

**SUPPORTING STATEMENT**  
**ALASKA COOPERATIVES IN THE BERING SEA AND ALEUTIAN ISLANDS**  
**OMB CONTROL NO.: 0648-0401**

**INTRODUCTION**

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI). The North Pacific Fishery Management Council (Council) prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* ([Magnuson-Stevens Act](#)) as amended by [Public Law 109-479](#). Regulations implementing the FMP appear at 50 CFR part 679. On October 21, 1998, the President signed into law the American Fisheries Act, 16 U.S.C. 1851 ([AFA](#)) which imposed major structural changes on the BSAI pollock fishery.

Amendment 84 proposes a management program, called the salmon bycatch reduction inter-cooperative agreement (ICA), which would enable the pollock fleet to utilize its internal cooperative structure to reduce salmon bycatch. If Amendment 84 is approved and implemented, salmon savings area closures would not apply to vessels that operate under a salmon bycatch reduction ICA.

**BACKGROUND**

Pacific salmon are caught incidentally in the BSAI trawl fisheries, especially in the pollock fishery. Of the five species of Pacific salmon, Chinook salmon (*Onchorynchus tshawytscha*) and chum salmon (*O. keta*) are most often incidentally caught in the pollock fishery. Pacific salmon are placed into two categories for purposes of salmon bycatch management: Chinook and non-Chinook. The non-Chinook category is comprised of chum, sockeye (*O. nerka*), pink (*O. gorbuscha*), and coho (*O. kisutch*) salmon. However, from 2001 through 2004, chum salmon represented about 98% of non-Chinook salmon harvested incidentally in the pollock trawl fishery. For convenience, all non-Chinook salmon are referred to as chum salmon.

The Chinook and Chum Salmon Savings Areas were adopted by the Council based on historic observed salmon bycatch rates and were designed to avoid high spatial and temporal levels of salmon bycatch in the BSAI trawl fisheries. The Chinook Salmon Savings Area (see Figure 8 to 50 CFR part 679) closes when a total BSAI Chinook salmon trawl bycatch reaches a certain number of fish. The Chinook Salmon Savings Area is divided into two subareas. The Aleutian Islands subarea is designated area 1; the Bering Sea subarea is designated as area 2. The Chum Salmon Savings Area (see Figure 9 to 50 CFR part 679) is closed to all trawling from August 1 through August 31 of each year. Additionally, if a certain number of non-Chinook salmon are caught in the Catcher Vessel Operational Area (CVOA) during the period August 15 through October 14, the area remains closed for the remainder of the calendar year.

## A. JUSTIFICATION

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

The ICA would be defined as a voluntary civil agreement among pollock cooperatives, Western Alaska Community Development Quota (CDQ) groups, and western Alaska subsistence salmon user groups that is intended to coordinate the pollock fishery in a manner that reduces incidental catch rates of salmon. The ICA would be incorporated into existing cooperative agreements among participants in the AFA BSAI pollock fishery.

The purpose of the ICA is to use real-time salmon bycatch information to avoid unacceptably high incidental catch rates of chum and Chinook salmon. All parties to the ICA would agree to comply with ICA provisions, including requirements to retain the services of a private contractor to collect and analyze bycatch data and report salmon bycatch information to the ICA parties.

The ICA would require that the bycatch rate of a participating cooperative be compared to a pre-determined bycatch rate (base rate). All ICA provisions for fleet bycatch avoidance behavior, closures, and enforcement would be based on the ratio of the cooperative's rate to the base rate. An ICA cooperative would be assigned to one of three tiers based on its bycatch rate relative to the base rate. Higher tiers correspond to higher bycatch rates. Tier assignments determine access privileges to specific fishing areas.

### 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 applicable NOAA Information Quality Guidelines.

#### a. Salmon Bycatch Reduction Inter-Cooperative Agreement (ICA)

In order for any ICA participant to be exempt from salmon savings area closures as described at § 679.21(e)(7)(ix)(A), § 679.21(e)(7)(ix)(B) and § 679.22(a)(10), the ICA must be approved by NMFS. The initial ICA must be received by NMFS by December 1, 2007, for the 2008 fishing year and the ICA would remain in effect until it expires or is amended. An amendment of the ICA would require submission of an amended ICA signed by all parties and approval of the amended ICA by NMFS. Exemptions from salmon savings area closures will expire upon termination of the initial ICA, expiration of the initial ICA, or if superseded by an approved amended ICA.

The ICA representative must submit a signed copy of the initial ICA and any amended ICA to the NMFS Alaska Region. The mailing address for the Regional Administrator, NMFS Alaska Region is P.O. Box 21668, Juneau, AK 99802. The street address for courier delivery is 709 West 9th St., Suite 401, Juneau, AK 99801.

NMFS will approve the initial or an amended ICA if it meets all the specified requirements. If NMFS disapproves an ICA, the representative may resubmit a revised ICA or file an administrative appeal.

**Renewal letter**

If an ICA was previously filed with NMFS, then the ICA representative may submit a renewal letter to NMFS by the filing deadline in lieu of an ICA. The renewal letter must provide notice that the previously filed ICA will remain in effect for the subsequent fishing year. The renewal letter also must detail any material modifications to the ICA that have been made since the last filing including, but not limited to, any changes to vessels participating in the ICA.

**Salmon bycatch reduction inter-cooperative agreement (ICA)**

Names of the AFA cooperatives, CDQ groups, and third party groups that are parties to the ICA  
 Name of one entity retained to facilitate vessel bycatch avoidance behavior and information sharing.  
 Name(s), Federal fisheries permit numbers, and USCG documentation number(s) of vessels subject to ICA  
 Provisions that dictate salmon bycatch avoidance behaviors for vessel operators subject to the ICA, including

“A” season salmon bycatch management.

- Initial base rate calculation for Chinook salmon
- Inseason adjustments to the Chinook salmon base rate calculation
- ICA salmon savings area notices
- Fishing restrictions for vessels assigned to Tiers

“B” season salmon bycatch management.

- “B” season Chinook salmon
- Non-Chinook salmon
- Inseason adjustments to the non-Chinook base rate calculation
- ICA salmon savings area notices
- Fishing restrictions for vessels assigned to Tiers

Cooperative tier assignments.

Internal monitoring and enforcement provisions to ensure compliance of fishing activities with the provisions of the ICA, including a penalty schedule for violations to the terms and agreements. The ICA must include provisions allowing any party of the ICA to bring suit or initiate a binding arbitration action against another for breach of the agreement. The ICA must include minimum annual uniform assessments for any violation of savings area closures of \$10,000 for the first offense, \$15,000 for the second offense, and \$20,000 for each offense thereafter;

Name, telephone number, and business address of the ICA representative  
 Provisions requiring the parties to conduct an annual compliance audit, and to cooperate fully in such audit, including providing information required by the auditor.  
 Provisions requiring data dissemination in certain circumstances.

<b>ICA, Respondent</b>	
Number of respondents	1
<b>Total annual responses</b>	<b>1</b>
Responses per year = 1	
<b>Total burden hours</b>	<b>14</b>
Estimated time per response = 40 hr for initial application; 15 minutes for renewal letters, years 2 and 3; annualized = 13.5 hours (14)	
<b>Total personnel cost</b>	<b>\$350</b>
Cost per hour = \$25	
<b>Total miscellaneous cost</b> (\$1.67)	<b>\$2</b>
Photocopy (10 pp x .05 x 1=0.50)	
Postage (1.17 x 1=1.17)	

<b>ICA, Federal Government</b>	
<b>Total annual responses</b>	<b>1</b>
<b>Total burden hours</b>	<b>1</b>
Estimated time per response = 2 hr for initial application; 15 minutes for renewal letters, years 2 and 3; annualized = 0.83 hours (1)	
<b>Total personnel cost</b>	<b>\$25</b>
Cost per hour = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

### **Annual preliminary and final reports**

The purposes of the preliminary and final reports are to provide the Council information upon which decisions are made on coop allocations and on sideboard protection measures. Each fishery cooperative must submit a preliminary report, covering fishing activities through November 1, by December 1 of each year, and a final report by February 1 of the following year to:

North Pacific Fishery Management Council  
605 West 4th Ave, Suite 306  
Anchorage, AK 99501

Annual reports must be postmarked by the submission deadline or received by a private courier service by the submission deadline. The final report may be the preliminary report with a title change or it may incorporate additional material.

Each cooperative collects and summarizes information on its allocated target species all through the year. A private company performs parallel accounting of “sideboard” species for each cooperative. Sideboard species are non-pollock groundfish species allocated annually as incidental catch to AFA and other fishery cooperatives. A summary of each cooperative’s target species and sideboard information is done by another private company which maintains comparable analyses of cooperatives compared with each other in order to keep any one and all cooperatives from overfishing. All three types of information for each cooperative are included in the preliminary and final reports.

#### **Cooperative Preliminary and final written reports must include:**

- Cooperative's allocation of pollock and sideboard species
- Any sub-allocations of pollock and sideboard species made by the cooperative on a vessel-by-vessel basis
- Cooperative's actual retained catch and discards of pollock, sideboard species, and prohibited species catch (PSC) on an area-by-area and vessel-by-vessel basis
- Description of the cooperative’s method to monitor fisheries in which cooperative vessels participate
- Description of any cooperative’s actions taken in response to vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries
- Total weight of pollock landed outside State of Alaska waters on a vessel-by-vessel basis
- Number of violations of the ICA, the nature of those violations, and the penalty imposed, if any, against the violating entity

If the Council determined that the salmon ICA did not effectively reduce salmon bycatch, it could initiate a separate action to accomplish salmon bycatch reduction goals. Additionally, NMFS is concerned about the effective execution of the terms and conditions of the ICA. To

address these concerns, regulations at § 679.61(f)(2)(vi) would require AFA preliminary and annual reports to include additional information:

**ICA additions to Preliminary and Annual reports**

- Number of salmon taken by species and season
- Estimated number of salmon avoided as demonstrated by the movement of fishing effort away from salmon savings areas
- Results of the compliance audit
- List of number of appearances vessels appeared on the weekly dirty 20 lists for both salmon species
- Number of violations of the ICA and the nature of those violations
- Penalty imposed, if any, against the violating party.

**b. Cooperative preliminary report**

Only the increases due to the new salmon ICA information requirement are shown for burden hours, personnel costs, and miscellaneous costs. The number of respondents does not change with this new requirement.

<b>Cooperative preliminary report, Respondent</b>	
Estimated number of respondents	11
<b>Total annual responses</b>	<b>11</b>
Estimated responses per respondent = 1	
<b>Total burden hours</b>	<b>88</b>
Estimated hours per response = 8	
<b>Total personnel cost</b>	<b>\$2,200</b>
Personnel cost per hour = 25	
<b>Total miscellaneous cost (2.20)</b>	<b>\$2</b>
Annual photocopy (2 pg x .10 x 11=2.20)	

<b>Cooperative preliminary report, Federal Government</b>	
<b>Total annual responses</b>	11
<b>Total burden hours</b>	<b>11</b>
Estimated hours per response = 1 hr	
<b>Total personnel cost</b>	<b>\$275</b>
11 x \$25 = \$275	
<b>Total miscellaneous cost</b>	<b>\$1</b>
Photocopy 2 copies for public (2 x 2 x 0.10 = 0.40)	

**c. Cooperative final report**

Only the increases due to the new salmon ICA information requirement are shown for burden hours, personnel costs, and miscellaneous costs. The number of respondents does not change with this new requirement.

<b>Cooperative final report, Respondent</b>	
Estimated number of respondents	11
<b>Total annual responses</b>	<b>11</b>
Estimated responses per respondent = 1	
<b>Total burden hours</b>	<b>44</b>
Estimated hours per response = 4	
<b>Total personnel cost</b>	<b>\$1,100</b>
Personnel cost per hour=25	
<b>Total miscellaneous costs (2.20)</b>	<b>\$2</b>
Annual photocopy (2 pg x .10 x 11=2.20)	

<b>Cooperative final report, Federal Government</b>	
Total annual responses	11
<b>Total burden hours</b>	<b>11</b>
Estimated hours per response = 1 hr	
<b>Total personnel cost</b>	<b>\$275</b>
(11 x \$25 = \$275)	
<b>Total miscellaneous cost</b>	<b>\$2</b>
Photocopy 2 copies for public (2 x .10 x 2 = 2.40)	

#### d. Appeals

NMFS would not enforce provisions of the salmon ICA. However, these proposed regulations would require the ICA to include basic provisions necessary to reduce salmon bycatch in the pollock fisheries. Additionally, NMFS would review the ICA for compliance with regulations.

NMFS will approve the initial or an amended salmon ICA if it meets all the requirements specified in regulations. If NMFS disapproves a salmon ICA, the participants may submit a revised salmon ICA or file an administrative appeal as set forth under the administrative appeals procedures described at § 679.43

<b>ICA appeals, Respondent</b>	
Number of respondents	1
<b>Total annual responses</b>	<b>1</b>
Responses per year = 1	
<b>Total burden hours</b>	<b>4</b>
Estimated time per response = 4 hr	
<b>Total personnel cost</b>	<b>\$100</b>
Cost per hour = \$25	
<b>Total miscellaneous cost (\$1.67)</b>	<b>\$2</b>
Photocopy (10 pp x .05 x 1=0.50)	
Postage (1.17 x 1=1.17)	

<b>ICA appeals, Federal Government</b>	
<b>Total annual responses</b>	<b>1</b>
<b>Total burden hours</b>	<b>2</b>
Estimated time per response = 2 hr	
<b>Total personnel cost</b>	<b>\$50</b>
Cost per hour = \$25	
<b>Total miscellaneous cost</b>	<b>0</b>

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. National Oceanic and Atmospheric Administration (NOAA) 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.**

ICAs and appeals require a signature, and therefore may not be sent by fax or email. The reports may be sent by email.

**4. Describe efforts to identify duplication.**

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

**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.**

If the information were not collected annually, NMFS would be unable to implement and maintain the ICA, and therefore to reduce salmon bycatch in the pollock trawl fishery.

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

No special circumstances exist.

**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 (RIN 0648-AU03) coincident with this submission, requesting comments from the public

**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 assurance in statute, regulation, or agency policy.**

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

**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: 11. Estimated total responses: 167, increased from 165. Estimated total burden: 470 hr, increased from 320 hr. Estimated total personnel costs: \$11,750, increased from \$8,000.

**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: \$225, increased from \$216.

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

Estimated total burden: 48 hr, increased from 23 hr. Estimated total personnel cost: \$1,201 increased from \$576. Estimated total miscellaneous cost: \$47, increased from \$44.



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

The salmon ICA is a new management approach to the AFA cooperatives. The Interagency Agreement adds one response, 14 hours and \$2 in miscellaneous costs. Additional burden and costs for the cooperative preliminary and final reports are 132 hours and \$4, and the appeal of disapproval of a Salmon ICA adds 4 hours and \$2. Total increases due to this revision are 150 hours and \$8 (rounded up to \$9 in ROCIS).

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

The results of this collection-of-information will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The ICA, preliminary report, final report, and ICA appeals are not forms; therefore, the expiration date is not displayed.

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

The ICA, preliminary report, final report, and ICA appeals are not forms; therefore, the certification statement is not displayed.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.