address is permanent or temporary

Block C. Agreement with IFQ Fee Liability Summary

- If agree with indicated IFQ fee liability summary, date and sign in Block D and complete Block E
- If NO, complete Block F (Fee Calculation)

Block D. Signature

- Printed name and signature of IFQ Permit Holder and date signed
- If Authorized Agent, attach authorization

Block E. Method of Payment

- Indicate whether paying by personal check, cashiers check or money order
- If paying by check, ensure check is signed
- If paying for multiple permit holders, include all completed and signed Fee Submission Forms
- If paying by credit card, indicate
 - Charge card type
 - Card number
 - Expiration Date
 - Amount of payment
 - Name as Printed on card

Signature of card holder

Date signed

Block F. Fee Calculation (if disagree with NMFS summary)

- Permit number(s)
- Date of landing
- Port location
- IFQ pounds
- Standard and actual ex-vessel price
- Total
- Ex-vessel Value Total
- Total Adjustments (retros, bonuses)
- Subtotal
- Fee liability
- Pre-payments or Credits (if any)
- Balance Due
- Enclosed payment amount

The number of respondents is changed from 2,600 to 2,500, based on actual permits issued; the postage cost is changed from 37 cents to 42 cents; and the fax cost is changed from \$3 to \$6 to reflect actual cost. In addition, the number of fee submittals sent online is increased from 855 to 1,000, reducing total submission costs.

IFQ Permit Holder Fee Submission Form, Respondent	
Number of respondents	2,500
Total annual responses	2,500
Total burden time (2,500 x 2 hr)	5,000 hr
Estimated time per response = 2 hr	
Total personnel cost (5,000 hr x \$25)	\$125,000
Personnel cost per hour = \$25	
Total miscellaneous cost (2770.50)	\$2,771
Photocopy 0.10 ea x 2 pages x 2,500 = 500	
Submit by mail 1,000 x 0.84 ea = 840	
Prepay by mail 50 x 0.84 ea x 4 times/year = \$168	
Submit by fax 200 x \$6 = 1,200	
Submit by Internet 1250 x \$0.05 = 62.50	

IFQ Permit Holder Fee Submission Form, Federal Government	
Total annual responses	2,500
Total time burden	2,500
Estimated time per response = 1 hr	
Total personnel cost (2,500 x \$25)	\$62,500
Personnel cost per hour = \$25	
Total miscellaneous cost	0

Note: The currently approved Tax Identification Number (TIN) requirement is included on this application form in this renewal request. Collection of TIN is necessary on program fee submission forms to ensure that we are collecting from the person who owes the debt.

If the fee submission and payment are not received, the agency must begin collection processes and those collection processes cannot be initiated or accomplished without the TIN.

Because the TIN in this instance is collected for NMFS cost recovery, there is demonstrable practical utility. In addition, cost recovery is mandated by the Magnuson-Stevens Act (16 U.S.C. 1852 et seq.) as amended in 2006, and the collection of TIN in such an instance is supported by 31 U.S.C. Section 7701. See also applicable NMFS Alaska Region regulations: 50 CFR 679.45(d) and 50 CFR 679.5(l).

b. IFQ Registered Buyer Ex-vessel Value and Volume Report.

This annual report is required from all IFQ Registered Buyers that operate as shoreside processors and that receive and purchase IFQ fish landings from IFQ permit holders. Through this report, Registered Buyers provide monthly IFQ landings information and value paid to IFQ permit holders for those landings. This information enables NMFS to establish annual standard ex-vessel values for halibut and sablefish based on the location (regionality) and timing (seasonality) of the landings.

Some inconsistencies occur between the regulations and the forms. The following information appears in the regulations at § 679.5(l)(7)(i)(C) but does not appear on the form. In addition, the name of this form appears as “IFQ buyer report” in the current regulations. These inconsistencies happened sometime in the past and may be scheduled for change in the future.

In current 679.5(l)	Text says	On current form
(7)(i)(C)(1)	Not there	Added: business e-mail address
(7)(i)(C)(1)(viii)	Primary registered buyer activity	Not there
(7)(i)(C)(1)(ix)	Other registered buyer activity	Not there
(7)(i)(C)(3) and (7)(i)(C)(3)(i)	Value paid for price adjustments	Not there
	IFQ retro-payments	Not there. Instructions say to include this in calculation, but not a data element

IFQ Registered Buyer Ex-vessel Volume and Value Report

Block A. Identification of Registered Buyer

If Registered Buyer performed shoreside activity during the current IFQ fishing year, continue.

If NO, stop, you are not required to submit this report

Name and NMFS person ID number

Registered buyer permit number

Taxpayer ID (employer ID number or social security number)

Business mailing address, indicate whether business address is permanent or temporary

Business telephone number, fax number, and e-mail address (if any)

Facility or vessel location (port location)

Block B. Pounds purchased and value report

Halibut

Pounds purchased (headed/gutted)

Total gross ex-vessel value paid

Sablefish

Pounds purchased (round weight)

Total gross ex-vessel value paid

Block C. Certification

Printed name and signature of IFQ Registered Buyer and date signed

If representative, attach authorization

The number of Registered Buyers is changed from 100 to 490 to reflect actual permits issued. Postage rates are changed from 37 cents to 42 cents.

IFQ Registered Buyer Ex-vessel Value and Volume Report, Respondent	
Number of respondents	490
Total annual responses	490
Total burden time (490 x 2 hr)	980 hr
Estimated time per response = 2 hr	
Total personnel cost (980 hr x \$25)	\$24,500
Personnel cost per hour = \$25	
Total miscellaneous cost	\$146
Photocopy 0.10 ea x 1 page x 490 = 49	
Submit by mail 90 x 0.84 = 75.60	
Submit by Internet 400 x 0.05 = 20	
IFQ Registered Buyer Ex-vessel Value and Volume Report, Federal Government	
Total annual responses	490
Total time burden (490 x 4 hr)	1,960 hr
Estimated time per response = 4 hr	
Total personnel cost (1960 hr x \$25)	\$49,000
Personnel cost per hour = \$25	
Total miscellaneous cost	0

c. Fee Liability Appeals

IFQ permit holders may appeal the fee liabilities determined by NMFS. No specific information requirements are detailed to request an appeal. The respondent would need to provide evidence proving his or her fee liability claim.

The number of estimated appeals is changed from 26 to 2 based on actual appeals of 1 or 2 per year.

Fee Liability Appeals, Respondent	
Number of respondents	2
Total annual responses	2
Total burden time (2 x 2 hr)	4 hr
Estimated time per response = 2 hr	
Total personnel cost (4 hr x \$25)	\$100
Personnel cost per hour = \$25	
Total miscellaneous cost (2.08)	\$2
Photocopy 0.10 x 4 pages = 0.40	
Submit by mail 2 x 0.84 = 1.68	
Fee Liability Appeals, Federal Government	
Total annual responses	2
Total burden time (2 x 4)	8 hr
Estimated time per response = 4 hr	
Total personnel cost (8 x \$100)	\$800
Personnel cost per hour = \$100	
Total miscellaneous cost	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 following 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 to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

An IFQ Permit holder may submit fee payment and the value and volume report by mail, courier, and credit card over the telephone, or online at <https://alaskafisheries.noaa.gov/webapps/ifuaccounts>. Collecting information and payment online benefits both the IFQ Permit holder and NMFS by providing a more efficient and accurate method and by allowing NMFS to have the information entered directly into the database.

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.

This collection of information does not impose a significant impact on small entities.

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

There would be no cost recovery for the IFQ Program if there were no annual collection of fees. NMFS requires submittal of the Fee Submission Form on an annual basis, which is the minimum amount of time required to support the IFQ Program. In order to calculate the most accurate and timely standard ex-vessel prices, NMFS must have landings/value information from the latest date possible. The standard ex-vessel summary must be available to IFQ permit holders for fee calculation.

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

No inconsistencies occur in this collection.

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.

A Federal Register Notice published on October 20, 2008 (73 FR 62256) solicited public comment. No comments were received.

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.

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 Act (16 U.S.C. 1881a *et seq.*) It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. Data from ports are combined as necessary to protect confidentiality when publishing reports. The assurance of confidentiality is given on the two forms.

A Privacy Act System of Records Notice, COMMERCE/NOAA System-19, Permits and Registrations for United States Federally Regulated Fisheries, was published for comment on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

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 collection does not include information of a sensitive nature.

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

Total estimated respondents: 2,500, down from 2,700. Total estimated responses: 2,992, up from 2,726. Total estimated burden hours: 5,984, up from 5,452. Total estimated personnel costs: \$149,600, up from \$136,300.

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).

Total miscellaneous costs: \$2,919, down from \$3,235.

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

Total estimated burden hours: 4,468, up from 3,104. Total estimated personnel costs: \$112,300, up from \$85,400. Total miscellaneous costs: 0.

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

Since the last submission, the cost of postage and fax submittal increased, the number of permit holders decreased, and the number of IFQ Registered Buyers increased, resulting in the following adjustments:

IFQ Registered Buyer Ex-vessel Value and Volume Report.

an increase of 390 responses, 490 instead of 100
an increase of 780 hr burden, 980 hr instead of 200 hr

Miscellaneous costs remained the same, as increased postage was balanced by increased Internet submission.

IFQ Permit Holder Fee Submission Form.

a decrease of 100 respondents and responses,
2,500 (includes Registered Buyers) instead of 2,600
a decrease of 200 hr burden, 5,000 hr instead of 5,200 hr
a decrease of \$299 miscellaneous costs, \$2,771 instead of \$3,070.

Fee Liability Appeals

a decrease of 24 responses, 2 instead of 26
a decrease of 48 hours, 4 instead of 52
a decrease of \$17 miscellaneous costs, \$2 instead of \$19.

Note: the current total cost of \$3,235 was rounded down to \$3,000 when the information collection request was migrated to ROCIS. The difference is, in fact, #16, rather than \$81, as shown in ROCIS.

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

Some of the information collected is tabulated and published in an *Annual Report on IFQ Cost Recovery Program* (see, for example, <http://www.fakr.noaa.gov/ram/ifqfees2006summary.pdf>). Information tabulated may contain, but is not limited to the following: Total amount of fees, ex-vessel values and landings, number of permit holders, number of permit holders using actual prices, number of permit holders using standard prices, and number and description of un-paid fees and payment disputes.

An annual list of current Standard Ex-vessel Prices is provided (see, for example, <http://www.fakr.noaa.gov/notice/72fr70570.pdf>).

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 will be shown on the fee collection forms.

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

No exceptions to the certification statement exist.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.