

**SUPPORTING STATEMENT
ALASKA PACIFIC HALIBUT FISHERIES:
CHARTER RECORDKEEPING
OMB CONTROL NO. 0648-0632**

INTRODUCTION

This action is a resubmission without change, coincident with Final Rule RIN 0648-BA37 that introduces a new catch sharing program. This action implements a Catch Sharing Plan for the Pacific halibut guided sport charter and IFQ commercial fisheries in waters of IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). NMFS will merge this information collection with OMB Control No. 0648-0575 as soon as possible after OMB approval.

Management of and regulations for Pacific halibut (*Hippoglossus stenolepis*) in Alaska are developed on the international, Federal, and state levels by the International Pacific Halibut Commission (IPHC), the North Pacific Fishery Management Council (Council), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), and the State of Alaska's Department of Fish and Game (ADF&G). The IPHC and NMFS manage fishing for Pacific halibut through regulations established under authority of the [Northern Pacific Halibut Act of 1982](#) (Halibut Act, 16 U.S.C. 773c). Regulations that implement this collection-of-information are found at [50 CFR part 300.60-66](#) and at [50 CFR 679.5\(l\)\(7\)](#).

The Council adopted management measures for a guided sport charter fishery in June 2007 under the authority of the Halibut Act in IPHC Regulatory Area 2A and Area 2C (Southeast Alaska) to a specified guideline harvest level (GHL).

ADF&G adopted some regulations that affect sport fishing for halibut; although ADF&G does not have authority to manage halibut. ADF&G estimates sport harvest of halibut using information submitted by sport fishing guides in the ADF&G Saltwater Charter Logbook (charter logbook).

The harvest of Pacific halibut occurs in three fisheries – commercial, subsistence, and recreational or charter. The collection for the commercial fishery, named the Alaska Pacific Fisheries: Individual Fishing Quota (IFQ) Program, is described in OMB Control No. 0648-0272. The subsistence fishery is described in two collections, named the Alaska Pacific Halibut Fisheries: Subsistence Program Registration and Marking of Gear (OMB Control No. 0648-0460) and Alaska Pacific Halibut Fisheries: Subsistence Permits and Harvest Logs (OMB Control No. 0648-0512). The charter (or recreational) fishery is described in two collections, named the Alaska Pacific Halibut Fisheries: Charter Recordkeeping and Reporting (OMB Control No. 0648-0575) and Alaska Pacific Halibut Fisheries: Charter Permits (OMB Control No. 0648-0592).

Additional Pacific halibut fishing mortality occurs in other fisheries as bycatch or incidental catch while targeting other species. Halibut bycatch is caught but cannot be used for human food, except under the Halibut Donation Program (OMB Control No. 0648-0316).

A. JUSTIFICATION

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

NMFS would implement new Federal regulations that would replace the Guideline Harvest Level Program for Pacific halibut with a catch sharing plan for the commercial Individual Fishing Quota (IFQ) and charter sectors.

The halibut catch sharing plan (CSP) would change the annual process of allocating halibut between the guided sport and commercial fisheries in IPHC Area 2C and Area 3A, establish allocations for each sector, and specify harvest restrictions for guided sport anglers that are intended to limit harvest to the annual guided sport fishery catch limit. To provide flexibility for individual commercial and guided sport fishery participants, the proposed catch sharing plan also would authorize annual transfers of commercial halibut quota to qualified guided sport halibut business owners for harvest in the guided sport fishery.

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.

With this action, the Council would create a CSP management regime that provides separate accountability for the charter and commercial Pacific halibut fisheries, authorizes transfers between charter and commercial respondents, and establishes the requirements for using Guided Angler Fish (GAF). Except for authorizing commercial halibut quota share holders to transfer IFQ as GAF to charter halibut permit holders, the management of the IFQ halibut fishery remains unchanged under the CSP. The CSP will provide sufficient pre-season notice of upcoming management measures to allow on uninterrupted charter season.

Guided Angler Fish (GAF) means one or more halibut that are transferred annually from an IPHC Reporting Area 2C or Area 3A IFQ permit holder to the holder of a charter halibut permit, community charter halibut permit, or military charter halibut permit for the corresponding area. Individual Fishing Quota (IFQ) means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the annual commercial catch limit of halibut.

Since February 1, 2011, an operator of a vessel with charter vessel anglers on board must have on board a valid CHP issued by NMFS. The regulated entities for the proposed CSP are the holders of one or more CHPs in both Area 2C and Area 3A. NMFS estimates that 229 businesses were issued CHPs in Area 2C and 291 businesses were issued CHPs in Area 3A. Most CHPs are transferable. A CHP holder may transfer a transferable permit, subject to NMFS approval, to a qualified person at any time. Thus, the exact number of businesses that to be regulated by the proposed CSP cannot be determined at this time.

This action directly regulates entities representing small, remote communities in Areas 2C and 3A. An eligible community must be represented by a non-profit community quota entity approved by NMFS. The regulations would authorize community entities holding community

CHPs to transfer or receive commercial halibut IFQ as GAF. Eighteen Area 2C communities are eligible to each receive up to four halibut CHPs at no cost; 14 Area 3A communities are eligible to each receive up to seven halibut CHPs at no cost.

There are two types of “charter halibut reporting:” common pool and GAFs. Both types of reporting -- paper logbook and electronic reporting -- are required by all charter operators. Common pool allocations of halibut would continue to be managed using the Saltwater Logbook reporting system developed by ADF&G. Data to estimate annual removals from the common pool do not need to be collected and entered in the management database daily to ensure regulations are followed. The Saltwater Logbook does require that the information for each trip or day of fishing be completed before the halibut are offloaded. Therefore, the logbook system that requires weekly reports on the number of paying clients, “comp’ed” clients, and their harvest has been determined to be sufficient to track and enforce the common pool allocation.

Real time completion of the GAF electronic reporting system would allow enforcement and sampling officials to verify catch by angler on a specific trip. The GAF allocation would need to be managed in real time, using an electronic reporting system. The reporting system would collect data from all persons that obtain or use GAF. As close to real time data as possible are needed to allow fishery managers and enforcement officers to know, at a given time, how many GAF a person holds and how many they have used.

The GAF electronic reporting system would require charter operators to complete a landing report for the number of GAF retained each calendar day. This daily reporting requirement would enable immediate confirmation that adequate GAF exist in the account to cover the landing and afford the charter operator instant access to updated account information. Professional skills necessary for a charter operator reporting GAF include basic computer and data entry skills.

Because GAF are an extension of IFQ and can be transferred between the IFQ holder and the GAF holder at any time during the season, NMFS needs real-time reporting of GAF to keep GAF accounts up to date in case of transfers. The electronic reporting system is required to collect the minimum amount of information needed to keep GAF accounts current. NMFS cannot get this information from ADF&G logbooks because there is a lag time from two weeks to a month until logbook information is available from ADF&G.

NMFS needs the GAF permit number and the number of GAF retained reported in the logbook for two reasons:

- ◆ On the water enforcement--If anglers are retaining GAF, they will have more and/or larger fish than they would normally be allowed under charter regulations. Enforcement agents need to know which anglers are retaining GAF to enforce bag and/or size limits.
- ◆ After the trip enforcement--Enforcement needs to be able to access the charter logbook sheet to evaluate the circumstances of the fishing trip on which GAF were retained, such as how many anglers, primary statistical area fished, etc. to enforce the charter regulations. That information won't be available from the GAF electronic reporting system, which is just for accounting purposes.

NOTE: The GAF electronic reporting system and reporting of GAF in charter logbooks is required only if anglers choose to retain GAF.

a. ADF&G Saltwater Sport Fishing Charter Trip Logbook (Charter Logbook).

ADF&G developed the charter logbook in 1998 to provide information on actual participation and harvest by individual vessels and businesses in the guided sport fisheries. The charter logbook is the primary reporting requirement for operators in the charter (guided sport) fisheries for all species harvested in saltwater in IPHC Reporting Areas 2C and 3A. ADF&G compiles the charter logbook data to show where fishing occurs, the extent of participation, and the species and the numbers of fish caught and harvested by individual anglers. Since 1998, the charter logbook design has undergone annual revision, driven primarily by changes or improvements in the collection of fisheries data. In recent years, the ADF&G added charter logbook reporting requirements to accommodate Federal halibut charter regulations.

ADF&G charter logbook data sheets must be submitted to ADF&G and postmarked or received no later than 14 calendar days after the Monday of the fishing week (as defined in 50 CFR 300.61) in which the halibut were caught and retained. The charter logbook sheets may be submitted by mail or may be placed in one of the ADF&G drop boxes available at many ports, in which case no postage would be required. Because submittal of charter logbook sheets to ADF&G is already required under current ADF&G requirements, no additional postage costs are associated with the action.

The charter vessel guide is responsible for complying with the reporting requirements. The person to whom the ADF&G issues the charter logbook is responsible for ensuring that the charter vessel guide complies with the reporting requirements.

Fishing information for each trip or for a single day must be recorded before the halibut are offloaded and/or charter vessel anglers disembark from the vessel. Real time completion of the logbook would allow enforcement and sampling officials to verify catch by angler on a specific trip.

For multi-day charter vessel fishing trips, charter vessel guides would be required to complete the GAF reporting requirements in a charter logbook onboard the vessel by the end of each day of the trip. The collection of data is tailored to the frequency of charter vessel fishing trips, because the collection-of-information is focused on trip-specific angler harvest.

If a GAF permit holder is unable to submit a GAF landings report due to hardware, software, or Internet failure for a period longer than the required reporting time, or a correction must be made to information already submitted, the GAF permit holder must contact OLE, Juneau, AK, at 800-304-4846 (Select Option 1).

Each fishing trip would be recorded on one logsheet, unless halibut are caught in both Area 2C and in Area 3A, in which case an additional logsheet would be used to record halibut caught in the second area. Out of all charter vessel halibut fishing trips, use of this additional logsheet will occur only about 23 times per year. A separate logbook data sheet is required for each charter vessel fishing trip if two or more trips were taken on the same day. A separate logbook data

sheet is required for each calendar day that halibut are caught and retained during a multi-day trip.

The charter halibut business owner must retain and make available for inspection by authorized enforcement personnel completed original charter logbooks for a period of two years following the charter vessel fishing trip. This requirement is necessary for enforcement of CSP restrictions and GAF reporting requirements.

Upon receipt of the daily electronic GAF report from a GAF permit holder, NMFS would respond with a confirmation number as evidence that the harvest report was received by NMFS and the GAF account was properly debited. The GAF permit holder would enter the confirmation number on the page of the charter logbook where the retained GAF were recorded. Use of the confirmation number would allow cross reference of the charter logbook data elements and the electronic GAF report by management and OLE staff.

Charter logbook

Charter vessel angler signature requirement

Each charter vessel angler who retains halibut caught in Area 2C or in Area 3A must acknowledge that his or her information and the number of halibut retained are recorded correctly by signing the Charter Logbook data sheet on the line that corresponds to the angler's information.

Charter vessel guide requirements

If halibut were caught and retained in Area 2C or in Area 3A, the charter vessel guide must record the following

- ADF&G sport fishing guide license number held by the charter vessel guide
- Month and day of each charter vessel fishing trip
- GAF permit number authorizing charter vessel anglers on board the vessel to harvest GAF
- Angler sport fishing license number and printed name
- ADF&G statistical area
- CHP permit number

Charter vessel angler requirements

Before a charter vessel fishing trip begins, record for each charter vessel angler

- the Alaska Sport Fishing License number for the current year
- resident permanent license number or disabled veteran license number
- print the name of each paying and nonpaying charter vessel angler on board that will fish for halibut
- Record the name of each angler not required to have an Alaska Sport Fishing License or its equivalent
- Number of halibut caught and retained for each charter vessel angler
- Total number of GAF halibut retained for each charter vessel angler
- Acknowledge that the recorded information is correct by signing the logbook data sheet

The charter vessel guide must ensure that each charter vessel angler sign the logbook data sheet
GAF electronic reporting confirmation number issued by the NMFS-approved electronic reporting system

The estimated time burden for each charter vessel guide to record required information in the charter logbook is 4 minutes for each charter vessel fishing trip based on an average of 4 clients per trip. An estimated 696 charter vessels are expected to average 34 trips per year, for a total of 23,664 trips.

| Charter Logbook Vessel Guide Respondents | |
|--|-----------------|
| Total number of guide respondents | 696 |
| Total annual responses (34 x 696) Frequency of response = 34 trips ea vessel | 23,664 |
| Total annual time burden (1577.6) Estimated response time = 4 min | 1,578 hr |
| Total personnel costs Cost per hour = \$25 | \$39,450 |
| Total miscellaneous costs | \$0 |

Federal use of the ADF&G charter logbook and fishing license information requires additional staff time. Federal staff are required to coordinate with ADF&G and respond to agency needs. A part-time NMFS or NMFS OLE staff person is required to process and query operator, business, and angler information. This person also assists NMFS OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintenance of the database by working closely with NMFS programmers and ADF&G staff as needed. The annual cost for a GS-9 part-time NMFS staff person (estimated at \$25/hr) is approximately \$50,000 annually.

Programmer time was required to build and maintain a secure Federal database. Periodic data transfers occur, with programmer time required to maintain the Federal database and workstation structure. Maintenance of this database is minimal, requiring one to two weeks of programmer time annually. The estimated cost for NMFS programmer time is \$2,500 to \$5,000 annually.

Enforcement of the new regulations requires regular on-site observations and visits by enforcement officers to areas where halibut are harvested and landed by charter vessels. These areas include remote areas, such as lodges and urbanized areas. The enforcement officers check for failures to record retained halibut, incomplete information in the logbook, and inaccurate information in the logbook. An additional four enforcement officers were hired and are based in Juneau, Sitka, and Ketchikan, Alaska. The cost for four additional enforcement officers is approximately \$600,000 annually.

| Charter Logbook, Federal Government | |
|---|------------------|
| Total Responses | 0 |
| Total annual time burden | 0 |
| Total personnel costs Part-time NMFS staff person = \$50,000 Programmer, 1-2 weeks @ \$2,250 per week = \$5,000 4 enforcement officers @ \$150,000 per year = \$600,000 | \$655,000 |
| Total miscellaneous costs | \$0 |

b. Electronic GAF reporting system

In addition to using the Charter logbook, a GAF permit holder must obtain at his or her own expense the technology required to support the NMFS-approved electronic reporting system for GAF halibut landings. The technology could be a computer with Internet capability or could be a telephone with computer-access features. NMFS does not expect the costs to the charter permit holders to increase dramatically. The GAF electronic reporting system and reporting of GAF in

charter logbooks is required only if anglers choose to retain GAF. Charter permit holders can weigh their own costs and benefits of participating in the program.

The GAF permit holder must agree to:

- ◆ Use the NMFS online reporting system only for authorized purposes.
- ◆ Safeguard the NMFS Person Identification Number and password to prevent their use by unauthorized persons.

For each charter vessel fishing trip on which charter vessel anglers retain GAF, charter vessel guides would additionally be required to report

- ◆ The GAF permit number under which the GAF were retained
- ◆ The number of GAF retained by each charter vessel angler during the trip.

A GAF permit holder must use the NMFS-approved electronic reporting system on the Alaska Region web site at <http://alaskafisheries.noaa.gov/> to submit a GAF landing report. NMFS requires use of a secure electronic reporting system to manage GAF accounts on the Internet. The GAF permit holder must enter information into the NMFS-approved electronic reporting system for each GAF caught and retained by an angler on a charter vessel fishing trip. A GAF permit holder must submit a GAF landing report by 2359 hours each day on which a charter vessel fishing trip was completed.

Real time reporting of charter GAF landings and other GAF account and permit information is essential:

- ◆ For participants -- to access current account balances for account management and regulatory compliance
- ◆ For NMFS management.
 - To monitor account transfers and GAF landings history.
 - To manage permit accounts, conduct transfers, and assess fees.
- ◆ For NOAA Fisheries Office for Enforcement (OLE)
 - To monitor transfers between IFQ and GAF
 - To monitor compliance with authorized GAF harvests and other program rules.

Upon receipt of the daily electronic GAF report from a GAF permit holder, NMFS would respond with a confirmation number. This number would be evidence of receipt of the harvest report by NMFS and that the GAF account was properly debited. The GAF permit holder would enter the confirmation number on the page of the charter logbook. This confirmation number

would allow cross reference of the charter logbook data and the electronic GAF report by management and OLE staff.

The GAF permit holder must enter the following information for each retained GAF into the NMFS-approved electronic reporting system for each day. The electronic reporting would be done either through an Internet website or a dial-in telephone system.

GAF electronic reporting requirements

- ADF&G charter logbook number
- Vessel identification number for vessel on which GAF were caught and retained
 - State of Alaska issued boat registration (AK number) or
 - U.S. Coast Guard (USCG) documentation number
- GAF permit number
- ADF&G sport fishing guide license number held by the charter vessel guide
- Total number of GAF caught and retained under the GAF permit number
- Community charter halibut permit only: community or port where charter vessel fishing trip began (where charter vessel anglers boarded the vessel)
- Community charter halibut permit only: community or port where charter vessel fishing trip ended (where charter vessel anglers or fish were offloaded from the vessel)
- GAF reporting confirmation code issued by the NMFS-approved electronic reporting system

| GAF Electronic Reporting, Respondents | |
|--|-----------------|
| Total number of guide respondents | 696 |
| Total annual responses (34 x 696) Frequency of response = 34 trips ea vessel | 23,664 |
| Total annual time burden Estimated response time = 5 min | 1,972 hr |
| Total personnel costs Cost per hour = \$25 | \$49,300 |
| Total miscellaneous costs (1183.20) Online cost per response \$0.05 x 23664 | \$1,183 |

| GAF Electronic Reporting, Federal Government | |
|--|----------------|
| Total responses Frequency per response = 1 | 23,664 |
| Total annual time burden (394.4) Estimated response time = 1 min | 394 hr |
| Total personnel cost Cost per hour = \$25 | \$9,850 |
| Total miscellaneous costs | 0 |

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response 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.

The charter logbook is a permanently bound, paper logbook issued by ADF&G that is made available to each person receiving a business license to operate as a sport fish charter vessel business. The charter logbooks are maintained onboard charter vessels. Per the ADF&G procedure, charter logbooks are not available for the public to print from the Internet.

The GAF electronic reporting system works online through the Internet or a dial-in telephone system.

4. Describe your 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 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 Small Business Administration (SBA) specifies that for marinas and charter or party vessels, a small business is one with annual receipts less than \$6.0 million. The largest of these charter vessel operations, which are lodges, may be considered large entities under SBA standards, but that cannot be confirmed because NMFS does not collect economic data on lodges. Thus, all charter vessel operations regulated by the proposed CSP would be considered small entities, because they would be expected to have gross revenues of less than \$6.0 million on an annual basis.

Thirty-two eligible community entities would be authorized by the proposed action to engage in GAF transfers. All of these eligible communities would be considered small entities under the SBA definitions.

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

Unless a mechanism for halibut transfer between sectors (IFQ, charter, subsistence) is established, an environment of instability and conflict in halibut fisheries will continue. The Council identified the following consequences of not having this collection, with respect to the recent growth of halibut charter operations:

- ◆ The recent growth of charter operations may contribute to overcrowding of productive grounds and declining halibut harvests per unit of effort for historical charter, commercial IFQ, and subsistence fishermen in some areas.
- ◆ As there is currently no limit on the annual harvest of halibut in the charter fishery, an open-ended reallocation from the commercial IFQ to the charter industry is occurring. This reallocation may increase, if the projected growth of the charter industry occurs. The economic and social impact on the commercial IFQ fleet of this open-ended reallocation may be substantial.

- ◆ In some areas, community stability may be affected as traditional sport, subsistence, and commercial IFQ fishermen are displaced by charter permit holders. The uncertainty associated with the present situation and the conflicts that are occurring between the various user groups may also impact community welfare.
- ◆ Information is lacking on the socioeconomic composition of the current charter industry. Information is needed that tracks the effort and harvest of individual charter operations and also tracks changes in business patterns.

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

The submission of ADF&G charter logbook sheets to ADF&G is dependent on current ADF&G requirements for all guided sport fish fisheries off Alaska.

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.

Proposed rule 0648-BA37 published on July 22, 2011, soliciting comments from the public. The original request was submitted coincident with this rule. *There were no public comments that affected information collection requirements in this collection.*

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Responses to this information request are confidential under section 402(b) of the [Magnuson-Stevens Act](#) as amended in 2006. Responses are also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

The information submitted in the ADF&G logbook collected is protected by Alaska State confidentiality statute AS 16.05.815.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

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

Estimated total respondents: 696. Estimated total responses: 47,328. Estimated total burden hours: 3,550 hr. Estimated total personnel costs: \$88,750.

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: \$1,183.

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

Estimated total responses: 47,328. Estimated total burden hours: 394 hr. Estimated total personnel costs: \$ 664,850.

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 overall results of the information collection are made available to the public through the Council and IPHC meeting processes. This information is typically available on the Internet at <http://www.alaskafisheries.noaa.gov/npfmc/default.htm> and at <http://www.iphc.washington.edu/halcom/default.htm>.

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

Because the charter logbook is an ADF&G document, the OMB expiration date will not be displayed. If the electronic reporting system requires use of a computer, the OMB information will appear on the first screen. If the electronic reporting requires use of a telephone, the OMB information will not be displayed.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.