

**SUPPORTING STATEMENT
ALASKAN REGION
AMERICAN FISHERIES ACT (AFA) REPORTS**

OMB CONTROL NO. 0648-NEW

INTRODUCTION

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska. The North Pacific Fishery Management Council prepared the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). The FMP is implemented under regulations at [50 CFR part 679](#).

This collection-of-information supports the Chinook Salmon Bycatch Program (Program), a new program created for the management of Chinook salmon prohibited species catch (PSC) in the Bering Sea pollock fishery managed under the [American Fisheries Act](#) (AFA). The Program is implemented under Amendment 91 to the FMP. This collection-of-information will be merged into the Office of Management and Budget (OMB Control No. 0648-0401) as soon as possible.

JUSTIFICATION

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

The Program is established to promote reduction of Chinook salmon PSC in the Bering Sea pollock fishery to the extent practicable while achieving optimum yield in the pollock fishery. The focus of the Program is the Bering Sea pollock fishery because this trawl fishery catches up to 95 percent of the Chinook salmon taken as PSC in the Bering Strait/Aleutian Islands (BSAI) groundfish fisheries. Non-Chinook salmon PSC reduction measures will also remain in effect.

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.

This information collection is necessary to obtain information that the industry is required to submit if they participate in an Inter-cooperative Agreement (ICA) for management of non-Chinook salmon (under Amendment 84) or an Incentive Plan Agreement (IPA) for the management of Chinook salmon (under Amendment 91). Participation in both the ICA and the IPA is voluntary. Industry members who participate in an approved ICA or an approved IPA are either provided exemptions to certain other salmon bycatch management measures or are provided access to a higher salmon PSC limit. In addition, information gathered through the annual reports on these programs is necessary for the Council to evaluate these salmon bycatch

management measures and to provide the public with information about how the programs operate and bycatch reduction under these programs.

a. Non-Chinook Salmon Bycatch Reduction ICA

Amendment 84 to the FMP established the ICA which allows vessels participating in the Bering Sea pollock fishery to utilize their internal cooperative structure to reduce Chinook and non-Chinook salmon bycatch using a method called the voluntary rolling hotspot system (VRHS). Through the VRHS, industry members provide each other real-time salmon bycatch information so that they can avoid areas of high Chinook or non-Chinook salmon bycatch rates. With the implementation of Amendment 91, non-Chinook salmon will continue to be managed under the VRHS ICA, but Chinook salmon bycatch will be removed from that program and managed instead under new regulations, which provide pollock industry members with the option of joining an “incentive plan agreement” or IPA.

The ICA is a salmon bycatch management agreement among all of the AFA pollock cooperatives and the Western Alaska Community Development Quota (CDQ) groups. The agreement is a private, contractual agreement between the interested parties. The effectiveness of the Program through the ICA is dependent upon rapidly gathering, analyzing, and disseminating accurate bycatch data.

Once a non-Chinook salmon bycatch reduction ICA is approved by NMFS, it is not required to be resubmitted annually and is only required to be resubmitted to NMFS if components of the ICA covered by NMFS regulations are amended. The initial ICA was approved in January 2008 and NMFS has not received any amendments or revisions to the approved ICA since that date. Although the ICA representative would not be required to resubmit the ICA when Amendment 91 is implemented in 2011, he or she may choose to do so because of changes made to the ICA as a result of removing Chinook salmon from the ICA.

Non-Chinook Salmon Bycatch Reduction ICA

Participants

Names of the AFA cooperatives and CDQ groups

Name, business mailing address, business telephone number, business fax number, and business email address of the ICA representative.

Name of entity retained to facilitate vessel PSC avoidance behavior and information sharing.

Name of at least one third party group. Third party groups include any organizations representing western

Alaskans who depend on non-Chinook salmon and have an interest in non-Chinook salmon PSC reduction but do not directly fish in a groundfish fishery.

Vessel information

Names, Federal fisheries permit numbers, and USCG documentation numbers of vessels subject to the ICA

Provisions that dictate on-Chinook salmon PSC avoidance behaviors for vessel operators

Initial base rate

Inseason adjustments to the non-Chinook base rate calculation

ICA chum salmon savings area notices.

Fishing restrictions for vessels assigned to tiers 1, 2, and 3

Cooperative tier assignments.

PSC rates for Chinook salmon

Internal monitoring and enforcement

Provisions allowing any party of the ICA to bring civil suit or initiate a binding arbitration action against

another for breach of the ICA.

Minimum annual uniform assessments for any violation of savings area closures

\$10,000 for the first offense, \$15,000 for the second offense, and \$20,000 for each offense thereafter.

Annual compliance audit

Must be conducted by a non-party entity

Each party must have an opportunity to participate in selecting the non-party entity.

If the non-party entity hired to conduct a compliance audit discovers a previously undiscovered failure to comply with the terms of the ICA, the non-party entity must notify all parties to the ICA and must simultaneously distribute to all ICA parties the information used to determine the failure

Must include such notice(s) in the compliance report.

Data dissemination

If the entity retained to facilitate vessel PSC avoidance behavior and information sharing determines that an apparent violation of an ICA chum salmon savings area closure has occurred, that entity must promptly notify the Board of Directors of the cooperative to which the vessel involved belongs. If this Board of Directors fails to assess a minimum uniform assessment within 180 days of receiving the notice, the information used by the entity to determine if an apparent violation was committed must be disseminated to all parties to the ICA.

Non-Chinook ICA, Respondent	
Estimated number of respondents	1
AFA cooperatives	
CDQ groups	
Total annual responses	1
Estimated responses per respondent = 1	
Total burden hours	40 hr
Estimated hours per response = 40	
Total personnel cost	\$6,000
Personnel cost per hour = 150	
Total miscellaneous costs (1.82)	\$2
Photocopy (10 pp x .05 x 1=0.50)	
Postage (1.32 x 1 = 1.32)	

Non-Chinook ICA, Federal Government	
Estimated number of respondents	1
Total annual responses	1
Estimated responses per respondent = 1	
Total burden hours	10 hr
Estimated hours per response = 10	
Total personnel cost	\$750
Personnel cost per hour = 75	
Total miscellaneous costs	0

b. Non-Chinook Salmon ICA annual report

The non-Chinook salmon ICA annual report is a new annual report that is created by removing several reporting requirements from the AFA cooperatives' annual report to the Council that were implemented under Amendment 84 and requiring them to be submitted as a single separate report annual report submitted by the ICA representative. These reports provide information about the performance of the non-Chinook salmon ICA as a whole. The ICA annual reports submitted to the Council in previous years are available on the Alaska Region website at:

http://www.alaskafisheries.noaa.gov/sustainablefisheries/afa/afa_sf.htm

The ICA representative must submit the ICA annual report to the Council by April 1. This deadline would coincide with the deadline for the other AFA annual reporting requirements and would allow the Council to discuss any of these annual reports at one time at its April Council meeting.

The Council makes the annual report available to the public, and the report is posted on the NMFS Alaska Region website at <http://alaskafisheries.gov>.

The ICA annual report must contain the following:

- ◆ Estimated number of Chinook salmon and non-Chinook salmon avoided as demonstrated by the movement of fishing effort away from chum salmon savings areas, and
- ◆ The results of the compliance audit

While calculating the number of salmon avoided cannot be done with absolute precision, an estimate will be provided for purposes of comparison with number of salmon caught by the fleet under the new system. This will be accomplished by calculating the number of salmon that the fleet would have caught in each “hot spot” had that area remained open for the time period of the voluntary hot spot closure. This is based upon the bycatch rate just prior to enactment of the closure and multiplied out by the cooperative’s vessels restricted from the area for the time period of the closure according to their individual tier classification.

Non-Chinook ICA final report, Respondent	
Estimated number of respondents	1
Total annual responses	1
Estimated responses per respondent = 1	
Total burden hours	4
Estimated hours per response = 4	
Total personnel cost	\$100
Personnel cost per hour =25	
Total miscellaneous costs (1.82)	\$2
Photocopy (10 pg x .05 x 1 = 0.50)	
Postage (1.32 x 1 = 1.32)	

Non-Chinook ICA final report, Federal Government	
Total annual responses	1
Total burden hours	1
Estimated hours per response = 1 hr	
Total personnel cost	\$25
Personnel cost per hour = 25	
Total miscellaneous cost	0

c. Application for an Incentive Plan Agreement (IPA) and List of IPA Participants

An IPA is a private contract among vessel owners or Community Development Quota (CDQ) groups that establishes incentives for participants to reduce Chinook salmon bycatch. The parties to an IPA, or the people who would sign the contract, would be the owners of AFA eligible catcher vessels, catcher/processors, or motherships, or the representatives of CDQ groups. The proposed rule would allow the representative of an AFA cooperative or a sector-level entity formed under Amendment 91 to sign an IPA on behalf of all vessel owners that are members of that inshore cooperative or sector-level entity.

If NMFS approves at least one IPA, those participating in an IPA would receive an allocation of the 60,000 Chinook salmon PSC limit. Those not participating in an IPA would be considered to be “opting-out” of an IPA and would fish under a lower allocation of Chinook salmon. CDQ groups may participate in an IPA with members of the other AFA sectors or they may develop an IPA that applies only to vessels while they are fishing on behalf of a CDQ group. Vessel and CDQ group participation in an IPA would be voluntary.

The owners of all vessels that are members of the entity may authorize a representative or agent for service of process to sign a proposed IPA submitted to NMFS on their behalf and who is authorized to receive and respond to any legal process issued in the United States with respect to all owners and operators of vessels that are members of the sector. This provision must be included in the contract submitted to NMFS to authorize the representative to sign a proposed IPA on behalf of the members of the entity.

The deadline for an application for approval of a proposed IPA is October 1 of the year prior to the year in which the IPA is proposed to be effective. This deadline is necessary to allow enough time for NMFS to review the proposed IPA and to issue a decision on its approval or disapproval prior to the start of the next fishing year.

NMFS will assign an IPA number to the approved IPA. This number must be used by the IPA representative in amendments to the IPA or on the annual list of IPA participants. Proposed amendments to an approved IPA may be submitted. Participation in an approved IPA may change each year without requiring resubmission of the terms of the approved IPA, as long as those terms have not changed. Participants may not apply to withdraw from an IPA or join an IPA after December 1 of the year before each fishing year.

A critical element of Amendment 91 and the system of IPAs permitted by that action is the latitude those measures provide to industry to address Chinook PSC. The IPAs are intended to

allow flexibility to industry to develop innovative incentives to constrain Chinook PSC. In providing that flexibility, it is important that industry also provide information that can be used to verify the effectiveness of their actions.

The list of participants in an IPA must be submitted to NMFS:

- ◆ As part of the original IPA by October 1 of the year prior to the proposed fishing year.
- ◆ Separately by November 1 of each year following the year in which the IPA was approved and for as long as the IPA is in effect. The annual list of participants in an IPA is considered an amendment to an IPA.

The subsequent annual submission of the IPA list of participants will provide information about the IPA membership; whether it is constant or whether it is changing, with participant(s) leaving or joining the IPA effective January 1 of the following year.

The annual list of participants in the IPA must include the signature of any vessel owner or representative of a CDQ group that is withdrawing from the IPA. The signature and a statement to agree to comply with the terms of the IPA must be provided for any vessel owner or CDQ group joining an already approved IPA.

The annual IPA list of participants is considered approved by NMFS unless the IPA representative is notified by NMFS within 15 days of receipt of the list that a revision(s) to the list of participants would cause the IPA to no longer meet the minimum participation requirements.

NMFS would post a copy of any proposed IPA on its website so that the public is informed that a proposed IPA is under review.

Application for an Incentive Plan Agreement (IPA) and List of IPA Participants

Type of application

IPA Name and number (issued by NMFS)

IPA contact information

Name of IPA representative and name of Agent for service of process (if different from representative)

Permanent and temporary (if applicable) business mailing address

Business telephone number, business fax number, and business e-mail address

Vessel identification

Name of vessel

ADF&G vessel registration number

Federal fisheries permit number

Attachment – Incentive Plan Agreement

Incentive(s) to ensure that the operator of each vessel governed by the IPA will avoid Chinook salmon at all times while directed fishing for pollock;

Rewards for avoiding Chinook salmon, penalties for failure to avoid Chinook salmon at the vessel level, or both;

How the IPA incentive measures are expected to promote reductions in a vessel's PSC rates relative to what would have occurred in absence of the IPA;

How the IPA incentive measures promote Chinook salmon savings in any condition of pollock abundance or Chinook salmon abundance in a manner that is expected to influence operational decisions by vessel

operators to avoid Chinook salmon PSC; and
 How the IPA ensures that the operator of each vessel governed by the IPA will manage his or her PSC to keep total PSC below the performance standard for the sector in which the vessel participates.
 Names and signatures of the owner or representative for each vessel and CDQ entity that is a party to the IPA. (Representative of an inshore cooperative, or the representative of the entity formed to represent the AFA catcher/processor sector or the AFA mothership sector, may sign a proposed IPA on behalf of all vessels that are members of that inshore cooperative or sector level entity.)

Chinook Salmon IPA, Respondent	
Estimated number of respondents	2
Total annual responses	4
Response per respondent = 2	
Total burden hours	160
Time per response = 40 hr	
Total personnel cost = \$150/hr	\$24,000
Total miscellaneous cost (7.28)	\$7
Photocopy (10 pp x .05 x 4 = 2)	
Postage (1.32 x 4 = 5.28)	

Chinook Salmon IPA, Federal Government	
Total annual responses	4
Total burden hours	40 hr
Time per response = 10 hr	
Total personnel cost = \$75	\$3,000
Total miscellaneous cost	0

d. Chinook Salmon IPA annual report

Each IPA representative would be required to submit an annual report to the Council by April 1 each year after the first full year of operation of an IPA. If an IPA is approved for 2011, the Council would receive the first annual report on this IPA by April 1, 2012. The annual IPA report would be the primary tool through which the Council would evaluate the effectiveness of the ICA concept in reducing Chinook salmon bycatch in the Bering Sea pollock fishery.

Chinook Salmon IPA Annual Report

- Incentive measures in effect in the previous year.
- How incentive measures affected individual vessels, and
- Evaluation of whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures.
- Describe amendments to the IPA terms that were approved by NMFS since the last annual report and the reasons that the IPA amendments were made.

Annual IPA report, Respondent	
Estimated number of respondents	2
Total annual responses	2
Response per respondent = 1	
Total burden hours	16
Time per response = 8 hr	
Total personnel cost = 75	\$1,200
Total miscellaneous costs (4.64)	\$5
Photocopy (10 pg x .10 x 2 = 2)	
Postage (\$1.32 x 2 = 2.64)	

Annual IPA report, Federal Government	
Total annual responses	2
Total burden hours = 1	2
Total personnel cost = 25	\$50
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 preceding paragraphs, the information gathered has utility. NOAA Fisheries 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 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.

The “fillable” form for the IPA application is available at the NMFS Alaska Region Home Page at alaskafisheries.noaa.gov for downloading, completing and printing. Other submissions consist of multiple documents. Documents may be sent by U.S. mail, fax, or as an attachment to an email, except that the ICA and the plan attached to the IPA application require signatures, and therefore these two sets of documents must be sent by mail.

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.

The proposed action applies only to those entities that participate in the directed pollock trawl fishery in the Bering Sea. The only small entities that are directly regulated by this action are the six western Alaska CDQ organizations, and the impact is not significant.

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

The purpose of the proposed action is to minimize Chinook salmon PSC to the extent practicable while achieving optimum yield from the pollock fishery. The proposed action is necessary to ensure long-term conservation and abundance of salmon, maintain a healthy marine ecosystem, provide maximum benefit to fishermen and communities that depend on salmon and pollock, and comply with the Magnuson–Stevens Act. If the information were not collected annually, NMFS would be unable to achieve these goals.

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 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.

NMFS Alaska Region will submit a proposed rule (RIN 0648-AX89) 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. Assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

All information collections by NMFS Alaska region are protected under confidentiality provisions of 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. However, none of the information in the applications, contracts, or reports submitted

under this collection of information contains confidential business information. All of the information in the ICA, IPA, and annual reports will be posted on the NMFS Alaska Region webpage and made available to the public.

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: 3. Estimated total responses: 8. Estimated total burden: 220 hr. Estimated total personnel costs: \$31,300.

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).

Estimated total miscellaneous costs: \$16.

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

Estimated total burden: 53 hr. Estimated total personnel cost: \$3,825. Estimated total miscellaneous cost: \$0.

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

This is a new program.

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

NMFS will make all of the proposed, approved, and disapproved Chinook Salmon IPAs and the IPA list of participants in each approved or disapproved IPA available to the public on the Alaska Region website. The Council will make the IPA annual report and ICA annual report available to the public.

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.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.