

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

This requests revision of this information collection due to an associated rule [RIN 0648-BF36].

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.

The Magnuson-Stevens Act both authorizes and requires the collection of cost recovery fees for Limited Access Privilege (LAP) programs and Western Alaska Community Development Quota (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.

NMFS collects cost recovery fees 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.

In addition, NMFS collects observer coverages fees to support the funding and deployment of observers on vessels and in plants in the partial observer coverage category. Vessels and processing plants in the full coverage category directly pay observer providers for the observer on their vessel or in their plant.

A. JUSTIFICATION

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

This action would establish a production threshold for placement in the partial observer coverage category of average weekly groundfish production of 79,000 lb (35.8 mt) or less in a standard basis year or an alternate basis year (as defined below).

This action would potentially add up to 11 vessels in the partial observer coverage category. The catcher/processors eligible for partial coverage under this action are engaged primarily in the hook-and-line and Pacific cod and sablefish fisheries; these vessels may be separated into four groups, as listed below.

First group	three catcher/processors that currently qualify for placement in the partial observer coverage category under the existing program rules.
Second group	three catcher/processors that currently operate as catcher/ processors and are in the full observer coverage category, but that may be eligible to operate in the partial observer coverage category as a result of this action.
Third group	catcher vessel that may begin to operate as a catcher/processor if this action is taken.
Fourth group	at least one jig catcher vessel may begin catcher/processor operations using jig gear if that vessel is eligible for placement in the partial observer coverage category. Four vessels could operate as catcher/processors for sablefish. Fishing operations using sablefish “A” quota shares in the Aleutian Islands may begin processing at-sea and operating as catcher/processors in the Aleutian Islands, if those vessels are eligible for placement in the partial observer coverage category

Because there is not adequate time to compile and assess all of the production data relative to production thresholds, the fishing year minus two years is assigned as the standard basis year for determining whether a catcher/processor is eligible for placement in the partial observer coverage category, as it is the most recent year for which NMFS would have full production data. Therefore, NMFS will establish the fishing year minus two years as the standard basis year for determining whether a catcher/processor is eligible for placement in the partial observer coverage category, as it is the most recent year for which NMFS would have full production data. NMFS will not consider production data prior to 2009, because that is the first year that NMFS collected daily production reports, permitting calculation of average daily production.

This action would provide the vessel owner of eligible catcher/processors with the option to remain in the full observer coverage category or to be placed in the partial observer coverage category for the upcoming fishing year. If the owner of a qualifying vessel does not select to be placed in the partial observer coverage category by the annual deadline, that catcher/processor would be placed in the full observer coverage category for the upcoming fishing year. (See OMB Control Number 0648-0318.)

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.

a. Cost recovery fee or Observer fee [REVISED]

NMFS established two fees, to be paid by participants: the cost recovery fee and the observer coverage fee. The observer fee is assessed on landings by vessels not in the full observer coverage category.

Observer coverage fee

The observer coverage fee must be paid by permit holders in the partial observer coverage category, i.e. catcher vessels, shoreside processors and stationary floating processors named on an FPP, or a person named on a Registered Buyer permit. Payment must be made online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Submittal Deadline: no later than *February 15* of the year following the calendar year in which the groundfish or halibut landings subject to the observer fee were made.

Cost recovery fee for Rockfish Program

The rockfish cost recovery fee must be paid by a rockfish cooperative quota (CQ) permit holder against which a landing was made. Payment must be made online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

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

Cost recovery fee for Western Alaska Community Development Quota (CDQ) groundfish and halibut

The CDQ cost recovery fee must be paid by each CDQ group that receives a CDQ allocation of groundfish and halibut. Payment must be submitted online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Submittal Deadline: no later than *December 31* of the calendar year in which the CDQ groundfish and halibut landings were made.

Cost recovery fee for American Fisheries Act (AFA) Bering Sea pollock

The AFA cost recovery fee must be paid by each designated representative. Payment must be made online through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Submittal Deadline: no later than *December 31* of the calendar year in which the Bering Sea pollock landings were made.

Cost recovery fee for Aleutian Islands pollock

The Aleutian Islands cost recovery fee must be paid by the authorized representative designated by the Aleut Corporation. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Submittal Deadline: no later than *December 31* of the calendar year in which the Aleutian Islands pollock landings were made.

Cost recovery fee for Amendment 80

The Amendment 80 cost recovery fee must be paid by the authorized representative designated by the Amendment 80 cooperative. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login> .

Submittal Deadline: no later than **December 31** of the calendar year in which the Amendment 80 CQ landings were made.

Cost recovery fee for IFQ Program

The IFQ cost recovery fee must be paid by a person who holds an IFQ permit against which a landing was made. Payment may be submitted in one of several ways:

- ◆ Pay ONLINE. Payments must be paid electronically through eFISH, at <https://alaskafisheries.noaa.gov/webapps/efish/login>.
- ◆ Fill out the Fee Submission form and mail or courier the form with a check or money order made payable to:

NOAA/NMFS - OMD
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. Participants may pay amounts during the fishing year toward the fee. The summary which NMFS provides, in this case, also shows the amounts paid and the amount still due, if any.

Submittal Deadline: no later than **January 31** following the calendar year in which any IFQ landing was made.

Cost recovery fee for Crab Rationalization (CR) Program

The CR crab cost recovery fee must be paid by each Registered Crab Receiver (RCR) who receives any CR crab pursuant to § 680.44. Payment may be submitted in one of several ways:

- ◆ Pay ONLINE. Payments must be paid electronically check through eFISH. at <https://alaskafisheries.noaa.gov/webapps/efish/login>.
- ◆ 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 to:
NOAA/NMFS, OMD
P.O. Box 21668
Juneau, AK 99802-1668

Submittal Deadline: no later than **July 31** following the crab fishing year in which the CR crab landings were made.

An estimated eleven catcher vessels may be added to this program.

Cost Recovery Fee or Observer Fee, respondents	
Total number of respondents	2,182
11 new catcher vessels	
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	2,182
Response per participant = 1	
Total Time burden (36.37)	36 hr
Time per response = 1 minute	
Total personnel costs (\$37/hr x 36)	\$1,332
Total miscellaneous costs (414.86)	\$414
Submit by mail (.45 x 133 = 59.85)	
Submit online (0 x 2011 = 0)	
Prepay by mail (38 x .90 x 4 times/yr = 136.80)	
Photocopy (0.05 x 2pp x 2171 =218.20)	

Cost Recovery Fee or Observer Fee, Federal Government	
Total number of responses	0
Total Time burden	0
Total personnel costs	0
Total miscellaneous costs	0

b. Value & Volume Report [UNCHANGED]

IFQ Registered Buyer Ex-vessel Volume & Value Report (IFQ Buyer Report)

The IFQ Buyer Report must be submitted annually by 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.

Submittal Deadline: no later than **October 15** following the reporting period in which the IFQ Registered Buyer receives the IFQ fish or CDQ halibut. Payment may be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>. Report also may be submitted by:

◆ By mail to: NMFS Alaska Region
 Attn: RAM Program
 P.O. Box 21668
 Juneau AK 99802-1668

◆ By fax to: 907-586-7354

Rockfish Ex-vessel Volume and Value Report

The Rockfish Ex-vessel Volume and Value Report must be submitted annually by a rockfish processor that receives and purchases landings of rockfish CQ groundfish. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>

Submittal 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

The CR RCR Ex-vessel Volume and Value Report must be submitted annually by an RCR that operates as a shoreside processor or stationary floating crab processor and receives and purchases landings of CR crab for each reporting period in which the RCR receives CR crab.

Payment must be submitted online through eFISH at

<https://alaskafisheries.noaa.gov/webapps/efish/login>

Submittal 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

The Pacific Cod Ex-vessel Volume and Value Report must be submitted annually by a Shoreside processor designated on an FPP or a mothership that holds an FPP and that process landings of either CDQ Pacific cod or BSAI Pacific cod harvested by a vessel using trawl gear for each reporting period for which received Pacific cod. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Submittal 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

The First Wholesale Volume and Value Report must be submitted annually by an Amendment 80 vessel owner that harvests Amendment 80 species, other than Pacific cod, for each reporting period for which the vessel harvests Amendment 80 species. Payment must be submitted online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>.

Submittal Deadline: no later than **November 10** of the year in which the Amendment 80 vessel received the Amendment 80 species, other than Pacific cod.

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 Alaska Region’s online location, eFISH (<https://alaskafisheries.noaa.gov/webapps/efish/login>) is available for participants to pay fees for existing Alaska cost recovery and observer coverage 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.

NMFS expects that up to 11 vessels may qualify for placement in the partial observer coverage category and may be separated into four groups of entities.

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

This action is meant to reduce the relative burden on directly regulated small catcher/processors in comparison with the status quo. For vessels that qualify, this action would allow them to forego full observer coverage and operate with less expensive partial observer coverage, should they choose to do so. If the collection were not conducted, the burden on small catcher/processors would remain.

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.

A proposed rule (RIN 0648-BF36) will be published coincident with this submission to solicit comments from the public.

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: 2,182, increased from 2,171. Estimated total responses: 2,370, increased from 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: \$416, decreased from \$428.

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

Estimated number of responses: 1. Estimated total burden: 4 hr. Estimated total personnel cost: \$300.

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

Program Changes

The vessel owner of eligible catcher/processors is provided with the option to remain in the full observer coverage category or to be placed in the partial observer coverage category for the upcoming fishing year. If the owner of a qualifying vessel does not select to be placed in the partial observer coverage category by the annual deadline, that catcher/processor would be placed in the full observer coverage category for the upcoming fishing year. Burden associated with the change in category is covered under OMB Control No. 9648-0318.

Observer Fee Submission

an increase of 11 respondents and responses, 2,182 instead of 2,171. No increase shown in hours as only 11 minutes is added.

Adjustment

Value & Volume Report

a decrease of \$12 miscellaneous costs, \$0 instead of \$12

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

NMFS will calculate and announce the different program fee percentages in a *Federal Register* notice by December 1. In addition, NMFS will publish annually a report describing the status of each of the Cost Recovery Fee Programs.

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.