

**SUPPORTING STATEMENT
ALASKA COST RECOVERY & FEE PROGRAMS
OMB CONTROL NO. 0648-0711**

This is a resubmission, with the final rule, for a new cost recovery information collection due to an associated rule (RIN 0648-BE05). There are no changes to the information collection requirements due to comments or for any other reason.

This collection is created by combining new cost recovery programs (Amendment 80 Program, Western Alaska Community Development Quota (CDQ) halibut and sablefish Program, American Fisheries Act Program, and the Aleutian Islands Pollock Program) with existing cost recovery collections: Individual Fishing Quota (IFQ) Program (OMB 0648-0398); Crab Rationalization (CR) Program (OMB 0648-0570); and Rockfish Program (OMB 0648-0545) and the Observer Program fee submittal (OMB 0648-0318).

BACKGROUND

Under the Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. 1801 et seq. (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through National Oceanic and Atmospheric Administration/National Marine Fisheries Service. NMFS Alaska Region manages the groundfish fisheries in the EEZ of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under fishery management plans for groundfish in the respective areas by the North Pacific Fishery Management Council (Council).

The U.S. Congress amended Section 313(j) of Magnuson-Stevens Act to mandate the Secretary to implement the Crab Rationalization Program for the Bering Sea and Aleutian Islands Management Area crab fisheries (CR Program). The CR Program allocates BSAI crab resources among harvesters, processors, and coastal communities. The Council prepared, and NMFS approved, the Fishery Management Plan for BSAI King and Tanner Crabs. The FMP establishes criteria for the management of certain aspects of the BSAI crab fisheries by the State of Alaska Department of Fish and Game.

Regulations implementing the FMPs appear at 50 CFR part 679 and part 680.

INTRODUCTION

The Magnuson-Stevens Act both authorizes and requires the collection of cost recovery fees for Limited Access Privilege (LAP) programs and CDQ programs. Magnuson-Stevens Act cost recovery fees may not exceed three percent of the ex-vessel value, and must recover costs associated with the management, data collection, and enforcement of these programs that are directly incurred by government agencies tasked with overseeing these fisheries.

There are currently three cost recovery programs in place for LAP program fisheries off Alaska's coast. Those are the Halibut and Sablefish IFQ program, Rockfish program, and the Crab

Rationalization program. In addition, cost recovery fees will be collected from the American Fisheries Act (AFA) cooperatives, the Aleut Corporation, Amendment 80 cooperatives, and six Western Alaska Community Development Quota (CDQ) groups. The cost recovery fee percentage will be determined annually by the Regional Administrator of the NMFS Alaska Region and published in a Federal Register notice. Along with the fee percentage, standard ex-vessel prices will be reported in a Federal Register notice for each species directly allocated to the LAP programs or CDQ programs.

Three methods are used to determine standardized prices.

- ◆ Volume and Value reports for all species except CDQ halibut, fixed gear sablefish, and pollock.
- ◆ Current IFQ cost recovery reporting system to determine halibut and fixed gear sablefish standard ex-vessel prices.
- ◆ State of Alaska Commercial Operator's Annual Report (COAR) data currently being submitted to the State of Alaska to estimate standard prices. AFA and Aleutian Islands pollock prices will be based on COAR reports to estimate inshore ex-vessel prices using information from the previous year, as requested by members of the AFA.

NMFS Alaska Region previously established cost recovery fee programs to implement the requirements of section 304(d)(2) of the Magnuson-Stevens Act for the following fisheries:

- ◆ North Pacific Region Halibut and Sablefish Individual Fishing Quota Program (65 FR 14919, March 20, 2000); see OMB Control No. 0648-0398
- ◆ Crab Rationalization Program (70 FR 10174, March 2, 2005); see OMB Control No. 0648-0570
- ◆ Rockfish Program (76 FR 81248, December 27, 2011); see OMB Control No. 0648-0545

A. JUSTIFICATION

Combined into this collection are:

- ◆ OMB Control No. 0648-0398: this collection will be discontinued after the new cost recovery information collection is approved by OMB.
IFQ fee submission form
IFQ Registered Buyer Ex-vessel Volume and Value Report (Buyer Report)
- ◆ OMB Control No. 0648-0570: this collection will be discontinued after the new cost recovery information collection is approved by OMB.
RCR fee submission form
CR Registered Crab Receiver (RCR) Ex-vessel Volume and Value Report

- ◆ OMB Control No. 0648-0545: this collection is revised to remove Rockfish fee submission form
Rockfish Ex-vessel Volume and Value Report
- ◆ OMB Control No. 0648-0318: this collection is revised to remove Observer fee submission form
- ◆ New -- CDQ groundfish & halibut: added with this action
CDQ groundfish and halibut fee submission form
- ◆ New -- Amendment 80: added with this action
Amendment 80 fee submittal form
- ◆ New -- American Fisheries Act: added with this action
AFA fee submittal form
- ◆ New -- Aleutian Islands Pollock: added with this action
Aleutian Islands fee submittal form

One online location, eFISH (<https://alaskafisheries.noaa.gov/webapps/efish/login>), is currently available for participants to pay fees for existing Alaska cost recovery programs and observer fees and will be available for the new programs. eFISH is NMFS Alaska Region's online Fisheries Information System which, in addition to providing a method to pay cost recovery fees, provides online access to participants' NMFS permit accounts. This online access allows participants to: check account balances, vessel balances, and landing ledger reports; quota share holdings reports, processor quota share holding reports from various fisheries; report landings; conduct quota transfers; renew certain fishery permits; submit ex-vessel value and volume reports; report a Guided Angler Fish (GAF) landing; and check a GAF permit balance.

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

The objective of this action is to meet the mandates of the Magnuson-Stevens Act that requires cost recovery fees to be collected for all LAP programs and CDQ programs. NMFS would recover the incremental costs associated with the management, data collection, and enforcement of the CDQ groundfish and halibut, AFA, Aleutian Islands pollock, and Amendment 80 Programs. NMFS does not currently account for incremental costs for each of these programs, because there is not a cost recovery fee program in place for these programs.

The types of costs that NMFS incurs are summarized below. These are tasks and activities currently undertaken by staff at the Alaska Region or Alaska Fishery Science Center for management, data collection, and enforcement of the limited access programs included in this analysis. For any of these tasks or activities, NMFS is allowed to recover only those costs for activities or aspects of activities that NMFS did not have to undertake prior to implementation or establishment of the limited access program (“incremental costs”).

Types of Incremental Costs Associated with Cost Recovery Programs

Cost	Example
Equipment Inspections	Inspecting at-sea scales that are required and implemented as part of the a cost recovery program to accurately weight harvests (e.g., AFA catcher/processors, Amendment 80 vessels).
Information collection and data management	Creating and maintaining software programs necessary to track the use of exclusive harvest privileges allocated under a program subject to cost recovery.
Rulemaking	Labor costs associated with developing and implementing regulations that modify a program subject to cost recovery.
Investigations	Investigating and enforcing violations associated with a cost recovery program (e.g., costs incurred investigating and enforcing provisions intended to limit the maximum permissible amount of quota share a person may hold and use).
Staff meeting travel and outreach	Attending and participating in meetings required to address issues related to a cost recovery meeting (e.g., travel associated with providing outreach on new regulatory provisions applicable to a program subject to cost recovery).
Catch accounting	Modifying catch accounting to specifically track the use of exclusive harvest privileges.
Catch monitoring	Deploying staff to monitor and track catch for a program subject to a cost recovery program (e.g., the Catch Monitoring and Control Plan Specialist used to monitor catch in the Rockfish Program).

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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.

NMFS will create one information collection for Alaska cost recovery programs by combining all of the existing, authorized cost recovery programs required in section 304(d)(2) of the Magnuson-Stevens Act and by adding the CDQ Program for halibut and sablefish and the three limited access privilege programs -- the AFA Program, Aleutian Islands (AI) Pollock Program, and Amendment 80 Program.

Each year by December 1, NMFS will send each permit holder or their designated representative a fee liability summary letter for the fees required for that year. The fee liability summary letter will calculate each permit holders' fee liability. The fee liability is calculated by NMFS based on:

- ◆ the standard price determined by using data from the applicable volume and value report, IFQ Buyer Report, or the COAR;
- ◆ the total amount of landings by a permit holder from January 1 through November 30 of that year;
- ◆ NMFS's estimate of landings for a permit holder from December 1 through December 31 of that year; and
- ◆ NMFS' actual costs from October 1 of the previous calendar year through September 30 of the current calendar year.

The total cost recovery fee must be submitted electronically to NMFS no later than December 31 of the calendar year in which the landings were made.

NMFS proposes using standardized ex-vessel prices instead of actual prices, which could vary by entity required to submit the cost recovery fee. The use of actual ex-vessel prices requires that persons subject to cost recovery fees document and report all landings and values of ex-vessel sales (or projected sales values). It also means that individuals within a cooperative could have different ex-vessel prices. This detailed data collection would increase the cost, complexity, and burden of the program. Based on experience with the halibut and sablefish IFQ program, where IFQ holders may use either standard ex-vessel prices generated by NMFS or actual ex-vessel prices, very few IFQ holders subject to fee collection have used actual prices. The BSAI crab fee collection program does not provide for the use of actual ex-vessel price and NMFS applies a standard price to crab landings on a monthly basis.

Prices will be determined using different methods for CDQ halibut and sablefish, the AFA/AI pollock fishery, and the Amendment 80 program. Different methods are used for the various species (and LAP programs) because of the data collection programs that are currently in place, and the need to supplement those data with additional data collection programs, to ensure the estimates are fair and equitable among the persons paying the proposed fees.

Collections Combined into This Collection

The new cost recovery program will be accessed online only and the Observer Program fee program also is accessed online only. The IFQ Program and Crab Rationalization Program offer other methods for payment, in addition to online submittal.

0648-0398:	Alaska Pacific Halibut Fisheries: IFQ Cost Recovery
0648-0570:	Crab Rationalization Program
0648-0545:	Rockfish Program √ online only
0648-0318:	Observer Program fee √ online only
New:	CDQ groundfish & halibut √ online only
New:	Amendment 80 √ online only
New:	American Fisheries Act √ online only
New:	Aleutian Islands Pollock √ online only

To obtain access to the online system, eFISH, a program participant enters the NMFS ID and password issued by NMFS. Upon successful login at <https://alaskafisheries.noaa.gov/webapps/efish/login>, the participant then selects the appropriate screen to enter data for a cost recovery program or observer fee. Distinct labels identify the program for which the fee is being paid. Examples of the fee screens are shown below. Any permit holder who has incurred a fee liability is required to pay the fee electronically to NMFS by December 31 of the year in which the landings were made. A permit holder must ensure full payment for their cost recovery fee liability by December 31 of the year in which the landings were made.

CRAB RATIONALIZATION COST RECOVERY FEES

Fee Summary

NMFS Id:	
Due Date:	2014-07-31
Fee Percentage for 2013:	0.69
Principal Due:	
Interest Due:	\$0.00
Penalties Due:	\$0.00
Admin Fees:	\$0.00
Amount Paid:	
Balance Due:	\$0.00

Cost Recovery Fee Payment

Payment Options:

Payment Amount:

CSV XLS

NOTE: Credit Card payments cannot exceed \$49,999.

OBSERVER FEES

Fee Liability Summary

NMFS Id:	
Due Date:	2014-02-15
Fee Percentage for 2013:	1.25
Fee Liability Due:	\$2,500.00
Additional Charges:	\$246.44
Adjustments:	\$0.00
Amount Paid:	\$1,682.60
Balance Due:	\$1,063.84

CSV XLS

Fee Transactions

Date	Type	Method	Amount
2014-01-09	INV	FEE	2500
2014-01-23	PAY	CC	1678.6
2014-09-01	CHRG	AD	2.22
2014-09-01	CHRG	IN	222.22

Observer Program Fee Payment

Payment Options:

Payment Amount:

NOTE: Credit Card payments cannot exceed \$49,999.

a. Cost recovery fee or Observer fee

Observer Program Fees (§ 679.55) [WAS PART OF 0648-0318]

The new funding and deployment system allows 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. The implementation of eLandings in the groundfish and halibut fisheries provides an automated system for determining an operation's ex-vessel value-based observer fee liability. Ex-vessel value refers to the price paid to fishermen for their raw, unprocessed catch. The fee is paid exclusively by catcher vessels and FPP holders in the partial observer coverage category.

For 2013, the first year of the new Observer Program, NMFS used Federal funds to pay for observers in the partial coverage category. As of 2014, NMFS pays for these observers with money collected from fishery participants in the partial coverage category. NMFS charges all fishery participants an observer fee of 1.25% of the ex-vessel value of the groundfish and halibut subject to the fee. NMFS uses fee proceeds to contract with an observer provider who provides observers to vessels and processing plants that have been selected for observer coverage.

Vessels and processing plants in the full coverage category directly pay observer providers for the observer on their vessel or in their plant.

Processors and Registered Buyers are required to pay an ex-vessel value-based fee to NMFS to support the funding and deployment of observers on vessels and in processing plants in the partial coverage category. The fee is split evenly between the vessel owner/operator and processor or Registered Buyer. Ex-vessel value is based on standard ex-vessel prices from prior years. The fee liability started to accrue on January 1, 2013. The first fee submission by processors and Registered Buyers for 2013 landings was due to NMFS by February 15, 2014.

The owner of a shoreside processor or a stationary floating processor named on a Federal Processing Permit (FPP) or a person named on a Registered Buyer permit at the time of the landing must submit electronically to NMFS the payment to support the funding and deployment of observers on vessels and in plants in the "partial observer coverage category."

Deadline: no later than **February 15** of the calendar year in which the landings were made.

To view observer fees in eLandings, go to

<https://elandings.atlassian.net/wiki/display/doc/Viewing+Observer+fees+in+eLandings>

The payment must be submitted electronically by one of the methods listed below:

- ◆ Pay ONLINE. Payments may be made by electronic check through the NMFS Alaska Region secure, on-line system, eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>. On-line payments are processed through Pay.gov, a secure system for electronic payments used by many government agencies. Instructions for electronic payment are available on the payment website.

- ◆ Wire money by filling out the FEDWIRE form and wiring money from your bank.

Full payment of the observer fee liability is required before NMFS will issue a new or renewed FPP or Registered Buyer permit.

Cost recovery fee program for IFQ Program (§ 679.5(l)(7)) [WAS 0648-0398]

An IFQ permit holder who holds an IFQ permit against which a landing was made must submit a complete paper or electronic fee submission form to NMFS. **Deadline:** no later than January 31 following the calendar year in which any IFQ landing was made.

The IFQ Program offers various ways to pay the fee:

- ◆ Pay ONLINE. Payments must be paid by electronic check through the NMFS Alaska Region secure, on-line system, eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>. On-line payments are processed through Pay.gov. Instructions for electronic payment are available on the payment website. If paid online, the fee form is not submitted.
- ◆ Fill out the Fee Submission form and mail or courier the form with a check or money order made payable to:
NMFS
NOAA Fisheries - OMI
P.O. Box 21668
Juneau, AK 99802-1668
- ◆ Call RAM at: (800) 304-4846 (#5) or (907) 586-7202 (#5). In cases of credit card payment, the transaction may be done over the telephone and a fee form is not submitted.
- ◆ Prepayment of fees. NMFS also provides an option for participants to pay amounts during the fishing year toward the fee. The summary which NMFS provides, in this case, would also show the amounts paid and the amount still due, if any.

Cost recovery fee program for Rockfish (§ 679.5(r)) [WAS PART OF 0648-0545]

A rockfish cooperative quota (CQ) permit holder must submit any rockfish cost recovery fee liability payment(s) by electronic check through the NMFS Alaska Region secure, on-line system, eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>. On-line payments are processed through Pay.gov. Instructions for electronic payment are available on the payment website. **Deadline:** no later than February 15 of the year following the calendar year in which the rockfish CQ landings were made.

Cost recovery fee program for CR crab (§ 680.5(g)) [WAS 0648-0570]

Each Registered Crab Receiver (RCR) who receives any CR crab pursuant to § 680.44 must

submit any CR crab cost recovery fee liability payment(s) to NMFS by one of the methods listed below. **Deadline:** no later than July 31 following the crab fishing year in which the CR crab landings were made.

- ◆ Pay ONLINE. Payments must be paid by electronic check through the NMFS Alaska Region secure, on-line system, eFISH. at <https://alaskafisheries.noaa.gov/webapps/efish/login>. On-line payments are processed through Pay.gov. Instructions for electronic payment are available on the payment website.
- ◆ Wire money by filling out the FEDWIRE form and wiring money from your bank.
- ◆ Fill out the Fee Submission form, and mail or courier the form with check or money order made payable to NMFS. Mail to:

Troie Zuniga, Fee Coordinator
NOAA Fisheries, NMFS, OMD
P.O. Box 21668
Juneau, AK 99802-1668

Cost recovery fee program for CDQ groundfish and halibut (§ 679.33) [NEW]

A CDQ group representative must submit all CDQ fee liability payment(s) to NMFS. Payments must be paid by electronic check through the NMFS Alaska Region secure, on-line system, eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Cost recovery fee program for AFA pollock cost recovery (§ 679.66) [NEW]

The AFA cooperative representatives must submit all AFA fee liability payment(s) for all Bering Sea pollock landings by electronic check through NMFS Alaska Region secure, on-line system, eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login> .

Cost recovery fee program for Aleutian Islands pollock (§ 679.67) [NEW]

The authorized representative designated by the Aleut Corporation for Aleutian Islands pollock must submit the cost recovery payment by electronic check through NMFS Alaska Region secure, on-line system, eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login> .

Cost recovery fee program for Amendment 80 (§ 679.95) [NEW]

Amendment 80 cooperative representatives must submit the cost recovery payment for all Amendment 80 CQ landings by electronic check through NMFS Alaska Region secure, on-line system, eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login> .

The cost recovery fee does not include the observer coverage fee; these fees are not duplicative.

Cost Recovery Fee or Observer Fee, respondents	
Total number of respondents	2,171
2,024 IFQ sablefish and halibut	
6 CDQ groundfish and halibut	
9 Rockfish	
20 RCR crab	
9 AFA pollock	
1 Aleutian Islands pollock	
2 Amendment 80 cooperative	
100 partial observer coverage fee	
Total number of responses	2,171
Response per participant = 1	
Total Time burden (36.18)	36 hr
Time per response = 1 minute	
Total personnel costs (\$37/hr x 36)	\$1,332
Total miscellaneous costs (413.75)	\$414
Submit by mail (.45 x 133 = 59.85)	
Submit online (0 x 2000 = 0)	
Prepay by mail (38 x .90 x 4 times/yr = 136.80)	
Photocopy (0.05 x 2pp x 2171 =217.10)	

NMFS would capture the incremental costs of managing the fisheries through an established accounting system that allows NMFS to track labor, travel, and procurement. This accounting system for management costs is consistent with the methods NMFS uses to account for costs in the Halibut and Sablefish IFQ Program, Crab Rationalization Program, and Rockfish Program. NMFS would perform a similar function for the proposed fee collections.

Cost recovery Federal costs for all six programs are given below:

Estimated Recoverable Costs, Federal Government						
	AKR	OLE	AK SciCtr	ADF&G	ObsPrg	Total
Amendment 80	486364	492920	49627	0	333548	0
CDQ Hlbt & Grnd	234796	246460	0	65612	84799	0
AFA & AI Plck	324802	492920	0	0	389461	0
Halibut/Sabl IFQ	-	-	-	-	-	5224857
Rockfish	-	-	-	-	-	Not avlble
CR Crab	-	-	-	-	-	3210189
TOTAL	0	0	0	0	0	0

b. Value & Volume Report

IFQ Registered Buyer Ex-vessel Volume & Value Report (IFQ Buyer Report)(\$679.5(1)(7)

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 Buyer Report. **Deadline:** no later than October 15 following the reporting period in which the IFQ Registered Buyer receives the IFQ fish or CDQ halibut.

NMFS will calculate the CDQ standard prices for CDQ halibut and CDQ fixed gear sablefish to reflect, as closely as possible by port or port-group, the variations in the actual ex-vessel values of CDQ halibut and fixed-gear sablefish based on information provided in the IFQ Registered Buyer Ex-vessel Volume and Value Report.

Rockfish Ex-vessel Volume and Value Report (§679.5(r)(10))

A rockfish processor that receives and purchases landings of rockfish CQ groundfish must submit annually to NMFS a complete Rockfish Ex-vessel Volume and Value Report. **Deadline:** no later than December 1 of the year in which the rockfish processor received the rockfish CQ groundfish.

CR Registered Crab Receiver (RCR) Ex-vessel Volume and Value Report (§680.5(m))

An RCR that also operates as a shoreside processor or stationary floating crab processor and receives and purchases landings of CR crab must submit annually to NMFS a complete CR RCR Exvessel Volume and Value Report for each reporting period in which the RCR receives CR crab. **Deadline:** no later than May 15 of the reporting period in which the RCR received the CR crab.

Pacific Cod Ex-vessel Volume and Value Report (§679.5(u)(1))

A Shoreside processor designated on a Federal Processor Permit (FPP) or a mothership that holds a Federal Fisheries Permit (FFP) and that process landings of either CDQ Pacific cod or BSAI Pacific cod harvested by a vessel using trawl gear must submit annually to NMFS a Pacific Cod Ex-vessel Volume and Value Report for each reporting period for which the shorebased processor or mothership receives this Pacific cod. The reporting period of the Pacific Cod Ex-vessel Volume and Value Report shall extend from January 1 to October 31 of the year in which the landings were made.

NMFS will use the standard prices calculated for Pacific cod based on information provided in the Pacific Cod Ex-vessel Volume and Value Report described at § 679.5(u)(1).

Deadline: no later than November 10 of the year in which the processor or mothership received the Pacific cod.

First Wholesale Volume and Value Report ((§679.5(u)(2))

An Amendment 80 vessel owner that harvests Amendment 80 species, other than Pacific cod, must submit annually to NMFS a complete First Wholesale Volume and Value Report for each reporting period for which the Amendment 80 vessel harvests Amendment 80 species, other than Pacific cod.

The Regional Administrator will base Amendment 80 standard prices for all Amendment 80 species other than Pacific cod on the First Wholesale Volume and Value reports on an annual basis. The reporting period for all species except rock sole shall extend from January 1 to October 31 of the year in which the landings were made.

Rock sole is allocated to and harvested by vessels participating in Amendment 80 cooperatives. Rock sole volume and value reports would be reported once each year, but fees would be assessed based on the volume and value of landings of rock sole that occur in the first quarter of the year (January 1 through March 31), and fees would be assessed based on the aggregated volume and value of landings in the last three quarters of the year (April 1 through December 31). The difference in reporting requirements for rock sole arises from the need to capture significant differences in price and value in the rock sole that are landed in the first quarter of the year compared to the price and value in the remaining part of the year. The first reporting period for rock sole shall extend from January 1 to March 31, and the second reporting period shall extend from April 1 to October 31. **Deadline:** no later than November 10 of the year in which the Amendment 80 vessel received the Amendment 80 species, other than Pacific cod.

Value & Volume Report, Respondents	
Total number of respondents	187
154 (142+6 IFQ sablefish and halibut + 6 CDQ groundfish and halibut uses IFQ Buyer Report)	
0 AFA pollock uses COAR	
0 Aleutian Islands pollock uses COAR	
2 Amend 80 coop uses Pcod report for Pcod	
2 Amend 80 coop uses First wholesale report for rest	
20 RCR crab	
9 Rockfish	
0 Observer Program uses eLandings	
Total number of responses	187
Response per participant = 1	
Total Time burden (3.17)	3 hr
Time per response = 1 minute	
Total personnel costs (\$37/hr x 3)	\$111
Total miscellaneous costs (12.05)	\$12
Submit by mail (.45 x 6 = 2.70)	
Submit online (0 x 181 = 0)	
Photocopy (0.05 x 187 =9.35)	

Value & Volume Report, Federal Government	
(see "fees" for total costs)	

c. Appeals

Any representative who receives an IAD for incomplete payment of a cost recovery fee or observer fee may appeal under the appeals procedures set out in 15 CFR part 906.

The Cost Recovery Program provides for appeal on decisions made by NMFS through the National Appeals Office (NAO, formerly known as the Office of Administrative Appeals [OAA]). Any person whose interest is directly and adversely affected by an initial administrative determination (IAD) may file a written appeal. If an applicant appeals an IAD, the appeal must be filed not later than 60 days after the date the determination is issued.

Instructions for submitting an appeal are provided at <http://www.alaskafisheries.noaa.gov/appeals/default.htm>. Appeals must be in writing and must be submitted

By mail to National Marine Fisheries Service
 Office of Administrative Appeals (OAA)
 P. O. Box 21668,
 Juneau, AK 99802-1668

Or by courier to National Marine Fisheries Service
 Attention: Appeals (OAA)
 709 West 9th St., Room 453
 Juneau, AK 99801

Applicants must timely submit a full written statement in support of the appeal, including a concise statement of the reasons the IAD has a direct and adverse effect on the applicant and should be reversed or modified. If the applicant requests a hearing on any issue presented in the appeal, such request for hearing must be accompanied by a concise written statement raising genuine and substantial issues of adjudicative fact for resolution and a list of available and specifically identified reliable evidence upon which the factual issues can be resolved. The appellate officer will limit his/her review to the issues stated in the appeal; all issues not set out in the appeal will be waived. The appellate officer will review the applicant’s appeal and request for hearing. An appellate officer’s decision takes effect 30 days after it is issued and, upon taking effect, is the final agency action for purposes of judicial review.

File an Appeal, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	4 hr
Time per response = 4 hr	
Total personnel costs (\$37 x 4)	\$148
Total miscellaneous costs (\$1.65)	\$2
Postage (\$1.35 x 1 = \$1.35)	
Photocopy (6pp x 1 x 0.05 = \$0.30)	

File an Appeal, Federal Government	
Total annual responses	1
Total burden hours	4 hr
Time per response = 4 hr	
Total personnel costs (\$75 x 4)	\$300
Total miscellaneous costs	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.

NMFS proposes to collect all fees electronically in U.S. dollars by automated clearing house or electronic check drawn on a U.S. bank account. The use of electronic payment of cost recovery fees would reduce the administrative costs of processing payments, and provides an efficient method for permit holders to submit fees.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

One action is considered under this amendment. That action would implement a cost recovery program for the Amendment 80 program, the CDQ Groundfish or Halibut/Sablefish programs, the American Fisheries Act, and the Aleutian Islands Pollock programs. The entities that receive an allocation under those programs or first wholesale buyers of those fish that are required to submit a Volume and Value report are directly regulated by this proposed action.

The entities directly regulated by this action are those entities that participate in harvesting groundfish from the AFA pollock, AI pollock, Amendment 80, and CDQ allocations from the BSAI. Fishing vessels are considered small entities if their total annual gross receipts, from all activities, are less than \$20.5 million or are not affiliated with a fishing cooperative. None of the harvesting vessels that are members of a cooperative and are directly regulated by this action are considered small entities, because their cooperative affiliation results in them exceeding the \$20.5 million threshold.

Vessels in the AFA and Amendment 80 programs are categorized as “large entities” for the purpose of the RFA under the principles of affiliation, resulting from being part of cooperatives. Vessels harvesting CDQ allocations are not directly regulated, since only the six CDQ groups are directly regulated by this action.

Through the CDQ program, the Council and NMFS allocate a portion of the BSAI groundfish TACs, and prohibited species halibut and crab PSC limits, to 65 eligible Western Alaska

communities. These communities work through six non-profit CDQ Groups and are required to use the proceeds from the CDQ allocations to start or support activities that will result in ongoing, regionally based, commercial fishery or related businesses. The 65 CDQ communities are not directly regulated. Because they are nonprofit entities, the six CDQ groups are considered small entities for RFA purposes. They are the only small entities subject to this action.

The Aleut Corporation is not considered a small entity. The Aleut Corporation gross revenues are typically in excess of \$100 million annually. Their 2011 annual report shows revenues between the corporation's FY2007 and FY2011 over \$100 million each year. The Aleut Corporation is it a holding corporation (NAICS 55112). The SBA defines these types of entities as a small entity if they generate less than \$19 million annually in total gross revenue. However, if the Aleut Corporation is considered a fishing entity, the revenues from affiliated businesses would easily generate revenues over the \$20.5 million threshold.

The AFA and Amendment 80 fisheries cooperatives are directly regulated, since they are required to pay the cost recovery fee. The entities affiliated through the cooperative programs are large entities. In 2014, there were seven inshore AFA cooperatives, one AFA CP cooperative, and one AFA mothership cooperative. There were also two Amendment 80 cooperatives, the Alaska Seafood Cooperative (formerly the Best Use Cooperative) and the Alaska Groundfish Cooperative.

In addition to the persons listed above, the processors that purchase landings of CDQ BSAI Pacific cod from catcher vessels are subject to the proposed cost recovery fees would be required to submit an Ex-vessel Volume and Value Report. None of these processors are considered small entities, under the SBA definitions. For Pacific cod, it would include processors taking deliveries of CDQ Pacific cod (nine processors) and trawl caught BSAI Pacific cod (an additional 15 processors). Finally, all catcher/processor harvesting species (other than pollock and Pacific cod) allocated to the programs subject to the proposed cost recovery fee, would be required to submit a First Wholesale Volume and Value Report for those species. These catcher/processors are already included in the description of the Amendment 80 fleet. None of these processors is considered a small entity.

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

NMFS collects cost recovery fees at the end of a year to recover costs incurred by the agency for program management in that same year. A permit holder incurs a cost recovery fee liability for every pound landed on his or her permit(s). The permit holder is responsible for self-collecting the fee liability for all landings on his or her permit(s). The fee liability is based on the sum of all payments made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the permit holder for previously landed fish.

The use of actual ex-vessel prices would require that persons subject to cost recovery fees document and report all landings and values of ex-vessel sales (or projected sales values). Prices will be determined using different methods for CDQ halibut and sablefish, the AFA/AI pollock

fishery, and the Amendment 80 program. Different methods are used for the various species (and LAP programs) because of the data collection programs that are currently in place, and the need to supplement those data with additional data collection programs, to ensure the estimates are fair and equitable among the persons paying the proposed fees.

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

Not Applicable.

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 published a proposed rule, RIN 0648-BE05 ([80 FR 936, January 07, 2015](#)) coincident with this submission, requesting comments from the public. The 30-day comment period on the proposed rule ended February 6, 2015. NMFS received a total of three comment letters from three unique persons during the public comment period. A summary of the comments received that are relevant to this collection and NMFS’ responses follow.

Comment	Response
<p><u>Comment 1:</u> The commenter suggests utilizing the Commercial Operator’s Annual Report (COAR) for the Amendment 80 sector and removing requirements for the additional reporting (Volume and Value Reports) because the additional reporting requirements add additional costs to NOAA, enforcement and management costs from the previous year are used, and participants support use of COAR.</p>	<p><u>NMFS Response:</u> The RIR considered using COAR for all LAP Programs that would be subject to the new cost recovery regulations. That method was selected for the AFA LAP Programs because it was a single species fishery and, as noted in the analysis, the standard ex-vessel price is unlikely to impact the fee that any person would be required to pay as their portion of the cost recovery fee. Also, since a single price is set for all Bering Sea AFA pollock landed, the amount of landings determines the percentage of the cost recovery fee each AFA person must pay. NMFS is responsible for determining the fee liability for each person and can accurately determine that amount for the AFA LAP Programs since one species is allocated. Because the Amendment 80 LAP Program implemented multispecies allocations, relative changes in ex-vessel prices could have an impact on the fees that each person will be liable to pay through their cooperative contracts. NMFS concluded that it is appropriate to collect price and quantity data through minimal volume and value reports. This allows the agency to collect data for the current year’s fishery (as required under the Magnuson-Stevens Act) to determine the portion of the total cost recovery fee that each cooperative is required to submit. NMFS must have this information to fulfill their obligation in charging each person the required fee liability. NMFS agrees that collecting this data through volume and value reports will increase the Amendment 80 sector cost</p>

Comment	Response
	<p>recovery fee and increase the reporting burden on industry. However, NMFS is proposing collecting the minimum amount of data the agency determined is necessary to determine each person’s cost recovery fee liability. This approach was taken to minimize the reporting burden on members of the Amendment 80 LAP Program and the expenses the agency will incur that would be subject to cost recovery fees.</p>
<p><u>Comment 2:</u> The average rock sole prices are sufficient for the Amendment 80 sector to determine the standard price. There is no need to use two prices for rock sole (January – March and April to December). COAR incorporates prices submitted throughout the year and provides a yearly price. Price fluctuations have been limited in recent years due to the decline in the rock sole and roe market.</p>	<p><u>NMFS Response:</u> Table 1-26 of the RIR provides a summary of the estimated monthly rock sole ex-vessel prices. Information in that table does show that the difference in rock sole ex-vessel prices have declined between the first quarter (January through March) and the remaining months of the year. However, the difference in monthly price is still about 20 percent more in the first quarter of the year. Because of this difference NMFS intended to implement the volume and value reports for rock fish to collect data for the first quarter and all remaining quarters as described in the RIR.</p> <p>If the price premium for rock fish in the first quarter of the year continues to decline, NMFS could consider modifying the volume and value reports in the future. The information collected in the volume and value reports will allow that potential adjustment to be monitored in the annual cost recovery reports to the fleet.</p>
<p><u>Comment 3:</u> Only assess fees against fish that were retained and offloaded from the vessel.</p>	<p><u>NMFS Response:</u> Section 304(d)(2)(B) of the Magnuson-Stevens Act states that “...such fee shall not exceed 3 percent of the ex-vessel value of fish harvested under any such program..”. Because the Magnuson-Stevens Act states that the cost recovery fee should be based on fish harvested NMFS will base the cost recovery fee on fish harvested under the LAP Program and not fish retained. NMFS acknowledges that using harvest will have distributional impacts. Including discards will reduce the standard price for that species. The reduced price will be applied to all reported catch of that allocated species, so persons with lower discard rates benefit from the lower price and persons with higher discard rates pay a slightly higher fee.</p>
<p><u>Comment 4:</u> NMFS should provide detailed cost breakout to program participants, taking care to eliminate management and enforcement costs that cannot be directly attributed to the A80 Program. Costs attributed to other programs should be excluded (i.e. Observer Program).</p> <p>Commenters also requested that NMFS provide a detailed breakdown of the costs that will be included in the fee liability calculation.</p>	<p><u>NMFS Response:</u> NMFS received comments concerning the calculation of the fee liability amounts from each of the three persons commenting on the PR. Each person indicated that fee liabilities should be based on the incremental costs associated with management and enforcement of their LAP Program. Comments also indicated that NMFS should use a “with and without” test to determine whether costs should be included in the fee calculation.</p> <p>NMFS agrees and changed Section 1.8.3 of the RIR to exclusively address estimates of recoverable costs by agency. The costs described in that section of the RIR are the costs that will be recovered under this action.</p> <p>Magnuson-Stevens Act Section 304(d)(2)(A) states that the Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management, data collection, and enforcement of any—</p>

Comment	Response
	<p>(i) limited access privilege program; and (ii) community development quota program that allocates a percentage of the total allowable catch of a fishery to such program.</p> <p>NMFS has indicated that it intends to employ the same accounting methods for the proposed cost recovery programs as it has implemented for the existing Halibut and Sablefish IFQ program, Crab Rationalization Program, and the Central Gulf Rockfish Program. This methodology has consistently been implemented in cost recovery program’s in the Alaska Region since prior to the publication of the NOAA Technical Memorandum to offer policy guidance on implementing cost recovery programs (NMFS-F/SPO-86, November 2007).</p> <p>An example provided in the comment letter notes that Observer Costs should not be included in the cost recovery fee liability calculations since they would have been implemented with or without the cost recovery fee. NMFS agrees that certain categories of observer costs should not be included in the fee liability calculation. The actual cost of both the first and second observer is borne by the AFA C/P fleet and those costs are not included in the fee liability calculation. However, NMFS does incur actual costs that are directly related to the management, data collection, and enforcement of the LAP Programs. Those costs are associated with debriefing the second observer. NMFS acknowledges that those costs associated with the first observer should not be subject to the cost recovery fee, because they were necessary with or without a LAP Program. However, the second observer is necessary to monitor the catch of at-sea vessels operating under the AFA and those actual costs directly related to the management, data collection, and enforcement of the AFA fishery may be collected under section 304(d)(2)(A) of the Magnuson-Stevens Act.</p> <p>NMFS agrees that information on the costs used to determine the fee liability should be annually disclosed to stakeholders. NMFS has proposed drafting and releasing an annual report that provides information on how the cost recovery fee was estimated. This report would be structured like the cost recovery fee reports that are currently being generated for the Halibut and Sablefish IFQ Program, Crab Rationalization Program, and the Central Gulf Rockfish Program. An example of the Halibut and Sablefish Cost Recovery Fee report for 2013 is available at https://alaskafisheries.noaa.gov/ram/fees/feerpt2013.pdf</p>
<p>Comment 5: The commenter suggest that all programs receive a proportion of their catch that matches the proportion of fees paid, if the total fee liability hasn’t been paid, similar to what is done for the AFA Offshore Cooperatives.</p>	<p>NMFS Response: The RIR indicates that NMFS can employ the release of a percentage of catch that is equal to the percentage of the cost recovery fee that is paid in single species LAP Programs. The Amendment 80 LAP Program is a multi-species fishery and holding back a percentage of the catch is complicated by the fact that each species has a different value and individuals within the cooperative are allocated different amounts of each species. Therefore, releasing a portion of the CQ that matches the percentage of the cost recovery fee paid would require</p>

Comment	Response
	<p>assumptions and the species withheld may not match the allocations associated with the unpaid cost recovery fee. Because of these complications, NMFS will require full payment of the cost recovery fee for the Amendment 80 sector prior to releasing any of the cooperatives annual CQ. It is assumed that the cooperative contract will address the payment of the cost recovery fee and person that do not meet the terms of the contract will subject to penalties outlined in the contract. The commenter also indicated that they do not anticipate a company within the cooperative not meeting the terms of the cooperative agreement for submitting the cost recovery fee. Therefore, it is anticipated that this provision may never be necessary.</p>
<p><u>Comment 6:</u> The analysis should be revised to include some information on how the potential Halibut PSC limit reductions would affect the cost recovery fee percent in the future.</p>	<p><u>NMFS Response:</u> NMFS acknowledges that any action taken by the Sectary of Commerce in the future that will either increase the cost recovery fee liability or reduce the estimated ex-vessel value of the Amendment 80 species caught will increase the fee percentage. One action that the Council is currently considering is a potential halibut PSC limit reduction in the BSAI. An RIR is being developed to consider a broad range of potential reductions. Based on the initial draft of that analysis, the largest proposed reductions in the halibut PSC limit would increase the Amendment 80 cost recovery fee percentage, through reductions in ex-vessel value of the fishery. It is possible that those halibut PSC limit reductions could result in a cost recovery fee that approaches or reaches the 3% fee maximum allowed under the Magnuson-Stevens Act. Those considerations should be considered in the RIR that implements that action. That RIR should also consider the impact of increasing the fee percentage, but not the actual amount of the cost recovery fee.</p> <p>As stated in the RIR developed for the cost recovery fee amendment, any action that decreases flatfish or Pacific cod revenues will impact the cost recovery fee percentage. These actions could include changes in TACs or changes in the PSC limits in those fisheries. Reduced catches could be partially offset by increase in prices, but the world market for these fish and their substitutes result in an inelastic price flexibility. Given the estimated cost recovery fee (1.62%) for the Amendment 80 fleet, the value of the fishery would need to decrease by about 50% assuming the agency costs remain constant for the 3% cost recovery fee limit to be reached.</p>
<p><u>Comment 7:</u> The cause of the rapid increase in the Rockfish cost recovery fee (up to 3% in its second year) should be explored and explained in this rulemaking to ensure that the same rapid increase would not happen in these programs.</p>	<p><u>NMFS Response:</u> Amendment 88 to the Gulf of Alaska FMP (76 FR 81263, December 27, 2011) stated that, given the small size of the Rockfish Program relative to the administrative costs, it is likely the cost will exceed 3 percent cost recovery fee limit in the future. That section also went on to state that each rockfish cooperative may want to ensure that 3 percent of the ex-vessel value of all landings are set aside for future cost recovery fees. The March 2014 notification of standard prices (79 FR 11767, March 3, 2014) stated that the estimated percentage of costs to value for the 2013 calendar year Rockfish Program is 2.5</p>

Comment	Response
	<p>percent of the standard ex-vessel value. The 2013 fee liability percentage of 2.5 is an increase of 1.1 percent from the 2012 fee liability of 1.4 percent (78 FR 14076, March 4, 2013). The change in the fee percentage between 2012 and 2013 can be attributed primarily to a decrease in the standard ex-vessel value and volume of rockfish and to a lesser extent an increase in NMFS management and enforcement costs.</p> <p>The RIR notes in section 1.8.1 that the increase in the fee percentage has not been as dramatic or has declined in other cost recovery programs. Estimates of agency costs and fee percentages were greater in the Crab Rationalization Program than were realized. In this program the fee percentage declined over time because of a variety of factors, including the increasing value of the fishery due to increased total allowable catch limits for various crab species, such as Bristol Bay red king crab (<i>Paralithodes camtshaticus</i>) and Bering Sea snow crab (<i>Chionoecetes opilio</i>), increased ex-vessel price per pound of crab relative to previous years, and decreased management costs relative to previous years, primarily due to decreased staff and contract costs. The estimated fee percentage for the 2010/2011 and 2011/2012 crab fishing years was 2.67 percent and 1.23 percent, respectively. Those fee levels resulted in a fee collection greater than the actual management, data collection, and enforcement costs for the 2010/2011 and 2011/2012 crab fishing years and no fee was charged in 2012/2013. In the halibut and sablefish IFQ program (65 FR 14919), the fee percentage has increased because of reduced harvests that have not been off-set by increases in prices. In 2006, the fee percentage applied to halibut and sablefish landings was 1.0 percent. The fee percentage increased to 1.2 percent in 2007. For 2008, 2009, and 2011 the fee percentage was 1.6 percent, and in 2010 it was 1.4 percent. The 2012 fee payment was 2.1 percent, the largest fee percentage to date.</p>
<p><u>Comment 8:</u> Please clarify regulations §679.95(c)(5)(iii) and §679.95(b) regarding who determines the fee liability of each permit holder.</p>	<p><u>NMFS Response:</u> NMFS clarifies that it will calculate the fee liability for each CQ permit holder. The fee liability will be determined in part using information from each Amendment 80 quota share permit holder. It is important to distinguish between the Amendment 80 quota share permit holder (each vessel in the cooperative that is assigned quota shares by NMFS) and the CQ permit holder. A CQ permit is issued annually to an Amendment 80 cooperative that submits a complete and timely application for CQ. Each Amendment 80 quota share permit holder is required to submit a volume and value report. NMFS uses that information to create a standard price. The standard price and the amount of each species quota used by the cooperative is submitted by NMFS along with a bill of the cooperative's fee liability to the CQ permit holder (designated cooperative representative). The CQ permit holder is responsible for submitting the fee to the Regional Administrator. As stated in the PR at §679.95(c)(5)(iii) "... NMFS will provide a fee liability summary letter to all Amendment 80 CQ permit holders by December 1 of each year." The summary will explain the fee liability determination including the current fee</p>

Comment	Response
	<p>percentage, and details of Amendment 80 species CQ pounds debited from Amendment 80 CQ allocations by permit, species, date, and prices. The permit is the Amendment 80 permit assigned to each quota share holder. §679.95(b) defines the standard prices and states that those prices were used by NMFS to determine the fee liability for the CQ permit holder. The cooperative’s designated representative to NMFS will ultimately be responsible for submitting the fee and the cooperative will be accountable for ensuring that each member pays the share of the cost recovery fee they owe. NMFS is only responsible for determining whether the cooperative pays its cost recovery fee. The cooperative must be responsible for determining its individual members have complied with their cost recovery fee obligations to the cooperative.</p>
<p><u>Comment 10:</u> Commenter wanted to acknowledge NMFS’ definition of “person” as each CDQ entity issued an annual allocation and required to submit the cost recovery fee.</p>	<p><u>NMFS Response:</u> NMFS agrees. On page 87 of the RIR prepared for the cost recovery action states that “the person documented with NMFS as the CDQ group representative at the time of a CDQ halibut or CDQ groundfish landings” is the person that must submit the cost recovery fee for their CDQ group. Regulations at 50 CFR §679.2 defines a CDQ group as “an entity identified as eligible for the CDQ Program under 16 U.S.C. 1855(i)(1)(A).” The six eligible CDQ groups are listed in Table 7 to 50 CFR part 679. Therefore each CDQ group must define their NMFS representative for the purpose of cost recovery, but each of the six CDQ groups is responsible for submitting the cost recovery fee that NMFS determines they owe.</p>
<p><u>Comment 12:</u> Imposing cost recovery on vessel owners who voluntarily end a race for fish (i.e. AFA CP sector) creates a disincentive to rationalize through private cooperation.</p>	<p><u>NMFS Response:</u> Benefits associated with granting sole access to a defined percentage of the BS pollock TAC to the CP vessel owners listed in the AFA are many. Ending the “race for fish” created substantial economic benefits to those individuals and increased the costs of management of that fleet that is borne by tax payers. The AFA CP vessel owners are only being required to reimburse government agencies for the additional costs of managing the CP cooperative member vessels in the BS Pollock fishery. If the cost recovery fee increases costs to a point that they outweigh the benefits derived from the AFA program, the CP sector has the right disband their cooperative and return to the less efficient race for fish and not be subject to the cost recovery fee.</p> <p>Additionally, section 303A of the Magnuson-Stevens Act requires that in establishing a limited access privilege program, a Council shall (2)” provide, under section 304(d)(2) for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.” Therefore, NMFS is mandated under the Magnuson-Stevens Act to develop cost recovery fee programs for limited access programs.</p>
<p><u>Comment 16:</u> The OPCC-PCC agreement is not a “person.”</p>	<p><u>NMFS Response:</u> NMFS agrees. The agreement between OPCC/HSCC and PCC is not the “person” for cost recovery. Federal regulations at §679.2 define a person as “any individual (whether or not a citizen or national of the United States), any corporation,</p>

Comment	Response
	<p>partnership, association, or other non-individual entity (whether or not organized, or existing under the laws of any state), and any Federal, state, local, or foreign government or any entity of any such aforementioned governments.” The PCC and OPCC/HSCC are a “person” under NMFS’ definition because of their association through their cooperative agreement. If the agreement hadn’t been developed, the membership of the PCC and the OPCC/HSCC would each be considered a person based on their affiliation.</p> <p>For the purposes of cost recovery, NMFS defines the association between PCC and OPCC/HSCC as the person. Therefore, they are required to submit one fee which covers both cooperatives just as they submit one salmon avoidance report and one cooperative report representing both of the PCC and OPCC/HSCC.</p>
<p><u>Comment 17:</u> The “person” does not hold the “permit.” The pollock DFA, if it is a permit, is allocated to CP vessels – the steel- rather than to a contract between OPCC and PCC.</p>	<p><u>NMFS Response:</u> NMFS disagrees. The “person” who receives the exclusive harvest privilege for the purposes of cost recovery is the PCC and OPCC/HSCC. They are a person, because of their joint agreement (see response to Comment 16 for more information). Section 206(b) of the AFA allocated the DFA “to the catcher/processors and catcher vessels that harvest pollock for processing.” Because the specific text of the AFA suggests that a percentage of the TAC go to each of the sectors, the allocation is to the sector and not to the specific vessels. Once the sector receives their allocation, it is up to the members of that sector to divide the allocation among sector members. The actual sector members are then provided with a privilege to harvest pollock for processing using one of the vessels listed in section 208.</p>
<p><u>Comment 18:</u> The pollock DFA does not allow any person “to harvest a quantity of fish” for that person’s “exclusive use.”</p>	<p><u>NMFS Response:</u> NMFS agrees that the directed fishing allowance does not allow any person to harvest a quantity of fish for that person’s exclusive use. It does, however, provide annually a percentage of the BS pollock fishery allocation for exclusive use by named AFA catcher/processors and catcher vessels that deliver to catcher/processors.</p>
<p><u>Comment 19:</u> The proposed cost recovery regulations should be revised to more clearly incorporate the Magnuson-Stevens Act’s limitations on costs that may be recovered.</p>	<p><u>NMFS Response:</u> NMFS acknowledges this comment and disagrees. The regulations already incorporate the Magnuson-Stevens Act limitations on the costs that may be recovered and state unequivocally that “amounts must not exceed 3percent” for fee percentages. In addition, NMFS has edited the definition of “directed program costs” in the regulations, as per the request in comment 20.</p>
<p><u>Comment 20:</u> To focus on truly recoverable costs, the proposed regulations at 679.66(c)(2)(ii) should be revised to incorporate the definition of “direct program costs” from the cost recovery rule for certain Pacific Coast groundfish fisheries.</p>	<p><u>NMFS Response:</u> NMFS acknowledges this comment and has made edits to the definition for “direct program costs” or “DPC” to clarify that these are the actual incremental costs that will be collected.</p>
<p><u>Comment 21:</u> Revise references to “the cooperative</p>	<p><u>NMFS response:</u> NMFS acknowledges this comment and has made edits in the</p>

Comment	Response
<p>representing the listed AFA catcher/processor and high seas catcher vessels that deliver to them,” or similar language. There is no single cooperative representing CP’s and CV’s. There is one cooperative for CPs (PCC) and another for CVs delivering to CPs (OPCC/HSCC). The two cooperatives are parties to the agreement between them.</p>	<p>regulations, where necessary, to reflect that there are two cooperatives – one for CPs and another for CVs delivering to CPs.</p>
<p><u>Comment 22:</u> The definition of “AFA fee liability” at 50 C.F.R. § 679.2 should be revised to mean “the amount of money ... owed to NMFS by an AFA cooperative or the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative”</p>	<p><u>NMFS Response:</u> NMFS acknowledges this comment and disagrees with the suggested edits. NMFS is requiring the PCC and OPCC/HSCC cooperatives to submit information on the representative responsible for submitting the entire cost recovery fee for those cooperative. This is stated in section 1.10.3.1 of the RIR/IRFA for this action and is already captured in the regulations. Only one representative is necessary as the cooperatives are considered one person based on their association through their cooperative agreement.</p>
<p><u>Comment 23:</u> § 679.66(a)(ii) – which identifies the person responsible for paying the cost recovery fee – should be revised to read “the person designated as the representative of the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative.”</p>	<p><u>NMFS Response:</u> NMFS acknowledges this comment and disagrees with the suggested edit. As stated in response to comment 22, the PCC and OPCC/HSCC cooperatives are responsible for submitting information on the representative that is responsible for submitting the entire cost recovery fee for these two cooperatives. The current regulations already capture that information.</p>
<p><u>Comment 24:</u> In §§ 679.66(c)(2), 679.66(c)(2)(iii)(B), 679.66(c)(3)(i), and 679.66(c)(5)(iii), the references to a cooperative of listed AFA CPs and CVs delivering to CPs should be revised to read “the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative” or, where appropriate, to the representative of that agreement.</p>	<p><u>NMFS Response:</u> NMFS disagrees. NMFS has edited the referenced sections to show that there are two distinct cooperatives. However, NMFS disagrees that the reference to the two cooperatives should be removed and replaced with the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative. The PCC and OPCC/HSCC are a “person” under NMFS’ definition because of their association through their cooperative agreement. Therefore, it would not be appropriate for NMFS to calculate a fee liability for the agreement instead of the person covered by the agreement.</p>
<p><u>Comment 25:</u> The heading of § 679.66(d)(3) should read “Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative underpayment.”</p>	<p><u>NMFS Response:</u> NMFS disagrees. As mentioned previously, the PCC and HSCC/OPCC are a person because of their association through their cooperative agreement. Therefore, it is not necessary to specify the agreement in section § 679.66(d)(3). Because the cooperatives will be required to submit one payment to cover their cost recovery fees, it is appropriate to refer to the underpayment in this section as the joint cooperative underpayment.</p>
<p><u>Comment 26:</u> § 679.66(d)(3)(i) should read: “The [] listed AFA catcher/processors and high seas catcher vessels that deliver to them will not receive any [directed] Bering Sea pollock allocation until the [] representative [of the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation</p>	<p><u>NMFS Response:</u> NMFS disagrees with the suggested edit. However, NMFS has made an edit to the language at § 679.66(d)(3)(i) to refer to “cooperatives” instead of the single “cooperative”. This more accurately reflects that NMFS will not be provide an allocation until the cooperative representative identified to NMFS by the PCC and HSCC/OPCC submits full payment of all outstanding cost recovery fees.</p>

Comment	Response
Cooperative] submits full payment of [the agreement's] AFA fee liability”	
<p><u>Comment 27:</u> § 679.66(d)(3)(ii) should read: “If the [representative of the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative] pays only a portion of [the agreement’s] AFA fee liability, then the Regional Administrator may release a portion of the [directed] Bering Sea pollock allocation to [listed AFA catcher/processers and high seas catcher vessels that deliver to them] equal to the portion of the fee liability paid.”</p>	<p><u>NMFS Response:</u> NMFS disagrees. As has been stated previously, the cooperative agreement is not the person. However, NMFS has made a minor edit to the regulations in section § 679.66(d)(3) (ii). Instead of saying “If the cooperative representing....” NMFS has changed the regulations to say, “If the cooperative representative representing...” This edit more accurately describes that there is one representative for the PCC and HSCC/OPCC that represents both cooperatives in matters related to cost recovery.</p>
<p><u>Comment 28:</u> § 679.66(d)(4) should read: “If an AFA cooperative representative [or the representative of the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative] fails to submit full payment for the AFA fee liability ... the Regional Administrator may ... send an IAD to the AFA cooperative representative [or the representative of the agreement] stating that the cooperative’s [or agreement’s] estimated fee liability ... is the AFA fee liability due from the AFA cooperative representative [or the representative of the agreement].</p>	<p><u>NMFS Response:</u> NMFS disagrees. As stated previously in the responses to comments 16 and 17, the PCC and OPCC/HSCC are required to submit to NMFS information on one representative for both cooperatives for cost recovery purposes. Therefore, it would be correct to stat that “If an AFA cooperative representative [which for purposes of cost recovery means the person identified as the representative of both cooperatives] fails to submit full payment...”</p>
<p><u>Comment 29:</u> § 679.66(d)(5) should read: “If an AFA cooperative representative [or the representative of the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative] fails to submit full payment of AFA fee liability ... no [directed] Bering Sea pollock allocation will be provided to that AFA cooperative [or to listed AFA catcher/processers and high seas catcher vessels that deliver to them] for the following calendar year”</p>	<p><u>NMFS Response:</u> NMFS disagrees. As stated in the response to the previous comment, it is appropriate to refer to “an AFA cooperative representative”.</p>
<p><u>Comment 30:</u> § 679.66(d)(6) should read: “Upon final agency action determining that an AFA cooperative representative [or the representative of the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative] has not paid that cooperative’s [or the agreement’s] AFA fee liability, the Regional Administrator may continue to prohibit issuance of a directed Bering Sea pollock allocation for that cooperative [or the listed AFA</p>	<p><u>NMFS Response:</u> NMFS disagrees. As stated in the previous two comments, it is appropriate to refer to “an AFA cooperative representative.”</p>

Comment	Response
catcher/processors and high seas catcher vessels that deliver to them] for any subsequent calendar year”	
<p><u>Comment 31:</u> References to “an AFA cooperative,” “an AFA cooperative representative,” and “cooperative” in §679.66(c)(4) and (5)(i), 679.66(e) and 679.66(f) should also include references to “the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative” or, where appropriate, the agreement’s representative.</p>	<p><u>NMFS Response:</u> NMFS disagrees that “an AFA cooperative representative” for reasons explained in the response to comments 28, 29, and 30. However, NMFS agrees that in section § 679.66(5) the text should refer to the plural “cooperatives” as opposed to the singular “cooperative.” NMFS has made the edit.</p>
<p><u>Comment 32:</u> In § 679.66(g), the reference to the account drawn on to pay the “CDQ fee liability” should refer to the “AFA fee liability.”</p>	<p><u>NMFS Response:</u> NMFS agrees and has made the edit.</p>
<p><u>Comment 33:</u> The regulations should somewhere clarify that “the person designated as the representative of” the Cooperative Agreement between Offshore Pollock Catchers Cooperative and Pollock Conservation Cooperative is a representative of that agreement solely for purposes of payment of cost recovery fees.</p>	<p><u>NMFS Response:</u> NMFS disagrees. As stated previous in response to comment 16, the “person” for cost recovery is not the agreement. It is the affiliation through that agreement that declares the OPCC/HSCC and PCC as the person, jointly. Both the preamble to the proposed rule, the RIR, the implementing regulations, and this final rule clarify that the “person” is both cooperatives together. Just as both cooperatives come together to submit their cooperative report, both cooperatives come together through their agreement to form one “person” and to submit one cost recovery fee. The person responsible for submitting the fee is the designated representative.</p>

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

No payment or gift is provided.

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

Data from ports are combined as necessary to protect confidentiality. Confidential data means data that are identifiable with any person, accepted by the Secretary, and prohibited by law from being disclosed to the public.

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a Privacy Act System of Records Notice, NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries

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.

Not Applicable.

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

Estimated total respondents: 2,171. Estimated total responses: 2,359. Estimated total burden: 43 hr. Estimated total personnel cost: \$1,591.

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 #12 above).

Estimated total miscellaneous cost: \$428.

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

Estimated number of responses: 2,359. Estimated total burden: 43 hr. Estimated total personnel cost: \$1,743.

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

This is a new program.

Fee Submission

an increase of 2,171 respondents and responses, 2,171 instead of 0
an increase of 36 hours, 36 instead of 0
an increase of \$1,332 personnel costs, \$1,332 instead of \$0
an increase of \$414 miscellaneous costs, \$414 instead of \$0

Value & Volume Report

an increase of 187 respondents and responses, 187 instead of 0
an increase of 3 hours, 3 instead of 0
an increase of \$144 personnel costs, \$111 instead of \$0
an increase of \$12 miscellaneous costs, \$12 instead of \$0

Appeals

an increase of 1 respondent and response, 1 instead of 0
an increase of 4 hours, 4 hr instead of 0
an increase of \$148 personnel costs, \$148 instead of \$0
an increase of \$2 miscellaneous costs, \$2 instead of \$0

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

NMFS will calculate and announce the AFA fee percentages in a *Federal Register* notice by December 1.

NMFS will publish annually a report describing the status of the Cost Recovery Fee Program.

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.