

SUPPORTING STATEMENT
ALASKA PACIFIC HALIBUT FISHERIES: SUBSISTENCE REGISTRATION AND
MARKING OF GEAR
OMB CONTROL NO. 0648-0460

INTRODUCTION

The International Pacific Halibut Commission (IPHC) and National Marine Fisheries Service (NMFS), Alaska Region manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under authority of the Northern Pacific Halibut Act of 1982 ([Halibut Act](#)). The IPHC promulgates regulations governing the Pacific halibut fishery under the Convention between the United States (U.S.) and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, D.C., on March 29, 1979). The Halibut Act also authorizes the North Pacific Fishery Management Council (Council) to develop halibut fishery regulations, including limited access regulations, in its geographic area of concern that would apply to nationals or vessels of the United States.

The Council may recommend additional regulations that are not in conflict with approved IPHC regulations, and the United States Secretary of Commerce must approve and implement the Council Action. It was under this general authority that the Council, in October 2000, voted to adopt a subsistence halibut policy. NMFS prepared regulations formalizing the Council's subsistence halibut policy, and these regulations were adopted by the Secretary and published in the [Federal Register](#) on April 15, 2003 (68 FR 18145). Regulations implementing the Halibut Act in waters in and off Alaska appear at [50 CFR part 300.60 through 300.67](#).

This request is for extension of this information collection, describing the Pacific Halibut Subsistence Program (Program) in waters off Alaska.

A. JUSTIFICATION

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

The Program provided the opportunity to formalize a heretofore unrecognized fishery and enhance accurate estimates of subsistence removals for stock assessment purposes. Despite the lack of complete data, all subsistence harvests are estimated to account for less than one percent of total halibut removals.

Subsistence Halibut means halibut caught by a rural resident or a member of an Alaska Native tribe for direct personal or family consumption as food, sharing for personal or family consumption as food, or customary trade. Subsistence fishing and hunting in Alaska has historically been part of the customary and traditional practices of Alaska Natives and non-Natives, especially in rural areas with limited alternative food resources. NMFS and the Council

established a subsistence fishery for halibut in Convention waters off Alaska in 2003. Persons eligible to subsistence halibut fish pursuant to 50 CFR part 300.65(g) include:

- ◆ Members of Federally recognized Alaska Native Tribes with customary and traditional uses of halibut.
- ◆ Residents of rural communities with customary and traditional uses of halibut. A community in this Program is defined as a place that is recognized by the U.S. Census; thus, only municipalities and census-designated places (CDPs) are included.
- ◆ Rural Residents
 - Individuals domiciled in remote homesteads outside the boundaries of eligible communities within the subsistence use areas of Alaska. Those individuals or families practice the same patterns of use as residents of nearby communities that have customary and traditional uses, and, therefore, are eligible to participate
 - Individuals who reside within a designated ten statute mile band of land, adjacent to the waters of the Bering Sea and Pacific Ocean, and other designated places.

Subsistence fishing for halibut may be conducted only by persons who qualify for such fishing and who hold a valid subsistence halibut registration certificate (SHARC) in that person's name issued by NMFS consistent with the following limitations.

- ◆ Subsistence fishing is limited to setline gear and hand-held gear, including longline, handline, rod and reel, spear, jig and hand-troll gear.
- ◆ Subsistence fishing gear set or retrieved from a vessel while engaged in subsistence fishing for halibut must not have more than the allowable number of hooks per vessel, or per person registered and aboard the vessel, whichever is less, according to the regulatory area and permit type.

Total subsistence removals are estimated to be less than one percent of the total halibut biomass. An important goal of the subsistence halibut program is to learn more about the fishery. To better estimate the annual harvest of subsistence halibut and related catch and effort, SHARC holders may be periodically surveyed. Participation in the surveys is encouraged, but not required. NMFS strongly encourages SHARC holders to report their subsistence harvests when requested for a government survey. Keeping a log or notebook will help SHARC holders to remember their fishing activities when asked to complete a voluntary survey report (for which a Paperwork Reduction Act request will be submitted).

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.

a. Subsistence halibut registration certificate (SHARC)

To obtain a Subsistence Halibut Registration Certificate (SHARC), eligible persons may apply by application to NMFS. A SHARC application is available for use by an individual rural resident, by an individual Alaska tribal member, and by a tribe for multiple individual tribal member applications. A member of an eligible Alaska Native tribe may apply on his or her own behalf or may have the tribe apply for him or her. If the tribe applies for the member, a SHARC will be sent directly to the tribe's address indicated on the application. Similarly, if the member completes an individual application, the SHARC will be sent to the member's address indicated on the application.

Participants may submit the SHARC application by mail, e-mail, fax, or by completion of the information over the Internet. By allowing various methods to obtain registration information, NMFS estimates an annual cost of \$2 per person (high dollar amount of \$6 per fax and low dollar amount is \$0.10 for an Internet submittal).

SHARC application for individual rural resident

Whether registration is new or a renewal

If a renewal, enter SHARC number

Block A - Alaska Rural Subsistence Registrant Information

Name (First, Middle, Last) and birth date (mm/dd/yyyy) of fisherman

Daytime telephone number

Mailing address (P.O. box number, street, city, state, and zip code)

Include street address even if you have a P.O. Box number.

If no street address, describe the physical location of your domicile, such as latitude and longitude, if known, or direction and distance from a landmark or from a milepost on a road.

Rural community or rural area of residence

Dates of residence (dates from and to) in this community or area (month, day, year)

Block B – Type of Subsistence Halibut Registration (select one)

Block C – Verifier Information

Name of adult verifier (first, middle, last)

Daytime telephone number

Mailing address (P.O. Box, Street, City, State, Zip code)

Block D – Certification Of Eligibility

Signature of rural applicant and date of signature

SHARC for individual Alaska native tribal member

Whether registration is new or a renewal

If a renewal, enter SHARC number

Block A - Alaska Tribal Member Information

Name (First, Middle, Last) and birth date (mm/dd/yyyy) of fisherman

Daytime telephone number, including area code

Mailing address (P.O. box number or number and street, city, state, and zip code)

Name of Alaska Native Tribe

Community or area of residence

Dates of residence in this community or area (month, day, year)

Block C – Certification Of Eligibility

Signature of tribal applicant and date of signature

SHARC for group Alaska Native Tribe

Block A - Alaska Native Tribe (as defined at 50 CFR 300.65(g)(2))

Name of Alaska Native Tribe
Business mailing Address: (street, city, state, zip code)
Daytime Telephone Number
E-mail address

Block B - Tribal Member(s) Information

Name (first, middle, last) and date of birth of tribal member
Daytime telephone number
Community or area of residence
Permanent Mailing address (P.O. number or street, city, state, zip code)
Indicate whether applying for new SHARC or renewal
If renewal, enter SHARC number

Block C - Certification of Tribal Official

Printed name, signature, and title of tribal official
Date of signature

Upon registration approval, NMFS issues the registrant a SHARC. A SHARC expires in 2 years if a rural resident registration or in 4 years if an Alaska Native tribal registration. The difference in SHARC duration is based on the assumption that rural, non-Native residents change address more frequently than tribal members do. Therefore, it is easier for NMFS to maintain current addresses of rural residents by requiring renewal at a two-year interval.

The number of SHARCs continues to grow (see table below).

| Year | Total | Increase |
|-------------|--------------|-----------------|
| 2011 | 20965 | 753 |
| 2010 | 20212 | 600 |
| 2009 | 19612 | 1087 |
| 2008 | 18525 | 1076 |
| 2007 | 17449 | |

It is likely that the number of SHARCs is increasing for several reasons:

- a. Changes in the eligibility criteria for rural applicants that occurred in 2009
- b. More/different people moving into rural areas
- c. More people deciding that they should apply (both rural and tribal)
- d. As more people see others using the privilege, and perhaps as the retail cost of fish rises, more are getting SHARCs and using them.

| 2011 SHARC SUMMARY REPORT | | | |
|--|--------------|---------------|--------------|
| | RURAL | TRIBAL | TOTAL |
| TOTAL SHARCS ISSUED ENTIRE PROGRAM (excluding revoked) | 12,634 | 8,331 | 20,965 |
| TOTAL ACTIVE SHARCS | 5,614 | 2,984 | 8,598 |

| Subsistence halibut registration, Respondent | |
|--|-----------------|
| Total estimated number of respondents | 8,598 |
| Total estimated responses | 3,553 |
| 2 year, rural registrants 5614/2 yr = 2,807 | |
| 4 year, Native registrants 2984/4 yr = 746 | |
| Total estimated burden hours (592.17) | 592 hr |
| Time per response = 10 minutes | |
| Total estimated personnel cost (592 x \$25) | \$14,800 |
| Total miscellaneous cost | \$7,106 |
| (average of \$2 to submit by mail, fax, email, online x 3,553) | |

| Subsistence halibut registration, Federal Government | |
|---|----------------|
| Total estimated annual responses | 3,553 |
| Total estimated burden hours (296.08) | 296 hr |
| Time per response = 5 minutes | |
| Total estimated personnel cost (296 x \$25) | \$7,400 |
| Total miscellaneous cost | 0 |

b. Subsistence gear marking

Gear types authorized for use in the subsistence halibut fishery are setline, handline, rod-and-reel, spear, jig, and hand-troll gear. Of these types of authorized gear, only setline gear must be marked with identification information. Setline gear means one or more stationary, buoyed, or anchored lines with hooks attached.

Materials needed to mark the buoys consist of paint and paintbrush, permanent ink applicator, or tape, costing at most \$5. Labor costs to mark the buoys are estimated at \$12.50 per hour, based on a range between \$10 and \$15 per hour.

Buoys on both ends of a subsistence halibut set need to be marked. All setline gear marker buoys carried on board or used by any vessel for subsistence halibut fishing must be marked with the following: first initial and last name (followed by an “S” to indicate halibut subsistence), and address (street, city, and state).

Markings on setline marker buoys must be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and must be maintained so the markings are clearly visible (see 50 CFR 300.65(h)(1)(ii) and (h)(1)(iii)). NMFS estimates it takes approximately 15 minutes to paint each buoy. An estimated 50 percent or 4,299 individual buoys would need marking, because the markings from the previous year are still legible, and the information is still correct.

| Subsistence halibut gear marking, Respondent | |
|---|-----------------|
| Total estimated respondents | 8,598 |
| Total estimated annual responses (50% of 8598 = 4,299) | 4,299 |
| Total estimated burden hours (1074.75) Estimated time to paint each buoy = 15 minutes | 1,075 hr |
| Total estimated personnel cost (13437.5) Cost per hour, in dollars = 12.50 | \$13,438 |
| Total miscellaneous cost Marking materials (\$5 materials x 4,299) | \$21,495 |

| Subsistence halibut gear marking, Federal Government | |
|---|----------|
| Total estimated annual responses | 0 |
| Total estimated burden hours | 0 |
| Total estimated personnel cost | 0 |
| Total miscellaneous cost | 0 |

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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 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 individual rural resident or tribal member may submit a renewal SHARC application online. Other SHARC applications may be submitted by fax, mail, or attachment to an e-mail. Applications are on line at: <http://alaskafisheries.noaa.gov/ram/applications.htm#subapp>.

4. Describe efforts to identify duplication.

No duplication exists with other information collections at NMFS Alaska Region.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The affected entities in this analysis are not considered “small entities” as defined by the Regulatory Flexibility Act, and therefore the Act does not apply. The proposed action bears on the non-commercial activities of individuals exclusively.

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

The halibut subsistence program consists of fishery regulations that authorize the legal harvest of halibut for subsistence use in the Convention waters in and off Alaska. The program enables eligible rural Alaska residents, both Alaska Native and non-Native, who depend upon the taking of halibut for food and who have limited alternative food resources to continue to take halibut for that purpose. The program defines halibut subsistence, eligibility, allowable gear, trade, bag limits, and cooperative agreements for data monitoring.

Without this program, persons who have customary and traditional use of halibut for food may not be able to continue that practice.

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

Not Applicable.

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.

A Federal Register notice was published on May 21, 2012 (77 FR 29966), soliciting public comment. No comments were received in response to the notice, but a few weeks before the notice published, a letter was received from the International Pacific Halibut Commission, encouraging continued monitoring of subsistence removals and outreach to ensure registration. The letter is included as a supplementary document.

SF staff have had informal discussions with stakeholders about the subsistence program; these discussions were not related to the burden of the responses. One stakeholder has approached the Council with a request for a regulatory change to the halibut subsistence program. Current regulations require each person onboard a vessel harvesting subsistence halibut to hold a valid SHARC card. This regulation facilitates enforcement of subsistence regulations by ensuring that subsistence halibut is harvested only by persons eligible to do so. The stakeholder is suggesting that the regulations be revised to allow persons who do not hold a SHARC card to be onboard a vessel and assist a SHARC card holder with harvest of subsistence halibut if (1) the SHARC card holder is onboard the vessel, and (2) the person who does not hold a SHARC card is an immediate family member of the SHARC card holder. NMFS staff presented a paper outlining the suggested change at a December Council meeting.

A random sample of respondents was contacted for feedback on the program and information collection and 10 responded, with all stating support for the program overall. There was one

suggestion that more frequent reporting might give a more accurate picture of halibut availability. The surveyor notified both the project manager and the permit manager of this suggestion, but given that the program was initiated to maintain the Native population's traditional rights, and the system was set up to be the least cumbersome possible, it is not likely that more or more frequent reporting requirements will be added. This particular program harvests only 1.3% of the Alaska halibut removals annually.

The ADF&G provides an annual report on the subsistence program. Reports for 2003 through 2009 may be viewed at: <http://alaskafisheries.noaa.gov/ram/subsistence/halibut.htm#reports>. The 2010 report is included as a supplementary document, and the 2011 report will be available in November 2012.

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

This Program does not provide payment or gift.

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

Federal regulations at 50 CFR part 300.60 through 300.66 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to Pacific halibut subsistence registrants. As stated on the forms, the birthdate is confidential under the Privacy Act. A Privacy Act System of Records Notice, NOAA-19, was published on April 17, 2008 (73 FR 20914) became effective on June 11, 2008 (73 FR 33065). A revision is under review by the NMFS Privacy Officer.

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.

Except for "date of birth", this information collection does not involve information of a sensitive nature. The date of birth is required to distinguish between same names:

- ◆ To ensure that benefits are awarded appropriately;
- ◆ To ensure that landings and other Program-related functions are credited and applied appropriately in a manner that maintains confidentiality;
- ◆ To avoid inappropriate release of confidential data to the wrong person;
- ◆ To ensure that the records go to the same person through the use of this personal ID; and
- ◆ To enable NMFS to assign a unique identifier to database records avoiding duplication and errors.

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

Total estimated annual respondents: 8,598, down from 27,963. Total estimated responses: 7,852, up from 6,436. Total estimated annual burden hours: 1,667, up from 1,206 hr. Total estimated personnel cost: \$28,601, up from \$25,163.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection (excluding the value of the burden hours in #12 above).

Total estimated miscellaneous costs: \$28,601, up from \$17,663.

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

Total estimated responses: 3,802, down from 4,839. Total estimated annual burden hours: 317, down from 403 hr. Total estimated personnel cost: \$7,925, down from \$10,075.

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

Program adjustments were reported in this analysis. Previous analyses used the total potential respondents to calculate the numbers. This analysis uses the number of active respondents as a more accurate number. Previous analyses used a complicated scenario of respondents in a boat and number of hooks per respondent to determine number of buoys needing marking. This analysis uses the number of active respondents using one buoy, and an estimate of 50% of the buoys that would need repainting

SHARC Registration

- a decrease of 19,365 respondents, 8,598 instead of 27,963
- a decrease of 1,286 responses, 3,553 instead of 4,839
- a decrease of 173 hr burden, 592 instead of 807 hr
- a decrease of \$4,325 personnel costs, \$14,800 instead of \$20,175
- a decrease of \$2,572 miscellaneous costs, \$7,106 instead of \$9,678

Subsistence Gear Marking

- a decrease of 19,365 respondents, 8,598 instead of 27,963
- an increase of 2,702 responses, 4,299 instead of 1,597
- an increase of 676 hr burden, 1,075 instead of 399 hr
- an increase of \$8,450 personnel costs, \$13,438 instead of \$4,988
- an increase of \$13,510 miscellaneous costs, \$21,495 instead of \$7,985

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

Information obtained through registration to issue SHARCs is posted on the NMFS Alaska Region at <http://alaskafisheries.noaa.gov/ram/subsistence/halibut.htm#SHARC>. The

information is posted in lists sorted by holder, by eligible tribe, and by eligible community. In addition, NMFS posts a summary by date of SHARCs issued to rural and tribal applicants.

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.

1Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.