Agenda
D-3 Miscellaneous Issues (b) Review regulations and forms – BSAI Chinook Salmon Bycatch EDR

D-3 (b) includes:

1. Part B of the Supporting Statement – Chinook salmon bycatch EDR program
2. Data forms – Chinook Transfer Report, Vessel Master Survey, Vessel Fuel Survey
3. Part A of the Supporting Statement.
4. Draft Regulations for 679.65 – new section including Chinook EDR
5. Regulatory markup for 679.21
6. Regulatory markup for 679.61
7. Regulatory markup for 679.5
8. Example of Catcher vessel Daily Fishing Log - Trawl Gear, w vessel movement checkbox

Part B of the Supporting Statement – Chinook salmon bycatch EDR

Note: Typically, the first component in the Supporting Statement is Part A. In this package, Part B is presented prior to Part A, because Part B allows for inclusion of background information on the entire Chinook salmon bycatch data collection program, including new data forms and data from revisions to existing regulations that the reader will find relevant to understanding how this data in the Chinook salmon EDR program is applied to the analysis of Amendment 91.

SUPPORTING STATEMENT

NMFS ALASKA REGION
CHINOOK SALMON ECONOMIC DATA PROGRAM

OMB CONTROL NO. 0648-0000

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The proposed rule for this action would require submission of new data in the form of a mandatory data collection to assess the effects of the Amendment 91 management measures. These management measures consist of a hard cap, a performance standard, and Incentive Plan Agreement (IPA) incentives, intended to reduce bycatch of Chinook salmon in the pollock fishery during periods of high Chinook salmon encounters and low Chinook salmon encounters. The measures, explained in greater detail in the final rule for Amendment 91 (75 FR 53026, August 30, 2010), are also intended to provide insight to the behavioral response of the participants in the pollock fishery to the management measures.

Purpose and Need Statement for the Chinook Salmon Bycatch Data Collection Program

The purpose of the Chinook salmon bycatch data collection program is to provide data for the analysis of the Chinook salmon bycatch management in the Bering Sea pollock fishery. The Chinook salmon bycatch program is implemented in Amendment 91 to the Bering Sea Aleutian Islands (BSAI) Fishery Management Plan (FMP). The principle objective of Amendment 91 is to minimize Chinook salmon bycatch (Chinook salmon PSC) to the extent practicable, while achieving optimum yield.

The Amendment 91 program is composed of three main parts[2]:

- An overall hard cap of 60,000 Chinook salmon PSC that may not be exceeded by the Bering Sea pollock fleet.
- Access to this higher Chinook salmon PSC hard cap and conditional privileges to transfer allocated amounts of that hard cap for participants who agree to a bycatch reduction incentive plan agreement (IPA).
- A performance standard, proportionally applied to each American Fisheries Act (AFA) sector, for keeping Chinook salmon PSC below 47,591 Chinook salmon in two years of seven.

The North Pacific Fisheries Management Council (Council) subsequently recommended a data collection program to assist in the analysis of the effectiveness of the Amendment 91 for reducing Chinook salmon bycatch to the extent practicable, and to assess any changes in the yield of pollock.

The Council's purpose and need statement also recommended that this data be used to address four components of Amendment 91—

- Understand the effects and impacts of the Amendment 91 IPAs, the higher and lower PSC hard caps, and the performance standard.

[2] The Amendment 91 program is described in greater detail in the section on Amendment 91.

- Evaluate the effectiveness of the IPA incentives in times of high and low levels of salmon bycatch, and the effectiveness of the performance standard to reduce salmon bycatch.

- Evaluate how Amendment 91 affects where, when, and how pollock fishing and salmon bycatch occur; and

- Study and evaluate conclusions drawn by industry in the IPA annual reports.

If the analysis from this data collection provides sufficient information on the costs of Chinook salmon bycatch reduction and the related reduction in bycatch from Amendment 91, the Council may be able to assess the primary objective of Amendment 91: to reduce bycatch to the extent practicable. Also, this data may provide insights into the actions taken to avoid Chinook salmon PSC, the number and frequency of Chinook PSC transfers, and why these transfers occur or do not occur.

Part A of this Supporting Statement describes three new data forms for use by members of the Bering Sea pollock fishery, which are collectively referred to as the Chinook Salmon EDR:

- Chinook salmon PSC Allocation Compensated Transfer Report (CTR),

- Vessel Fuel Survey, and

- Vessel Master Survey.

The data collected in these new reports and surveys other data recommended by the Council, included in a revised collection (OMB 0648-0213, 0401, and 0515), would be combined with other current data available to NMFS to analyze Amendment 91.

Part B of this Supporting Statement summarizes the Amendment 91 program, describes the new data that would be collected to analyze the Amendment 91 program, and answers five questions on the statistical sampling methods, response rates, non-response bias, methods for testing the data forms, and staff involved in the Chinook salmon EDR program. Part B is divided into the following sections—

INTRODUCTION
- AFA sectors, Cooperatives, and CDQ groups
- Chinook Salmon Bycatch in the Bering Sea Pollock Fishery
- Amendment 91 to the BSAI FMP
  - Allocating Chinook salmon PSC in Amendment 91
  - Incentive Plan Agreement (IPA)
  - Potential Changes in the pollock Fishery under Amendment 91
- Current Information to Evaluate Amendment 91
  - IPA Plan and IPA Annual Report
  - Limitations to IPA plan and IPA Annual Report data for evaluating Amendment 91
  - AFA Cooperative Report
  - Limitations of AFA Cooperative Reports for evaluating Amendment 91
  - Catch Accounting and Observer Data
  - Limitations to the use of Catch Accounting and Observer Data for Evaluating Amendment 91

NEW INFORMATION TO EVALUATE AMENDMENT 91
- Chinook salmon PSC Allocation Compensated Transfer Report (CTR)
- Vessel Fuel Survey

- Vessel Master Survey

REVISIONS TO EXISTING COLLECTIONS FOR CHINOOK SALMON EDR

- Revisions to the IPA Annual Report
- Revisions to eLandings, Daily Fishing Log, and ELB for Change in Location on Fishing Grounds

INTRODUCTION

AFA Sectors, Cooperatives and CDQ groups

NMFS manages the Bering Sea pollock fishery under the American Fisheries Act (AFA) (16 U.S.C. 1851 note). The AFA "rationalized" the Bering Sea pollock fishery in part by allowing for the formation and management of fishery cooperatives in the three pollock sectors (catcher/processor, mothership, and catcher vessel) and the CDQ groups. The AFA fishery cooperatives consist of groups of vessel owners who agree to apportion the available pollock quota among themselves. In so doing, the cooperatives moderate the unnecessary and wasteful fishing effort that occurred prior to AFA, and has increased financial returns for most members of the fleet. The AFA authorizes the formation of fishery cooperatives in all sectors of the Bering Sea pollock fishery, grants anti-trust exemptions to cooperatives in the mothership sector, and imposes operational limits on fishery cooperatives in the Bering Sea pollock fishery. Under the AFA, ten percent of the Bering Sea pollock total allowable catch (TAC) is allocated to the CDQ Program. After allowance for incidental catch of pollock in other fisheries, NMFS allocates the remaining TAC as follows: 50 percent to vessels harvesting pollock for processing by inshore processors, 40 percent to vessels harvesting pollock for processing by catcher/processors, and 10 percent to vessels harvesting pollock for processing by motherships. NMFS manages the catcher vessels that do not join an inshore cooperative under the "inshore open-access fishery."

AFA cooperatives further subdivide each sector's or inshore cooperative's pollock allocation among participants in the sector or cooperative through private agreements. The cooperatives manage these allocations to ensure that individual vessels and companies do not harvest more than their agreed-upon share. The cooperatives also facilitate transfers of pollock among the cooperative members, enforce contract provisions, and participate in the inter-cooperative agreement to reduce salmon bycatch. A more detailed description of AFA cooperatives and cooperative and inter-cooperative agreements may be found in the proposed rule for
Amendment 91 (75 FR 14016; March 23, 2010) and in OMB Control No. 0648-0401.

Each year, catcher vessels eligible to deliver pollock to the seven AFA inshore processors may form up to seven inshore cooperatives that are each associated with a particular inshore processor. The AFA catcher/processor sector consists of AFA-eligible vessels in the Pollock Conservation Cooperative (PCC) and High Seas Catcher's Cooperative (HSCC). The HSCC consists of owners of the catcher vessels eligible to deliver pollock to the catcher/processors. NMFS issues an annual allocation of pollock to the entire catcher/processor sector, based on each vessel's pollock catch history. The AFA mothership sector is made up of three motherships and the AFA-eligible catcher vessels that deliver pollock to these motherships. These catcher vessels have formed a cooperative called the Mothership Fleet Cooperative (MFC), which sub-allocates and manages the mothership sector pollock allocation among the catcher vessels authorized to harvest this pollock.

NMFS does not manage the sub-allocations of pollock among members of the PCC, HSCC, or MFC. The cooperatives control the harvest by their member vessels so that the pollock allocation to the sector is not exceeded. However, NMFS monitors pollock harvest by all members of the catcher/processor sector and mothership sector. NMFS retains the authority to close directed fishing by sector if vessels in that sector continue to fish once the sector's seasonal allocation of pollock has been harvested.

Chinook Salmon Bycatch in the Bering Sea Pollock Fishery

Pollock is harvested by AFA fishing vessels using pelagic (mid-water) trawl gear, which consists of large nets towed through the water by the vessel. At times, Chinook salmon and pollock occur in the same locations in the Bering Sea. Consequently, Chinook salmon are accidently caught in the nets as fishermen catch pollock.

The Bering Sea pollock fishery catches up to 95 percent of the Chinook salmon taken incidentally as bycatch in the Bering Sea groundfish fisheries. From 1992 through 2001, the average Chinook salmon bycatch in the Bering Sea pollock fishery was 32,482. Bycatch increased substantially from 2002 through 2007, with an average of 74,067 Chinook salmon per year caught during this period. A historic high of approximately 122,000 Chinook salmon were taken in the Bering Sea pollock fishery in 2007. However, Chinook salmon bycatch has declined in recent years to 20,493 in 2008 and 12,410 in 2009. The causes of the decline in Chinook salmon bycatch in 2008 and 2009 are unknown. In years of historically high Chinook salmon bycatch in the Bering Sea pollock fishery, 2005 to 2007, the rate of Chinook salmon bycatch averaged 64 Chinook salmon per 1,000 metric tons of pollock harvested.

Chinook salmon bycatch varies seasonally and by sector. In most years, the majority of Chinook salmon bycatch occurs during the A season. The variation in bycatch rates among sectors and seasons is due, in part, to the different fishing practices and fishing patterns each sector uses to fully harvest their pollock allocations in the A and B seasons.

Chinook salmon interceptions in the pollock fishery affect various State of Alaska salmon fisheries and federal subsistence salmon fisheries, as well as escapement and recruitment of Chinook salmon in the Yukon River and potentially other Chinook salmon river systems[3]. These effects are described in detail in the Environmental Regulatory Impact Review for the Amendment 91 final rule (NMFS 2009). In summary, in some years Chinook salmon mortality from bycatch in the pollock fishery is likely to impact the number of Chinook salmon available to the commercial salmon fisheries in the Yukon River, as well as the subsistence, personal use, and recreational Chinook salmon fisheries of the Yukon River. In some years, the bycatch may also affect the escapement of Chinook salmon in the Yukon River and its tributaries, to the extent that low spawning numbers may impact recruitment of juvenile Chinook in certain tributaries of the Yukon River. Data on the origin of Chinook stocks intercepted in the pollock fishery are insufficient to know with certainty if this bycatch is a significant contributor to low Chinook escapement numbers in Yukon River tributaries or to assess the magnitude of possible impacts to Yukon River salmon fisheries. Data issues associated with the uncertainty are described in detail in the Amendment 91 EIS/RIR/FRFA.

As documented in the RIR/IRFA for this action, AFA pollock vessel masters and members of AFA sectors and cooperatives face difficulties detecting the presence of Chinook salmon, and in determining how to best minimize their bycatch and mortality of Chinook salmon, and in deciding the tradeoffs for their sector and AFA cooperative for Chinook bycatch avoidance. These difficulties are as follows:

- Individual Chinook salmon are difficult to detect in the water column with current sonar technology, prior to or during a trawl and retrieval of pollock trawl gear.

- Chinook salmon migrate throughout many areas frequented by pollock trawlers, and these migration patterns are unpredictable within and between years.

[3] This text refers to the Yukon River for convenience, but genetic and tagging studies demonstrate that Chinook salmon in these waters may originate from many locations other than the Yukon River.

- Once Chinook salmon encounters occur, considerable uncertainty exists about whether those interceptions will impact escapements in the Yukon River and its tributaries, or if the impacts will occur during periods of high or low Chinook salmon escapements; and

- On the fishing grounds, bycatch rates change for multiple reasons, including variation in the Chinook population strength or uncertainty regarding how pollock fishing and Chinook salmon may overlap spatially and temporally on the pollock fishing grounds.

Most actions taken to avoid salmon bycatch either by relocating a trawl vessel or ceasing fishing altogether are likely to be costly to participants in this fishery. Also, it is difficult for individual vessel masters to assess if moving to fish in a different area will result in a future benefit to Chinook escapements or salmon fishing opportunities for others. If a small number of vessel masters invest in most of the salmon avoidance efforts, other vessel masters in this fishery could "free ride" on the costly actions of that small number of masters. In the absence of Amendment 91, the financial incentives for vessel masters to avoid Chinook bycatch may be limited.

Bycatch of any species, including discard or other mortality caused by fishing, is a concern of the Council and NMFS. National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), specifically requires the Council to select conservation and management measures that NMFS implements to minimize bycatch and bycatch mortality to the extent practicable. The Magnuson-Stevens Act defines bycatch as fish that are harvested in a commercial fishery but neither, sold nor kept for personal use. Chinook salmon is categorized as prohibited species under the Magnuson-Stevens Act, the BSAI FMP, and NMFS regulations at 50 CFR part 679. The objective for managing Chinook salmon as PSC in the Bering Sea pollock fishery is to minimize Chinook salmon mortality to the extent practicable, while achieving optimum yield in target fisheries, because Chinook salmon are a valuable and fully utilized species caught in commercial, subsistence, and recreational fisheries. In some locations, Chinook salmon face conservation concerns. Fishermen must avoid salmon bycatch and are prohibited from selling or utilizing salmon for personal use. Any salmon caught must either be donated to the Prohibited Species Donation Program under § 679.26, or returned to federal waters as soon as is practicable, with a minimum of injury, after an observer has determined the number of salmon and collected any scientific data or biological samples. Chinook salmon bycatch in the Bering Sea pollock fishery is assumed to have 100 percent mortality.

Amendment 91 to the BSAI FMP

Amendment 91 would manage Chinook salmon bycatch in the Bering Sea pollock fishery by combining limits on the amount of Chinook salmon that may be caught incidentally with an IPA and performance standard designed to minimize bycatch to the extent practicable in all years and prevent bycatch from reaching the limit in most years. The most important objective of Amendment 91 is to reduce Chinook bycatch amounts and rates across all AFA sectors, cooperatives, and vessels in future years in accordance with National Standards 1 and 9. Amendment 91 (see Part A Introduction) places limits on the amount of Chinook salmon bycatch in the Bering Sea pollock fishery and provides for the development of one or more secondary industry-operated incentive programs.

Allocating Chinook salmon PSC in Amendment 91

Under Amendment 91, NMFS may allocate transferable Chinook salmon PSC to the catcher/processor sector, mothership sector, inshore cooperatives, and CDQ groups participating in the Bering Sea pollock fishery. Transferable Chinook salmon PSC allocations may be further sub-allocated to members of a sector or cooperative and may be exchanged between sectors, cooperatives, and their members. In addition, NMFS may allocate non-transferable Chinook salmon PSC allocations under certain

circumstances to AFA catcher vessels and catcher/processors if they do not qualify for transferable allocations.

The representative for a qualifying sector or inshore cooperative may receive a transferable or non-transferrable allocation of Chinook salmon PSC from NMFS. The representative is allowed to administer any transfer of Chinook salmon PSC between any other group that received transferable Chinook salmon PSC. The transfers could occur between any qualifying sector, inshore cooperative, or CDQ group.

The requirements for receiving transferable or non-transferable Chinook salmon PSC, as well as the amount of Chinook salmon PSC vary between each sector, inshore cooperative, or CDQ group. For example, the catcher/processor sector may receive transferable Chinook salmon PSC based on each vessel's proportional amount of the 47,591 or 60,000 Chinook salmon PSC caps established in Amendment 91[4], if they form a single "sector-level entity." If all members of the catcher/processor sector also form an IPA that is approved by NMFS and meets other qualifications in Amendment 91, the catcher/processor sector may receive an allocation of Chinook salmon PSC that is based on each vessel's proportional amount of 60,000 Chinook salmon. These rules are explained in detail in the proposed rule to Amendment 91.

The inshore cooperatives and the CDQ groups already are recognized by NMFS as entities eligible to receive allocations on behalf of others. The inshore cooperatives are permitted annually by NMFS under § 679.4(l)(6) and must submit copies of their cooperative contracts to NMFS to be issued a permit. The representative for receiving Chinook salmon PSC for the inshore cooperatives would be the same person as named on the cooperative's annual application for pollock allocations. The CDQ groups are authorized under section 305(i)(1) of the Magnuson-Stevens Act to receive fishery allocations from NMFS. No additional authorizations are needed for the inshore cooperatives or CDQ groups to be eligible to receive transferable allocations of Chinook salmon PSC. The representative for a CDQ group would be its chief executive officer. An inshore cooperative or a CDQ group could notify NMFS in writing if its representative for purposes of Chinook salmon PSC allocations is a different person.

PSC allocations are based on either a 60,000 Chinook salmon PSC limit if some or all of the pollock industry participates in an industry-developed IPA, or a "lower cap" of 47,591 Chinook salmon PSC limit if industry does not form any IPAs. This lower Chinook salmon PSC limit is also referred to as the annual threshold amount.

Amendment 91 requires that each sector meet a "performance standard" by staying below the lower cap/annual threshold amount in all but two of any seven consecutive years. The performance standard for each sector is based on the historical catches of each vessel in each sector and applied as a proportion of the 47,591 Chinook salmon PSC limit. The Chinook bycatch cap and performance standard in Amendment 91 is intended to encourage pollock vessels to avoid Chinook salmon bycatch, even in years when Chinook salmon bycatch is low. Low salmon bycatch may occur in periods when escapement of Chinook salmon into the Yukon River are also low, and thus it may actually be of greater value to conservation of Chinook salmon to further reduce bycatch in years when salmon bycatch is relatively low. At the same time, larger bycatch levels may be due to either greater run strength or greater co-location of salmon and pollock, so having an upper limit to bycatch is also a valuable means to promote Chinook salmon conservation.

[4] These two Chinook salmon PSC limits are established in Amendment 91 (see the proposed rule), and described in greater detail on the following page. The Chinook salmon PSC limit of 47,591 is referred to as a "lower cap," while the limit of 60,000 is an "upper cap" that cannot be exceeded by the AFA pollock sector's directed catch of pollock in more than 2 of 7 consecutive years.

To assess Chinook bycatch rates and to use as a basis for monitoring and enforcing the Chinook salmon PSC allocations, Amendment 91 included in eLandings a new PSC accounting census of all Chinook salmon for catcher/processors and for catcher vessels delivering to shoreside processors, stationary floating processors (SFPs), and motherships. For catcher vessels, delivering shoreside and to motherships Chinook bycatch will be accounted for by a census at the point of delivery. For a mothership or catcher/processor the census of Chinook bycatch would occur by each haul.

Also, Chinook salmon PSC information would be submitted by trawl gear catcher/processors to NMFS through a newly created electronic logbook (ELB) required by Amendment 91 that works with eLandings (see OMB 0648-0213). NMFS requires that the Chinook salmon PSC counts be submitted using an ELB so that the data are readily available to NMFS in a timely manner.

Incentive Plan Agreement (IPA)

A key component of Amendment 91 is the Incentive Plan Agreement (IPA). An IPA authorized by Amendment 91 is a private contract among vessel owners or CDQ groups that establishes incentives for participants to minimize bycatch at all levels of Chinook salmon abundance. The parties to an IPA must be owners of AFA-eligible catcher vessels, catcher/processors, or motherships, or the representatives of CDQ groups. The representative of an AFA cooperative or a sector-level entity formed under Amendment 91 would sign an IPA on behalf of all vessel owners that are members of that inshore cooperative or sector-level entity. That individual is referred to as the IPA representative. Participation in an IPA is voluntary; however, any vessel or CDQ group that chooses not to participate in an IPA would be subject to a restrictive opt-out cap that provides a maximum backstop cap of 28,496 Chinook salmon PSC. Each year, NMFS would calculate the backstop cap based on the number of vessels that opt-out of an IPA. The backstop cap would not be allocated to opt-out participants but would be managed by NMFS as a cap. Any vessel or CDQ group that fishes under the backstop cap would not be evaluated or included in annual calculations of a sector's performance standard.

To ensure participants develop effective IPAs, they are required to demonstrate to the Council through performance and annual reports that the IPA is accomplishing the Council's intent that each vessel does its best to avoid Chinook salmon at all times while fishing for pollock and, that collectively, bycatch is minimized in each year. Each IPA plan will describe the structure of the incentives or penalties for reducing Chinook salmon PSC at the level of a sector, cooperative, or individual vessel.

Potential Changes in the pollock Fishery under Amendment 91

After implementing Amendment 91 and its performance standard, allocation of transferable Chinook salmon PSC allocations, and the formation of incentives developed in each IPA, the Council anticipates the likelihood of the following responses from participants in the pollock fishery:

- Substantial changes in sector or cooperative plans and agreements for distribution and use of Chinook salmon PSC.
- Creation of a market for trading Chinook salmon PSC between sectors and cooperatives and among their members and the joint trading of sub-allocations of Chinook salmon PSC and pollock by vessels.
- Changes in the location and timing of fishing effort for pollock and the bycatch of Chinook salmon PSC.
- Increase in cost of harvesting pollock; and
- Reduction of the annual bycatch of Chinook salmon.

Current information to Evaluate Amendment 91

IPA Plan and IPA Annual Report
The annual IPA plan and IPA Annual Report implemented in the final rule for Amendment 91 (75 FR 53026, August 30, 2010.), are described in detail in the OMB Control Number 0648-0401 collection of information. Those two documents, along with other existing data (e.g., catch accounting, observer, AFA s) are important information sources for determining whether the Amendment 91 management measures are meeting the Council's purpose and need statement to understand the effects of Amendment 91 IPAs, including the performance standard. The information provided in the IPA Annual Report is essential to address one of the objectives of the Council's purpose and need statement - for the Chinook EDR to evaluate the conclusions drawn by industry in that report.

The representative of each approved IPA is required to submit a written IPA Annual Report to the Council for each year following the year in which the IPA is first effective. Each IPA Annual Report is intended to provide a qualitative evaluation and some quantitative information on the effectiveness of the IPAs.

Each IPA Annual Report must describe—

- The incentive measures in effect in the previous year.
- How the incentive measures affected individual vessels.
- Whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the incentive measures.
- Any amendments to the terms of the IPA that were approved by NMFS since the last annual report, and the reasons that any amendments to the IPA plan were made; and
- The reasons that any amendments to the IPA plan were made.

The RIR for this action anticipates that the IPA plan and IPA Annual Reports implemented in Amendment 91 may provide the following industry observations and data on the effectiveness of the Amendment 91 management measures including—

- Summaries of temporal and spatial shifts in effort undertaken by the fleets.
- Comparisons of Chinook salmon bycatch rates achieved by vessels participating in an IPA versus any vessels not participating in an IPA.
- An overview of the use of new gear technologies.
- Assessment of the effect of Rolling Hot Spot (RHS) closures; or
- Description of research undertaken to reduce Chinook salmon PSC.

Limitations to IPA plan and IPA Annual Report Data for Evaluating Amendment 91

NMFS does not require the data and discussion contained in each IPA plan or IPA annual report in a specific format. For example, the format of information in an IPA plan or report may vary by between years or by each group submitting a report. As a result, it is likely that data will not be sufficiently uniform and consistent to quantify the differences between two or more IPAs. Though some of the sector and cooperative data provided in the report may be quantitative, many questions are subjective and respondents may have an incentive to portray the components of Amendment 91 as effective. Individual identifiers (such as a NMFS vessel ID number) are not required for each transfer recorded in an IPA Annual Report, making it potentially difficult to merge transfer data with other NMFS information that includes a mutually exclusive identifier.

The market value of PSC allocations reflects its expected value to the pollock fishery. However, neither IPA Annual Reports nor AFA Cooperative Reports presently require that each transaction between a person buying and selling Chinook salmon PSC be recorded with a corresponding price or at the level of an individual owner of a vessel.

Also, Amendment 91 did not implement any requirements for reporting information in the IPA Annual Report or AFA Cooperative Reports to track how costs may vary by vessel, cooperative, or sector, under the new program. It would be helpful to have data on how the cost of AFA vessels operating in the Bering Sea pollock fishery would change under the various Chinook bycatch incentive plans. For example, information on the amount of fuel and the cost of fuel used to perform various Chinook bycatch avoidance actions could assist in evaluating the effectiveness of Amendment 91.

In summary, The IPA Annual Report is potentially a helpful element to meet the Councils purpose and need statement, but does not provide information to independently verify its accuracy; other data must be relied upon to assess the fourth objective of the Council's purpose and need statement to "evaluate the conclusions drawn by industry in the IPA annual report."

AFA Cooperative Report

At the beginning of each year, all AFA cooperatives must submit an AFA Cooperative Report to the Council by April 1 of the following year, detailing the activities of the cooperative for the previous year (50 CFR 679.61(f)). Each AFA Cooperative Report must include the cooperative's allocated catch of pollock and sideboard species, actions taken by the cooperative for vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries, any sub-allocations of pollock and sideboard species made by the cooperative to individual vessels, total weight of pollock landed outside the State of Alaska on a vessel-by-vessel basis, and the number of salmon taken by species and season, including Chinook salmon.

AFA Cooperative Reports may contain some information for evaluating Amendment 91, specifically, the Council purpose and need statement identifies the need to evaluate how Amendment 91 affects "where, when and how pollock fishing and salmon bycatch occur." The AFA Cooperative Reports could provide helpful data for that element of the assessment. For example, AFA Cooperative Reports could provide some explanation for why fishing effort at the beginning of a pollock season or at some other point in a season may have been lower, higher, or similar to a previous season (and if Amendment 91 caused any of the changes).

Limitations of AFA Cooperative Reports for evaluating Amendment 91

Because AFA Cooperative Reports are not required to itemize reasons or provide systematic and independently verifiable data for why pollock fishing may progress at a slower or more rapid rate in a season, it is likely that this data will be anecdotal and of limited use. In the event that IPAs are not formed in all sectors, the annual AFA Cooperative Reports could document the distribution of Chinook salmon PSC allocations among vessels in the cooperative. Currently, some transfers of pollock allocations are reported in AFA Cooperative Reports, but these pollock transfers are not reported in a uniform manner between each cooperative, making it difficult to use these data for some types of comparative analysis.

The limitations for pollock allocations and transfers in the AFA Cooperative Reports also apply to Chinook allocations and transfers of PSC. Tracking Chinook salmon PSC transfers by owner or vessel are not required in an AFA Cooperative Reports. The AFA Cooperative Reports do not require submission of pollock or Chinook salmon PSC price data. Prices of pollock and Chinook salmon PSC

allocations could be helpful in evaluating Amendment 91. AFA Cooperative Reports are not likely to provide sufficiently detailed data to make reliable comparisons of individual vessel Chinook salmon PSC rates relative to distance traveled from port. Considering each of these previously detailed limitations, AFA Cooperative Reports are not likely to provide sufficiently detailed data to make reliable comparisons of Chinook salmon PSC rates for individual vessels or masters of vessels by time and location, or distance from port. Thus, the AFA Cooperative Report would have specific limits as a stand-alone source of information for addressing all four components of the Council's purpose and need statement. Specifically the "evaluation of conclusion drawn by the industry in the IPA Annual Report" and the effectiveness of the IPA incentives in times of high and low levels of salmon bycatch" could not be evaluated with this data.

Catch Accounting and Observer Data

The two primary sources of information used to account for catches in the Bering Sea pollock fishery are onboard observer information and industry-reported data on catch and processed product amounts. Both sources are electronically recorded and submitted to NMFS. Catch accounting and observer data linked with other data would be used to assist analysts in addressing the four components of the Council's purpose and need statement. It would help analysts understand the effects and impacts of the IPAs, evaluate the performance standard, evaluate when and how Chinook bycatch and pollock catches occur, and could assist in evaluating the conclusions drawn by industry in IPA annual reports.

In 2005, NMFS implemented an interagency electronic reporting system for the catch accounting system to reduce reporting redundancy and consolidate fishery landings. All vessels in the Bering Sea pollock fishery are required to report all groundfish landings, discard, and production through a web-based interface known as eLandings (OMB 0648-0515). There is also a stand-alone application available for the vessels fishing and processing catch at sea (the at-sea fleet). The at-sea fleet submits eLandings files via email. The eLandings software provides managers with real-time access to individual vessel information, including individual pollock vessel catch and bycatch and unused amounts of allocated pollock and Chinook salmon PSC. Each industry report submitted via eLandings undergoes error checking by NMFS. Data are then stored in a database and are made available to management agencies. There are two basic eLandings report types used for catch estimation: production reports and landing reports.

Observer data are also used in the catch accounting system, and are collected using a stratified sample design where strata are defined by vessel size and gear fished. Within each stratum, a multi-stage sampling design is used to sample the species composition of the catch, length distribution of select species, and other catch components.

Observer data collected on vessels in the Bering Sea pollock fishery are transmitted electronically to a centralized database. The Alaska Fisheries Science Center (AFSC) quality control staff review the data, interview each observer returning from the fishery, and conduct several quality control processes for each dataset incorporated into the database. This database contains all data collected by observers at processing plants and onboard vessels, including marine mammal interaction data, groundfish and non-target catch, and salmon PSC (including Chinook salmon PSC). The data tables are organized in the database to reflect where and how the data are collected. Observer data are merged with industry reports nightly and are available to fishery managers the following day.

For catcher/processors and catcher vessels delivering pollock to motherships, observer data combined with a census of each vessel's eLandings landing reports may be used to make comparisons of Chinook salmon PSC rates of vessels fishing in different areas during the same period of time or similar areas at different periods of time. These comparisons allow for an analysis of how PSC catch rates vary by vessel

type and location. For catcher vessels that make several tows over a large area and that deliver to shoreside processors or SFPs at the end of a fishing trip, the actual location of Chinook bycatch will be more difficult to estimate. For these deliveries, a full accounting of Chinook salmon PSC occurs at the plant, and in most cases covers multiple tows made within a trip.

Observer data combined with landing reports will allow analysts to assess trends in rates and variation of Chinook salmon PSC bycatch by vessel, pollock vessel operation type, week or season, and across cooperatives, sectors, or the entire AFA fleet. The combined observer and landing data will also allow analysts to make accurate and reliable comparisons of percentages of the TAC harvested at times of relatively high or low Chinook salmon encounter rates. Combining information on the variation in Chinook salmon PSC amounts and rates with other information on the structure, timing, and application of the incentives that apply to different groups at different times could provide insight into the effectiveness of Chinook salmon PSC measures.

Limitations to the Use of Catch Accounting and Observer Data for Evaluating Amendment 91

While catch accounting and observer data allow an assessment of trends in Chinook bycatch by individual vessel, cooperative, and sector, observing changes in bycatch levels and rates has limitations for assessing whether the Amendment 91 incentives or the IPAs in particular actually caused a given change in bycatch rates. One difficulty is the variability in the abundance of Chinook salmon that appears in different years in different locations. For example, no currently available data exists to determine if high or low Chinook salmon encounter rates are independent from the spatial and temporal effort from the pollock fleet. In other words, the only information we have on the abundance of Chinook on the pollock grounds is through observations of bycatch during directed fishing on pollock. Because a change in bycatch rates may be the result of either a decrease in salmon on the fishing grounds or a change in fishing behavior, the lack of fishery-independent Chinook abundance estimates is a constraint to drawing conclusions about the cause and effect of industry and regulatory incentives for avoiding Chinook bycatch.

For catcher vessels delivering shoreside or to an SFP, all catch of groundfish and Chinook salmon PSC is accounted for at the time of landing. Because catcher vessels may trawl in several locations before delivering to a processor, it is not possible to verify the amount of Chinook catch in each haul. Attempts to apportion Chinook catch to a specific haul using vessel monitoring system (VMS) or other data are subject to error. These data constraints may complicate efforts to attribute a change in Chinook bycatch to specific types of incentives. For example, the effectiveness of an IPA penalty for catcher vessels that exceeded a predetermined Chinook bycatch rate in a specific statistical area may be difficult to assess if catcher vessels are deploying trawl gear on consecutive hauls on either side of the boundary set out by the IPA penalty.

In contrast to the constraints for apportioning Chinook bycatch at the haul level for catcher vessels, catcher/processors will have continuous census accounting of Chinook bycatch at sea. Each haul must be observed, and all Chinook salmon are removed and accounted for at the flow scale. The haul start and end times and location of each haul is recorded by the observer (and the path can be tracked with VMS) and the combination of this location data with haul-by-haul catch accounting allows for Chinook bycatch to be accurately observed. Even for catcher/processors, however, catch accounting and observer data alone will not explain which bycatch incentives for each sector or cooperative or how the back stop cap of 47,591 changed a specific amount of bycatch by time and location. For example, if the master of a catcher/processor (or catcher vessel) relocates to new fishing grounds to avoid Chinook bycatch, catch accounting data, even if it records a reduced catch of Chinook salmon PSC, would not, by itself, provide a reason for the transit. For example, various factors such as weather, time, and area encounters with Chinook bycatch, or market prices for pollock could easily have influenced the movements and fishing effort by a vessel, as well as that vessel's rate of Chinook salmon PSC bycatch.

NEW INFORMATION TO EVALUATE AMENDMENT 91

In December 2009, the Council recommended three new data collection requirements and revisions of two existing collections. The Council intended these requirements to provide additional data and to improve the quality of data to assess the effectiveness of Amendment 91.

To collect the data required by the Council, NMFS would require submission of each of the following three reports/surveys which are collectively referred to as the Chinook Salmon EDR. These would be in a fillable electronic format available on the NMFS Alaska Region website. Representatives of AFA catcher/processor and mothership sectors, inshore cooperatives, the inshore open access fishery, and CDQ groups would submit the Chinook Salmon EDR.

The Reports/Surveys are—

- Chinook Salmon PSC Allocation Compensated Transfer Report (CTR).
- Vessel Fuel Survey; and
- Vessel Master Survey.

In addition to these reports/surveys, the Chinook Salmon EDR Program would collect new information concerning vessel movements on the fishing grounds and more general data on pollock allocations and transfers through revisions to the IPA Annual Report. These new data are described below in the section titled: "New Information: Revisions to Existing Collections for Chinook Salmon EDR."

NMFS will use the new and revised data to conduct analyses that include descriptive analysis and quantitative or tabular comparisons of the annual, seasonal, and where possible, trip-level and haul-level changes in the pollock fleet under Amendment 91 by sector, cooperative, and vessel. Descriptions of these analyses are provided below within the section on each of the forms. NMFS may also conduct statistical analysis of the effect of the Amendment 91 IPAs and Chinook salmon PSC limits on trawl location choices, variation in the amount of Chinook salmon bycatch in the AFA trawl fishery, and the changes in the value of Chinook salmon PSC transactions if data are sufficiently accurate and complete.

In describing the data required for this data collection program, the Council's motion for this economic data program also recognized that the proposed data collection program would be limited in scope and the quantity and quality of data submitted may only partially address the purpose and need statement for this action:

> "The Council recognized the challenges associated with evaluating the effectiveness of the Chinook bycatch incentive program with data collected on trip-based information and stated preferences for transiting and fishing practices aimed at avoiding the bycatch of Chinook salmon. Statistical analyses generated from this type of data is novel and involves some trial and error in designing collection methods, specifying variables to collect, and verifying accuracy of data. The draft forms in this analysis reflect that NMFS and the Council analysts have worked with industry to focus this collection to address the key impacts of Amendment 91. This collection is intended to provide additional information to status quo data, but may not provide unequivocal answers to all of the Council's policy questions."

Chinook Salmon PSC Allocation Compensated Transfer Report (CTR).

A detailed explanation of the variables and submission requirements for the CTR are included in Part A of this supporting statement. The purpose of the CTR is to account for Chinook salmon PSC transfers and the amount of money exchanged for transfers between AFA vessel owners and other entities transferring Chinook salmon PSC. NMFS would examine data reported for each transaction and tabulate the data to compare the amount of Chinook salmon PSC transferred in each transaction, number of transactions by vessel type (sector and AFA cooperative), and time intervals of the transfers in a season or year. Also, this data will allow for tabulation of the average and variation in price paid for transactions by vessel operation type, sector, and AFA cooperative. It will be possible to enumerate the number of potential traders of Chinook salmon by date and season and those that did or did not participate in Chinook salmon PSC transfers. The timing and patterns of the transfer data in comparison with the specific IPAs in effect by date, sector, AFA cooperative, will help to assess the market for Chinook salmon PSC in each year, and how the IPAs may have impacted that market. If there is a significant volume of unbiased price data collected, it may be possible to address two elements of the Council's purpose and need statement, specifically the effects of certain incentives included in the IPAs and the performance standard.

The CTR data may help to verify and explain some of the industry-reported information in the contracts and agreements for allocating Chinook salmon PSC within and between AFA sectors and cooperatives included in IPA Annual Reports and AFA Cooperative Reports. This will assist in addressing the Council's objective to understand the overall effects and impacts of the Amendment 91, by permitting transactions reported in other industry-reported sources to be compared with and reconciled with the transactions reported in the CTR.

To help explain which incentives impose the largest costs on the pollock fleet, NMFS may combine and compare data on initial allocation of Chinook salmon PSC and intra-sector or intra-cooperative apportionments of PSC with

- Data on the incentives from IPA plans,
- Data on pollock transfers from IPA Annual Reports,
- Distribution and amounts of pollock and Chinook salmon PSC exchanged between vessels,
- Estimated travel costs to avoid Chinook salmon PSC,

The information on the costs generated by some incentives should also help analysts describe the impacts of the Chinook salmon PSC cap, IPAs, and performance standard.

Also, persistent transfers of pollock to vessels with higher Chinook salmon PSC rates may potentially suggest that vessels with poor PSC performance have an incentive to lower their participation in the fishery. Knowing the number of transfers by each individual vessel and amount of Chinook salmon transferred in years of low Chinook salmon encounters will also potentially provide information concerning whether the incentives change fishing behavior at aggregate bycatch levels below the hard cap. Additionally, observing transfers to vessels that are approaching their individual share of the Chinook salmon PSC cap (if those share amounts are available to NMFS) will provide information on if and how PSC transferability helps the fishery to obtain a higher yield of pollock.

If a sufficient number of high-quality data observations is reported and the quality of the price data is high, these data should assist in determining the distribution of Chinook salmon PSC allocations and transfers in-season and over multiple years. This data would assist in addressing the Council's objective to understand the effects and impacts of the Amendment 91 IPAs, the caps, and the performance standard. When combined with additional fields on entity affiliations and the bundling of transactions that may be accounted for in IPA Annual Reports, the CTR could assist in determining if prices exchanged represent independent and arms-length transactions or if the prices are merely accounting measures within affiliated entities.

Limited information in the CTR on the prices of bundled Chinook salmon transactions may restrict the application of this data. For example, it is possible that masters of vessels or the representatives submitting the CTR will not use unpaired or independent monetary transactions to exchange Chinook salmon PSC. If the CTR respondents find it to be more efficient to bundle all or nearly all Chinook salmon transactions with pollock or other items of value, very few transactions or prices of Chinook salmon PSC transactions would be submitted. Also, if each independent Chinook salmon PSC transfer consists of both a monetary transfer component and a non-monetary transfer component, these observations may not be useful. The possibility exists that these reporting constraints would result in a sufficiently low number of reported transactions to significantly reduce the value of these data.

The Council motion acknowledges that the data collected from the Chinook salmon EDR may not produce definitive conclusions about the effectiveness of Amendment 91. More rigorous, quantitative analyses may be undertaken to examine the effectiveness of Amendment 91 if the collected CTR data include a sufficient number of compensated transfers. The utility of this data could be reduced for addressing the four elements of the Council's purpose and need statement if poor-quality transaction data are collected in this report.

Vessel Fuel Survey

A detailed explanation of the variables and submission requirements for the Vessel Fuel Survey is included in Part A of this supporting statement. After each calendar year, each owner of an AFA-permitted vessel catching CDQ or non-CDQ pollock in the Bering Sea must submit to NMFS the Vessel Fuel Survey to report annual fuel use and cost. The owner must include identifying information on the certification page of the report, including a NMFS person ID. The Vessel Fuel Survey, submitted on June 1 of the following year, would include average annual hourly fuel burned while fishing and transiting, and annual fuel purchases in cost per gallon. Each of these values would be combined with other NMFS data (such as VMS and observer data reports) to estimate the costs of moving vessels to avoid salmon bycatch (including the fuel use during trawling, transit between trawls, and lost fishing time).

The RIR/IRFA for this action notes that the Council specifically requested data to allow for estimates of fuel used by a vessel when moving to areas with higher or lower areas of bycatch. NMFS has no other data on fuel consumption or average fuel price on a vessel-by-vessel basis for this fishery, therefore, this fuel data collection is likely to increase the quantity and quality of information available for understanding the effects of Chinook salmon PSC measures, including IPAs, consistent with the Council's purpose and need statement for this proposed action. Given the variety of circumstances in the fishery, these data should prove useful for understanding variability of fuel usage, which can aid in assessing fuel costs more generally in the fishery.

Data from the Vessel Fuel Survey would be used with other available data, including observer reports, VMS data, catch accounting data, and IPA and AFA Cooperative Reports. Fuel use and fuel cost data may be combined with other data on distance traveled to avoid Chinook salmon bycatch. The costs borne by parties for moving to lower bycatch areas can be estimated with these data.

Analyses with fuel data may range from basis comparisons of estimated transit costs between the types of AFA operations to quantitative or statistical estimates of the fuel costs for Chinook salmon PSC avoidance from specific IPAs and Amendment 91.

It is possible that variation in vessel fuel costs among vessels could affect the response of different vessels to incentives or disincentives for avoiding Chinook salmon. For example, if it is less expensive for vessels with lower travel costs to travel farther to reach clean fishing grounds, they may be more likely to engage in this action, all other things being equal. NMFS may examine vessel response to Chinook salmon encounter rates to determine whether these operational differences are affected by variations in

fuel- based travel costs between vessels, which in turn may have implications for the effectiveness of certain types of IPAs. These findings could be important for addressing the Council's purpose and need statement.

Vessel Master Survey

A detailed explanation of the variables and submission requirements for the Vessel Master Survey is included in Part A of this Supporting Statement. The Vessel Master Survey is a qualitative assessment survey that would pose a series of questions to elicit vessel master input on factors that impacted the vessel's performance during the year. The Vessel Master Survey would be conducted at the end of each fishing year. The owner of each AFA-permitted vessel would be responsible for submitting the Vessel Master Survey to NMFS on behalf of any person who is the master of an AFA-permitted vessel. The owner of the AFA-permitted vessel will be required to verify that each person listed on the Certification page for this form is a master of the AFA-permitted vessel.

The intent of the Vessel Master Survey is to identify the purpose for decision-making during the pollock season (fishing location choices and salmon bycatch reduction measures). The survey is designed to obtain master responses to on-the-fishing-grounds conditions to gain information concerning the effect of IPAs and Chinook salmon measures on decision-making. The nine questions in the Vessel Master Survey collect master assessments of the past year's fishing performance regarding the causes for bycatch avoidance, factors impacting Chinook salmon PSC rates, and the influence of the IPAs and AFA cooperatives on fishing and Chinook salmon bycatch avoidance behaviors. NMFS will use this information to guide interpretation of data on the change in fishing revenue obtained from existing NMFS data and data in the Vessel Fuel Survey on fuel cost and fuel consumption rates. These data will assist in evaluating the conclusions drawn by industry in the IPA annual reports that are required to describe the impact of IPAs on the behavior of each sector, cooperative or CDQ group. This evaluation is an objective identified in the Council's purpose and need statement for this action.

Though the Vessel Master Survey information would involve subjective responses, it would be useful to couple this survey with quantitative estimates of the effectiveness of the IPAs and other measures. Where possible, NMFS will examine the effect of the behavioral influences reported in this survey in greater detail and corroborate the responses with other data sources, such as observer data, VMS data, and catch accounting data. This utilization of self-reported
experiences and observable fishing behavior will ensure that analysts consider fishermen's experiences in formulating assessments of the Amendment 91 program, and that this data assists in addressing the Council's purpose and need statement.

REVISIONS TO EXISTING COLLECTIONS FOR CHINOOK SALMON EDR

For the Chinook Salmon EDR Program, NMFS would revise existing requirements in eLandings production reports (see OMB 0648-0515) to add data to describe movement of vessels in the Bering Sea pollock fishery and transfer information of Chinook salmon PSC and pollock in the IPA Report. These information sources provide some industry data for evaluating the effectiveness of the hard cap, performance standard, IPA, and incentives in Amendment 91 for the AFA catcher/processor and mothership sectors, inshore cooperatives, inshore open-access fishery, and CDQ groups.[5]

[5] As noted in Part A of this Supporting Statement, Amendment 91 requires participants to submit an Incentive Plan Agreement (IPA), an IPA Annual Report, and continues to require submission of an AFA Cooperative Report (see OMB 0648-0401). In addition, Amendment 91 changes the NMFS catch accounting system to require the recording of individual Chinook salmon catch (a census) in the catcher/processor trawl electronic logbook (ELB) (see OMB 0648-0213) instead of estimated counts from samples of groundfish catch.

The following reports and collections would be amended for purposes of the Chinook salmon EDR analysis:

- IPA Annual Report (OMB 0648-0401)
- AFA Cooperative Report (OMB 0648-0401)
- Catcher Vessel Trawl Gear Groundfish Daily Fishing Logbook (DFL) (OMB 0648-0213) [see Movement Information]
- Catcher/processor Trawl Gear Electronic Logbook (ELB) (OMB 0648-0213) [see Movement Information]
- eLandings landing report (OMB 0648-0515)

Revisions to the IPA Annual Report

Revisions to the IPA Annual Report required by the Chinook salmon EDR Program are described in detail in the OMB collection 0648-0401. The IPA Annual Report would be revised to list the sub-allocation and transfers of Chinook salmon PSC and pollock to each participating vessel, IPA, AFA cooperative, or entity authorized to receive Chinook salmon allocations at the start of each fishing season, and the number of Chinook salmon and amount of pollock (mt) caught at the end of each fishing season.

Each in-season transfer of Chinook salmon and pollock would be reported by amount and date, regardless of whether the transfers were "compensated" transfers. Intermediate transfers among and between each AFA cooperative, IPA, or AFA sector would also be required in the IPA reports.

The annual AFA cooperative report does not need to include any information about pollock or salmon PSC allocation or catch on a vessel-by-vessel basis if that information is provided in the IPA annual report.

This revision would provide a single location for Chinook salmon and pollock data on initial allocation, transfer, catch, and residual allocations by season and year for each catcher vessel, catcher/processor, or mothership participating in an IPA.

These revisions to the annual IPA Annual Report would provide additional quantitative and qualitative information on Chinook salmon and pollock transfers for analysts to examine the effectiveness of Amendment 91. For example, the initial allocation and transfers of pollock and Chinook salmon may be tabulated by sector, AFA cooperative, or members of an IPA. This will assist in comparing how transfers may differ between various entities.

If the data are provided in a uniform and comparable manner, IPA data analysis could include descriptive statistics on the pollock and Chinook salmon catches, allocations, and transfers between participants in each of the above groups. This information could be displayed with annual data and if useful, data may be pooled over multiple years. This would assist the analysts in comparing how transfers differ across years.

If data on transfers of Chinook salmon in IPA Annual Reports could be matched with information on individual compensated transfers of Chinook salmon from the CTR, some analysis of the number of

transfers, average amounts transferred, and frequency of transactions may be displayed by vessel category[6], AFA cooperative, and AFA sector. To improve our ability to match information from two different sources, the IPA Annual Report and the AFA Cooperative Report could be revised to provide the NMFS ID number of each entity involved in a transfer of pollock or Chinook salmon.
The revisions to the IPA report, including requirements for data on sub-allocations and transactions for Chinook salmon PSC and pollock, will help in a numbers of ways to evaluate the effectiveness of the performance standard or individual incentives in the IPA. If the number of exchanges of Chinook salmon PSC between vessels increase when Chinook PSC is scarce or approaching the allocated amount of Chinook salmon PSC for an IPA, the IPA report would provide data on which vessels need additional Chinook salmon PSC to utilize existing amounts of pollock. Combining data on Chinook salmon and pollock transactions will also help to determine how transactions are used to allocate limited amounts of Chinook between and among IPAs and AFA cooperatives. When data on the dates and amounts of Chinook and pollock transactions are linked with data on implementation of voluntary incentives, and linked with changes in Chinook salmon bycatch and pollock catch the direction and amount of transactions will help determine which incentives are more effective in recucing the amount of Chinook salmon bycatch.

As noted in the Chinook CTR, persistent transfers of pollock to vessels with higher Chinook salmon PSC rates may potentially suggest that vessels with poor PSC performance have an incentive to lower their participation in the fishery. Knowing the number of transfers by each individual vessel and amount of Chinook salmon transferred in years of low Chinook salmon encounters will also potentially provide information concerning whether the incentives change fishing behavior at aggregate bycatch levels below the hard cap. Additionally, observing transfers to vessels that are approaching their individual share of the Chinook salmon PSC cap (if those share amounts are available to NMFS) will provide information on if and how PSC transferability helps the fishery to obtain a higher pollock yeild. This information may be helpful to the Council for assessing if and when pollock catch is being reduced by the combined effects of the performance standard and incentives.

NMFS does not require that data and discussion provided in each IPA Annual Report or AFA cooperative report to be submitted in a specific format. Therefore, because more than one IPA Annual Report would be received annually, performance information may not be uniformly reported. This could create consistency issues when comparing information between IPAs and could limit any statistical analysis with IPA data to simple descriptive statistics. Thus, there are analytical limits to the potential usefulness of this data for statistical analysis.

Revisions to eLandings, Daily Fishing Log, and ELB for Change in Location on Fishing Grounds

A detailed description of the revisions for including data on the purpose of movements on the fishing grounds is described for the DFL and ELB (see OMB 0648-0213) and eLandings (see OMB 0648-0515). NMFS would require additional data on the reasons that a master of an AFA vessel changed locations in the pollock fishing grounds and specifically those location changes that may be related to Amendment 91. To accomplish this, NMFS would require each AFA master to indicate that a specific haul was followed by a subsequent move to relocate the vessel to a different fishing area primarily to avoid Chinook salmon bycatch whenever:

- The master of an AFA catcher vessel chooses to move the vessel to reduce bycatch of Chinook salmon, the master would indicate each change in location for any haul by checking a vessel movement box in the daily fishing logbook (DFL).

[6] Vessel categories may include vessel length, vessel operation type (C/P, CV or mothership) or some other vessel characteristic

- The master of an AFA catcher/processor chooses to move the vessel to reduce bycatch of Chinook salmon, the master would indicate each change in location for any haul by checking a vessel movement box in the electronic logbook (ELB).

- The master of an AFA mothership receives notification that an AFA catcher vessel delivering pollock moved the vessel to reduce bycatch of Chinook salmon, the master would indicate each change in location for any haul by checking a vessel movement box in the eLandings mothership landing report.

Non-AFA vessels fishing on the pollock quota for a CDQ group are excluded from this reporting requirement.

NMFS would use the movement information to compare salmon bycatch avoidance between individual vessels, and by various vessel characteristics. Chinook salmon PSC rates could be merged with this information by vessel to assess how rates change prior to and following a change in fishing location. Movement data combined with other management data (such as the date a season is opened and closed) could be helpful in assessing a vessel's willingness to leave fishing grounds to avoid Chinook salmon PSC. That would help address the Council's purpose and need objective to "evaluate how Amendment 91 affects where, when, and how pollock fishing and salmon bycatch occur." These industry-reported data may be helpful in evaluating assumptions in more sophisticated statistical models that combine catch by location, VMS, and other data to explain the reasons for a specific set of moves and fishing choices. That information could, in turn, assist with the Council's purpose and need objective to "study and evaluate conclusions drawn by industry in the IPA annual reports."

Movement data would improve the Council's understanding of how the incentives from the IPA drive the behavior of individual vessels operators and coordination of the time and areas allowed for fishing by groups such as AFA cooperatives. A master's decision to relocate vessels from areas with high Chinook salmon PSC to areas with lower PSC rates may reflect differences in the incentives to the master created by an IPA. Alternatively, upon examination, these data and other information provided by cooperatives may reflect the amount of central coordination of fishing by area and time a cooperative applies to each member of the cooperative. By combining movement data with IPA report descriptions on the effectiveness of incentive measures, analysts may compare the relationship between observed vessel movements and stated response to IPA measures by the parties to an IPA or members of an AFA cooperative.

While these data are subjective, they are intended to provide a better understanding of each vessel master's perception of factors that impacted fishing decisions, and are likely to inform the Council objective for analyzing the effectiveness of IPAs and Amendment 91.

Supporting Statement Part B: This section responds to five questions for actions that include data collected from a sample or census of a population.

1. **Respondent Universe. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

The respondent universe for the three new forms varies by survey or report form. Submission of each of the three forms in the Chinook salmon EDR is required by the entire universe of potential respondents (a census of the entire population for each); thus NMFS anticipates a response rate of 100 percent. The total respondent universe for the Vessel Fuel Survey data form and the Chinook salmon PSC Allocated Compensation Transfer Report (CTR) form would range from 110 to 124 owners of AFA vessels. For the Chinook salmon Vessel Master Survey, it is possible that each vessel master on each vessel that participated in the pollock fishery could be included for a respondent universe of up to 185 individuals. The number of entities that could supply these data may be substantially reduced if the owners of the vessels that are named in an IPA supply these reports/surveys for multiple vessels.

The representative for AFA vessel owners that are subject to an agreement for receiving Chinook salmon PSC may also be part of the respondent universe for the CTR, if these representatives are involved in the buying and selling of Chinook salmon PSC. The universe of those owners who are a party to the agreement for receiving Chinook salmon PSC will be known when all Chinook salmon receiving entity applications are provided to NMFS by November 1 of each year. For each AFA vessel that is not covered in this agreement, but participated in the pollock fishery, the respondent will be the owner named on the Federal Fisheries Permit (FFP). Some of the vessel owners may also provide the name of a representative established by the IPA, AFA cooperative, or CDQ group to respond to these reports/surveys. Those respondents are either named on
various permit applications or would be named by November 1 of each year for each vessel, but do not change the total universe of respondents for any of the three survey/report forms.

Estimated number of owners of vessels that may submit a CTR, Vessel Master Survey, or Vessel Fuel Survey			
Entity Type: Owners either on PSC receiving app, or named on FFP	Units	Directly regulated by action	Entities
Catcher/processors	Vessels	Yes	16
Motherships	Vessels	Yes	3
Catcher vessels	Vessels	Yes	90
CDQ group Vessels	Vessels	Yes	1-15
Total			110 to 124

2. <u>Procedures for the collection</u>. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

All information collected in this program is collected through a census of the population of vessels and persons authorized to catch pollock in the Bering Sea; thus, sample selection methods are not applicable to this action. Census data from these collections are used to develop a descriptive (qualitative) analysis and quantitative or tabular comparisons to evaluate the effects of Amendment 91. Where data are available, NMFS may also apply descriptive statistics or other statistical analyses to examine whether Chinook salmon PSC has been reduced, incentives have changed fishing behavior during high and low Chinook salmon PSC encounter rates, or if pollock fishing location and Chinook salmon PSC bycatch

locations have changed as a result of Amendment 91. Regression analysis with a small number of variables, or multi-variable statistical analysis may be applied to this data. In each of the examples that follow, regression statistics would be reported to assess the variability and explanatory power of two or more variables in a function. This regression analysis will also provide important insight into the distribution of data and potential accuracy of variables or of variables that require further verification.

Chinook salmon PSC transaction data reported in the CTR may be further examined with regression analysis by applying observed transaction prices and quantities traded by vessel. For example, it may be possible to estimate the frequency with which Chinook salmon transactions occur based upon the type or characteristics of vessels, during periods where members of an IPA approach the performance standard based on their proportion of the 47,591 Chinook salmon PSC in no more than two out of seven consecutive years. To conduct this statistical analysis, the variables used from the CTR and other sources of data may include the number of transactions, total value of each transaction, vessel characteristics, and membership in a given AFA sector, AFA cooperative, or IPA. These statistical procedures could provide insight as to whether some vessels are either unable to avoid Chinook salmon PSC, or have a higher valued use of Chinook salmon PSC than other vessels and choose to purchase Chinook salmon PSC.

Fuel use and fuel cost from the Vessel Fuel Survey, and vessel movement data from revisions to NMFS landing reports may be examined with regression analysis to determine if the increase or decrease in selected travel costs can be estimated from data on bycatch incentives imposed by an AFA sector or cooperative and from other existing information. These estimates may also be compared during intervals of time where various types of incentives and combinations of incentives are imposed, and can be compared with various conditions in the fishery (such as weather and sea conditions) that may impact vessel movements. Examples of some of the independent variables that might be tested in a regression analysis of travel costs include: general type of incentive; where and when the incentive is imposed; fuel costs; and distance traveled in response to an incentive, pollock catch, and Chinook salmon PSC catch.

3. <u>Methods to maximize response rates (Census).</u> Describe the methods used to maximize response rates and to deal with non-response. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

As discussed in question 2, this collection will be applied annually to a census of vessel owners who participate in the AFA Bering Sea pollock fishery. The collection is mandatory and the entities required to supply the data were explicitly identified in Amendment 91, so non-response error is anticipated to be extremely small. Because the fuel data supplied on the Vessel Fuel Survey will not represent primary data (actual fuel used by date and event) but represents estimates from masters based on the type of actions they would be taking to respond to Amendment 91, some response error may occur.

Sources of error or incomplete information may also be present in the Chinook salmon PSC prices reported for each transfer in the CTR form. For example, if a transfer of Chinook salmon is accompanied by both monetary and a non-monetary compensation, the owner of a vessel may have some control over when prices are reported and whether the reported price can be attributed to Chinook salmon PSC.

Measuring and minimizing non-response bias is an important aspect of assuring accurate data. The degree of accuracy needed for the Chinook salmon EDR is not established by statistical theory or legislative mandates. The Council specifically identifies this collection as improving the amount of data available to analyze the effectiveness of the Amendment 91 for reducing Chinook salmon bycatch to the extent practicable, and assess any changes in the yield of pollock. Data collected through these

reports/surveys will be used for simple deterministic comparisons, statistical inference by vessel type and cooperative, as well as for estimation of econometric models used for policy-making purposes.

While more accurate data is clearly preferred, standards do not exist regarding the accuracy of data required for estimation of statistical models. The statistical analysis applied to this data may range from simple descriptive statistics, to more sophisticated regression and spatial analysis to assess the effectiveness of Amendment 91.
The major tool for minimizing errors, improving accuracy, and resolving any missing data or non-response of Chinook salmon EDR data is through verification procedures developed by NMFS economists and analysts to evaluate each of the reports/surveys. These measures would help NMFS to verify data submitted in the CTR, the Vessel Master Survey, and the Vessel Fuel Survey. The principle means to verify data and resolve questions would be through validation of data submitted in these three surveys against supporting records. NMFS would contact the Chinook salmon EDR submitter and request oral or written confirmation of data submissions. The person submitting the Chinook salmon EDR would need to respond within 20 days of NMFS's information request. Responses after 20 days could be considered untimely and could result in a violation and enforcement action.

In instances where a random audit occurs or an audit is otherwise justified for the CTR, NMFS may retain a professional auditor/accounting specialist under contract, who would review the data submitted in the Chinook salmon EDR. The auditor could request financial documents substantiating the data submitted in the Chinook salmon EDR. An auditor/accounting specialist would be subject to strict confidentiality requirements.

4. <u>Describe any tests of procedures and methods</u>. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

The Council held two industry meetings in 2009 to review and recommend data to be collected in each of the three new reports/surveys. While the meetings were not a formal pretest of the data reports, several fields in the reports/surveys were significantly revised as a result of the meetings. In addition, some members of the AFA trawl sectors have voluntarily submitted individual comments on previous versions of the forms developed for each report/survey. In each meeting these draft data forms were reviewed by members of the AFA sector, North Pacific Fishery Management Council staff, Alaska Fisheries Science Center (AFSC) staff, and other NMFS staff. On June 21, 2010, AFSC held an industry workshop in Juneau to review the proposed reports/surveys. That workshop did not include formal pretests of the data forms, but resulted in some additional changes to the data forms.

5. <u>Name and number of staff consulted and who will actually collect data.</u> Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

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References

Cahalan, J., J. Mondragon, and J. Gasper. 2010. "Catch sampling and estimation in the Federal groundfish fisheries off Alaska," US Dept. Commerce, *NOAA Tech. Memo*. NMFS-AFSC-205, 42 p.

NMFS. 2009. Regulatory Impact Review, Amendment 91. National Marine Fisheries Service Alaska Regional Office. Juneau, AK. December 2009. http://www.fakr.noaa.gov/sustainablefisheries/bycatch/salmon/chinook/rir/rir1209.pdf

Data form – Chinook Transfer Report

ANNUAL

AMENDMENT 91
AFA POLLOCK FISHERY

CHINOOK PSC ALLOCATION IN-SEASON COMPENSATED TRANSFER REPORT
CALENDAR YEAR 20XX

This form can be downloaded from
http://www.fakr.noaa.gov

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PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 40 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts for groundfish under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) as amended by the Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) and the Trade Secrets Act (18 U.S.C. 1905). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

ANNUAL CHINOOK PSC COMPENSATED TRANSFER REPORT

Introduction

An owner or leaseholder of an AFA permitted vessel and the representative of any entity that received an allocation of Chinook PSC from NMFS must submit a Compensated Transfer Report (CTR) Part 1 each year, for the previous calendar year. In addition, any person who paid or received money for a transfer of Chinook salmon PSC allocation after January 20 must submit a completed CTR (Part 1 and Part 2) for the previous calendar year. Each year, the completed
CTR must be submitted on or before 1700 hours A.l.t. on June 1, The CTR must be submitted to the NMFS Data Collection Agent (DCA), Pacific States Marine Fisheries Commission, at the address below:

Pacific States Marine Fisheries Commission
NMFS Economic Data Reports
205 SE Spokane, Suite 100
Portland, OR 97202
FAX No. 503-595-3450
EMAIL:CTR@psmfc.org
For more information, or if you have questions, please call toll free 1-877-741-8913

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PART 1: CERTIFICATION PAGE – 1 of 2

This is a **required form.** Provide all information requested below.

Entity Information Check the appropriate entity type and record the name and NMFS ID for the entity.		
Reporting Entity Type (Check One)	☐ AFA Vessel	☐ IPA
	☐ Inshore Cooperative	☐ Sector-level Entity
	☐ CDQ Group	☐Other: describe _____
Name of Reporting Entity		AFA Permit Number or Entity NMFS ID

Person Completing this Report **Check one:** ❒ Representative for an IPA, Inshore Cooperative, Sector-Level Entity, or CDQ Group (record the name and NMFS ID of the individual registered with NMFS as the representative) ❒ Vessel Owner/Leaseholder (Provide the name, title, and contact information for the individual submitting the form) ❒ Other Designated Representative (complete all information below)	
Name	Title/NMFS ID
Business Number Telephone	Business FAX Number
Business E-mail address (if available)	

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PART 1: CERTIFICATION PAGE – 2 of 2

Provide any requested information. Check one box below.

❒ 1. You are the owner or leaseholder of an AFA permitted vessel or are a person or representative of a person that received an allocation of Chinook PSC from NMFS, and must submit a Compensated Transfer Report (CTR) Part 1 each year, for the previous calendar year. **Complete and submit CTR Part 1 form for the 20XX calendar year**.
❒ 2. You are the owner or leaseholder of an AFA permitted vessel or are a person or representative of a person who paid or received money for a transfer of Chinook salmon PSC allocation after January 20 must submit a completed CTR (Part 1 and Part 2) for the previous calendar year. **Complete and submit CTR Part 1 and Part 2 form for the 20XX calendar year**

Read the following statement, and sign and date the box below:

I certify under penalty of perjury that I have reviewed all the information in this report and that it is true and complete to the best of my knowledge.	
Signature	Date signed

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PART 2: CHINOOK SALMON PSC ALLOCATION TRANSFER INFORMATION

In Table 1, report each transfer of Chinook salmon Prohibited Species Catch (PSC) allocation to or from another person during the calendar year 2009 for which you paid or received monetary compensation. Compensated transfers are those transfers that include monetary compensation for a part of or the whole value of the transferred Chinook PSC allocation:

NMFS ID: identify the other person who paid or received money for each transfer. If the other person was a vessel owner/leaseholder, record the AFA Vessel Permit Number. For other persons, record the NMFS ID. If an AFA Vessel Permit or NMFS ID of entity is unavailable, record the entity name.

Direction of Transfer: using the checkbox, indicate if the Chinook salmon were transferred (sold) to another person by you, or transferred (bought) from another person by you.

Date of transfer: record the date Chinook salmon were transferred to the receiving person. This may not be the date of final settlement on terms of compensation.

Transfer Type: Identify the type(s) of association between you and the other entity in the transfer. Use the following codes to identify the type(s) of association (check all that apply):

Association Type	Association between transfer entities description
1	Transfer is between 2 persons which are affiliated as under AFA as defined in 50 CFR part 679.2
2	Transfer is between 2 persons in the same pollock cooperative but not affiliated under AFA
3	Transfer is between 2 persons in the same AFA sector but not affiliated under AFA or in the same pollock cooperative (inshore only)
4	Transfer is between 2 persons not part of the same AFA sector or pollock cooperative, and not affiliated under AFA

Entity Type: indicate the entity type of the other party in the Chinook salmon PSC allocation transfer. Check one: Vessel Owner/Leaseholder, IPA, Inshore Cooperative, Sector-level Entity, CDQ Group, or other entity type.

<u>Chinook Salmon PSC Allocation Transferred and Compensation</u>

Number of Chinook salmon transferred: for each transfer, record the number of Chinook salmon transferred.

Payment amount: record the total amount of money in U.S. dollars for each transfer. Report all payment as of the date of submission of this form. This includes all money paid for the transfer regardless of whether other assets, such as pollock quota, are included in the transaction. Do not report any compensation made in any form other than monetary compensation.

Other assets included: If the transaction included assets other than Chinook salmon and monetary compensation, indicate this using the checkbox. Other assets could include pollock quota, goods, or services of value. Do not check the box if additional assets included only assets of nominal or no value.

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Table 1. Chinook PSC Allocation Transfer Information												
NMFS ID or NMFS ID of Entity Transferred To/From	**Transfer to other person, or from other person to you**	**Date of Transfer** (mm/dd/yy)	**Transfer Type** I, 2, 3,or 4	**Entity Type (Check One)**						**Chinook salmon PSC Allocation Transferred and Compensation**		
				Vessel Owner/ Leaseholder	**IPA**	**Inshore Coop**	**Sector-Level Entity**	**CDQ Group**	**Other**	**Amount of Chinook salmon Transferred (number of salmon)**	**Payment Amount ($US)**	**Nonmonetary assets Included? (Check if Yes)**
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥

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	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥
	⑥To ⑥From			⑥	⑥	⑥	⑥	⑥	⑥			⑥

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Data Form: Vessel Master Survey
ANNUAL
AMENDMENT 91
AFA POLLOCK FISHERY

VESSEL MASTER SURVEY CALENDAR YEAR 20XX

This form can be downloaded from
http://www.fakr.noaa.gov

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PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 4 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts for groundfish under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) as amended by the Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) and the Trade Secrets Act (18 U.S.C. 1905). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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ANNUAL AFA POLLOCK VESSEL MASTER SURVEY

Introduction

An owner or leaseholder of an AFA permitted vessel must submit a Vessel Master Survey completed by each master of each vessel used to harvest pollock in the Bering Sea in the previous year. It is the responsibility of the vessel owner/leaseholder to submit all completed surveys to NMFS and fill out Part 1A for each MS. Part 1A must list each Vessel Master who participated in the BS pollock fishery. Each Vessel Master Survey submitted by the owner or leaseholder of an AFA permitted vessel must have Part 1B and Part 2 filled out by the Vessel Master.

This survey is intended to provide information to fishery managers to evaluate the effectiveness of Chinook salmon bycatch management measures. The questions in this survey ask about different aspects of your decision-making during the pollock season, including your incentives, fishing location choices, and salmon bycatch reduction measures.

Please contact Brian Garber-Yonts at the NMFS Alaska Fisheries Science Center with any questions regarding this survey. He can be contacted at (206) 526-6301 or brian.garber-yonts@noaa.gov.

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PART 1A: CERTIFICATION PAGE (OWNER AFA PERMITTED VESSEL)

Complete and submit with each vessel master survey for an AFA Permitted Vessel**.** Provide all information requested below.

Vessel Owner /Leaseholder Name	Vessel Name
	AFA Permit Number

Vessel Master Name	CFEC Gear Operator Permit Number
Vessel Master Name	CFEC Gear Operator Permit Number
Vessel Master Name	CFEC Gear Operator Permit Number
Vessel Master Name	CFEC Gear Operator Permit Number

Read the following statement, and sign and date the box below:

I certify under penalty of perjury that I have reviewed all the information in this report and that it is true and complete to the best of my knowledge.	
Signature (owner or leaseholder of an AFA permitted vessel)	Date signed

DRAFT

PART 1B: CERTIFICATION PAGE (VESSEL MASTER)

This is to be completed by the Vessel Master of each AFA vessel**.** Provide all information requested below.

Vessel Owner /Leaseholder Name	Vessel Name
	AFA Permit Number

Vessel Master Name	CFEC Gear Operator Permit Number

Read the following statement, and sign and date the box below:

I certify under penalty of perjury that I have reviewed all the information in this report and that it is true and complete to the best of my knowledge.	
Signature (Vessel Master)	Date signed

DRAFT

Part 2: Pollock Fishing and Salmon Bycatch Avoidance

Please consider the following questions carefully and provide the most complete answers you can. Where applicable, please note any differences between the A and B pollock seasons. Please attach extra sheets if more space is needed to complete your answers.

1. If the vessel participated in an Incentive Plan Agreement (IPA), did the IPA affect your fishing strategy? ⓞYes ⓞNo
If yes, please describe and discuss what incentives had the largest impact on your strategy.

2. Did the amount and/or cost of Chinook PSC allocation available to the vessel lead you to make changes in pollock fishing operations? ⓞYes ⓞNo
If yes, please describe.

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3. How would you compare the Chinook salmon bycatch and pollock conditions during the A and B seasons this year relative to the last two years? Please describe any unique aspects of the season.

4. Did Chinook salmon bycatch conditions cause you to delay the start of your pollock fishing or otherwise alter the timing of your pollock fishing for some period during the past A and/or B season? ×Yes ×No

If yes, please describe the Chinook salmon bycatch condition, when it occurred, and any change in your pollock fishing as a result.

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5. In the past year, did you end a trip and return to port early because of Chinook salmon bycatch conditions? Please indicate the number of trips that this occurred in each season (use a check to mark the appropriate answer for each season).

Number of trips suspended due to bycatch	Season	
	A	B
0	×	×
1-3	×	×
4-10	×	×
More than 10	×	×

6. Please describe how any area closures or restrictions for the purpose of reducing Chinook salmon bycatch affected where and how you fished.

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7. Please describe how any regulatory or other area closures or restrictions for a purpose other than reducing Chinook salmon bycatch affected where and how you fished.

8. Compared to a typical year, did weather or sea ice conditions have more, less, or about the same impact on fishing as in a typical year? Please describe especially if there were particularly uncommon conditions at any point this year. If these conditions had an impact on your ability to avoid Chinook salmon bycatch, please describe.

9. Were there exceptional factors that affected your pollock fishing this year? For example, were there unusual market or stock conditions, unusual pollock fishing conditions, or maintenance problems? Please describe.

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10. Separate from an Incentive Plan Agreement, were there other incentives for you to reduce Chinook salmon bycatch? ×Yes ×No

If yes, please describe.

11. Did actual or potential bycatch of species other than Chinook salmon cause you to change your harvesting decisions during the pollock season? ×Yes ×No

If yes, please describe.

DRAFT

Data Form: Vessel Fuel Survey
ANNUAL

AMENDMENT 91
AFA POLLOCK FISHERY

VESSEL FUEL SURVEY
CALENDAR YEAR 20XX

This form can be downloaded from
http://www.fakr.noaa.gov

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PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 4 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts for groundfish under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) as amended by the Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) and the Trade Secrets Act (18 U.S.C. 1905). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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ANNUAL AFA POLLOCK VESSEL FUEL SURVEY

Introduction

An owner or leaseholder of an AFA permitted vessel must submit a Vessel Fuel Survey for each vessel used to harvest pollock in the Bering Sea in the year listed on this form. It is the responsibility of the vessel owner/leaseholder to submit all completed surveys to NMFS. This survey is intended to provide information to fishery managers to evaluate the effectiveness of Chinook salmon bycatch management measures. The survey collects information on the quantity and cost of all fuel consumed by each AFA vessel harvesting or processing pollock during the calendar year.

Please contact Brian Garber-Yonts at the NMFS Alaska Fisheries Science Center with any questions regarding this survey. He can be contacted at (206) 526-6301 or brian.garber-yonts@noaa.gov.

DRAFT

PART 1: CERTIFICATION PAGE

This is a **required form.** Provide all information requested below.

AFA Vessel Owner or Vessel Leaseholder Information Record the name and NMFS ID for the AFA Vessel Owner/Leaseholder here. NMFS ID for all AFA participating entities can be accessed at http:/XXX	
AFA Vessel Owner/Leaseholder Name	Vessel Owner/Leaseholder NMFS ID

Select one of the following statements and provide any requested information. Check one box below.

❒ **1. You were the AFA permit holder or leaseholder for one or more AFA vessels that harvested or processed pollock during the calendar year 20XX.** **Complete and submit <u>entire form</u> for the 20XX calendar year.**

Read the following statement, and sign and date the box below:

I certify under penalty of perjury that I have reviewed all the information in this report and that it is true and complete to the best of my knowledge.	
Signature	Date signed

DRAFT

Part 2: Vessel Fuel Consumption and Purchase Cost

In Table 2, for each vessel operated by you in the AFA pollock fishery during calendar year 20XX, report the following information:

1. AFA Vessel Permit Number

2. Average rate of fuel consumption. For each vessel, report the average rate of fuel consumption per hour under average operating conditions during the calendar year. Report the fuel consumption rate separately for operating while towing and operating while transiting (traveling between points on fishing grounds, but not towing). Report fuel consumption rates for the pollock fishery only. For motherships, report the rate of fuel consumption for transiting only. If you do not have equipment on the vessel for actively monitoring the rate of fuel usage, provide the most accurate estimate you can based on the best information you have available.

3. Fuel Purchased During Calendar Year. For each vessel, report the total amount of purchased fuel loaded to the vessel, in gallons, and total purchase cost of fuel loaded to the vessel during the calendar year. Include all fuel that was loaded and invoiced, even if not completely used or paid for during the calendar year. Do not include lubrication and fluids costs other than fuel.

DRAFT

Table 2: Vessel Fuel Consumption and Costs

AFA Vessel Permit Number	Average Rate of Fuel Consumption (gallons per hour)		Fuel Purchased During Calendar Year	
	Fishing	Transiting (not fishing)	Fuel Loaded (gallons)	Fuel Cost ($ US)

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PART A SUPPORTING STATEMENT

OMB CONTROL NO. 0648-0000

INTRODUCTION

National Marine Fisheries Service, Alaska Region (NMFS) manages the groundfish fisheries in the Exclusive Economic Zone 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). The FMP is implemented under regulations at 50 CFR part 679.

BACKGROUND

In April 2009, the Council approved Amendment 91 to the FMP. This FMP is necessary to minimize Chinook salmon bycatch in the Bering Sea pollock fishery to the extent practicable while maintaining the potential for the full harvest of the pollock total allowable catch. The Bering Sea pollock fishery catches up to 95 percent of the Chinook salmon taken incidentally as bycatch in the BSAI groundfish fisheries.

The preamble to the proposed rule for Amendment 91 (75 FR 14016; March 23, 2010) contains a detailed description of and justification for the Amendment 91 management measures for the Bering Sea pollock fishery. This includes the history of Chinook salmon bycatch in the Bering Sea pollock fishery, the status of Chinook salmon stocks and fisheries in Western Alaska, and the Council's objectives for the management measures implemented under Amendment 91. The final rule for Amendment 91 was published August 30, 2010 (75 FR 53026); most of the program will be implemented in January 2011.

Amendment 91 regulates Chinook salmon bycatch in the Bering Sea pollock fishery; it will minimize Chinook salmon bycatch to the extent practicable. Amendment 91 applies only to management of the Bering Sea pollock fishery; it will not affect the management of pollock fisheries in the Aleutian Islands or the status of pollock fishing in the Bogoslof District. Additionally, with the regulations implementing Amendment 91, NMFS will increase observer coverage for all vessels and shoreside processing facilities, and require a census of Chinook salmon in every haul or fishing trip. This will greatly improve information on Chinook salmon bycatch in the pollock fishery.

Each year under Amendment 91, NMFS will allocate up to the 60,000 Chinook salmon prohibited species catch (PSC) limit to the mothership sector, catcher/processor sector, inshore cooperatives, and Western Alaska Community Development Quota (CDQ) groups. For those Bering Sea pollock vessels that form an approved Chinook salmon bycatch incentive plan agreement (IPA), those allocations may be further sub-allocated to a sector, cooperative or vessel owner and may be transferred among sectors, cooperatives, and their members. For vessels in the Bering Sea pollock fleet to receive approval from NMFS to form an IPA they must provide a plan that describes voluntary agreements for reducing bycatch of Chinook salmon. For the vessel owners that belong to an entity authorized to receive allocations of Chinook salmon PSC, but do not belong to an approved IPA, Chinook salmon allocations may not be transferred between sectors or cooperatives. Owners of vessels that are not members of an entity qualified to receive an allocation of Chinook salmon PSC may only fish on an open-access allocation of PSC.

NMFS will monitor all salmon bycatch by each vessel in the pollock fishery through a census, 100 percent observer coverage, and an expanded biological sampling program. Annual reports and the proposed economic data collection program are designed to evaluate whether and how incentive plans influence a vessel's operational decisions to avoid Chinook salmon bycatch. If information becomes available to indicate that Amendment 91 is not providing the expected Chinook salmon savings, NMFS will work with the Council to take additional actions to minimize Chinook salmon bycatch to the extent practicable.

In December 2009, the Council approved the Chinook Salmon Bycatch Economic Data Program to assess the effects that Amendment 91 has on Chinook salmon bycatch in the Bering Sea pollock fishery.

This action creates a new collection, the Chinook Salmon Economic Data Program (Chinook Salmon EDR Program) in support of the associated rule (RIN 0648-xxxx).

A. JUSTIFICATION

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

The Council requested the development of an economic data collection to assess the effects of Amendment 91, because the existing sources of data are limited for assessing the Amendment 91 components. The Councils purpose and need for this collection is as follows:
The data collection program will focus on: (1) evaluating the effectiveness of the IPA incentives in times of high and low levels of salmon bycatch abundance, the hard cap, and the performance standard in terms of reducing salmon bycatch, and (2) evaluating how the Council's action affects where, when, and how pollock fishing and salmon bycatch occur. The data collection program will also provide data for the agency to study and verify conclusions drawn by industry in the IPA annual reports. To ensure that a full assessment of the program is possible, the data collection program should be implemented at the time Amendment 91 is implemented or as soon as practicable.

To ensure that a full assessment of the program is possible from the start of the program, the data collection program should be separated into two phases, with a suite of data collection measures implemented at the time Amendment 91 goes into effect and sent to the Comprehensive Economic Data Collection Committee after IPAs have been fully developed and submitted to NMFS. The objective of this collection is to provide an improvement in the amount of data available to evaluate the effectiveness of incentives to minimize Chinook salmon bycatch under Amendment 91.

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

The Chinook Salmon Bycatch Economic Data Program (Program) is an economic data collection created to evaluate the effects of Amendment 91 in the Bering Sea pollock fishery. The Program will include two existing collections and one new collection.

NMFS will revise two existing collections to obtain additional data: OMB No. 0648-0213 (Groundfish Family of Forms) and OMB No. 0648-0401 (AFA Reports). Information concerning vessel movements on the fishing grounds is added to -0213. In addition, information on Chinook salmon and pollock allocations and transfers is added to the IPA Final Report and the American Fisheries Act (AFA) Cooperative Report in -0401.

In order to provide additional data and to improve the quality of data to be analyzed through Amendment 91, data instruments are added in this collection (-0000). The three new instruments collectively are called the Chinook Salmon Bycatch Economic Data Report (Chinook Salmon EDR). These new forms will collect the following information:

- Transfers and monetary compensation for Chinook salmon PSC allocations.
- Fuel consumption and average fuel costs; and
- Vessel master impressions of fishing experiences during the year and of Chinook salmon PSC avoidance efforts.

Combined with existing information, data from these forms will assist in evaluation of the effects of the Amendment 91 management measures: the hard cap, performance standard, and IPA incentives.

NMFS will use data from these collections to develop a descriptive analysis and quantitative or tabular comparisons under Amendment 91. These analyses will compare the annual, seasonal, and, where possible, trip-level and haul-level changes in the behavior of the pollock fleet by sector, cooperative, and vessel. Part B provides descriptions of these analyses. If data are available and accurate, NMFS may also apply descriptive statistics or other statistical analyses.

a. Compensated Transfer Report (CTR)

Amendment 91 authorizes NMFS to allocate annual transferrable or non-transferrable Chinook salmon PSC to members of a qualifying catcher/processor sector, mothership sector, inshore cooperatives, and CDQ groups. Chinook salmon PSC may be transferred between the entities and among members of each entity. A compensated transfer is a transfer that is paid for with an exchange of dollars (or any currency) for bycatch units from one party to another.

Each transfer must be identified as either a transfer of Chinook salmon PSC exclusive of other assets or a bundled transfer with non-Chinook salmon allocations or other assets, and whether the payment amount reported is for part or all of the Chinook salmon PSC transfers. Each transfer must identify specific information about the affiliation of each party to the transfer as follows:

Transaction Type	Transaction Description
1	Between 2 entities which are affiliated as defined by AFA
2	Between 2 entities in the same cooperative but not affiliated as defined by AFA
3	Between 2 entities in the same sector but not affiliated as defined by AFA or in the same cooperative
4	Between 2 entities not part of the same sector or cooperative, or affiliated as defined by AFA

Information on the affiliation of transferor and transferee will be used to determine the independence of the parties of any reported compensated transfer. This is required to differentiate market-based transactions and associated prices from transfer payments between affiliated or integrated entities.

NMFS proposes to collect information on transferable Chinook salmon PSC with the Compensated Transfer Report (CTR), which has two parts. Part 1 is a Certification Page which includes a signing statement. Part 2 is the Chinook salmon PSC transfer information. Conditions are specified for submitting only Part 1, the Certification Page, or the full CTR, including both Parts 1 and 2,

Entities required to complete and submit Part 1 of the CTR each year, for the previous calendar year are:

- The owner or leaseholder of an AFA-permitted vessel and

- The representative for an IPA, AFA mothership or catcher/processor sector, inshore cooperative, inshore open-access fishery, CDQ group, or any entity that received an allocation of Chinook salmon PSC from NMFS.

In addition, any person who meets the requirement for Part 1 who also paid or received money for a transfer of Chinook salmon PSC allocation after January 20 must complete and submit a full CTR (Part 1 and Part 2) for the previous calendar year.

After each calendar year, each transferor and transferee of compensated Chinook salmon PSC must submit a CTR detailing the quantity of PSC transferred in each monetarily compensated transfer and the payment amount of the monetary compensation. Transfers that did not include monetary compensation for a part of or the whole value of the transferred salmon bycatch credits are not reported. The completed CTR must be submitted on or before 1700 hours, A.l.t., on
June 1.

The CTR must be submitted to the NMFS Data Collection Agent, at the address on the form.
The CTRs are in a fillable electronic format available on the NMFS AKR website and may be submitted as an attachment to an e-mail. In addition, the certification pages are submitted by fax or mail.
The estimated number of respondents eligible to submit the transfer report is 122 (see table below). The majority of these entities are vessels engaged in either catching or catching and processing pollock. Seven inshore cooperatives are listed, because some of the catcher vessels and catcher/processors in this fleet are owned by firms that also own inshore processing plants. Owners of inshore processing plants, may also be familiar with specific Chinook salmon PSC transfers, and thus, are potential respondents for the CTR. The number of vessels and entities in the Bering Sea pollock fishery by operation type are presented in the following table:

Entity Type	Number of Vessels or Entities
Catcher/processors	16
Motherships	3
Catcher vessels	90
Inshore cooperatives	7
CDQ groups	6
Total	122

Compensated Transfer Report (CTR)

Part 1. Certification page

Entity information
- Reporting entity type
- Name of reporting entity
- AFA permit number or entity NMFS ID

Person completing this report
- Indicate whether owner or designated representative
- Name and title or NMFS ID
- Business telephone number, business FAX number, and business email address (if available)
- Select appropriate description of person completing form

Certification
- Signature
- Date signed

Part 2. Chinook Salmon PSC allocation transfer information

Identify the other person who paid or received money for each transfer
- If a vessel owner/leaseholder, record AFA vessel permit number
- If other entities, record NMFS ID.
- If AFA vessel permit number or NMFS ID is unavailable, record the entity name

Direction of transfer. In (to the transferor) or out (to the transferee)

Date of Chinook salmon transfer

Transfer type (enter type 1, 2, 3, or 4)

Entity type (check one)

Chinook Salmon PSC allocation units transferred and compensation

Number of Chinook salmon transferred

Payment amount ($)

Other non-monetary assets included (check if yes)

Compensated Transfer Report, Respondent	
Estimated number of respondents	**122**
Total annual responses	**122**
Responses per respondent = 1	
Total burden hours	**4,880**
Hours per response = 40 hr	
Total personnel cost	**$366,000**
Personnel cost per hour = $75	
Total miscellaneous costs ($1226.10)	**$1,226**
e-mail CTR @ 0.05 x 122 = $6.10	
fax certification 2 pp x 122 x $5 = $1220	

Compensated Transfer Report, Federal Government	
Estimated number of respondents	**122**
Total annual responses	**122**
Total burden hours	**1,220**
Estimated hours per response = 10 hr	**hr**
Total personnel cost	
Personnel cost per hour = $75	**$91,500**
Total miscellaneous costs	**0**

b. Vessel Fuel Survey

The Vessel Fuel Survey collects information on the estimated quantity and cost of all fuel consumed by each AFA vessel harvesting or processing pollock during the calendar year. This survey is intended to provide information to fishery managers to evaluate the effects of the Amendment 91 management measures. These data, combined with other information in the Chinook Salmon EDR Program, provide information on movements of a vessel to avoid Chinook salmon, and in particular, Chinook salmon bycatch. Fuel use and price data are not available for vessels in the pollock fishery in any uniform format. NMFS would apply fuel usage data to assess the extent to which fleet members are willing to incur these expenses to avoid Chinook salmon PSC. These data could provide useful estimates of fuel usage for evaluating Amendment 91 effects.

An owner or leaseholder of an AFA-permitted vessel that harvested and/or processed AFA pollock must submit a completed Vessel Fuel Survey to the NMFS Data Collection Agent for the previous calendar year. The must be received by the NMFS Data Collection Agent by June 1.

The annual Vessel Fuel Survey may be electronically submitted on an on-line web form available on the NMFS AKR website. In addition, the certification page must be submitted by mail or fax.

Vessel Fuel Survey

Part 1: Certification Page
AFA Vessel Owner or Leaseholder name and NMFS ID
Select appropriate description of person completing form
Certification
Signature
Date signed
Part 2. Vessel Fuel Consumption and Cost
For each vessel operated in the AFA pollock fishery during calendar year
Vessel permit number
Average rate of fuel consumption per hour
Report the rate separately for operating while towing and operating while transiting
Report rates for the pollock fishery only.
For motherships, report the rate for transiting only.
If no equipment on the vessel to monitor the rate of fuel usage, provide the most accurate estimate

Vessel Fuel Survey, Respondent	
Estimated number of respondents	**109**
Total annual responses	**109**
Estimated responses per respondent = 1	
Total burden hours	**436 hr**
Estimated hours per response = 4 hr	
Total personnel cost	**$32,700**
Personnel cost per hour = $75	
Total miscellaneous costs ($270.10)	**$270**
e-mail attachment 0.05 x 122 = $6.10	
fax certification 2 pp x $5 x 22 = $220	
mail certification .44 x 100 = $44	

Vessel Fuel Survey, Federal Government	
Estimated number of respondents	**109**
Total annual response	**109**
Total burden hours	**436 hr**
Estimated hours per response = 4 hr	
Total personnel cost	**$32,700**
Personnel cost per hour = $75	
Total miscellaneous costs	**0**

c. Vessel Master Survey

The owner of each AFA-permitted vessel must submit the Vessel Master Survey to the NMFS Data Collection Agent on behalf of any person who is an operator, vessel master, or skipper (from this point on, referred to as master) of an AFA-permitted vessel used to harvest pollock in the Bering Sea in the previous year. These persons will be initially identified by the list of permit owners named on any State of Alaska, Commercial Fisheries Entry Commission (CFEC) miscellaneous groundfish permit recorded on CFEC catch and landings records for the associated vessel. Each owner of an AFA-permitted vessel will be notified by NMFS with a list of CFEC permit holders corresponding to the AFA-permitted vessel.

The owner of the AFA-permitted vessel will be required to verify that each person on the list has been a master of that AFA-permitted vessel. If not able to verify a person, the owner would list names and contact information for all other vessel masters on that vessel that caught Bering Sea pollock. An estimated 185 masters participated in the pollock fishery[7].

This survey contains nine questions and is intended to provide information to fishery managers to evaluate the effectiveness of the Amendment 91 management measures. The survey questions ask about different aspects of decision-making during the pollock season, including incentives, fishing location choices, and salmon bycatch reduction measures.

The respondents would annually complete the Vessel Master Survey at the end of the fishing year. The survey would be electronically submitted on-line at the NMFS AKR website or to the NMFS Data Collection Agent website. The certification page must be submitted by mail, fax, or as an attachment to an e-mail.

Those persons subject to this requirement must complete the Vessel Master Survey and convey it to the owner of the associated AFA-permitted vessel for submission to the NMFS Data Collection Agent.

It is expected that many masters may compile notes in-season to be used to respond to the specific survey at year-end. The burden associated with tracking activity will vary depending on the circumstances encountered during the year. Fully completing the form at the end of the season is estimated to require approximately 4 hours of in-season time, recording impressions of conditions and decision making.

To initially process the data on the qualitative questions in the Vessel Master Survey, the NMFS Data Collection Agent would correct obvious spelling and grammar. The responses would be organized into similar answers and then would be aggregated. The range of responses for each question would be assessed. If possible, some descriptive statistics would be developed on each answer to a given question. The answers would be compared by sector, cooperative, vessel type, or other strata. The common and conflicting viewpoints will be highlighted and tabulated if possible. Where responses converge by a

[7] This estimate is based on the number of Commercial Fisheries Entry Commission, entry permit holders for vessels participating in the Bering Sea pollock fishery.

particular stratum of vessels or members of an AFA cooperative, these would then be compared with other quantitative information to see if the qualitative responses provide similar or different understanding of the quantitative data elsewhere in the Chinook Salmon EDR.

Vessel Master Survey

Part 1A: Certification Page (Owner AFA-permitted Vessel)

- Vessel owner or leaseholder name
- Vessel name
- AFA permit number
- Vessel master name and CFEC gear operator permit number (repeat if more than one master)
- Certification
  - Signature of owner or leaseholder of an AFA-permitted vessel
  - Date signed

Part 1B: Certification Page (Vessel Master)

- Vessel owner or leaseholder name
- Vessel name
- AFA permit number
- Vessel master name and CFEC gear operator permit number
- Certification
  - Signature of vessel master
  - Date signed

Part 2: Pollock Fishing and Salmon Bycatch Avoidance

If the vessel participated in an Incentive Plan Agreement (IPA), did the IPA affect your fishing strategy? (Yes/No). If yes, describe and discuss what incentives had the largest impact on your strategy.

Did the amount and/or cost of Chinook Salmon PSC allocation available to the vessel lead you to make changes in pollock fishing operations? (Yes/No). If yes, describe.

How would you compare the Chinook salmon bycatch and pollock conditions during the A and B seasons this year relative to the last two years? Describe any unique aspects of the season.

Did Chinook salmon bycatch conditions cause you to delay the start of your pollock fishing or otherwise alter the timing of your pollock fishing for some period during the past A and/or B season? (Yes/No). If yes, describe the Chinook salmon bycatch condition, when it occurred, and any change in your pollock fishing as a result.

In the past year, did you end a trip and return to port early because of Chinook salmon bycatch conditions? (Yes/No). If yes, indicate the number of trips that this occurred in each season (use a check to mark the appropriate answer for each season).

Describe how any area closures or restrictions for the purpose of reducing Chinook salmon bycatch affected where and how you fished.

Describe how any regulatory or other area closures or restrictions for a purpose other than reducing Chinook salmon bycatch affected where and how you fished.

Compared to a typical year, did weather or sea ice conditions have more, less, or about the same impact on fishing as in a typical year? (Yes/No). If yes, describe especially if there were particularly uncommon conditions at any point this year. If these conditions had an impact on your ability to avoid Chinook salmon bycatch, describe.

Were there exceptional factors that affected your pollock fishing this year? (Yes/No). For example, were there unusual market or stock conditions, unusual pollock? If yes, describe.

Separate from an Incentive Plan Agreement, were there other incentives for you to reduce Chinook salmon bycatch? (Yes/No). If yes, describe.

Did actual or potential bycatch of species other than Chinook salmon cause you to change your harvesting decisions during the pollock season? (Yes/No). If yes, describe.

Vessel Master Survey, Respondent	
Estimated number of respondents	**185**
Total annual responses	**185**
Estimated responses per respondent = 1	
Total burden hours	**740 hr**
Estimated hours per response = 4 hr	
Total personnel cost	**$55,500**
Personnel cost per hour = $75/hr	
Total miscellaneous costs ($149.60)	**$150**
email attachment 0.05 x 112 = $5.60	
fax certification 2 pp x $5 x 10 = $100	
mail certification .44 x 100 = $44	

Vessel Master Survey, Federal Government	
Total annual responses	**185**
Total burden hours	**1,480 hr**
Estimated hours per response = 8 hr	
Total personnel cost	**$111,000**
Personnel cost per hour = $75/hr	
Total miscellaneous costs	**0**

d. Verification/Audit of Chinook Salmon EDR Data

NMFS economists and analysts developed measures to verify data accuracy for the Chinook Salmon EDR program submitted in the CTR, Vessel Master Survey, and the Vessel Fuel Survey. The principal means to verify data and resolve questions are through validation of data submitted in these three surveys against supporting records. The NMFS-approved auditor would contact the EDR submitter and request oral or written confirmation of data submissions. The person submitting the EDR would need to respond within 20 days of the information request. Responses after 20 days could be considered untimely and could result in a violation and enforcement action.

To ensure that each company is consistently and accurately completing the EDR, random audits will be performed by a qualified accountant on some of the EDRs for a subset of the pollock fishery participants. This step will ensure the data reliability to produce accurate and reliable information for the Alaska pollock fisheries. The NMFS-approved auditor may review and request copies of additional data provided by the owner or leaseholder, including but not limited to: previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data.

Auditors will verify records by comparing specific elements of the report with participant accounting records. To make this activity as efficient and non-intrusive as possible, NMFS suggests that participants:

- Keep copies of all certification pages and completed EDRs, with all attachments, submitted to the NMFS Data Collection Agent.

- Keep a file that has all of the supporting information used in the preparation of the EDR.

- Make sure that the EDR agrees with the company's highest level of financial information. For this purpose, the highest level of financial information is defined in order as:
  - Audited financial statements
  - Reviewed financial statements
  - Compiled financial statements
  - Tax returns.

- Record only whole numbers. Round up dollar figures to the next highest dollar.

Chinook Salmon EDR Verification, Respondent	
Estimated number of respondents	**122**
Total annual responses	**122**
Estimated responses per respondent = 1	
Total burden hours	**488 hr**
Estimated hours per response = 4 hr	
Total personnel cost ($75/hr)	**$36,600**
Total miscellaneous costs ($14,640)	
Photocopy ($15 x 122 = $1,830)	**$14,640**
Telephone calls ($5 x 122 = $610)	
Accountant fee to verify EDR ($100 x 122 = $12,200)	

Chinook Salmon EDR Verification, Federal Government	
Total annual responses	**0**
Total burden hours	**0**
Total personnel cost	**0**
Total miscellaneous costs	**0**

Information derived from the collected data will be disseminated to the public consistent with applicable requirements for nondisclosure of confidential information or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. 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 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.

This collection is estimated to be 90 percent electronic; these reports will be submitted as attachments to e-mails or possibly by direct entry into a database. However, the certification pages must be sent by fax or mail.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

The proposed action applies only to those entities that participate in the directed pollock trawl fishery in the Bering Sea. The only small entities that are directly regulated by this action are the six CDQ organizations, and the impact is not significant.

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

Chinook salmon caught in the pollock fishery are considered bycatch under the Magnuson-Stevens Act, the FMP, and NMFS regulations at 50 CFR part 679. National Standard 9 of the Magnuson-Stevens Act requires the Council to select, and NMFS to implement, conservation and management measures that, to the extent practicable, minimize bycatch and bycatch mortality.

The Vessel Fuel Survey includes collection of new data on the average fuel use rate by activity, and the price per gallon paid. Without this data, NMFS has no alternative data source to estimate fuel costs or travel costs associated with searching for cleaner fishing grounds, or avoidance of areas that might be closed by NMFS or through an IPA. This data would contain some individual variability in fuel use and prices per gallons by vessel, while any anecdotal information would be generalized. The Council specifically requested this data, and the action would not meet the Council intent if not collected.

The Compensated Transfer Report in conjunction with data from IPA reports would provide information on the number and characteristics of Chinook salmon PSC transfers. Without this data, NMFS will not be able to tell how vessels differ from each other in terms of efficient use of Chinook salmon PSC or of the costs of avoiding Chinook salmon PSC. Without this data, it will not be possible to determine if the tradable Chinook salmon PSC is working or if it is not working, how to fix it.

Without the Vessel Master Survey, we will not understand the tradeoffs vessel masters made to avoid Chinook salmon. NMFS may not be able to detect if there are some essential pieces of information missing in other survey or report data that are needed to evaluate the effect of the IPAs in Amendment 91

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.

NMFS Alaska Region will submit a proposed rule (RIN 0648-xxxx) coincident with this submission, requesting comments from the public. The draft data collection instruments were developed with extensive consultation with the regulated entities that will be subject to the reporting requirement, including a public workshop (FR Announcement RIN 0648-XW73 filed June 3, 2010) to refine data elements and instructions to improve clarity and minimize reporting burden.

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

The data proposed to be collected in this Chinook Salmon EDR program includes detailed proprietary information provided by firms and individuals, as well as personally identifying information (PII) and business identifying information (BII). These data are considered confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. The EDR data are prohibited from release to the public. Access to EDR data is tightly controlled under numerous provisions of statute, regulation, and administrative order.

The Code of Federal Regulations (50 CFR 600.415) specifies that access to confidential data collected by NMFS is restricted to—

- Federal and Council employees responsible for collection and maintenance of the data, FMP development, monitoring or enforcement, or performing research that requires access to confidential statistics, or on a demonstrable need-to-know basis.

- NOAA/NMFS contractors or grantees who require access to confidential statistics to perform functions authorized by a Federal contract or grant.

- State personnel who demonstrate a need for confidential statistics for use in fishery conservation and management, provided that the State has entered an agreement to protect confidential data to a standard comparable to that required by the Magnuson-Stevens Act.

The regulations further provide for granting of access to Council members under conditions that are unlikely to be met in the case of these Chinook Salmon EDR data, and individual submitters may request that their own records be released to themselves or a third party.

In addition, the confidential proprietary data collected in this Chinook Salmon EDR meet the definition of trade secrets as defined in the Freedom of Information Act (5 U.S.C. 552) and Trade Secrets Act (18 U.S.C. 1905), and as such is exempted from disclosure of raw, un-aggregated data under FOIA. All individuals who are determined to be authorized for access to confidential data are required to sign and submit a nondisclosure agreement, affirming the user's understanding of NMFS' obligations with respect to confidential data and the penalties for unauthorized use and disclosure. NOAA Administrative Order 216-100 is the principal legal guidance for NMFS' employees on specific protocols for handling confidential data, including definitions, policies, operational responsibilities and procedures, penalties, and statutory authorities and requirements.

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: 185. Estimated total responses: 488. Estimated total burden: 7,320 hr. Estimated total personnel costs: $549,000.

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: $16,286.

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

Estimated total burden: 2,684 hr. Estimated total personnel cost: $201,300.

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

This is a new program.

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

The information collected will not be published.

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

Draft Regulations for 679.65 – new section including Chinook EDR
PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA
Subpart B—Management Measures

Title 50: Wildlife and Fisheries
§ 679.65 Bering Sea Chinook Salmon Bycatch Economic Data Report Program (Chinook Bycatch EDR Program).

(a) General.

Regulations under this section 679.65 were developed by NMFS to implement the Chinook Salmon Bycatch EDR Program. Additional regulations that implement specific portions of the Chinook EDR Program are set out under paragraphs (a)(1) through (a)(4) of this section:

(1) Daily fishing logbook (DFL), catcher vessel trawl gear. See § 679.5(c)(3).

(2) Electronic logbook (ELB), AFA and CDQ trawl catcher/processors. See § 679.5(f) in combination with eLandings pursuant to § 679.5(e).

(3) Incentive Plan Agreement (IPA). See § 679.21(f)(12)(iii).

(4) IPA annual report. See § 679.21(f)(12)(vii).

(b) Chinook salmon PSC Compensated Transfer Report (Chinook CTR).

(1) An owner or leaseholder of an AFA-permitted vessel and the representative of any entity that received an allocation of Chinook PSC from NMFS must submit a CTR, Part 1 each year, for the previous calendar year, and

(2) Any person who paid or received money for a transfer of Chinook salmon PSC allocation after January 20 must submit a completed CTR (Part 1 and Part 2) for the previous calendar year.

(3) The CTR is available through the Internet on the NMFS Alaska Region website at http://alaskafisheries.noaa.gov, or by contacting NMFS at 206-526-6414.

(4) Each year, the completed CTR must be submitted electronically by 1700 A.l.t. June 1, to the NMFS Data Collection Agent.

(c) Vessel Fuel Survey.

(1) An owner or leaseholder of an AFA-permitted vessel must submit all completed Vessel Fuel Surveys for each vessel used to harvest pollock in the Bering Sea in a given year.

(2) The Vessel Fuel Survey is available through the Internet on the NMFS Alaska Region website at http://alaskafisheries.noaa.gov, or by contacting NMFS at 206-526-6414.

(3) Each year, the completed Vessel Fuel Survey must be submitted electronically by 1700 A.l.t. June 1, to the NMFS Data Collection Agent.

(d) Vessel Master Survey.

(1) For a given AFA-permitted vessel used to harvest pollock in the Bering Sea in the previous year:

(i) The vessel master must complete the Vessel Master Survey, Part 1A.

(ii) An owner or leaseholder must complete the Vessel Master Survey, Part 1B.

(iii) Each year, an owner or leaseholder must submit all Vessel Master Surveys, Parts 1A and 1B by 1700 A.l.t. June 1, to the NMFS Data Collection Agent

(2) The Vessel Master Survey is available through the Internet on the NMFS Alaska Region website at

http://alaskafisheries.noaa.gov, or by contacting NMFS at 206-526-6414.

(e) Chinook salmon EDR audit procedures.

NMFS will conduct verification of Chinook EDR information with the owner or leaseholder of an AFA-permitted vessel, the representative of any entity that received an allocation of Chinook salmon PSC, and any person who paid or received money for a transfer of Chinook salmon PSC allocation or their designated representative, if applicable.

(1) The persons identified at §679.65(b)(i), (c)(i), (c)(ii), and (d)(i), must respond to inquiries by NMFS within 20 days of the date of issuance of the inquiry.

(2) The persons identified at§679.65(b)(i), must provide copies of additional data to facilitate verification by NMFS. These paper or electronic copies may include but are not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted.

(3) NMFS may designate a contractor to perform the functions of a NMFS auditor. The NMFS-designated auditor may review and request copies of additional data provided by persons identified at §679.65b(1) and (2) for the CTR (§ 679.65 (c)(i)).

Regulatory markup for 679.21

§ 679.21 ***Prohibited species bycatch management.***

(a) [Reserved]

(b) General.

(c) Salmon taken in the BS pollock fisheries.

(d) GOA halibut PSC limits.

(e) BSAI PSC limits

(f) BS Chinook Salmon Bycatch Management

* * * * *

(12) Chinook salmon bycatch incentive plan agreements (IPAs)

(vii) Chinook IPA Annual Report. The representative of each approved IPA must submit a written annual report to the Council at the address specified in §679.61(f). The Council will make the annual report available to the public.

(A) Submission deadline. The IPA Annual Report must be postmarked or received by the Council no later than April 1 of each year following the year in which the IPA is first effective.

(B) Information requirements. The annual report must contain the following information:

(1) A comprehensive description of the incentive measures in effect in the previous year;

(2) A description of how these incentive measures affected individual vessels;

* * * * *

(3) An evaluation of whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures; and

(4) A description of any amendments to the terms of the IPA that were approved by NMFS since the last annual report and the reasons that the amendments to the IPA were made.

(5) The number of Chinook salmon and the amount of pollock sub-allocated at the start of each fishing season and number of Chinook salmon PSC caught and amount of pollock (mt) discarded and retained catch at the end of each season (see also §679.61(f)(2)).

(6) In-season transfers

(i) Entity Transfers For in-season transfer of Chinook salmon PSC or pollock among IPAs, AFA cooperatives, entities eligible to receive Chinook salmon PSC allocations, or CDQ groups, provide the following information:

(A) dat of transfer
(B) name of transferor
(C) name of transferee
(D) number of Chinook salmon transferred
(E) mt of pollock transferred

(ii) Transfers among vessels participating in the IPA provide the following information:

(A) date of transfer
(B) name of transferor
(C) name of transferee
(D) number of Chinook salmon transferred
(E) mt of pollock transferred

(C) Voluntary data. The IPA representative may provide additional information on sub-allocations or transfers of Chinook salmon PSC or pollock transfers (see also §679.61(f)(2)).

Regulatory markup for 679.61

§ 679.61 ***Formation and operation of fishery cooperatives***

(a) Who is liable for violations by a fishery cooperative and cooperative members?

(b) Who must comply this section?

(c) Designated representative and agent for service of process.

(d) Annual filing requirements.

(e) What are the required elements in a cooperative contract?

(f) Annual reporting requirements.

Any fishery cooperative governed by this section must submit preliminary and final annual written reports on fishing activity to the

North Pacific Fishery Management Council,

605 West 4th Ave, Suite 306,

Anchorage, AK 99501.

The Council will make copies of each report available to the public upon request.

(1) What are the submission deadlines?

You must submit the preliminary report by December 1 of each year. You must submit the final report by April 1 of the following year. Annual reports must be postmarked by the submission deadline or received by a private courier service by the submission deadline.

(2) What information must be included?

The preliminary and final written reports must contain, at a minimum:

(i) The cooperative's allocated catch of pollock and sideboard species, and any sub-allocations of pollock and sideboard species made by the cooperative to individual vessels on a vessel-by-vessel basis;

(ii) The cooperative's actual retained and discarded catch of sideboard species and PSC on an area-by-area and vessel-by-vessel basis;

(iii) A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated;

(iv) A description of any actions taken by the cooperative in response to any vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries; and

(v) The total weight of pollock landed outside the State of Alaska on a vessel-by-vessel basis.

(vi) The number of salmon taken by species and season, and list each vessel's number of appearances on the weekly "dirty 20" lists for non-Chinook salmon.

(vii) Unless all information on pollock or Chinook salmon PSC allocation or catch on a vessel by vessel basis is provided in the IPA Annual Report pursuant to 679.21(f)(12), the cooperative must provide any applicable information in 679.21(f)(12)(vii)(B)(5) and (vii)(B)(6).

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Regulatory markup for 679.5

§ 679.5 Recordkeeping and reporting

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(c) Logbooks.

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(4) Trawl gear catcher vessel DFL and catcher/processor DCPL.

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(vi) Catch-by-haul information. The operator must record the following information (see paragraphs (c)(4)(vi)(A) through (I)of this section) for each haul (see § 679.2). If no catch occurred for a given day, write "no catch."

(A) Haul number. Number hauls sequentially by year.

(B) Movement to Avoid Chinook Salmon. If a catcher vessel and directed fishing for pollock in the Bering Sea, indicate with a check mark (✔) whether, prior to the haul, the operator moved fishing location to avoid Chinook salmon bycatch.

(C) ~~(B)~~ Gear deployment (or to set gear). Record the following information (see paragraphs (c)(4)(vi)(C)(1) and (2) of this section) for trawl gear deployment:

(1) The time (in military format, A.l.t.) when the trawl net enters the water, and

(2) The position (latitude and longitude to the nearest minute; indicate E or W for longitude) where the trawl net enters the water.

(D)(C) Gear retrieval (or to haul gear). Record the following information (see paragraphs (c)(4)(vi)(D)(1) and (2) of this section) for trawl gear retrieval:

(1) The date (mm/dd) and time (in military format, A.l.t.) when retrieval of trawl gear cable begins.

(2) The position (in latitude and longitude to the nearest minute; indicate E or W for longitude) where retrieval of trawl gear cable begins.

(E) Average sea depth and average gear depth. Average sea depth and average gear depth; indicate whether average is reported to the nearest meter or fathom.

(F) Species codes. The operator must record and report the required information for all groundfish (see Table 2a to this part), prohibited species (see
Table 2b to this part), and forage fish (see Table 2c to this part). The operator may also record and report the required information for non-groundfish (see Table 2d to this part).

(G) Target species code. Enter the species code of the species to be harvested. Enter only one target species code.

(H) IR/IU species (see § 679.27). If a catcher/ processor, enter species code of IR/IU species and estimated total round weight for each IR/IU species, if applicable; indicate whether estimated weight is to the nearest pound or the nearest 0.001 mt. Use one line to record information for each IR/IU species, including species code and amount of catch. If more than one IR/IU species are to be recorded, the operator must use a separate line for each species.

(I) Total estimated hail weight.

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(e) Interagency Electronic Reporting System (IERS) and eLandings.

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(6) Mothership landing report.

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(i) Information entered for each groundfish delivery to a mothership. * * *

(A) Delivery information.

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(12) For deliveries from catcher vessels directed fishing for pollock in the Bering Sea, indicate, whether, prior to the haul, the operator of the catcher vessel moved fishing location to avoid Chinook salmon bycatch.

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(f) Electronic logbooks (ELBs).

(1) Responsibility.

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(vi) AFA and CDQ trawl catcher/processors. The operator of an AFA catcher/processor or any catcher/processor harvesting pollock CDQ must use a combination of NMFS-approved catcher/processor trawl gear ELB and eLandings to record and report groundfish and PSC information. In the ELB, the operator must enter processor identification information, catch-by-haul information, and prohibited species discard or disposition data for all salmon species in each haul, and indicate whether, prior to the haul, the operator moved fishing location to avoid Chinook salmon bycatch. In eLandings, the operator must enter processor identification, groundfish production data, and groundfish and prohibited species discard or disposition data for all prohibited species except salmon.

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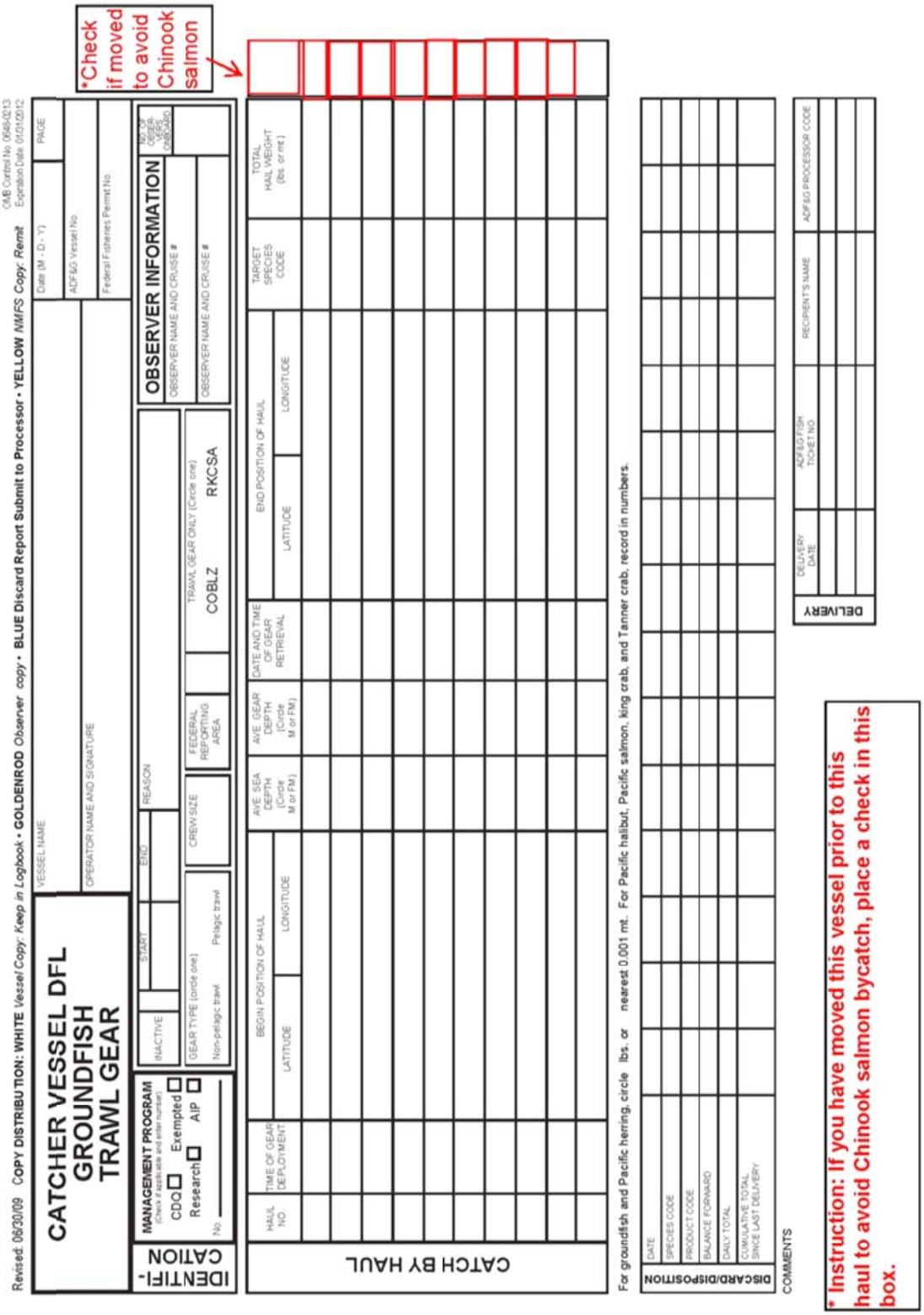
Example of Catcher vessel Daily Fishing Log - Trawl Gear, w vessel movement check