

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 11/14/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 09/10/2003.

TITLE: Subsistence Fishery for Pacific Halibut in Waters Off Alaska: Annual Survey

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0486

EXPIRATION DATE: 12/31/2004

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	8,900	4,450	18
Difference	8,900	4,450	18
Program Change		4,450	18
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	10. Abstract
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
SUBSISTENCE FISHERY FOR
PACIFIC HALIBUT IN WATERS OFF ALASKA**

August, 2003

INTRODUCTION

This statement supports a collection of information for a subsistence fishery for Pacific halibut in waters off Alaska, a fishery that is intended to allow qualified persons to practice the long-term customary and traditional harvest of Pacific halibut for food in a non-commercial manner.

Management of the Pacific halibut fishery in and off of Alaska is based on an international agreement between Canada and the United States and is given effect in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act). The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans (FMPs) for any fishery in waters under its jurisdiction. Regulations governing this program are set out in regulations at 50 CFR Part 300.

A. JUSTIFICATION

In November of 2002 OMB approved a clearance request under Control Number 0648-0460. That request covered a registration program, a gear-marking requirement, and a harvest survey/report for the halibut subsistence fishery. OMB's approval was limited to one year, with a condition that the harvest survey be conducted as a pilot. The renewal request was to evaluate the methodology used and the quality of the data obtained. Implementation of the subsistence program was delayed, and while the registration and gear-marking requirements have now been implemented, the harvest survey has not taken place. NOAA intends to seek separate three-year clearance for the registration and gear-marking requirements under the original 0648-0460 number. This request is for one-year clearance of a pilot of the harvest survey, to be conducted in 2004. The methodology and data issues would be addressed in any request to renew such a clearance.

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

In 2001, the Council recommended the adoption of federal regulations for subsistence halibut fisheries in Alaska. In 2003, a subsistence harvest assessment program was initiated in Alaska with a registration process (see OMB 0648-0460).

The survey methodology depends upon a NMFS-initiated registration system for subsistence halibut fishers being in place. An annual estimate of subsistence halibut harvests is desirable for management purposes and to assess the performance of the subsistence regulatory regime. The

recommended methodology is a one-page survey. All registered subsistence halibut fishers will be surveyed with a mailed, retrospective recall survey covering a 12-month harvest period. The survey form is designed to reduce the potential double counting of halibut taken with rod and reel gear conducted by the Alaska Department of Fish and Game (ADF&G) Subsistence Division in the subsistence survey and the Sport Angler Survey conducted by ADF&G Division of Sport Fish.

In addition to the initial mail-out of the halibut subsistence survey form, two rounds of reminder letters will be mailed to non-respondents, approximately three weeks and five weeks after the initial mailing. ADF&G Subsistence staff will assess response rates approximately four to five weeks after the initial mailing, and travel to select communities to administer the surveys and enroll fishers. Contacts with fishers may also be done in some areas by phone.

Data will be entered for analysis by ADF&G Subsistence staff in Anchorage. Harvest estimates for tribes and communities will be generated based upon returned surveys and estimates of total fishers. Study findings will be summarized in a final report and a short two to four page overview.

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

Each participant with a valid Subsistence Halibut Registration Certificate (SHARC) will complete a subsistence harvest report/survey to document harvests from the geographically dispersed set of fishers. Several methods to obtain the harvest information will be attempted. The report/surveys will be mailed to registrants. Cooperation from tribal leaders will be solicited to obtain the report/surveys from their members. Individual post-season interviews may be attempted in very remote areas by trained personnel. The key objective will be to reach most of the eligible fishers and achieve a high rate of return. Participants will submit these report/surveys to:

ADF&G
Division of Subsistence
333 Raspberry Road
Anchorage, AK 99518

2.1 Administrative Questions

The administrative section collects information on name, mailing address, telephone number, community of residence, and tribal membership of the respondent. Certain information (e.g., name, mailing address, community of residence) may be pre-printed on mail-out survey along with the SHARC number). “Community of residence” is requested to classify reported harvests by community and fishing district. For most respondents, an assumption is made in analysis that a person harvested subsistence halibut in waters near his or her community of residence. For rural tribal members residing in urban areas, an assumption is made that harvests occurred in waters near his or her tribal home. For urban tribal members residing in urban areas, an assumption is made that harvests occurred in the nearest open waters.

Fisher's Name (first) (middle) (last)
 Birth date
 Mailing Address (number and street) (city and state) (zip)
 Community of residence
 Daytime telephone number
 Name of Alaska Native Tribe (if applicable)

2.2 Harvest Questions

This section collects information on the harvest of halibut and incidentally caught lingcod and rockfish. There are six questions. For clarity, halibut harvest questions are divided by gear type. Each is numbered to clearly mark it as a question.

Whether person did subsistence fishing for halibut during the year, YES or NO

If using set hook gear

Number of halibut harvested
 Pounds of halibut harvested
 Number of hooks usually set
 Water body, bay, or sound (rev)

If using rod-and-reel or hand-held lines

Number of halibut harvested
 Pounds of halibut harvested
 Water body, bay, or sound (rev)

Number of ling cod and rockfish harvested while subsistence halibut fishing (rev)

Whether person did sport fishing for halibut during the year, YES or NO

If sport fishing

Number of halibut harvested
 Pounds of halibut harvested

Subsistence halibut harvest report/survey, Respondent	
Estimated number of responses	8,900
Total annual responses	8,900
Estimated response time for each report/survey (30 min/60 min)	0.50 hr
Total annual time burden hours (0.5 x 8,900)	4,450 hr
Cost per hour, in dollars	\$12.50/hr
Total personnel cost to all applicants (4,450 x \$12.50)	\$55,625
Cost to submit report/survey (8,900 x \$2)	\$17,800
Total miscellaneous cost	\$17,800

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries, as well as ADF&G Subsistence, will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #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.

The survey is expected usually to be submitted by mail or collected by interviewers.

4. Describe your efforts to identify duplication with other collections.

No duplication exists with other information collections at NMFS Alaska Region. The ADF&G divisions Subsistence and Sport Fish do conduct surveys. However, these surveys do not request the precise information related directly to halibut subsistence but rather ask about many different species.

ADF&G Subsistence does not do annual harvest surveys for halibut, but does include halibut in the list of species asked about in their community comprehensive surveys, which are occasionally done as special projects. The results appear in their Community Profile Database (CPDB). The Division also is developing an Alaska Subsistence Fisheries Database to hold multi-year subsistence harvest estimates for salmon and other species.. Halibut harvest estimates would be stored in the latter. The CPDB data were the basis for the subsistence halibut harvest estimates that NMFS prepared for the Council in preparation for this subsistence halibut program. Subsistence halibut would still be included in the ADF&G comprehensive surveys, because these surveys do household-level and community level analyses of all subsistence harvests.

ADF&G Sport Fish does an annual sport fish mail-out survey and this survey results in estimates of halibut harvested by households with one or more sport fishing licenses or permanent hunting and fishing ID cards. The findings are reported in an annual report prepared by ADF&G Sport Fish. Some clarification is planned for the Sport Fish survey to make sure that subsistence halibut would not be double counted when the Federal subsistence halibut program takes effect. These sport fish surveys affect the targeted audience that the halibut survey will deal with to the extent that subsistence fishers get sport fishing licenses.

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize the burden on them.

This collection-of-information does not impose a significant impact on small entities. This determination was made because this action regulates individuals and does not regulate small entities as defined in the Regulatory Flexibility Act.

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

Without this halibut subsistence program, persons who have customary and traditional use of halibut for food may not be able to continue that practice. In addition, improved information for stock assessment purposes would not be obtained.

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

There are no special circumstances that would require information collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of 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 published a notice in the *Federal Register* (copy attached) soliciting public comments on the information collection. No comments were received.

9. Explain any decision to provide any payment or gift 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 this assurance in statute, regulation, or agency policy.

Federal regulations at 50 CFR part 300.60 through 300.66 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to Pacific halibut subsistence registrants. Where the requested information is a Social Security number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records. The SSN and birthdate are confidential under the Privacy Act.

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.

The date of birth is requested to distinguish between same names:

1. To ensure that benefits are awarded appropriately;
2. To ensure that landings and other program-related functions are credited and applied appropriately in a manner that maintains confidentiality;
3. To avoid inappropriate release of confidential data to the wrong person;
4. To ensure that the records go to the same person through the use of this personal ID; and
5. To enable NMFS to assign a unique identifier to database records avoiding duplication and errors

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

The estimated total annual respondents are 8,900. The estimated total responses are 8,900. The estimated total annual burden hours are 4,450. Total estimated personnel cost is \$55,625.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection

The estimated total annual miscellaneous costs are \$17,800.

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

Various methods to obtain the survey information by ADF&G or other contractor make estimates at this time difficult to determine for the Federal government. Costs will be more accurately predicted once methods and procedures are in place.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This survey is a new requirement and represents a program change.

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

The information collected is expected to result in a database relating halibut subsistence fishing information at the community, tribal, management area, and state level. A final report will be written to present the halibut subsistence study findings. A 2-to-4 page summary will be mailed to all survey participants. This report also will be available on the NMFS Alaska Region web site. The cover letter included with the harvest report mailings will identify the web site, and give an approximate date when the short report is available for review/download.

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.

In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the survey form.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

This information collection does not request exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The primary objective of the subsistence harvest survey is to document customary and traditional uses of fish and game resources in selected Alaskan communities. The information will be used by the State and Federal subsistence programs to adopt regulations providing for subsistence hunts and fisheries and also will be used in legislative decisions, subsistence policies, and law suits regarding subsistence protections.

1. 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.

Registered fishers will be surveyed with a mailed, retrospective recall survey covering the 12-month halibut subsistence harvest period. Reminder letters, telephone surveys, and face-to-face contacts will be used to achieve acceptable response rates. The survey type will be self-administered and interviewer administered. Responses are confidential.

The scope of the survey is community-based. The sample universe consists of permanent residents or households in selected Alaska communities (with or without evidence of prior fishing).

2. Describe the procedures for the collection, including:

a. the statistical methodology for stratification and sample selection

Sample type will be census: all SHARC holders attempted or stratified random. Stratification may be based on ethnic, tribal affiliation, or whether households requested a SHARC or not. A census of all households will be attempted, with an anticipated sampling percentage of 90% or greater.

Methodology for gathering data:

Key respondent surveys: administered by the ADF&G staff to individuals in the community who are knowledgeable about seasonal rounds of harvest, species availability, and the social organization of subsistence production in the community. Systematic household interviews: designed to collect data for a standard set of questions from a household, covering a 12-month cycle of harvest.

Database organization:

Household level database: At this time, we do not know what SHARC holders make up a household. Approaches that could be used to identify households (if so needed) include:

- (a) use of mailing address,
- (b) requesting SHARC holders to return all harvest reports in same envelope,
- (c) through key informants when a community is surveyed.

Data consists of household level survey responses. Major data tables include demographics and harvest.

Community level database: the Community Profile Database (CPDB) contains data tables similar to the household databases, but the information has been summarized to a community level.

Data Set Characteristics: Data are collected by household (interviews are conducted with one or more household head). Harvest data are collected for all species (halibut, lingcod, rockfish). Species level data may be collected by month of harvest and/or site.

b. the estimation procedure

The sample type for all SHARC holders will be a census; all SHARC holders will be mailed a survey form, with an anticipated sampling percentage of 90 percent. In communities or tribes with low response rates, and in communities or tribes where the number of SHARC holders is less than anticipated, face to face interviews will take place with either a census or stratified random sample, depending on community size. Stratification may be based on ethnic or tribal affiliation or on lists of known subsistence fishers developed with the assistance of community and tribal officials. Which sampling method will be used in particular communities will depend upon how many communities need direct interviewing, which cannot be determined until early response rates to the mailed survey are known.

c. the degree of accuracy needed for the purpose described in the justification

Sampling, and assumed response rate, is designed to achieve an estimate of “pounds of all resources harvested” that is within 15% of actual values 95% of the time. In rural areas, refusal rate is usually less than 15%; in urban areas it is somewhat higher.

d. any unusual problems requiring specialized sampling procedures; and

Selected communities with relatively low response rates to the mailout harvest report may be targeted for a community survey.

e. any use of periodic (less frequent than annual) data collection cycles to reduce burden.

At this time, frequent, but less intensive data collection, is considered more burdensome than an annual retrospective.

3. Describe the methods used to maximize response rates and to deal with nonresponse. 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.

Each participant with a valid SHARC will complete a subsistence harvest report/survey to document one year of harvests from the geographically dispersed set of fishers. Several methods to obtain the harvest information will be attempted. The report/surveys will be mailed to registrants. Cooperation from tribal leaders will be solicited to obtain the report/surveys from their members. Individual post-season interviews may be attempted in very remote areas by trained personnel. The key objective will be to reach most of the eligible fishers and achieve a high rate of return, preferably between 90 to 100%.

Responses to the initial harvest report request and subsequent reminder letters will be analyzed for potential non-response bias (i.e., that persons who fished or fish more tend to reply sooner). If non-response is measurable, a correction factor may be applied to respondent averages so that the expansion would not overestimate total harvest.

Where surveys are conducted communities, average survey responses will be compared to the average harvest report for the same community. Significant differences may indicate potential bias in the use of a reporting approach.

These report/surveys will be submitted to:

ADF&G
Division of Subsistence
333 Raspberry Road
Anchorage, AK 99518

Timelines/Milestones

May 15, 2003 through December 31, 2003

The ADF&G, working with NMFS, the Alaska Native Halibut Working Group, tribes, and regional tribal organizations, will contact tribes about the harvest assessment program. NMFS will actively encourage enrollment of subsistence halibut fishers. A detailed operational plan for the survey will be written.

January 1, 2004 to March 31, 2004

The ADF&G will receive the list of registered halibut fishers from NMFS and mail surveys to all names on the list. The registration list will be evaluated to identify communities that will require field visits. Subcontracts will be developed with a limited number of tribes where fieldwork is required. These will be tribes in communities that account for relatively large percentages of the total subsistence halibut takes. A first and second reminder letter will be sent approximately three weeks and five weeks after the initial mailing. Select communities with low response rates

after the first reminder letter will be visited by ADF&G staff or personnel of subcontracted tribes to conduct household interviews and expand the registration lists.

The primary goal of the assessment program is to estimate one year of subsistence harvest of halibut in Alaska. Objectives include:

A revised list of subsistence halibut fishers, to serve as the basis for the mailed survey.

An estimate of the subsistence harvest of halibut in Alaska by community, Tribe, and management area, along with an estimate of the number of individuals subsistence fishing for halibut.

An estimate of the number of lingcod and rockfish taken by subsistence fishers while fishing for halibut.

This harvest assessment program will be based on upon the recommendations of the Subsistence Fisheries Harvest Assessment Working Group, which were prepared by tribal, state and federal representatives under a project funded by the Office of Subsistence Management of the US Fish and Wildlife Service (USFWS). Among other things, these recommendations include developing a reliable estimate of the number of participants in the fishery, building trust in the program through communication, systematic review of program findings, and reporting of study findings to fishery participants.

April 1, 2004 to May 31, 2004

Data entry and data analysis will be completed and a draft final report prepared and distributed for review.

June 1, 2004 to July 31, 2004

This is the review period for the report. A meeting of the ADF&G and Alaska Native Halibut Working Group to discuss the draft results and the overall performance of the study design will take place.

August 1, 2004 to September 30, 2004

The final report will be revised based on reviewer comments. The database will be finalized. A short two-to-four page findings summary will be mailed to survey participants, tribes, and other interested organizations, governments, and individuals. Findings will be reported at a meeting of the Council.

4. 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.

No tests of the procedures or methods is planned.

5. 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.

Dr. James A. Fall
State of Alaska
Department of Fish and Game
333 Raspberry Road
Anchorage, AK 99518-1599

Telephone: (907) 267-2359

Bob Walker
State of Alaska
Department of Fish and Game
333 Raspberry Road
Anchorage, AK 99518-1599

Telephone: (907) 267-2356

Subsistence Halibut Harvest Survey
National Marine Fisheries Service &
ADF&G Division of Subsistence

Fisher's Name (First, Middle, Last)		Date of Birth	
Mailing Address (Number and Street, City and State, Zip code)			
Community of Residence		Daytime Telephone	
Tribe (if you are on a tribal role)			
Please answer each question to the best of your knowledge.			
1. Did you subsistence fish for halibut during 2003? (Please check one)		YES	NO
2. How many halibut did you harvest with set hook gear while subsistence fishing during 2003? ("Set hook gear" is hook-and-line set with anchors and buoys. Please write in both the number and pounds of halibut.)			
2a. Number of halibut	2b. Pounds of halibut	2c. How many hooks did you usually set?	2d. Water body, bay, or sound
3. How many halibut did you harvest with hook-and-rod or hand-held lines while subsistence fishing during 2003? (Please write in both the number and pounds of halibut. Do not count fish reported in Question 6)			
3a. Number of halibut	3b. Pounds of halibut	3c. Water body, bay, or sound	
4. How many ling cod and rockfish did you harvest while subsistence halibut fishing during 2003? (Please write in the numbers of fish only.)			
4a. Number of ling cod		4b. Number of rockfish	
5. Did you sport fish for halibut during the year 2003? (Please check one)		YES	NO
6. How many halibut did you harvest while sport fishing during 2003? (Please write in both the number and pounds of halibut. Do not count fish reported in Question 3)			
6a. Number of halibut		6b. Pounds of halibut	
Thank you! Please mail the completed survey to:		Questions?	
ADF&G		Call 1-800-267-0000	
Division of Subsistence			
333 Raspberry Road			
Anchorage, AK 99518-1599			

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the 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 estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the Alaska Subsistence Halibut Program; 3) Federal law and regulations require and authorize NMFS to manage subsistence halibut program in Alaska; 4) Submission of this information is voluntary for all persons participating in directed fishing for Pacific halibut under the subsistence halibut program; 5) This information is used to monitor the subsistence halibut program under the Northern Pacific Halibut Act of 1982; 6) Responses to this information request are confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



-CITE-

16 USC Sec. 773c

01/22/02

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 10 - NORTHERN PACIFIC HALIBUT FISHING

SUBCHAPTER IV - NORTHERN PACIFIC HALIBUT ACT OF 1982

-HEAD-

Sec. 773c. General responsibility

-STATUTE-

(a) Secretary of Commerce

The Secretary shall have general responsibility to carry out the Convention and this subchapter.

(b) Adoption of regulations; cooperation with Canadian officials

In fulfilling this responsibility, the Secretary -

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this subchapter; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of

Canada.

(c) Regional Fishery Management Council involvement

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: Provided, That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.

(Pub. L. 97-176, Sec. 5, May 17, 1982, 96 Stat. 79; Pub. L. 104-208, div. A, title I, Sec. 101(a) (title II, Sec. 211(b)), Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

-MISC1-

AMENDMENTS

1996 - Subsec. (c). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1853(b)(6) of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) (title II, Sec. 211(b)) of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.



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Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 4,658.

Estimated Time Per Response: 10 minutes for a subsistence halibut registration; and 15 minutes for subsistence halibut gear marking.

Estimated Total Annual Burden Hours: 1,167.

Estimated Total Annual Cost to Public: \$16,816.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 10, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-15293 Filed 6-16-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061203B]

Proposed Information Collection; Comment Request; Subsistence Fishery for Pacific Halibut in Waters off Alaska, Annual Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on

proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 18, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden at 907-586-7228 or at patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This survey is part of a subsistence Pacific halibut program that is intended to allow qualified persons to practice the long-term customary and traditional harvest of Pacific halibut for food in a non-commercial manner. The annual survey would be voluntarily submitted to NOAA to report Pacific halibut catch for the prior year. The catch reports will be used to help track the impacts of the program.

II. Method of Collection

The annual survey may be submitted by mail, FAX, e-mail or by individual post-season interviews.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 8,900.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 4,450.

Estimated Total Annual Cost to Public: \$8,900.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 10, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-15294 Filed 6-16-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Islander East Pipeline Company From an Objection by the Connecticut Department of Environmental Protection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

ACTION: Notice of remand and stay of appeal proceedings; reopening of public comment period.

SUMMARY: This notice: (1) Announces a remand of Islander East's administrative appeal (Consistency Appeal of Islander East Pipeline Company, L.L.C.) to the Connecticut Department of Environmental Protection; (2) announces a suspension in processing Islander East's administrative appeal by the Department of Commerce, for a period ending no later than July 31, 2003; (3) reopens the period for the public to comment on Islander East's administrative appeal; and (4) provides information about procedural aspects of the appeal that are affected by the remand and stay of appeal proceedings.

DATES: The remand of the appeal to the Connecticut Department of Environmental Protection will extend for a period ending no later than July 31, 2003. The stay of appeal proceedings by the Department of Commerce will run through a period ending no later than July 31, 2003. The public comment period will now close on July 31, 2003, but will be extended assuming processing of the appeal resumes. The Federal agency comment period will be extended to run through July 31, 2003, and will be further extended after the appeal has recommenced.