

SUPPORTING STATEMENT

ALASKA PACIFIC HALIBUT FISHERIES: IFQ/CDQ BUYER REPORT

OMB CONTROL NO. 0648-APHF (0650)

This is a resubmission, with the final rule, of a request for a temporary new information collection in lieu of a revision to OMB Control No. 0648-0398. As the renewal request for OMB Control No. 0648-0398 was pending when this request was submitted with the proposed rule, this request was submitted as a new, temporary collection. This request is associated with the restructured observer rule, RIN 0648-BB42.

The North Pacific Groundfish Observer Program (Observer Program) provides the regulatory framework for NMFS-certified observers (observers) to obtain information necessary for the conservation and management of the groundfish fisheries managed under the fishery management plans (FMPs). The information collected by observers provides the best available scientific information through collection of biological samples and fishery-dependent information on total catch and interactions with protected species.

This action would implement Amendment 86 to the Bering Sea and Aleutian Islands Management Area (BSAI) FMP and Amendment 76 to the Gulf of Alaska (GOA) FMP. Amendments 86 and 76 would add a funding and deployment system for observer coverage (see OMB Control No. 0648-0318) to the existing Observer Program and amend existing observer coverage requirements for vessels and processing plants. The new funding and deployment system would allow NMFS to determine when and where to deploy observers according to management and conservation needs, with funds provided through a system of fees based on the ex-vessel value of groundfish and halibut in fisheries covered by the new system.

NMFS Alaska Region administers the Halibut and Sablefish Individual Fishing Quota (IFQ) Program (see OMB Control No. 0648-0272) in the North Pacific. The IFQ Program is a limited access system authorized by section 303(b) of the [Magnuson–Stevens Fishery Conservation and Management Act](#) (Magnuson–Stevens Act) and the [Northern Pacific Halibut Act of 1982](#). IFQ cost recovery is mandated by Section 304(d)(2) of the Magnuson-Stevens Act.

NMFS collects IFQ cost recovery fees (see OMB Control No. 0648-0398) at the end of a year to recover costs incurred by the agency for IFQ program management in that same year. With this action, vessels participating in halibut Western Alaska Community Development Quota (CDQ) fisheries would be added in the partial observer coverage category; landings of halibut CDQ by these vessels would be subject to the observer fee. The halibut CDQ prices would be used in assessing fees and in estimating the total ex-vessel value of the fisheries for the coming year.

A. JUSTIFICATION

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

This action would add a reporting requirement for IFQ Registered Buyers who purchase CDQ halibut to report annually:

- ◆ The monthly total weight of CDQ halibut landed and purchased by the Registered Buyer,
- ◆ The monthly total price paid for CDQ halibut purchased by the Registered Buyer, and
- ◆ The monthly total amount paid for any retro-payments of CDQ halibut.

Existing recordkeeping and reporting requirements for IFQ Registered Buyers would also continue to apply.

The volume and value data collected on the IFQ/CDQ Buyer's report would be used to calculate the standard ex-vessel prices for purposes of the observer fee. The standard ex-vessel prices would be used to determine the value in the following year for halibut IFQ and CDQ landings, sablefish IFQ landings, and sablefish landings that accrue against the fixed gear sablefish CDQ allocation by catcher vessels in the partial coverage category. Observer fees would be assessed on all landings in a year to pay for observer coverage in the following year.

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. IFQ/CDQ Value and Volume Report (IFQ/CDQ Buyer Report)

An IFQ Registered Buyer that operates as a shoreside processor and receives and purchases IFQ landings of sablefish or halibut or CDQ landings of halibut must submit annually to NMFS a complete IFQ/CDQ Buyer Report as provided by NMFS for each reporting period, as described at § 679.5(1)(7)(i)(E), in which the Registered Buyer receives IFQ fish or CDQ halibut. The IFQ/CDQ Buyer Report requests information on the pounds purchased and values paid (with price adjustments) for each IFQ species by port or port group and month.

A fee equal to 1.25 percent of the fishery ex-vessel value will be assessed on partial coverage category participants to fund their observer coverage under the authority of section 313 of the Magnuson-Stevens Act. While the Magnuson-Stevens Act does not require that the observer fee be based on ex-vessel value of the catch, it does require that if it is expressed as a percentage, that it not exceed 2 percent of the ex-vessel value of the catch. The rationale for an equivalent fee across all industry sectors was to be equitable to all participants impacted by the fee assessment. The Council had the option to vary the fee by fishery, management area, or observer coverage level. However, the Council recommended that a fixed fee percentage of 1.25 percent

of ex-vessel value of landings was the most fair and equitable method to distribute the observer fee across the vessels and processors subject to the fee. The ex-vessel based fee is fair and equitable because it is based on a standard measure of the value of the fishery resource harvested or processed by the participants and it applies regardless of whether a vessel or processor is required to carry an observer.

NMFS would revise the IFQ/CDQ Buyer Report form by adding two columns to report the pounds purchased and values paid for halibut CDQ.

The annual notice of standard ex-vessel prices will be published in the Federal Register that will show groundfish and halibut landings subject to the observer fee. As is the case with the standard ex-vessel prices for the IFQ cost recovery program, NMFS expects that much of the data submitted about the ex-vessel value of halibut CDQ will be confidential by individual port. If that is the case, it is likely the observer fee standard ex-vessel price that will apply for most halibut CDQ landings will be the standard ex-vessel price calculated for the Bering Sea port-group as a whole.

A complete IFQ/CDQ Buyer Report must be postmarked or received by the Regional Administrator not later than October 15 following the reporting period in which the IFQ Registered Buyer receives the IFQ fish or CDQ halibut. The reporting period of the IFQ/CDQ Buyer Report shall extend from October 1 through September 30 of the following year, inclusive.

The Registered Buyer must complete an IFQ/CDQ Buyer Report and submit

by mail to: Administrator, Alaska Region, NMFS,
Attn: RAM Program,
P.O. Box 21668,
Juneau, AK 99802 1668,

by fax to: 907-586-7354

or, online to: <http://www.alaskafisheries.noaa.gov/ram>.

Added administrative cost and burden for processors to collect and remit the fee should be low, since existing infrastructure can be easily extended to the new program. For example, eLandings software provided by NMFS would calculate the fee liability for each landing and this information would be available to the processors' accounting software. For each annual billing cycle, NMFS would provide each processor a landing summary, based on their finalized eLandings entries, with a statement containing their observer fee liability, and processors would remit the fees to NMFS electronically or via check by a specified date in regulation. Limited professional skills would be necessary for preparation and submittal of the fee to NMFS, as NMFS would invoice the processor with the total amount.

A complete IFQ/CDQ Buyer Report must include the following information:

IFQ/CDQ Value and Volume Report

IFQ Registered Buyer identification

Indicate whether performed any shoreside activity this IFQ fishing year

If YES, continue. **If NO, STOP**

Name and NMFS person ID of Registered Buyer

Registered Buyer permit number

Facility or vessel location (port location)

Taxpayer ID number (EIN or SSN)

Date of birth or date of incorporation

Business mailing address, indicate whether permanent or temporary

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

Pounds purchased and values paid

Monthly total weights, represented in IFQ equivalent pounds by IFQ species or CDQ halibut, that were landed at the landing port location and purchased by the IFQ Registered Buyer

Monthly total gross ex-vessel value, in U.S. dollars, of IFQ pounds, by IFQ species or CDQ halibut that were landed at the landing port location and purchased by the IFQ Registered Buyer

Value paid for price adjustments

Retro-payments

Monthly total U.S. dollar amount of any retro-payments (correlated by IFQ species or CDQ halibut, landing month(s), and month of payment) made in the current year to IFQ or CDQ halibut permit holders for landings made during the previous calendar year

Electronic submittal. Certification, including NMFS ID and password of the IFQ Registered Buyer; or

Non-electronic submittal. Certification, including the printed name and signature of the individual submitting the IFQ/CDQ Buyer Report on behalf of the Registered Buyer, and date of signature.

If representative, **attach** authorization

IFQ/CDQ Value and Volume Report, Respondent	
Estimated number of respondents 125 IFQ Registered Buyer	125
Total annual responses Number of responses per year = 1	125
Total Time burden Time per response = 2 hr	250 hr
Total personnel cost (250 x \$25)	\$6,250
Total miscellaneous cost (82.25) Online (0.05 x 105= 5.25) Fax (\$6 x 10 = 60) Mail (0.45 x 10 = 4.50) Photocopy (0.05 x 2pp x 125 = 12.50)	\$82

IFQ/CDQ Value and Volume Report, Federal Government	
Total annual responses	125
Total Time burden (31.25) Time per response = 15 min	31 hr
Total personnel cost (31 x \$25)	\$775
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.

A Registered Buyer may submit the value and volume report by mail, courier, credit card over the telephone, or online at <https://alaskafisheries.noaa.gov/webapps/ifqaccounts>. Collecting information and payment online benefits both the IFQ Permit holder and NMFS by providing a more efficient and accurate method and by allowing NMFS to have the information entered directly into the database.

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 IFQ sector includes any vessel that fished halibut IFQ, sablefish IFQ, or halibut CDQ. An estimated 761 of these vessels also fished groundfish; 653 vessels fished halibut/sablefish only.

Sector	Number small entities	Number large entities	Total number of entities
Halibut & sablefish IFQ ¹	1,411	3	1,414
CDQ groups	6	0	6

Source: NMFS groundfish eLandings data, 2008.

This action would directly regulate an estimated 125 IFQ Registered Buyers that operate as a shoreside processor and who receive and purchase IFQ landings of sablefish or halibut or CDQ landings of halibut. None of these entities are estimated to be small entities. Therefore, this collection of information does not impose a significant impact on small entities.

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

If this information were not collected, the basis for the IFQ Fee Program would be removed.

NMFS would be unable to calculate the most accurate and timely standard ex-vessel prices for the IFQ Fee Program. NMFS must have landings/value information from the latest date possible. The standard ex-vessel summary must be available to IFQ permit holders for fee calculation.

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

No inconsistencies occur in this collection.

8. Provide information on the 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 submitted a proposed rule (RIN 0648-BB42) coincident with this submission, requesting comments from the public. The proposed rule was published on April 18, 2012 (77 FR 23326) and was accompanied by environmental and economic analyses, including an IRFA prepared pursuant to Section 603 of the Regulatory Flexibility Act. The comment period on this rule expired at 5 PM Alaska Local Time on June 18, 2012.

In addition, pursuant to section 313 of the MSA, NMFS conducted public hearings on the proposed rule in Oregon, Washington, and Alaska during the public comment period.

No comments were received on this information collection; however a technical amendment was made to add § 679.5(l)(7)(i)(E), which was inadvertently omitted from the proposed revisions to § 679.5(l)(7)(i). This existing regulation defines the reporting period of the IFQ Buyer Report.

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

No payment or gift to respondents is provided under this program.

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

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). The information is also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics. All information collected is in a system of records: NOAA #19, "Permits and Registrations for United States Federally Regulated Fisheries" (revision currently under review by 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.

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: 125. Estimated total responses: 125. Estimated total burden hours: 250. Estimated total personnel cost: \$ 6,250.

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: \$82.

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

Estimated total burden hours: 31. Estimated total personnel cost: \$775.

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

This is a new program, which will be merged into OMB Control No. 0648-0398 after OMB clearance.

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

The standard ex-vessel prices used to determine the observer fee for halibut would be published in the *Federal Register* in the annual notice of standard ex-vessel prices that will apply to groundfish and halibut landings subject to the observer fee.

NMFS would adhere to policies and procedures for protecting confidentiality of data submitted to or collected by NMFS as prescribed by a Reciprocal Data Access Agreement (1999) among the National Oceanic and Atmospheric Administration, the Alaska Department of Fish and Game, and the Alaska Commercial Fishery Entry Commission which are more stringent than the procedures prescribed by NOAA Administrative Order 216-100. Therefore, NMFS would not publish any price information that would permit the identification of an individual. For example, at least four persons would need to make landings of a species with a particular gear type at each port in order for NMFS to publish that price information at the level of individual ports.

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.