

Review of Regulations under E.O. 13771 and E.O. 13777

NMFS' Request for Council Review

The Regulatory Reform agenda and requirements in Executive Order (E.O.) 13771 and E.O. 13777 require NMFS, as part of the Department of Commerce, to evaluate existing regulations and make recommendations regarding repeal, replacement, or modification, consistent with applicable law. The purpose of E.O. 13771 is to manage the costs of government regulation to private industry (i.e., “2 for 1,” two deregulatory actions are needed for every *significant* regulatory action that imposes total costs greater than zero). The purpose of E.O. 13777 is to alleviate unnecessary regulatory burdens on the American people.

As the fishery management plans and associated regulations for the conservation and management of the federally managed fisheries off Alaska were developed by the North Pacific Fishery Management Council (Council), NMFS has requested that the Council assist in review of these regulations and provide recommendations to NMFS by July 2, 2018.

Specifically, NMFS requests that the Council review regulations under its authority to address the following:

- Is the regulation up to date, needed, and effective in achieving the regulatory objectives?
- Does the regulation’s ongoing implementation impose costs that exceed benefits?
- Is the regulation derived from E.O.s or other Presidential directives that have been rescinded or substantially modified?

Once its review is complete, NMFS requests that the Council recommend if any of the regulations for fisheries under its authority should be eliminated, replaced, or modified.

This Discussion Paper

This discussion paper provides information about regulations under the authority of the Council, other existing regulatory review processes, and some recommended regulatory revisions that have been identified through these processes. In addition, this discussion paper lists the issues identified relevant to Alaska Region or Council regulations that were submitted in comments on NMFS’s July 7, 2017, notice in the *Federal Register* (82 FR 31576) requesting input for this regulatory review. The major programs and categories of the Alaska Region’s fishery conservation and management regulations are listed in Table 1 at the end of this discussion paper, along with identification of whether the regulations have been reviewed recently by the Council or NMFS or will be reviewed in the future.

This discussion paper could be revised or augmented, should the Council wish additional information for its final review of regulations scheduled for the June 2018 meeting.

Regulations under the Authority of the Council

The Council is authorized under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to develop fishery management plans (FMPs) for the fisheries under its authority that require conservation and management. The Council also is authorized to develop amendments to its FMPs and to recommend Federal regulations to implement the FMPs.

The specific Federal regulations that implement FMPs developed by the Council are listed below:

- 50 CFR part 679 which primarily contains regulations governing the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands (BSAI).
- 50 CFR part 679 also contains regulations implemented under the FMPs for Bering Sea/Aleutian Islands King and Tanner Crabs, the Scallop Fishery off Alaska, the Salmon Fisheries in the Exclusive Economic Zone of Alaska, and the Fish Resources of the Arctic Management Area.
- 50 CFR 680 contains the regulations governing the shellfish fisheries of the Exclusive Economic Zone (EEZ) off Alaska.

In addition to the regulations implementing FMPs, the Council also recommends regulations governing the Pacific halibut fisheries off Alaska under the Northern Pacific Halibut Act. These regulations are found at 50 CFR part 300, subpart E, and 50 CFR part 679.

Table 1 lists the major regulatory programs and categories in the regulations in §§ 300, 679, and 680. The general halibut fishery regulations are listed first, followed by regulations governing permits and licenses that apply in multiple fisheries, the catch share programs, and the remaining fishery management and other non-catch share program regulations. All sections of the regulations under the authority of the Council are listed somewhere in Table 1.

Existing Processes for Review of Regulations

The Council Process

Through the Council process, Federal regulations implemented under the Magnuson-Stevens Act and for the halibut fisheries off Alaska are continuously reviewed and revised to reflect current conservation and management needs. The Council recommends FMP and regulatory amendments to address new or changing conservation or management concerns and to improve the effectiveness of the regulations. Although not always explicitly stated, part of this review process is determining whether the benefits of the current regulations outweigh the costs.

The Council meets five times per year in public session to receive staff reports, advice from its committees, public comment on fishery conservation and management issues under discussion, and to take action to make recommendations to the Secretary of Commerce for FMPs, FMP amendments, and regulatory amendments. The Council takes public comment prior to and during these meetings where members of the public and affected industry have an opportunity to identify a problem with existing regulations and request consideration of revisions to these regulations.

The Council has the ability to initiate staff work on any potential regulatory modification within its authority. For example, in October 2017 during staff tasking, the Council requested staff outline the steps necessary to remove obstacles that impede achieving, on a continuing basis, the complete harvest of Pacific cod allocation in the BSAI and GOA. In February 2018, the Council discussed in staff tasking whether to request a discussion paper to evaluate if the economic data reports provided by industry in some catch share programs are collecting useful data. Based on these types of reviews, the Council will consider whether to recommend regulatory changes to the Secretary of Commerce.

The major regulatory programs and subject areas that currently are under review by the Council, based on the Council's 3-meeting outlook updated in February 2018, are identified in Table 1. This information is provided primarily to indicate which areas of the regulations the Council has already identified may need revisions or additions.

Catch Share Program Reviews

Section 303A(i)(1)(B) of the Magnuson-Stevens Act requires the Council and NMFS to review all limited access privilege programs (LAPPs) (“catch share programs”) that have been approved by the Secretary of Commerce, including those programs approved prior to the addition of this requirement to the Magnuson-Stevens Act. In addition, Section 303A(c)(1)(G) of the Magnuson-Stevens Act specifies that LAPP reviews should occur no less frequently than once every 7 years. These catch share program reviews represent one of the important ways that the Council periodically evaluates regulations under its authority.

Central GOA Rockfish Program Review (2017) — The Council conducted a review of the Rockfish Program in 2017 and received the final report on the review at its October 2017 meeting. The Council is scheduled to begin discussing program reauthorization in December 2018. The Central GOA Rockfish Program Review is available on the Council’s website at https://www.npfmc.org/wp-content/PDFdocuments/catch_shares/Rockfish/RockfishProgramReview1017.pdf.

In Section 16.1.5.1 of the program review, NMFS identified several minor regulatory revisions that it will recommend when the program is reauthorized in 2021. Section 19.5 of the program review also lists regulations identified for review and potential revision when the program is reauthorized. These are described below under “Recommended Regulatory Revisions Identified during the Council and NMFS Review Processes.”

American Fisheries Act (2017) — The Council completed a review of the American Fisheries Act (AFA) fisheries in February 2017. More information about the AFA program review is on the Council’s website at <https://www.npfmc.org/afa-program-review/>. The Council accepted the program review and recommended no major changes to the AFA regulations. The Council did, however, recommend revisions to prohibit directed fishing by regulation for those species where sideboard limits are insufficient to support a directed fishery and to remove the sideboard for those species. The Council took final action on these regulatory revisions in February 2018, and NMFS is preparing a proposed rule to implement the Council’s recommendation.

Halibut and Sablefish Individual Fishing Quota (IFQ) (2016) — Through this program review, the Council identified some revisions to the IFQ Program that warranted further analysis and review. These revisions and other suggested program revisions have been and continue to be discussed by the Council’s IFQ Implementation Committee, and some of these issues have been advanced for further analysis and action by the Council. Additional information about the IFQ Program review, the IFQ committee recommendations, and issues currently under discussion by the Council are available on the Council’s IFQ Program web page (<https://www.npfmc.org/halibutsablefish-ifq-program/>).

Crab Rationalization Program Review (2016-17) — The Council has conducted several reviews of the Crab Rationalization Program since its implementation in 2005. The most recent review was accepted as final by the Council in June 2016 and the final program review document was completed in February 2017. The program review is available on the Council’s website (https://www.npfmc.org/wp-content/PDFdocuments/catch_shares/Crab/Crab10yrReview_Final2017.pdf).

NMFS’s On-Going Reviews of Regulations

NMFS regularly reviews regulations under both the Paperwork Reduction Act (PRA) and the Regulatory Flexibility Act (RFA).

Paperwork Reduction Act: Under the PRA, regulations associated with collecting information from the public must be reviewed every 3 years, and NMFS must obtain approval from the Office of Management

and Budget (OMB) to continue to collect the information. NMFS also must apply for and receive approval from OMB for any new or revised information collection requirements that occur as a result of a new rulemaking, and for any voluntary collection of information from a survey or a request for information, such as the Council's requests that cooperative representatives provide information in annual reports in addition to the information required in regulation.

The PRA review process requires NMFS to describe the information collection requirements, explain why the information should be collected or continue to be collected, estimate the number of respondents and the cost to respondents of submitting the information, and address a number of other related questions. NMFS issues a notice in the *Federal Register* when it initiates a review of regulations under the PRA to solicit public comment on the information collection requirements. These notices are posted on the NMFS Alaska Region web page (<https://alaskafisheries.noaa.gov/rules-notice/search/rtype/1>). NMFS responds to comments received in the analysis ("supporting statement") it submits to OMB. The Alaska Region PRA analysis packages are on the NOAA PRA web page (http://www.cio.noaa.gov/services_programs/prasubs.html).

Regulatory Flexibility Act: Section 610 of the Regulatory Flexibility Act requires periodic review of rules "which have or will have a significant economic impact upon a substantial number of small entities." In practice, this requires NMFS to review all final rules for which a final regulatory flexibility analysis was prepared. The RFA requires this review to address whether the regulations implemented in the final rule should be continued, amended, or rescinded, consistent with the stated objectives of the applicable statutes, to minimize any significant economic impact on small entities. NMFS conducts this review each year, starting with a notice in the *Federal Register* soliciting comments on the final rules NMFS has identified for review. For example, in 2017, NMFS evaluated final rules published in 2010. The *Federal Register* notice was published on June 7, 2017 ([84 FR 26419](https://www.federalregister.gov/documents/2017/06/07/84-FR-26419)), and the review was completed in November 2017. In 2018, NMFS will review final rules published in 2011.

As part of these regulatory review processes, or through other means, NMFS sometimes identifies regulatory revisions to remove requirements that are no longer necessary. In most cases, these regulatory revisions are recordkeeping or reporting requirements or other types of information collection requirements. The revisions cannot be made directly through the PRA or RFA review processes. They must be made through a proposed and final rule with an accompanying analysis of impacts and other requirements associated with rulemaking packages. Once a revision is identified, it can take several years to implement. These revisions generally are included in a rulemaking making revisions to other elements of the program or category of regulations in question. This reduces the work associated with preparing standalone analyses and rulemaking documents. However, in past years, NMFS also has prepared omnibus recordkeeping and reporting rulemakings to implement a series of regulatory amendments identified through various regulatory review processes.

Two examples illustrate the type of regulatory revision most often identified through these regulatory review processes. In comments submitted on the 2014 PRA renewal of one of the AFA information collections, a commenter noted that the requirement to submit the application form in addition to submitting a proposed or amended Incentive Plan Amendment (IPA) was duplicative with the information in the IPA itself. NMFS agreed and removed the requirement for the IPA application form in the 2016 final rule for Amendment 110 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (salmon bycatch management measures for the Bering Sea pollock fishery). Identification of regulatory revisions through the RFA section 610 review is less common. However, as noted in Table 1, in 2011, NMFS identified that some buoy marking requirements could be removed. These revisions were made in a 2014 final rule.

Recommended Regulatory Revisions Identified during the Council and NMFS Review Processes

American Fisheries Act

AFA annual cooperative reports. During the 2017 PRA renewal for an AFA information collection, NMFS received comments about the specific information collection requirements in the AFA cooperative reports. In response to some of these comments, NMFS noted that this regulatory review process would be underway in 2018 and recommended that some of these comments should be considered by the Council, because the purpose of the AFA cooperative reports is to inform the Council and public about the AFA cooperatives' performance.

Remove the requirements for the AFA inshore cooperative weekly catch report at 679.5(o). In conducting the PRA review for the information collected from AFA entities, NMFS identified that the AFA inshore cooperative weekly catch report (§ 679.5(o)) is no longer necessary. This requirement was implemented in the Emergency Rule for the AFA in 2000 (65 FR 4520; January 28, 2000). The requirement was made permanent in a recordkeeping and reporting rulemaking in 2002 (67 FR 4100; January 28, 2002). The rationale for requiring the weekly catch report was to collect information NMFS needed to "monitor cooperative fishing activity and enforce pollock allocations." This information is no longer needed to manage the AFA inshore pollock allocations. ***NMFS recommends adding the proposal to remove the requirement for the AFA inshore cooperative weekly catch report to the rulemaking*** to close directed fishing for AFA and CR Program sideboard limits that are not large enough to support a directed fishery ("small sideboards"). The Council Chairman and Executive Director will have an opportunity to review this proposal on behalf of the Council when they review the proposed rule for the small sideboards action.

Revise regulations to allow online submission. The public has requested more online submission of forms and applications. ***NMFS has identified regulations that could be revised to allow two AFA information collections to be submitted online***, thus reducing the cost and time burden for respondents.

- *Application for inshore cooperative fishing permit:* AFA cooperatives are required to submit a cooperative contract under § 679.4 and § 679.61. Under § 679.61(d) and (e), the signed copy of the cooperative contract and supporting materials must be submitted to the Council and NMFS 30 days prior to the start of any fishing activity conducted under terms of the contract. Under § 679.4(l)(6)(ii), a copy of the contract and a written certification must be submitted as part of this application for an inshore cooperative fishing permit. Revising § 679.4(l)(6)(ii) to remove these requirements would allow AFA cooperatives to apply for the permit online—rather than by mail, fax, or delivery—and to submit the contract information separately.
- *Inshore vessel contract fishing notification:* An AFA inshore cooperative that intends to contract with a vessel that is a member of another AFA inshore cooperative must submit by mail a separate notification for each vessel. Under § 679.62(c), the notification requires the signature of the vessel owner, the home cooperative manager, and the leasing cooperative manager. Revising this to require only that the home cooperative and the leasing cooperative certify to the terms of the contract and provide the dates of the vessel lease would allow the cooperatives to submit the notification online similar to how NMFS currently does cooperative crab IFQ leases.

NMFS does not yet have a specific recommendation for how to accomplish these proposed regulatory amendments but will continue to examine future rulemaking options. Adding related recordkeeping and reporting revisions to a rulemaking project requires revisions to the analysis for the rulemaking as well as additional explanation in the rule documents. The primary consideration in selecting the appropriate rulemaking project for additions such as these is to plan far enough ahead to avoid any unnecessarily

complications or delays to the primary elements of the rulemaking. Another option is to group recordkeeping and reporting requirements together in an omnibus rulemaking.

Halibut and Sablefish IFQ Program

Remove unnecessary regulations for a complete Application for Medical Transfer of IFQ. NMFS identified regulations required for a complete Application for Medical Transfer of IFQ that are no longer needed for NMFS to determine eligibility and make the transfer. Removing these regulations would remove unnecessary regulations and help streamline the IFQ Program regulations as a whole. These fields have already been removed from the application, which decreased the public's cost and time burden to complete this application.

- Remove the fields for the number of units, the range of serial numbers, and the notary public under § 679.42(d)(2)(iii)(C) and (H).
- Remove the transferor's and transferee's social security number or tax ID number under § 679.42(d)(2)(iii)(A) and (B)

NMFS recommends making these revisions as part of the analysis initiated by the Council in February 2018 to modify the IFQ medical transfer provision.

Rockfish Program

Remove unnecessary documentation for the Application for Rockfish Cooperative Fishing Quota. A Rockfish Program cooperative must annually submit this application to receive a cooperative quota (CQ) permit. Section 679.81(f)(4) requires the following documents be submitted with this application: (1) copy of the cooperative's business license; (2) copy of the cooperative's articles of incorporation or partnership agreement; (3) names and percentage ownership of all persons holding an ownership interest in the LLP license; and (4) copy of the cooperative agreement signed by members of the cooperative, if different from the cooperative's articles of incorporation or partnership agreement, that includes terms specified at § 679.84(f)(4)(i)(D).

- Not all of these documents need to be submitted each year by existing cooperatives; consequently, the regulations could be revised to specify the documents required to be submitted by new cooperatives.
- During the Council's Rockfish Program Review, NMFS and industry recommended removing the requirement at § 679.81(f)(4)(i)(D)(3) for a cooperative to submit a copy of its fishing plan with this application. The deadline for this application, March 1, is so far in advance of when cooperatives make fishing plans for the summer season, the information needed for the fishing plan is not available when the applications are due. In addition, the type of information needed in the fishing plan is provided in the cooperative annual reports required under § 679.5(r)(6) and therefore not needed with the application.

Other rockfish regulations identified for review. In addition, during the Rockfish Program Review (Sections 16.1.5. and 19.5) the following regulations were identified for review and potential revision:

- *Plant observer requirements:* NMFS and industry recommended revising § 679.84(f)(1) to exempt Rockfish Program shoreside processors from the requirement to provide an observer sampling station and observer communication described at § 679.28(g)(7)(vii) and (viii). These requirements are no longer necessary because plant observers are not required for the Rockfish Program. Instead, the Rockfish Program employs a catch monitoring and control plan specialist, which negates the need for a plant observer. The current regulations negatively impact shoreside

processors because it is costly for processors to maintain an observer sampling station and platform scale.

Processing facilities would not need to maintain an observer sampling station that is required in regulations but not currently being used. New facilities would save money by not configuring their factory with an observer sampling station.

- Consider options to roll unharvested Rockfish Program Pacific cod from the cooperative to the open access fisheries after the Rockfish Program fisheries close on November 15. The rollover would be to fixed gear fisheries.
- Remove crab program sideboards for vessels fishing in the Rockfish Program since it makes no sense to have these sideboards in place within a catch share program. AFA sideboards were removed for sideboarded vessels when the Rockfish Program was implemented, and it was potentially an oversight that crab sideboards for vessels in the Rockfish Program were not eliminated at the same time.
- Require annual NMFS Cost Recovery Reports in regulations. NMFS is currently posting this report for the Rockfish Program, but it is not required in the regulations as it is for other limited access privilege programs.
- Review whether the entry level longline fishery step-ups are keeping pace with the increased jig landings.
- Modify language in § 679.5(r)(6)(iii)(B) to require Rockfish Program cooperatives to report catch by the Central GOA management area. Current regulations require Rockfish Program cooperatives to report catch by “statistical area.” Reporting by statistical area is arbitrary and unnecessary in the cooperative reports. Catches are reported in eLandings by the Central GOA management area for the program, not by Federal statistical areas.
- Revise § 679.5(r)(6)(iii)(D) to replace “any actions” with “any civil actions.” Current regulations specify that a Rockfish Program cooperative annual report must include a description of any actions taken by the cooperative in response to any members that exceeded their catch as allowed under the rockfish cooperative agreement. “Any actions” is very broad and could include intra or inter-coop transfers, which is unnecessary. The proposed rule implementing the Rockfish Program used “any civil actions” in § 679.5 to describe the reporting requirement, and this term should have replaced “any actions” in § 679.5 when the Rockfish Program was implemented.
- Clarify regulations at § 679.5(r)(10) to specify that only shoreside processors receiving Rockfish Program CQ must submit the Rockfish Ex-vessel Volume and Value Report. Current regulations require a “rockfish processor” to submit annually to NMFS a Rockfish Ex-vessel Volume and Value Report. The use of “rockfish processor” instead of “rockfish shoreside processor” has created confusion for NMFS staff and catcher/processor participants because a rockfish processor could include Rockfish Program catcher/processors.

Revisions to the Rockfish Program regulations could be incorporated into the analysis that the Council will start discussing in December 2018 to extend the Rockfish Program beyond its current December 31, 2021, expiration date. Alternatively, minor revisions to simplify or reduce recordkeeping and reporting requirements could be incorporated into an omnibus recordkeeping and reporting rulemaking.

Crab Rationalization Program

Remove unnecessary documentation for the Application for Annual Crab Harvesting Cooperative IFQ Permit. Section 680.21(b)(2)(iii) requires a complete annual crab harvesting cooperative IFQ permit application must contain the following information that cannot be submitted in an on-line application: a copy of the business license issued by the state in which the crab harvesting cooperative is registered as a business entity, a copy of the articles of incorporation or partnership agreement of the crab harvesting cooperative, and a copy of the crab harvesting cooperative agreement signed by the members of the crab

harvesting cooperative (if different from the articles of incorporation or partnership agreement of the crab harvesting cooperative).

Most of this information is not necessary for existing crab cooperatives, unless something in these documents changes. This information generally is only necessary for new crab harvesting cooperatives. NMFS recommends consideration of revising this regulation to require some or all of this documentation only for new cooperatives, or if changes occur for existing cooperatives. This would reduce the cost and time burden on the applicants, and possibly enable online submission of the application in some cases. Some documents also could be submitted as part of another information collection (e.g., submit the harvesting agreement as part of the cooperative's annual report) to allow online submission of the annual permit application.

Remove unnecessary requirements for Alaska Crab Arbitration System reports. In response to the 2018 renewal of the authority to collect information for the Alaska Crab Arbitration System for the BSAI crab fisheries, a commenter noted that some of the information required to be submitted for a complete annual arbitration organization report appears to be redundant. Section 680.20(d)(2)(ii) and (iii) require submittal of the amount of QS/IFQ or PQS/IPQ held by each member and QS, PQS, IFQ, and IPQ ownership information for the members. Neither arbitration organization currently submits this information with its annual report. The report is due May 1, but information on IFQ pounds is not available until October. NMFS has access to the information on IFQ pounds and detailed information on the organizations' members, so there is no need for some of this information to be submitted with the annual report. Additionally, NMFS recommends reviewing the need to annually submit the information listed in § 680.20(d)(2) if this information has not changed. NMFS also recommends reviewing two other components of the arbitration system, the notifications and the market report, to determine if some requirements at § 680.20 for these are no longer necessary or could be revised.

NMFS notes these recommended revisions to the CR Program regulations but has not identified an analysis or regulatory project through which to address the issues. These recommendations could be added to a future analysis of revisions to the CR Program or included in an omnibus recordkeeping and reporting rulemaking.

Vessel Monitoring Systems

Remove requirement for VMS check-in form. During the review conducted for the 2017 renewal of authority to continue to collect data through Vessel Monitoring Systems (VMS), NMFS identified that the VMS check-in form (a faxed VMS registration form), required in § 679.28(f)(4)(ii) is no longer necessary. ***NMFS recommends that this proposed regulatory amendment be added to the analysis currently in progress to allow retention of halibut in pots in the BSAI sablefish fishery, because this proposed action includes a VMS component.***

Economic Data Reports (EDRs)

GOA Annual Trawl Catcher Vessel EDR. In response to the 2017 renewal of the authority to collect information for the GOA catcher vessel and shoreside processor EDRs, two commenters recommended discontinuing collection of cost estimates for fuel and fishing gear because the costs are not specific to GOA groundfish trawl activities and one recommended discontinuing collection of the license or permit numbers for the harvest captains and crew.

Bering Sea Chinook Salmon EDR. OMB approval for the Chinook Salmon EDR information collection requirements expires on May 31, 2018. NMFS is preparing the analysis to submit to OMB to request extension of approval to collect this information. Comments received on this information collection from

three industry participants expressed that they did not believe that the Vessel Master Survey had practical utility¹ and that the cost of fuel is only one element of the costs and efforts of the catcher vessel fleet to avoid salmon bycatch. Commenters further noted that these other costs are more difficult to quantify. One commenter noted that personal interviews with captains and processors would give better insight into true costs.

As noted earlier in this discussion paper, in February 2018, the Council discussed the EDRs in staff tasking noting that there are questions on the EDRs that are time-consuming for industry to address, and which may no longer be relevant for some catch share programs. There was interest in understanding the information directly used in economic models, and for the Council to be able to consider the balance between providing the right information and the cost burden to industry. *The Council highlighted this as a possible issue for the regulatory reform review.*

Recordkeeping and Reporting, General

Remove notary requirements on transfer applications. NMFS regulations currently require notarized signatures on quota share, LLP license, and charter halibut permit transfer applications. The West Coast Region has moved away from notary requirements and uses a strong certification on the application instead. NMFS recommends that notary requirements in regulations be reviewed to determine if they should be removed or revised. Replacing notary requirements with a strong certification would reduce the cost and time burden for applicants and could allow online or electronic submission of these applications. This would be more convenient for applicants, may result in ability or preference for on-line quota share transfers.

Review requirement for Shoreside Processor Check-in/Check-out Reports (§ 679.5(h)). With implementation of eLandings and the evolution of inseason management, these reports are not used for management. These reports were used to identify which processors were operating when NMFS managed the fisheries based on weekly reports from processors. Now NMFS receives daily reports at the vessel level, which makes this report obsolete; therefore, these reports are rarely, if ever, used by inseason managers. NMFS has identified this reporting requirement for additional internal review to determine whether the requirement should be removed or revised.

Increase online and electronic means of submitting information. During PRA reviews, NMFS has received requests to increase online and electronic options for submitting forms, applications, and other recordkeeping and reporting requirements. However, regulatory requirements sometimes prohibit electronic submission of the documents, especially in cases where confidential or business identifying information or personally identifiable information is required on the application form. Other regulatory requirements specify the means of submittal or specify documents or information that must be submitted that prevent submittal online. NMFS Alaska Region is working toward offering more online services, and, as this happens, some regulatory requirements could be removed or revised. For example, NMFS has identified that the Product Transfer Report, currently required in § 679.5(g)(3)(ii) to be submitted by fax or email, could be included in eLandings, and will do so when resources become available. Another example is removing notary requirements, which is described above.

As time allows, continue to discuss simplifying and reducing reporting requirements and increasing online submission options. Include these options in appropriate regulatory amendments or consider consolidating them into an omnibus recordkeeping and reporting rulemaking.

¹ “Practical utility” is a specific term NMFS uses in requesting comments on information collection requirements.

Issues Identified in Public Comment (July 2017)

A notice was published in the *Federal Register* on July 7, 2017 (82 FR 31576), soliciting public comments on the regulatory review under E.O. 13771, 13777, and 13783². Four of the 168 comment letters submitted addressed issues relevant to the federally managed fisheries off Alaska. These comments are provided under the Council's agenda item D-2. In summary, the commentors recommended:

1. Three specific changes to the guided recreational fisheries (charter halibut) reporting requirements (State of Alaska):
 - a. Remove the requirement at 50 CFR 300.65(d)(2)(i) to retain all logbook data pages showing halibut harvest for 2 years after the end of the fishing year for which the logbook was issued,
 - b. Remove the requirement at 50 CFR 300.65(d)(4)(ii)(A) that requires the charter vessel angler signature on the logbook, and
 - c. Remove the requirement at 50 CFR 300.65(d)(4)(ii)(B)(10) that makes the charter vessel guide responsible that the angler who retained halibut complies with the logbook signature requirements.
2. Recommendations related to regulations implemented under the Endangered Species Act (State of Alaska).
3. Request for review of Steller sea lion protection measures, specifically these two final rules: [79 FR 70285](#) (November 25, 2014) and [68 FR 204](#) (January 2, 2003) (Aleutians East Borough).
4. Support for maintaining unaltered all of the marine species and habitat protections currently in effect (Rick Steiner).
5. Comments about management of the halibut fishery and opposition to reducing environmental regulations to streamline infrastructure projects (Angela Wilson).

² E.O. 13783 is related to promoting energy independence and economic growth.

Table 1. Status of Review of Regulations Implementing Fishery Management Plans Developed by the North Pacific Fishery Management Council or for the Halibut Fisheries off Alaska.

Program	Regulatory Citation	Regulation Currently Under Council Review (on the 3-mtg outlook)?	Council Conducted a Program Review?	PRA Renewal – NMFS Review of Information Collection Requirements (<i>italics = next scheduled review</i>)	RFA Section 610 – Years a Review was Conducted on Some Element
International Fisheries Regulations – Pacific Halibut Fisheries					
Halibut Fisheries, general	50 CFR part 300, subpart E	Yes	IFQ Program Review (2016)	2016, 2017, 2018 <i>2018 (CQE Program); 2020 (subsistence, charter)</i>	
Halibut Subsistence Program	§ 300.65			2017 <i>2020</i>	2015, 2013
Charter halibut fisheries	§ § 300.65, 300.67	Yes		2017, 2018 <i>2020</i>	2017, 2015, 2012
Permits and Licenses					
Federal fisheries/processor permits	§ 679.4			2017 <i>2020</i>	
Exempted fishing permits	§ § 600.745(b), 679.6			2017 <i>2020</i>	
License limitation programs (groundfish, crab, scallops)	§ § 679.4(g), (k); 679.110			2017 <i>2020</i>	2016, 2013, 2012, 2011
Catch Share Programs					
Western Alaska Community Development Quota Program	Subpart C			2016 <i>2018 (cost recovery) 2019 (CDQ Program)</i>	2015, 2013, 2012, 2011

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Halibut and Sablefish IFQ Program	§ § 679.5(d), Subpart D	Yes	IFQ Program Review (2016)	2016, 2017, 2018 <i>2018 (CQE Program, cost recovery); 2019 (gear ID); 2020 (IFQ Program, VMS)</i>	2015, 2013, 2012
American Fisheries Act	Subpart F		AFA Program Review (2017) Cooperative reports each April	2016, 2017, 2018 <i>2018 (cost recovery); 2019 (AFA permits, co-op reports); 2020 (scales/weighing, AFA reports, Chinook EDR)</i>	2015, 2012, 2011
Aleutian Islands Pollock	§ § 679.4(m), 679.5, 679.67			2015, 2016 <i>2018 (participant letter, cost recovery)</i>	
Central Gulf of Alaska Rockfish Program	Subpart G	Yes – Dec 2018 start discussing reauthorization of the program beyond Dec 31, 2021	Rockfish Program Review (2017) Cooperative reports each April	2016, 2017, 2018 <i>2018 (cost recovery); 2019 (co-op reports); 2020 (scales/weighing, RP permits/reports)</i>	2015, 2011
Amendment 80 Program	Subpart H		Cooperative reports each April	2015, 2016, 2017 <i>2018 (A80 permits/reports, cost recovery); 2019 (co-op reports); 2020 (scales/weighing, A80 GOA EDR)</i>	

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Shellfish Fisheries of the EEZ off Alaska, primarily the Crab Rationalization Program	50 CFR part 680		Crab Rationalization Program 10-year review (2016-2017) Cooperative reports each April	2016, 2017 <i>2018 (cost recovery);</i> <i>2019 (CR EDR, co-op reports);</i> <i>2020 (CR permits, scales/weighing, VMS, CR arbitration)</i>	2015, 2013
General Fisheries Management Regulations and Other Non-Catch Share Programs					
General regulations (purpose and scope, definitions, relation to other laws, enforcement, penalties)	§ § 679.1, 679.2, 679.3, 679.8, 679.9, Figures and Tables to part 679			No direct information collection requirements in these regulations. Definitions (§ 679.2) Figures, and Tables support other information collection requirements.	2011 (definition of length overall)
General fisheries management (annual harvest specifications, directed fishing, MRAs, seasons, gear limitations, inseason adjustments, prohibitions, etc.)	§ § 679.7, 679.20, 679.23, 679.24, 679.25	Yes		2015, 2016, 2017, 2018 <i>2018 (Observer Program, AI participant letter, A80 permits/reports);</i> <i>2019 (CDQ Program, AFA permits, gear ID, intent to process P. cod);</i> <i>2020 (FFP/FPP/EFP, IFQ Program, PSD Program, scales/weighing, LLP, AFA reports, VMS, CR permits, RP permits/reports)</i>	2015, 2013, 2012, 2011 (identified recommendation to simplify gear marking requirements, these revisions were implemented in 2014)

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Recordkeeping and reporting requirements for all fisheries (catch reports, production reports, logbooks, etc.)	§ 679.5	Yes – as part of a number of different issues under Council consideration		2015, 2016, 2017, 2018 2018 (<i>COAR, AI participant letter, A80 permits/reports, CQE Program, cost recovery</i>); 2019 (<i>CDQ Program, gear ID, intent to process P. cod</i>); 2020 (<i>FFP/FPP/EFP, logbook forms, IFQ Program, scales/weighing, VMS, IERS, RP permits/reports</i>)	2015, 2012, 2011
Prohibited species catch management	§ 679.21	Yes		2016 (as part of AFA permits renewal); 2017 (as part of AFA reports renewal) 2019 (<i>AFA permits</i>); 2020 (<i>AFA reports</i>)	2015
Prohibited Species Donation Program	§ 679.26			2017 2020	
Steller sea lion protection measures	§ § 679.22 [closures], 679.28(f) [VMS]			2017 (as part of VMS renewal) 2020 (<i>VMS</i>)	2012
Other closures or protected areas	§ 679.22			2017 (as part of FFP, FPP, EFP renewal) 2020	2017, 2015, 2013, 2012
Observer Program	Subpart E	Yes		2016, 2017 2018	2017, 2015, 2013, 2012, 2011

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Equipment and Operational Requirements (scales, observer sampling stations, video, electronic logbooks, catch monitoring and control plans)	§ 679.28			2017, 2018 2020	
Longline Catcher/processors, equipment and operational	Subpart I			2017 2020	
Improved retention/improved utilization	§ 679.27			n/a	2013, 2012
Economic data collection programs	§ § 679.65, 679.94, 679.110, and 680.6			2016, 2017, 2018 2019 (<i>CR Program</i>); 2020 (<i>A80 GOA, GOA CV & processor, Chinook</i>)	
Cost recovery programs	§ § 679.33, 679.45, 679.66, 679.67, 679.85, 679.95, 680.44			2016 2018	2013 (CR), also may be included in review of rules implementing specific catch share programs