

**SUPPORTING STATEMENT  
ALASKA AMERICAN FISHERIES ACT (AFA) REPORTS  
OMB CONTROL NO. 0648-0401**

This request is for extension of an existing information collection.

**INTRODUCTION**

National Marine Fisheries Service, Alaska Region (NMFS) manages the groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) in the Exclusive Economic Zone (EEZ) off Alaska. The North Pacific Fishery Management Council (Council) prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) and other applicable laws. Regulations implementing the FMP are at 50 CFR part 679.

The Bering Sea (BS) pollock fishery is managed under the American Fisheries Act (AFA). The AFA was signed into law in October 1998. The purpose of the AFA was to tighten U.S. ownership standards for U.S. fishing vessels under the Anti-reflagging Act and to provide the BS pollock fleet the opportunity to conduct its fishery in a more rational manner while protecting non-AFA participants in the other fisheries. The AFA established sector allocations in the BS pollock fishery, determined eligible vessels and processors, allowed the formation of cooperatives, set limits on the participation of AFA vessels in other fisheries, and imposed special catch weighing and monitoring requirements on AFA vessels.

Ten cooperatives were developed as a result of the AFA: seven inshore cooperatives, two offshore cooperatives, and one mothership cooperative. In recent years, two of the inshore cooperatives have consolidated to operate as a single cooperative. Therefore, six inshore cooperatives are actively participating in the BS pollock fishery. The two offshore cooperatives are the Pollock Conservation Cooperative (PCC) representing offshore catcher/processors and the High Seas Catcher Vessel Cooperative (HSCC) representing catcher vessels that traditionally delivered to catcher/processors. PCC and the HSCC joined together to submit a single AFA cooperative report, so they are considered a single cooperative for purposes of respondents in this information collection. The Mothership Fleet Cooperative represents catcher vessels that deliver to motherships. This brings the total number of active AFA cooperatives for purposes of this information collection to eight.

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

This information collection describes the annual and periodic reporting requirements for AFA cooperatives. These requirements include reports about on-going fishing operations of the cooperatives and reports specifically focused on efforts to minimize salmon bycatch in the BS pollock fishery.

There are no forms associated with this information collection. Information collection requirements are contained in the regulations listed in the table below.

This information collection contains the components listed in the following table.

| Component   | Regulations<br>50 CFR part 679 |
|---|--------------------------------|
| Requirements Related to On-going Operations of the Cooperatives |                                |
| AFA cooperative contract  | § 679.61(d) and (e)            |
| AFA annual cooperative report                                   | § 679.61(f)                    |
| AFA inshore cooperative weekly catch report                     | § 679.5(o)                     |
| Requirements Related to Minimizing Salmon Bycatch               |                                |
| Incentive Plan Agreement (IPA)                                  | § 679.21(f)(12)                |
| Administrative appeals to disapproved IPA                       | §§ 679.21(f)(12)               |
| IPA annual report   | § 679.21(f)(13)                |

2. **Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable NOAA Information Quality Guidelines.**

Sections a through c, below, present the information collection requirements related to the formation and on-going operations of the AFA cooperatives.

**a. AFA Cooperative Contract [REVISED]**

Any fishery cooperative formed under section 1 of the Fisherman’s Collective Marketing Act 1934 (15 U.S.C. 521) (FCMA) for the purpose of cooperatively managing directed fishing for BS subarea pollock must submit to NMFS an annual cooperative contract. The AFA cooperatives that meet this requirement are the six permitted AFA inshore cooperatives, the catcher/processor sector cooperative consisting of PCC and the HSCC, and the MFC, for a total of eight respondents.

Annually, each AFA cooperative must file with the Council and NMFS—

- a signed copy of its fishery cooperative contract;
- any material modifications to the cooperative contract;
- a copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice; and
- any response to such letter of request.

The Council and NMFS will make this information available to the public upon request.

The requirement to submit information about the cooperative contract was included by Congress in section 201(a)(1)(A) of the AFA and further defined in regulations at 50 CFR 679.61(d) and (e). The purpose of this requirement is to provide the public, Council, and NMFS with information about the organization and fishing operations of the AFA cooperatives. Making this information public provides transparency about the AFA cooperatives.

If the cooperative contract was previously filed with NMFS and the Council, a renewal letter may be submitted to NMFS and the Council by the filing deadline in lieu of the cooperative contract and business review letter. The renewal letter must provide notice that the previously filed cooperative contract will remain in effect for the subsequent fishing year. The renewal letter also must detail any material modifications to the cooperative contract that have been made since the last filing including, but not limited to, any changes in cooperative membership.

The cooperative contract or renewal letter and the required supporting materials are submitted to NMFS and the Council by mail or courier and must be received at least 30 days prior to the start of any fishing activity conducted under the terms of the contract. In addition, an inshore cooperative that is also applying for an allocation of BS subarea pollock under 50 CFR 679.62 must file its contract, any amendments hereto, and supporting materials no later than December 1 of the year prior to the year in which fishing under the contract will occur.

The AFA cooperative contract must contain the following:

**AFA Cooperative Contract**

Requirements for all fishery cooperatives.

List parties to the contract.

List all vessels and processors that will harvest and process pollock harvested under the cooperative.

Specify the amount or percentage of pollock allocated to each party to the contract.

Specify a designated representative and agent for service of process.

Include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery that are not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law. Failure to include such a contract clause or for such amounts to be paid will result in a revocation of the authority to form fishery cooperatives under section 1 of the Fisherman's Collective Marketing Act of June 25, 1934 (15 U.S.C. 521 *et seq.*).

Obligations of AFA cooperative members to ensure full payment of cost recovery fees

Additional required elements in all fishery cooperatives that include AFA catcher vessels

Adequate provisions to prevent each non-exempt member catcher vessel from exceeding an individual vessel sideboard limit for each BSAI or GOA sideboard species or species group that is issued to the vessel by the cooperative in accordance with the following formula:

The aggregate individual vessel sideboard limits issued to all member vessels in a cooperative must not exceed the aggregate contributions of each member vessel towards the overall groundfish sideboard

amount as calculated by NMFS under § 679.64(b) and as announced to the cooperative by the Regional Administrator, or

In the case of two or more cooperatives that have entered into an inter-cooperative agreement, the aggregate individual vessel sideboard limits issued to all member vessels subject to the inter-cooperative agreement must not exceed the aggregate contributions of each member vessel towards the overall groundfish sideboard amount as calculated by NMFS under § 679.64(b) and as announced by the Regional Administrator.

The inshore cooperatives file a copy of their contract or the renewal letter with their AFA inshore cooperative permit application (approved under OMB collection 0648-0393). NMFS does not process the inshore cooperative permit application unless it has received a copy of the contract or renewal letter.

The estimated costs to the Federal government were revised to zero because the costs associated with processing and filing the inshore cooperative contract are already included in the Federal government time and cost estimates for the AFA inshore cooperative permit application approved under 0648-0393, and the costs of filing the information received annually from the other two AFA cooperatives is negligible.

| <b>AFA annual cooperative contract, Respondent</b> |                |
|--|----------------|
| <b>Estimated number of respondents</b>             | <b>8</b>       |
| <b>Total annual responses</b>                      | <b>8</b>       |
| Response per respondent = 1                        |                |
| <b>Total burden hours</b>                          | <b>64 hr</b>   |
| Time per response = 8 hours                        |                |
| <b>Total personnel cost (\$75/hr)</b>              | <b>\$4,800</b> |
| <b>Total miscellaneous costs (24.10)</b>           | <b>\$24</b>    |
| Photocopy (10 pp x .05 x 8 = 4)                    |                |
| Postage (1.35 x 6 = 8.10)                          |                |
| Fax (\$6 x 2 = 12)                                 |                |

| <b>AFA annual cooperative contract, Federal Government</b> |             |
|--|-------------|
| <b>Total annual responses</b>                              | <b>8</b>    |
| <b>Total burden hours</b>                                  | <b>0 hr</b> |
| <b>Total personnel cost</b>                                | <b>\$0</b>  |
| <b>Total miscellaneous cost</b>                            | <b>0</b>    |

**b. AFA Annual Cooperative Report [REVISED]**

The AFA annual cooperative reports are required to provide information about how each cooperative allocated pollock, other groundfish species, and prohibited species among the vessels in the cooperative; the catch of these species by area by each vessel in the cooperative; information about how the cooperative monitored fishing by its members; and a description of any actions taken by the cooperative to penalize vessels that exceeded the catch and prohibited species catch allocations made to the vessel by the cooperative. The purpose of the reports is to

provide the Council information about the on-going operations and performance of the cooperatives on which to base its decisions about management of the BS pollock fishery.

Each AFA cooperative must submit a final AFA annual cooperative report on fishing activity to the Council by mail or courier. The report must be postmarked or received by the Council by April 1 of the following year.

The AFA annual cooperative report must contain the following:

**AFA Annual Cooperative Report**

- Cooperative’s allocated catch of pollock and sideboard species
- Any sub-allocations of pollock and sideboard species made by the cooperative to individual vessels on vessel-by-vessel basis
- Cooperative’s actual retained and discarded catch of pollock, sideboard species, and PSC on an area-by-area basis and on a vessel-by-vessel basis
- Method used to monitor fisheries in which cooperative vessels participated
- Actions taken in response to any vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries
- Total weight of pollock landed outside the State of Alaska on a vessel-by-vessel basis
- Number of salmon taken by species and season
- List each vessel's number of appearances on the weekly “dirty 20” lists for non-Chinook salmon

The AFA cooperative annual reports are posted on the Council’s website (<https://www.npfmc.org/cooperative-reporting/>). The Pollock Conservation Cooperative and High Seas Catchers’ Cooperative submit a joint report; therefore, the analysis below uses eight respondents.

The respondent’s burden hours were increased to 16 hours based on a comment received on this renewal (see #8 below). The Federal government costs were revised to zero because this report is submitted to the Council and is not submitted to NMFS.

| <b>AFA annual cooperative report, Respondent</b> |                |
|--|----------------|
| <b>Estimated number of respondents</b>           | <b>8</b>       |
| <b>Total annual responses</b>                    | <b>8</b>       |
| Response per respondent = 1                      |                |
| <b>Total burden hours</b>                        | <b>128 hr</b>  |
| Time per response = 16 hr                        |                |
| <b>Total personnel cost (\$75/hr)</b>            | <b>\$9,600</b> |
| <b>Total miscellaneous costs (14.80)</b>         | <b>\$15</b>    |
| Photocopy (10 pp x .05 x 8 = 4)                  |                |
| Postage (1.35 x 8 = 10.80)                       |                |

| <b>AFA annual cooperative report, Federal Government</b> |             |
|--|-------------|
| <b>Total annual responses</b>                            | <b>0</b>    |
| <b>Total burden hours</b>                                | <b>0 hr</b> |
| <b>Total personnel cost</b>                              | <b>\$0</b>  |
| <b>Total miscellaneous cost</b>                          | <b>0</b>    |

**c. AFA Inshore Cooperative Weekly Catch Report [REVISED; formerly called AFA Annual Cooperative Catch Report]**

The requirement for a weekly catch report from the AFA inshore processors was implemented in 2000 with the original regulations for the AFA fisheries. The rationale for this weekly report was to collect information NMFS needed to monitor cooperative fishing activity and enforce pollock allocations (65 FR 4520; January 28, 2000 – see specifically page 4522 of this Federal Register notice).

The designated representative of each AFA inshore processor catcher vessel cooperative annually must submit to NMFS a catcher vessel cooperative catch report detailing each delivery of pollock harvested under the allocation made to that cooperative. The owners of the member catcher vessels in the cooperative are jointly responsible for compliance.

The cooperative catch report must be submitted as an electronic data file in a format approved by NMFS or by fax. Currently, these reports are sent to NMFS by email. The cooperative catch report must be received by NMFS by 1200 hours, A.l.t., one week after the date of completion of delivery. NMFS provides an option in its electronic catch reporting system for a processor to export a spreadsheet of all landing reports by vessel. For processors who are also AFA inshore cooperative managers, this spreadsheet provides the information about weekly vessel catches that can be used to prepare the inshore cooperative weekly catch report.

NMFS compares the cooperative catch reports with the NMFS catching accounting system and notifies the cooperative manager of any discrepancies with NMFS's data. This allows NMFS to confirm that the cooperatives are aware of and tracking the catch of each vessel in the cooperative against the pollock allocations to the cooperative.

Information from the cooperative catch reports is not posted on NMFS website or released to the public. This information is confidential because it provides catch by individual vessels.

The inshore cooperative weekly catch report must contain the following information:

**AFA Inshore Cooperative Weekly Catch Report**

Cooperative account number

Catcher vessel ADF&G vessel registration number

Inshore processor Federal processor permit number

Delivery date

Amount of pollock (in lb) delivered plus weight of at-sea pollock discards

ADF&G fish ticket number

The estimates of responses, burden hours, and costs were revised to reflect that this catch report must be submitted within one week after a delivery, which makes this a weekly catch report during the fishing season. NMFS estimates that the six inshore cooperatives fish for approximately 26 weeks each year. Therefore, the estimated number of responses per year was rounded to 150 weekly inshore cooperative catch reports. The respondents' miscellaneous costs were also revised because all of these reports are submitted by email, and NMFS expects this to continue. Additionally, the respondents' burden hours were increased based on a comment received on this renewal (see #8 below).

| <b>AFA inshore cooperative weekly catch report, Respondent</b> |                |
|--|----------------|
| <b>Estimated number of respondents</b>                         | <b>6</b>       |
| <b>Total annual responses</b>                                  | <b>150</b>     |
| <b>Total burden hours</b>                                      | <b>113 hr</b>  |
| Time per response = 45 minutes                                 |                |
| <b>Total personnel cost (\$75/hr)</b>                          | <b>\$8,475</b> |
| <b>Total miscellaneous costs</b>                               | <b>\$15</b>    |
| Photocopy (2 pp x .05 x 150 = \$15)                            |                |
| email (\$0 x 150 = 0)  |                |

| <b>AFA inshore cooperative weekly catch report, Federal</b> |                |
|---|----------------|
| <b>Total annual responses</b>                               | <b>150</b>     |
| <b>Total burden hours = 0.5 hr</b>                          | <b>75 hr</b>   |
| <b>Total personnel cost (\$37/hr)</b>                       | <b>\$2,775</b> |
| <b>Total miscellaneous cost</b>                             | <b>0</b>       |

Sections d through f, below, present the information collection requirements related to minimizing salmon bycatch in the BS pollock fishery.

**d. Incentive Plan Agreement (IPA) amendment [REVISED; formerly called Incentive Plan Agreement (IPA)]**

An IPA is an industry-developed contractual agreement that establishes an incentive program to minimize Chinook salmon and chum salmon bycatch at all levels of salmon abundance. Participation in an IPA is voluntary; however, any vessel or Community Development Quota (CDQ) group that chooses not to participate in an IPA is subject to a restrictive opt-out allocation (also called a backstop cap).

Since 2010, three NMFS-approved IPAs have been in place: the Chinook Salmon Bycatch Reduction Incentive Plan and Agreement (, the Mothership Salmon Savings Incentive Plan Agreement, and the Inshore Chinook Salmon Savings Incentive Plan Agreement. These IPAs include all participants in the BS pollock fishery. As all of the participants are part of an IPA, no new IPAs are expected; therefore, this element was renamed to focus on IPA amendments.

The current, approved IPAs may be viewed at <https://alaskafisheries.noaa.gov/fisheries/incentive-plan-agreements>.

An amendment to an approved IPA may be submitted at any time. However, once a member of an IPA, a vessel owner or CDQ group cannot withdraw from the IPA during the fishing year.

The IPA representative submits the proposed amended IPA to NMFS either electronically or by mail. Amendments to an IPA must include the identification number that was assigned by NMFS when it approved the IPA.

An amendment to an approved IPA is effective upon written notification of approval by NMFS

to the IPA representative. Once approved, an IPA is effective until December 31 of the first year in which it is effective or until December 31 of the year in which the IPA representative notifies NMFS in writing that the IPA is no longer in effect, whichever is later.

An IPA must include an affidavit affirming that each eligible vessel owner or CDQ group, from whom the IPA representative received written notification requesting to join the IPA, has been allowed to join the IPA subject to the same terms and conditions that have been agreed on by, and are applicable to, all other parties to the IPA.

An IPA must identify at least one third party group. Third party groups include any organizations representing western Alaskans who depend on salmon and have an interest in salmon bycatch reduction but do not directly fish in a groundfish fishery.

An IPA must include the following information:

**Incentive Plan Agreement (IPA)**

Affidavit

Name of the IPA

IPA representative name, telephone number, and email address

Third party group

Description of the IPA

Incentive(s) to ensure each vessel avoid Chinook salmon and chum salmon bycatch under any condition of pollock and Chinook salmon abundance in all years

How the incentives to avoid chum salmon do not increase Chinook salmon bycatch

Rewards for avoiding Chinook salmon and penalties for failure to avoid Chinook salmon at the vessel level

How IPA incentive measures will promote reductions in a vessel's Chinook salmon and chum salmon bycatch rates relative to what would have occurred in absence of the incentive program

How the incentive measures in the IPA promote Chinook salmon savings and chum salmon savings in any condition of pollock abundance or Chinook salmon abundance in a manner that is expected to influence operational decisions by vessel operators to avoid Chinook salmon and chum salmon

How the IPA ensures that the operator of each vessel governed by the IPA will manage that vessel's Chinook salmon bycatch to keep total bycatch below the performance standard for the sector in which the vessel participates

How the IPA ensures that the operator of each vessel governed by the IPA will manage that vessel's chum salmon bycatch to avoid areas and times where the chum salmon are likely to return to western Alaska

A rolling hot spot program for salmon bycatch avoidance that operates throughout the entire A and B seasons and an agreement to provide notifications of closure areas and any violations of the rolling hot spot program to the third party organization representing western Alaskans who depend on salmon and do not directly fish in a groundfish fishery.

Restrictions or penalties targeted at vessels that consistently have significantly higher Chinook salmon PSC rates relative to other vessels fishing at the same time.

Require vessels to enter a fishery-wide in-season salmon prohibited species catch data sharing agreement

Require use of salmon excluder devices, with recognition of contingencies, from January 20 to March 31, and from September 1 until the end of the B season

Require for savings-credit-based IPAs that the salmon savings credits last for a maximum of three years.

Restrictions or performance criteria used to ensure that Chinook salmon PSC rates in October are not significantly higher than those achieved in the preceding months.

Compliance agreement.

IPA must include written statement that all IPA parties agree to comply with all provisions of IPA.

Signatures.

The names and signatures of the owner or representative for each vessel and CDQ group that is a party to the IPA. The representative of an inshore cooperative, or the representative of the entity formed to represent the AFA catcher/processor sector or the AFA mothership sector may sign a proposed IPA on behalf of all vessels that are members of that inshore cooperative or sector level entity



One amended IPA was submitted in 2015, three in 2016, and one in 2017. The three amendments received in 2016 were necessary for the IPAs to be compliant with regulatory changes due to a final rule. In the next three years, we do not expect revisions to the BS salmon bycatch management measures and expect to receive only minor amendments to approved IPAs. Based on these data, we estimate that we may receive one amended IPA per year over the next three years; therefore, one respondent was used for this analysis.

| <b>IPA amendment, Respondent</b>       |                |
|--|----------------|
| <b>Estimated number of respondents</b> | <b>1</b>       |
| <b>Total annual responses</b>          | <b>1</b>       |
| Response per respondent = 1            |                |
| <b>Total burden hours</b>              | <b>50 hr</b>   |
| Time per response = 50 hr              |                |
| <b>Total personnel cost = \$165/hr</b> | <b>\$8,250</b> |
| <b>Total miscellaneous cost (1.40)</b> | <b>\$1</b>     |
| Photocopy (10 pp x .05 = 0.50)         |                |
| Postage (0.90 = 0.900)                 |                |

| <b>IPA amendment, Federal Government</b> |                |
|--|----------------|
| <b>Total annual responses</b>            | <b>1</b>       |
| <b>Total burden hours</b>                | <b>15 hr</b>   |
| Time per response = 15 hr                |                |
| <b>Total personnel cost = \$75/hr</b>    | <b>\$1,125</b> |
| <b>Total miscellaneous cost</b>          | <b>0</b>       |

**e. Administrative Appeals to Disapproved IPA [ADJUSTED MISCELLANEOUS COSTS]**

An IPA representative who receives an IAD disapproving a proposed IPA may appeal under the procedures set forth at 50 CFR 679.43. If the IPA representative fails to file an appeal of the IAD pursuant to § 679.43, the IAD will become the final agency action. If the IAD is appealed and the final agency action is a determination to approve the proposed IPA, then the IPA will be effective as described in 50 CFR 679.21(f)(12)(iv)(B).

In 2015, 2016, and 2017, no IPAs or amendments to IPAs have been disapproved by NMFS, and no appeals have been filed. For purposes of this analysis, one response is used. The respondent personnel cost was adjusted to reflect the assumption that most people would hire an attorney to prepare an appeal. An adjustment was also made to reflect the current Federal government personnel cost (\$125/hr instead of \$75/hr).

| <b>IPA appeals, Respondent</b>            |              |
|---|--------------|
| <b>Estimated number of respondents</b>    | <b>1</b>     |
| <b>Total annual responses</b>             | <b>1</b>     |
| 1 response per year = 1                   |              |
| <b>Total burden hours = 4 hr</b>          | <b>4 hr</b>  |
| <b>Total personnel cost (\$37/hr x 4)</b> | <b>\$148</b> |
| <b>Total miscellaneous cost (501.60)</b>  | <b>\$502</b> |
| Attorney at \$125 per hour: 500           |              |
| Mail (1.35 x 1 = 1.35)                    |              |
| Photocopy (5 pp x 0.05 x 1 = 0.25)        |              |

| <b>IPA appeals, Federal Government</b> |              |
|--|--------------|
| <b>Total annual responses</b>          | <b>1</b>     |
| <b>Total burden hours = 2 hr</b>       | <b>2 hr</b>  |
| <b>Total personnel cost (\$125/hr)</b> | <b>\$250</b> |
| <b>Total miscellaneous cost</b>        | <b>0</b>     |

#### **f. IPA Annual Report [Revised]**

The IPA annual report is the primary tool through which the Council evaluates the effectiveness of IPAs in reducing Chinook salmon and chum salmon bycatch in the BS pollock fishery. Information gathered through the annual reports is necessary for the Council to evaluate the salmon bycatch management measures and to provide the public with information about how the program operates and information about bycatch reduction under this program.

The IPA representative must submit an IPA annual report to the Council. The IPA annual report must be received by the Council no later than March 15.

The IPA annual report must contain the following information:

##### **IPA Annual Report**

Incentive measures in effect in the previous year, including rolling hot spot program and salmon excluder use

How incentive measures affected individual vessels

Were incentive measures effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures, including effectiveness of the following:

Measures to ensure that chum salmon were avoided in areas and at times when chum salmon return to western Alaska

Restrictions or penalties that target vessels that consistently have significantly higher Chinook salmon PSC rates relative to other vessels

Restrictions or performance criteria used to ensure that Chinook PSC rates in October are not significantly higher than in previous months.

Amendments to the IPA terms that were approved by NMFS since the last annual report and the reasons that the amendments to the IPA were made

Sub-allocation to each participating vessel of the number of Chinook salmon PSC and amount of pollock (mt) at the start of each fishing season,

Number of Chinook salmon PSC and amount of pollock (mt) caught at the end of each season.

In-season transfer of Chinook salmon PSC and pollock among AFA cooperatives, entities eligible to receive Chinook salmon PSC allocations, or CDQ groups

Date of transfer

Name of transferor

Name of transferee  
 Number of Chinook salmon PSC transferred  
 Amount of pollock (mt) transferred  
 In-season transfers among vessels participating in the IPA  
 Date of transfer  
 Name of transferor  
 Name of transferee  
 Number of Chinook salmon PSC transferred  
 Amount pollock (mt) transferred

The IPA annual reports are posted on the Council’s website (<https://www.npfmc.org/cooperative-reporting/>).

The respondent’s burden hours were increased based on a comment received on this renewal (see #8 below). The Federal government costs were revised to zero because this report is submitted to the Council and is not submitted to NMFS.

| <b>IPA annual report, Respondent</b>     |                 |
|--|-----------------|
| <b>Estimated number of respondents</b>   | <b>3</b>        |
| <b>Total annual responses</b>            | <b>3</b>        |
| Response per respondent = 1              |                 |
| <b>Total burden hours</b>                | <b>240 hr</b>   |
| Time per response = 80 hr                |                 |
| <b>Total personnel cost (\$165/hr)</b>   | <b>\$39,600</b> |
| <b>Total miscellaneous costs (14.85)</b> | <b>\$15</b>     |
| Photocopy (10 pp x .05 x 3 = 1.50)       |                 |
| Fax (\$6 x 2 = 12)                       |                 |
| Postage (1.35 x 1 = 1.35)                |                 |

| <b>IPA annual report, Federal Government</b> |             |
|--|-------------|
| <b>Total annual responses</b>                | <b>0</b>    |
| <b>Total burden hours</b>                    | <b>0 hr</b> |
| <b>Total personnel cost</b>                  | <b>\$0</b>  |
| <b>Total miscellaneous cost</b>              | <b>0</b>    |

**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**

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 (the Information Quality Act), which requires NMFS to ensure the quality, objectivity, utility, and integrity of information it publicly disseminates. Public dissemination of data collected by this information collection is governed by NOAA's information quality guidelines, which were issued on October 30, 2014 ([http://www.cio.noaa.gov/services\\_programs/IQ\\_Guidelines\\_103014.html](http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html)).

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information, except for information from AFA inshore cooperative weekly catch reports, which is confidential and is not posted on the NMFS website or released to the public.

The AFA annual cooperative reports and IPA annual reports are posted on the Council's website. AFA cooperative contracts are available to the public upon request. Proposed and approved IPAs are posted on the NMFS Alaska Region website. Personally identifiable information and confidential business information submitted in an administrative appeal is not released to the public. Final administrative appeal decisions with redactions are posted on the NMFS National Appeals Office website (<https://www.fisheries.noaa.gov/about/office-management-budget>).

NMFS and the National Appeals Office 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 Question 10 of this Supporting Statement for more information on confidentiality and privacy.

**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.**

For the AFA inshore cooperative weekly catch report, NMFS provides an option in its electronic catch reporting system for a processor to export a spreadsheet of all landing reports by vessel. This report may also be submitted by fax or as an electronic data file in a format approved by NMFS.

**4. Describe efforts to identify duplication.**

Some of the information reporting requirements in this collection require industry members to report to NMFS or the Council about the catch and bycatch by individual vessels in a cooperative. This information is available to NMFS through data collected by the observers on these vessels and by catch and production reports submitted by vessel operators. However, some of the vessel specific information requirements are specifically included in the American Fisheries Act and others were implemented by the Council to require cooperative members to report vessel specific information to the Council and public that would be difficult for NMFS to report directly due to confidentiality considerations.

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

None of the entities that participate in the AFA pollock fisheries are considered small entities.

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

This information collection is required to manage commercial fishing efforts under section 201(a)(1)(A) of the AFA, under the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*), and under

50 CFR part 679. This collection provides the Council and NMFS with information about the organization and fishing operations of the AFA cooperatives, allocations to the AFA cooperatives, and the effectiveness of the Chinook salmon and chum salmon bycatch management measures. This information is necessary to ensure long-term conservation and abundance of salmon and pollock, maintain a healthy marine ecosystem, and provide maximum benefit to fishermen and communities that depend on salmon and pollock. It would not be possible to carry out the mandates of the AFA and the Magnuson-Stevens Act if approval to continue this previously approved collection were denied.

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

No special circumstances exist.

**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 Federal Register notice published on July 27, 2017 (82 FR 34929) solicited public comments. One letter of comment with four comments was received.

*Comment 1:* For the AFA catcher/processor fleet, filing annual cooperative reports that include catch data originally collected by NMFS has no practical utility for the proper performance of the functions of the agency. Catch data is collected on board vessels by fishery observers and transmitted via satellite communications directly to NMFS and enters an agency database. Only through third party contracts are cooperative managers able to access catch data from the agency and then are required to resubmit catch data to the agency that is already recorded in the NMFS catch accounting system. The information provided in AFA cooperative reports may have some utility for informing the public at large, and provides vessel specific catch information that is not otherwise available to the general public nor is publicly available for any other fishery in the North Pacific, but it is not needed by NMFS.

*Response:* The Federal Register notice seeking comments on the extension of this information collection does specifically request comment on “[W]hether the proposed collection of information is necessary for the proper performance of the functions of the agency,” with the term “agency” referring to NMFS. NMFS agrees that much of the individual vessel and cooperative catch data that is required to be submitted in the annual AFA cooperative reports is based on data collected by observers or provided by NMFS’s catch accounting system. Therefore, NMFS does not need some of the information required in the annual AFA cooperative report to manage the Bering Sea pollock fisheries. However, the annual AFA cooperative report is required to be submitted to the Council and the Council makes copies of the report available to the public. The AFA cooperatives are not required to submit the annual AFA cooperative report to NMFS. The Council established the annual AFA cooperative reporting requirements to

provide information to the Council and the public about the on-going operations and fishery performance of the AFA cooperatives. The requirements for vessel specific catch and bycatch information in these reports provide information to the public that NMFS is not authorized to release, due to confidentiality requirements. In addition, the presentation of the annual cooperative catch reports by the cooperative representatives directly to the Council at its April meetings each year provides the Council members and opportunity to review performance and ask specific questions of the cooperative representatives.

The Council reviews a summary of AFA cooperative reporting requirements prepared by its staff as part of its April meeting agenda item. This review of specific requirements provides the Council an opportunity each year to consider whether specific elements of the reporting requirements are still necessary and useful to the Council.

*Comment 2:* The AFA annual cooperative report for both the Pollock Conservation Cooperative and High Seas Catchers' Cooperative has evolved into a joint document that in recent years has expanded to total 22 pages with extensive data tables. The time burden estimate of 8 hours for each AFA document is underestimated by at least 200 percent; i.e., the actual time required is at least 16 hours for each document. The IPA revisions undertaken in 2016 to meet the final rule regulations of Amendment 110 were estimated to use one month of At-sea Processors Association (APA) staff time at a total of 160 hours. This time does not include estimates of work on the original IPA draft from 2011 and other subsequent revisions. The Agency has therefore underestimated the time burden at a minimum of 320 percent. The most recent IPA Annual Report included 20 pages of in-depth figures, tables, and GIS-based mapping. The compilation of this report requires collaboration between Sea State and the APA. APA believes the time burden of 40 hours for completion of this report to be underestimated by again 200 percent.

*Response:* In response to this comment, NMFS has increased the burden hour estimates for the two reports noted by the commenter. NMFS increased the estimate for the time to complete the AFA annual cooperative report to 16 hours and the IPA annual report to 80 hours.

The AFA annual cooperative catch report was incorrectly named in previous supporting statements for this information collection. It should have been referred to as the AFA inshore cooperative weekly catch report, which is required under § 679.5(o). This report is not submitted by vessels represented by the commenter. NMFS clarified the name of this report and its requirements in the supporting statement.

NMFS acknowledges that completing the original IPAs and the 2016 revisions necessary to comply with Amendment 110 may have taken longer than anticipated in previous supporting statements. In 2016, the burden hours were increased to 50 hours when this information collection was revised due to the Amendment 110 final rule. In the next three years, we do not expect revisions to the BS salmon bycatch management measures, and expect to receive only minor amendments to approved IPAs. Additionally, we do not expect any new IPA applications because all participants in the BS pollock fishery are part of an approved IPA. Therefore, the burden hours in this renewal are based on amendments to approved IPAs and are not changed from the previous estimate of 50 hours.

*Comment 3:* It would be beneficial for the Council in conjunction with the U.S. Secretary of Commerce to review the original reporting requirements under section 210(a)(1)(B) of the AFA and determine whether the eight specific requirements listed are still relevant today. In particular, the requirement to report the allocation of pollock and sideboard species to a cooperative is already presented in the annual specifications tables for the catcher/processor offshore sector. (We do note that the Council is considering removing the requirement to report sideboard species.) The requirement to report the number of salmon taken by species and season is already information available to the fishery managers and general public under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. The requirement to report the number of times each vessel appears on the weekly “dirty 20” lists for non-Chinook salmon is no longer applicable as non-Chinook salmon bycatch avoidance measures have been incorporated into the sector specific IPAs and are no longer managed under an inter-cooperative agreement. The information currently presented in AFA cooperative reports and IPA annual reports is believed to be of highest quality already, albeit with some redundancy to information already available directly on the NMFS Alaska Region website.

*Response:* As a result of new requirements under E.O. 13771 and public comment, the Council and NMFS will be conducting a review of all regulations in 2018 to identify existing regulations and processes that, among other things, may be outdated, unnecessary, ineffective, and/or can be further streamlined in a manner consistent with law. NMFS and the National Ocean Service published a Federal Register notice soliciting public comment on this review (82 FR 31576; July 2, 2017). The Council will review staff recommendations on this regulatory review at its April 2018 meeting. NMFS will provide a copy of the comment letter on this information collection to the staff preparing recommendations for the April 2018 Council discussion. In addition, NMFS recommends that the commenter also provide comments to the Council and NMFS during this review.

*Comment 4:* The At-sea Processors Association believes a standardized reporting template, provided by the Department of Commerce in the form of R Markdown or similar format would greatly reduce the reporting burden. At present, the quality and interpretation of reporting requirements between AFA cooperatives and IPA representatives widely varies. The Council provides only minimal feedback.

*Response:* Programming assistance and standardized templates provided by NMFS could reduce the reporting burden for the AFA cooperatives. However, this reduction in burden on the industry would come at a cost to NMFS in staff time and possible contracting costs. At this time, with all of the other data management and applications development projects that NMFS has committed to in the next few years, we cannot commit to immediately investigating this suggestion. However, we are willing to discuss this idea further with the commenter, and also discuss whether NMFS costs for a project such as this could be recovered from the AFA participants through the AFA cost recovery program.

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

No payment or gift is provided under this program.

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

All information collections by NMFS Alaska Region are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. None of the information submitted under this information collection contains confidential business information, except the AFA inshore cooperative weekly catch report. Information from AFA inshore cooperative weekly catch reports is confidential because it provides catch by individual vessels. All of the elements in this information collection, except the AFA inshore cooperative weekly catch report, are posted on the NMFS Alaska Region website or made available to the public upon request. Personally identifiable information and confidential business information submitted in an administrative appeal is not released to the public. Final administrative appeal decisions with redactions are posted on the NMFS National Appeals Office website (<https://www.fisheries.noaa.gov/about/office-management-budget>).

The System of Records Notice that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). A notice was published in the *Federal Register* on August 7, 2015 (80 FR 47457), and became effective September 15, 2015 (80 FR 55327).

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

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

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

Estimated total respondents: 8 (unchanged). Estimated total responses: 171, increased from 29. Estimated total burden: 599 hr, increased from 366 hr. Estimated total personnel costs: \$66,223, increased from \$42,598.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

Estimated total miscellaneous costs: \$572, increased from \$89.

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

Estimated total responses: 152, increased from 29. Estimated total burden: 92, increased from 70. Estimated total personnel cost: \$4,150, increased from \$3,894.



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

**Adjustments**

The adjustments reflect public comment, the most recently available data, corrections to when and how information is submitted, and the assumption that most people would hire an attorney to file an administrative appeal.

**Current Request**

**Previous Request**

|   | Status           | Res-<br>ponses | Hours | Personnel<br>costs | Record<br>keeping/<br>Reporting<br>Costs | Res-<br>ponses | Hours | Personnel<br>costs | Record<br>keeping/<br>reporting<br>costs |
|---|------------------|----------------|-------|--------------------|--|----------------|-------|--------------------|--|
| AFA Annual Cooperative Report               | Modified         | 8              | 128   | \$9,600            | \$15                                     | 8              | 64    | \$4,800            | \$24                                     |
| AFA Inshore Cooperative Weekly Catch Report | Modified         | 150            | 113   | \$8,475            | \$15                                     | 8              | 64    | \$4,800            | \$24                                     |
| Incentive Plan Agreement amendment          | Modified (title) | 1              | 50    | \$8,250            | 1  | 1              | 50    | \$8,250            | \$1                                      |
| IPA Annual Report                           | Modified         | 3              | 240   | \$39,600           | \$15                                     | 3              | 120   | \$9,800            | \$14                                     |
| AFA cooperative contract                    | No changes       | 8              | 64    | \$4,800            | \$24                                     | 8              | 64    | \$4,800            | \$24                                     |
| AFA Catcher Vessel Intercoop Agreement      | Removed in 2.017 | NA             | NA    | NA                 | NA                                       | NA             | NA    | NA                 | NA                                       |

|   |                 |     |     |          |       |    |     |          |      |
|---|-----------------|-----|-----|----------|-------|----|-----|----------|------|
| AFA Annual Catcher vessel Intercoop report    | Removed in 2017 | NA  | NA  | NA       | NA    | NA | NA  | NA       | NA   |
| IPA appeals                                   | Modified        | 1   | 4   | \$148    | \$502 | 1  | 4   | \$148    | \$2  |
| <b>Total burden requested under this ICR:</b> |                 | 171 | 599 | \$66,223 | \$572 | 29 | 366 | \$42,597 | \$89 |

Note: In January 2017, a nonsubstantive change request was approved, reflecting the transfer of the AFA Catcher Vessel Intercooperative Agreement and the AFA Annual Catcher Vessel Intercooperative Report to OMB 0648-0678, Alaska Council Cooperative Reports.

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

Proposed and approved IPAs, renewal letters, and IPA annual reports are posted on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/fisheries/incentive-plan-agreements>. AFA cooperative contracts and AFA annual cooperative reports are available to the public upon request.

Final administrative appeal decisions with redactions are posted on the NMFS National Appeals Office website (<https://www.fisheries.noaa.gov/about/office-management-budget>).

**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.