

**SUPPORTING STATEMENT
NMFS ALASKA REGION
CHINOOK SALMON ECONOMIC DATA REPORT (CHINOOK SALMON EDR)
OMB CONTROL NO. 0648-XXXX**

INTRODUCTION

National Marine Fisheries Service (NMFS), Alaska Region manages the groundfish fisheries in the Exclusive Economic Zone off Alaska. 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). The FMP is implemented under regulations at [50 CFR part 679](#).

NMFS manages the Bering Sea pollock fishery under the [American Fisheries Act](#) (AFA) (16 U.S.C. 1851). The AFA “rationalized” the Bering Sea pollock fishery in part by allowing for the formation and management of fishery cooperatives. AFA fishing vessels harvest pollock using pelagic (mid-water) trawl gear, which consists of large nets towed through the water by the vessel. At times, Chinook salmon and pollock occur in the same locations in the Bering Sea. Consequently, Chinook salmon are incidentally caught in the nets as pollock is harvested. This incidental catch is called bycatch and is also called prohibited species catch (PSC). Chinook Salmon are defined as a prohibited species because they are caught by a vessel issued a Federal Fisheries Permit under [§ 679.4\(b\)](#) while fishing for groundfish (pollock) in the Bering Sea and Aleutian Islands Management Area (BSAI) or Gulf of Alaska.

In December 2009, the Council recommended that NMFS implement the Chinook Salmon Economic Data Report (Chinook Salmon EDR) to evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the BSAI FMP (75 FR 53026, August 30, 2010).

In addition to creation of the Chinook Salmon EDR, NMFS will revise an existing collection of information, OMB Control No. 0648-0401 (AFA Reports) to obtain additional data for the Chinook Salmon analysis (adding questions on Chinook salmon and pollock allocations and transfers to the Incentive Plan Agreement (IPA) Final Report and the AFA Cooperative Report) and submit a temporary new information collection to be merged later with OMB Control No. 0648-0213 (Groundfish Family of Forms) which will include concerning vessel movements on the fishing grounds to avoid salmon bycatch.

The Chinook EDR Program, once implemented, would provide information to the analysts and the Council for determining the effectiveness of the IPAs. The Chinook EDR Program will evaluate the effectiveness of the IPA incentives, the PSC limits, and the performance standard in terms of minimizing salmon bycatch in times of high and low levels of salmon abundance, and will evaluate how Amendment 91 affects where, when, and how pollock fishing and salmon

bycatch occur. The data collection program would also provide data for NMFS and the Council to study and verify conclusions drawn by industry in the IPA annual reports. A complete background and analysis of the analysis of the Chinook EDR Program is provided in the Appendix to this Supporting Statement.

This action is a request for a new collection, the Chinook Salmon EDR in support of the associated rule (RIN 0648-BA80).

A. JUSTIFICATION

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

In order to provide additional data and to improve the quality of data used to assess the effectiveness of Amendment 91, NMFS will monitor all salmon bycatch by each vessel in the pollock fishery through a census, 100 percent observer coverage, and an expanded biological sampling program. NMFS designed the Annual reports and the Chinook Salmon EDR to evaluate whether and how incentive plans influence a vessel operator's decisions to avoid Chinook salmon prohibited species catch (PSC).

AFA pollock vessel operators face difficulties detecting the presence of Chinook salmon while fishing for pollock. They need to determine how best to minimize their bycatch and mortality of Chinook salmon while comparing the tradeoffs for their sector and AFA cooperative for Chinook PSC avoidance. The Chinook Salmon EDR is designed to provide quantitative information to evaluate how an IPA influences a vessel's operational decisions to avoid Chinook salmon PSC.

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.

The Chinook Salmon EDR is an economic data collection created to evaluate the effects of Amendment 91 management measures on the Bering Sea pollock fishery. The Chinook Salmon EDR consists of the following three forms:

- ◆ Chinook Salmon Prohibited Species Catch (PSC) Allocation Compensated Transfer Report (CTR) – will collect transfer and monetary compensation information for Chinook Salmon PSC allocations;
- ◆ Vessel Fuel Survey – will collect fuel consumption and average fuel costs; and
- ◆ Vessel Master Survey – will collect vessel master impressions of fishing experiences during the year and of Chinook salmon PSC avoidance efforts.

Combined with existing information, data from these forms will assist in evaluation of the effects of the Amendment 91 management measures: the hard cap (upper limit to Chinook salmon bycatch in the Pollock fishery), performance standard, and IPA incentives.

NMFS will use data from these collections to develop a descriptive analysis and quantitative or tabular comparisons under Amendment 91. These analyses will compare the annual, seasonal, and, where possible, trip-level and haul-level changes in the behavior of the pollock fleet by sector, cooperative, and vessel. Part B provides descriptions of these analyses. If data are available and accurate, NMFS may also apply descriptive statistics or other statistical analyses.

a. Annual Chinook Salmon PSC Compensated Transfer Report (CTR)

Under Amendment 91, NMFS allocates annual transferrable or non-transferrable Chinook salmon PSC to members of a qualifying catcher/processor sector, mothership sector, inshore cooperatives, and Western Alaska Community Development Quota (CDQ) groups. Chinook salmon PSC may be transferred between these entities and among members of each entity.

The owner or leaseholder of an AFA-permitted vessel or a person or representative of a person that received an allocation of Chinook Salmon PSC from NMFS must submit a CTR Part 1 each year, for the previous calendar year. The owner or leaseholder of an AFA-permitted vessel or a person or representative of a person who paid or received money for a transfer of Chinook salmon PSC allocation after January 20 must submit a completed CTR (Part 1 and Part 2) for the previous calendar year.

A compensated transfer is a transfer that is paid for with an exchange of dollars (or any currency) for bycatch units from one party to another for a part of or the whole value of the transferred Chinook PSC allocation. After each calendar year, each transferor and transferee of compensated Chinook salmon PSC must submit a CTR detailing the quantity of PSC transferred in each monetarily compensated transfer and the payment amount of the monetary compensation.

The purpose of the CTR is to account for Chinook salmon PSC transfers and the amount of money exchanged for transfers between AFA vessel owners and other entities transferring Chinook salmon PSC. NMFS would examine data reported for each transaction and tabulate the data to compare the amount of Chinook salmon PSC transferred in each transaction, number of transactions by vessel type (sector and AFA cooperative), and time intervals of the transfers in a season or year. Also, this data will allow for tabulation of the average and variation in price paid for transactions by vessel operation type, sector, and AFA cooperative.

Information on the affiliation of transferor and transferee will be used to determine the independence of the parties of any reported compensated transfer. This is required to differentiate market-based transactions and associated prices from transfer payments between affiliated or integrated entities.

The estimated number of respondents eligible to submit the transfer report is 122. The majority of these entities are vessels engaged in either catching or catching and processing pollock. Seven inshore cooperatives are listed, because some of the catcher vessels and catcher/processors in this fleet are owned by firms that also own inshore processing plants. Owners of inshore processing plants may also be familiar with specific Chinook salmon PSC transfers, and thus, are potential respondents for the CTR.

The CTR is available through the Internet on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 206-526-6414 or PSMFC toll free At 1-877-741-8913.

Each year, the completed CTR must be submitted electronically on or before 1700 A.l.t. on June 1 following the instructions on the form to Pacific States Marine Fisheries Commission (PSMFC). The Certification Page must be mailed or faxed to PSMFC at fax number 503-595-3450.

Compensated Transfer Report (CTR)

Part 1. Certification page

Entity information

Entity type (AFA vessel, inshore cooperative, CDQ group, IPA, sector-level entity, other) Check one
 Name of reporting entity
 AFA permit number or entity NMFS ID

Person completing this report

Person (check appropriate description)
 Name and title or NMFS ID
 Business telephone number, business FAX number, and business email address (if available)
 Select appropriate description of person completing form

Certification

Signature
 Date signed

Part 2. Chinook Salmon PSC allocation transfer information

Identify the other person who paid or received money for each transfer

If a vessel owner/leaseholder, record AFA vessel permit number
 For other persons, record NMFS ID.

If AFA vessel permit number or NMFS ID is unavailable, record the entity name

Direction of transfer. indicate if the Chinook salmon were transferred (sold) to another person by you, or transferred (bought) from another person by you.

Date of transfer -- record the date Chinook salmon were transferred to the receiving person. This may not be the date of final settlement on terms of compensation.

Transfer type -- Identify the type(s) of association between you and the other entity in the transfer using the following codes to identify the type(s) of association (check all that apply):

Association Type	Association between transfer entities description
1	Transfer is between 2 entities which are affiliated as defined by AFA
2	Transfer is between 2 entities in the same pollock cooperative but not affiliated as defined by AFA
3	Transfer is between 2 entities in the same AFA sector but not affiliated as defined by AFA or in the same pollock cooperative (inshore only)
4	Transfer is between 2 entities not part of the same AFA sector or pollock cooperative, and not affiliated as defined by AFA

Entity type -- indicate the entity type of the other party in the Chinook Salmon PSC allocation transfer. Check one: Vessel Owner/Leaseholder, IPA, Inshore Cooperative, Sector-level Entity, CDQ Group, or other entity type.

Chinook Salmon PSC allocation units transferred and compensation

Number of Chinook salmon transferred

Payment amount (\$) -- record the total amount of money in U.S. dollars for each transfer. Report all payment as of the date of submission of this form. This includes all money paid for the transfer regardless of whether other assets, such as pollock quota, are included in the transaction. Do not report any compensation made in any form other than monetary compensation.

Other assets included -- If the transaction included assets other than Chinook salmon and monetary compensation, indicate this using the checkbox. Other assets could include pollock quota, goods, or services of value. Do not check the box if additional assets included only assets of nominal or no value.

Compensated Transfer Report, Respondent	
Estimated number of respondents	200
Total annual responses	200
Responses per respondent = 1	
Total burden hours	8,000
Hours per response = 40 hr	
Total personnel cost	\$600,000
Personnel cost per hour = \$75	
Total miscellaneous costs	\$1,054
e-mail CTR @ 0.05 x 200 = \$10	
fax certification 2 pp x 100 x \$5 = \$1,000	
mail certification .44 x 100 = \$44	

Compensated Transfer Report, Federal Government	
Estimated number of respondents	200
Total annual responses	200
Total burden hours	2,000 hr
Estimated hours per response = 10 hr	
Total personnel cost	\$150,000
Personnel cost per hour = \$75	
Total miscellaneous costs	0

b. Vessel Fuel Survey

The Vessel Fuel Survey collects information on the estimated quantity and cost of all fuel consumed by each AFA vessel harvesting or processing pollock during the calendar year. This survey would collect data on average fuel use fishing and transiting, and annual fuel use and costs. Data would be reported annually. These data, when used with existing data and data concerning Chinook salmon avoidance efforts, would allow analysts to examine fuel use and costs associated with choices of fishing grounds and Chinook Salmon PSC avoidance.

This survey is intended to provide information to fishery managers to evaluate the effectiveness of the Amendment 91 management measures. These data, combined with other information in the Chinook Salmon EDR Program, provide information on movements of a vessel to avoid Chinook salmon, and in particular, Chinook salmon bycatch. Fuel use and price data are not available for vessels in the pollock fishery in any uniform format. NMFS would apply fuel usage data to assess the extent to which fleet members are willing to incur these expenses to avoid Chinook salmon PSC. These data could provide useful estimates of fuel usage for evaluating Amendment 91 effects.

An owner or leaseholder of an AFA-permitted vessel must submit a completed Vessel Fuel Survey for each vessel used to harvest pollock in the Bering Sea in a given year. It is the responsibility of the vessel owner or leaseholder to submit all completed Vessel Fuel surveys to NMFS. Submit electronically on or before 1700 A.l.t. on June 1 to the PSMFC, at the address on the form.

The Vessel Fuel Survey is available through the Internet on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 206-526-6301.

Vessel Fuel Survey

Part 1: Certification Page

AFA Vessel Owner or Leaseholder name and NMFS ID

Select appropriate description of person completing form

You were the AFA permit holder or leaseholder for one or more AFA vessels that harvested or processed pollock during the calendar year. Complete and submit entire form for the calendar year.

You were the AFA permit holder for an AFA vessel that did not harvest or process AFA pollock during the calendar year. Complete and submit the Certification Page only.

Certification

Signature

Date signed

Part 2. Vessel Fuel Consumption and Cost

For each vessel operated in the AFA pollock fishery during calendar year

AFA Vessel permit number

Average rate of fuel consumption per hour

Report the average rate of fuel consumption separately for operating while towing and operating while transiting (traveling between points on fishing grounds, but not towing).

Report fuel consumption rates for the pollock fishery only.

For motherships, report the rate of fuel consumption for transiting only.

If you do not have equipment on the vessel for actively monitoring the rate of fuel usage, provide the most accurate estimate you can based on the best information you have available.

Annual Fuel Loaded and Total Cost.

For each vessel, report the total amount of fuel loaded to the vessel, in gallons, during the calendar year and total cost of fuel for this vessel during the calendar year. Include all fuel that was loaded and invoiced, even if not completely used or paid for during the calendar year. Do not include lubrication and fluids costs other than fuel.

Vessel Fuel Survey, Respondent	
Estimated number of respondents	109
Total annual responses	109
Estimated responses per respondent = 1	
Total burden hours	436 hr
Estimated hours per response = 4 hr	
Total personnel cost	\$32,700
Personnel cost per hour = \$75	
Total miscellaneous costs (\$378.08)	\$378
e-mail attachment 0.05 x 36 = \$1.80	
fax certification 2 pp x \$5 x 36 = \$360	
mail certification .44 x 37 = \$16.28	

Vessel Fuel Survey, Federal Government	
Estimated number of respondents	109
Total annual response	109
Total burden hours	436 hr
Estimated hours per response = 4 hr	
Total personnel cost	\$32,700
Personnel cost per hour = \$75	
Total miscellaneous costs	0

c. Vessel Master Survey

The Vessel Master Survey is a qualitative assessment survey that poses a series of questions to elicit vessel operator input on factors that influenced the vessel's performance during the year. The Vessel Master Survey is intended to provide information to fishery managers to evaluate the effectiveness of Chinook Salmon PSC management measures. The questions in this survey are primarily qualitative questions concerning operator on-grounds impressions and choices made during the pollock season, including incentives, fishing location choices, and salmon PSC reduction measures.

The owner or leaseholder of an AFA-permitted vessel must submit a Vessel Master Survey completed by each master of each vessel used to harvest pollock in the Bering Sea in the previous year. It is the responsibility of the vessel owner or leaseholder to submit all completed surveys to NMFS and fill out Part 1A for each Vessel Master Survey. Part 1A must list each Vessel Master who participated in the Bering Sea pollock fishery. Each Vessel Master Survey submitted by the owner or leaseholder of an AFA-permitted vessel must have Part 1B and Part 2 filled out by the Vessel Master.

Many masters may compile notes in-season to be used for response to the specific survey at year-end. The burden associated with tracking activity will vary depending on the circumstances encountered during the year. Fully completing the form at the end of the season is estimated to require approximately 4 hours of in-season time, recording impressions of conditions and decision making.

The respondents would annually complete the Vessel Master Survey at the end of the fishing year. For a given AFA-permitted vessel used to harvest pollock in the Bering Sea in the previous year:

- ◆ The vessel master must complete the Vessel Master Survey, Part 1A.
- ◆ An owner or leaseholder must complete the Vessel Master Survey, Part 1B.
- ◆ An owner or leaseholder must submit all Vessel Master Surveys, Parts 1A and 1B completed by the owner and all of the masters electronically on or before 1700 A.l.t. on June 1 to the PSMFC, at the address on the form.

The Vessel Master Survey is available through the Internet on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 206-526-6414. The certification page must be submitted by mail, fax, or as an attachment to an e-mail.

Vessel Master Survey

Part 1A: Certification Page (Owner AFA-permitted Vessel)

Vessel owner or leaseholder name

Vessel name

AFA permit number

Vessel master name and CFEC gear operator permit number (repeat if more than one master)

Certification

Signature of owner or leaseholder of an AFA-permitted vessel and date signed

Part 1B: Certification Page (Vessel Master)

Vessel owner or leaseholder name

Vessel name

AFA permit number

Vessel master name and CFEC gear operator permit number

Certification

Signature of vessel master

Date signed

Part 2: Pollock Fishing and Salmon Bycatch Avoidance

If the vessel participated in an Incentive Plan Agreement (IPA), did the IPA affect your fishing strategy? (Yes/No) If yes, describe and discuss what incentives had the largest impact on your strategy.

Did the amount and/or cost of Chinook Salmon PSC allocation available to the vessel lead you to make changes in pollock fishing operations? (Yes/No).

If yes, describe.

How would you compare the Chinook salmon bycatch and pollock conditions during the A and B seasons this year relative to the last two years?

Describe any unique aspects of the season.

Did Chinook salmon bycatch conditions cause you to delay the start of your pollock fishing or otherwise alter the timing of your pollock fishing for some period during the past A and/or B season? (Yes/No)

If yes, describe the Chinook salmon bycatch condition, when it occurred, and any change in your pollock fishing as a result.

In the past year, did you end a trip and return to port early because of Chinook salmon bycatch conditions? (Yes/No)

If yes, indicate the number of trips that this occurred in each season (use a check to mark the appropriate answer for each season).

Describe how any area closures or restrictions for the purpose of reducing Chinook salmon bycatch affected where and how you fished.

Describe how any regulatory or other area closures or restrictions for a purpose other than reducing Chinook salmon bycatch affected where and how you fished.

Compared to a typical year, did weather or sea ice conditions have more, less, or about the same impact on fishing as in a typical year? (Yes/No)

If yes, describe especially if there were particularly uncommon conditions at any point this year. If these conditions had an impact on your ability to avoid Chinook salmon bycatch, describe.

Were there exceptional factors that affected your pollock fishing this year? For example, were there unusual market or stock conditions, unusual pollock fishing conditions, or maintenance problems? (Yes/No)

If yes, describe.

Separate from an Incentive Plan Agreement, were there other incentives for you to reduce Chinook salmon bycatch? (Yes/No) If yes, describe.

Did actual or potential bycatch of species other than Chinook salmon cause you to change your harvesting decisions during the pollock season? (Yes/No)

If yes, describe.

Vessel Master Survey, Respondent	
Estimated number of respondents	185
Total annual responses	185
Estimated responses per respondent = 1	
Total burden hours	740 hr
Estimated hours per response = 4 hr	
Total personnel cost	\$55,500
Personnel cost per hour = \$75/hr	
Total miscellaneous costs (\$526.25)	\$526
email attachment 0.05 x 85 = \$4.25	
fax certification 2 pp x \$5 x 50 = \$500	
mail certification .44 x 50= \$22	

Vessel Master Survey, Federal Government	
Total annual responses	185
Total burden hours	1,480 hr
Estimated hours per response = 8 hr	
Total personnel cost	\$111,000
Personnel cost per hour = \$75/hr	
Total miscellaneous costs	0

d. Verification/Audit of Chinook Salmon EDR Data

NMFS would develop measures to verify data accuracy of the Chinook Salmon EDR. These measures would help NMFS to verify data submitted in the Chinook Salmon in-season compensated transfer report (CTR), Vessel Master Survey, and the Vessel Fuel Survey. The principal means to verify data and resolve questions would be through validation of data submitted in these three surveys against supporting records. The person submitting the EDR would need to respond within 20 days of NMFS's information request. Responses after 20 days could be considered untimely and could result in a violation and enforcement action.

For CTR verification, a NMFS-approved auditor may review and request copies of additional data provided by the owner or leaseholder, including but not limited to: previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data. The NMFS-approved auditor will verify records by comparing specific elements of the report with participant accounting records.

To make this activity as efficient and non-intrusive as possible, NMFS suggests that participants:

- ◆ Keep copies of all certification pages and completed EDRs, with all attachments, submitted to the PSMFC.
- ◆ Keep a file that has all of the supporting information used in the preparation of the EDR.
- ◆ Make sure that the EDR agrees with the company's highest level of financial information. For this purpose, the highest level of financial information is defined in order as:
 - Audited financial statements
 - Reviewed financial statements

- Compiled financial statements
 - Tax returns.
- ◆ Record only whole numbers. Round up dollar figures to the next highest dollar.

Chinook Salmon EDR Verification, Respondent	
Estimated number of respondents	200
Total annual responses	200
Estimated responses per respondent = 1	
Total burden hours	800 hr
Estimated hours per response = 4 hr	
Total personnel cost (\$75/hr)	\$60,000
Total miscellaneous costs	
Photocopy (\$15 x 200 = \$3000)	\$24,000
Telephone calls (\$5 x 200 = \$1000)	
Accountant fee to verify EDR (\$100 x 200 = \$20,000)	

Chinook Salmon EDR Verification, Federal Government	
Total annual responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous costs	0

Information derived from the collected data will be disseminated to the public consistent with applicable requirements for nondisclosure of confidential information 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.

This collection is estimated to be 90 percent electronic; these reports will be submitted as attachments to e-mails or possibly by direct entry into a database. However, the certification pages must be sent by fax or mail. The three forms are available on the Internet as stated in Question 2.

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 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.

Chinook salmon caught in the pollock fishery are considered PSC bycatch under the Magnuson-Stevens Act, the FMP, and NMFS regulations at 50 CFR part 679. National Standard 9 of the Magnuson-Stevens Act requires the Council to select, and NMFS to implement, conservation and management measures that, to the extent practicable, minimize bycatch and bycatch mortality.

The Vessel Fuel Survey includes collection of new data on the average fuel use rate by activity, and the price per gallon paid. Without this data, NMFS has no alternative data source to estimate fuel costs or travel costs associated with searching for cleaner fishing grounds, or avoidance of areas that might be closed by NMFS or through an IPA. This data would contain some individual variability in fuel use and prices per gallons by vessel, while any anecdotal information would be generalized. The Council specifically requested this data, and the action would not meet the Council intent if not collected.

The Compensated Transfer Report (CTR) in conjunction with data from IPA reports would provide information on the number and characteristics of Chinook salmon PSC transfers. Without this data, NMFS will not be able to tell how vessels differ from each other in terms of efficient use of Chinook salmon PSC or of the costs of avoiding Chinook salmon PSC. Without this data, it will not be possible to determine if the tradable Chinook salmon PSC is working or if it is not working, how to fix it.

Without the Vessel Master Survey, we will not understand the tradeoffs vessel masters made to avoid Chinook salmon. NMFS may not be able to detect if there are some essential pieces of information missing in other survey or report data that are needed to evaluate the effect of the IPAs in Amendment 91

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-BA80) coincident with this submission, requesting comments from the public.

The draft data collection instruments were developed with extensive consultation with the regulated entities that will be subject to the reporting requirement, including a public workshop (FR Announcement RIN 0648-XW73 filed June 3, 2010) to refine data elements and instructions to improve clarity and minimize reporting burden.

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.

As stated on the forms, the data requested in the Chinook Salmon EDR includes detailed proprietary information provided by firms and individuals, as well as personally identifying information (PII) and business identifying information (BII). These data are considered 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. The EDR data are prohibited from release to the public. Access to EDR data is tightly controlled under numerous provisions of statute, regulation, and administrative order.

The Code of Federal Regulations ([50 CFR 600.415](#)) specifies that access to confidential data collected by NMFS is restricted to—

- ◆ Federal and Council employees responsible for collection and maintenance of the data, FMP development, monitoring or enforcement, or performing research that requires access to confidential statistics, or on a demonstrable need-to-know basis.
- ◆ NOAA/NMFS contractors or grantees who require access to confidential statistics to perform functions authorized by a Federal contract or grant.
- ◆ State personnel who demonstrate a need for confidential statistics for use in fishery conservation and management, provided that the State has entered an agreement to protect confidential data to a standard comparable to that required by the Magnuson-Stevens Act.

The regulations further provide for granting of access to Council members under conditions that are unlikely to be met in the case of these Chinook Salmon EDR data, and individual submitters may request that their own records be released to themselves or a third party.

In addition, the confidential proprietary data collected in this Chinook Salmon EDR meet the definition of trade secrets as defined in the Freedom of Information Act (5 U.S.C. 552) and Trade Secrets Act (18 U.S.C. 1905), and as such is exempted from disclosure of raw, un-aggregated data under FOIA. All individuals who are determined to be authorized for access to confidential data are required to sign and submit a nondisclosure agreement, affirming the user's understanding of NMFS' obligations with respect to confidential data and the penalties for unauthorized use and disclosure. NOAA Administrative Order 216-100 is the principal legal guidance for NMFS' employees on specific protocols for handling confidential data, including definitions, policies, operational responsibilities and procedures, penalties, and statutory authorities and requirements.

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: 200. Estimated total responses: 694. Estimated total burden: 9,976 hr. Estimated total personnel costs: \$748,200.

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: \$25,958.

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

Estimated total burden: 3,936 hr. Estimated total personnel cost: \$293,700.

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.

The information collected 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.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.