

PRIVACY IMPACT ASSESSMENT (PIA)
FOR THE
U.S. DEPARTMENT OF COMMERCE

**CRAB ECONOMIC DATA REPORT (EDR)
FOR BERING SEA/ALEUTIAN ISLANDS
MANAGEMENT AREA (BSAI) OFF THE COAST OF ALASKA**

Project: Crab Economic Data Report for Bering Sea/Aleutian Islands Management Area (BSAI) off the coast of Alaska

Unique Project Identifier: 006-48-01-14-02-3304-00-117-057

OMB information collection control number: OMB Control No. 0648-0518

Privacy Act System of Records: Commerce/NOAA System-16

Project Description

The National Marine Fisheries Service (NMFS) Alaska Region created a system of records for a mandatory collection of crab economic data to provide information on costs of fishing and processing, revenues for harvesters and processors, and employment information relevant to the Crab Rationalization Program (Program)

Purpose Statement

The Program allocates BSAI crab resources among harvesters, processors, and coastal communities. The North Pacific Fishery Management Council (Council) developed the Program over a 6-year period to accommodate the specific dynamics and needs of the BSAI crab fisheries. The Program builds on the Council's experiences with the halibut and sablefish Individual Fishing Quota (IFQ) program and the American Fisheries Act cooperative program for Bering Sea pollock. The Program is a limited access system that balances the interests of several groups who depend on these fisheries. The Program addresses conservation and management issues associated with the current derby fishery, reduces bycatch and associated discard mortality, and increases the safety of crab fishermen by ending the race for fish.

Share allocations to harvesters and processors, together with incentives to participate in fishery cooperatives, will increase efficiencies, provide economic stability, and facilitate compensated reduction of excess capacities in the harvesting and processing sectors. Community interests are protected by Community Development Quota allocations and regional landing and processing requirements, as well as by several community protection measures.

Program components include: quota share allocation, processor quota share allocation, IFQ and individual processing quota issuance, quota transfers, use caps, crab harvesting cooperatives,

protections for Gulf of Alaska groundfish fisheries, arbitration system, monitoring, economic data collection, and cost recovery fee collection.

The Council recommended that a mandatory economic data collection program be developed to assess the economic effects of the Program, and Congress required that the mandatory program be implemented. The Program has a number of novel aspects, and the Council is interested in ensuring that it will be able to adequately assess the impact of the Program on affected parties. Existing data collection programs do not provide the information required to understand the economic performance of crab fishermen, or to determine how this performance has changed after rationalization; or what aspects of these changes are specifically attributable to crab rationalization. This data collection program will substantially reduce the analytical difficulties that were encountered when attempting to examine the effects of the halibut/sablefish IFQ program and the American Fisheries Act.

Existing data collection programs fail to collect the employment, cost, and sales data necessary to adequately examine how shoreplants and vessels will be affected by crab rationalization. The Council expressed a desire to monitor, among other things, how the economic returns of various stakeholders in BSAI crab fisheries are affected by rationalization. Specifically, it will be used in meeting the Council's objectives of examining changes in resource utilization, excess harvesting and processing capacity, economic returns, variable costs and revenues, economic efficiency, and the stability of harvesters, processors, and coastal communities. This type of monitoring requires the collection of historic data as well as annual data to better understand the economic performance of crab fishery participants and to isolate the effects attributable to the Program. The crab economic data reports (EDRs) were specifically developed to fill this knowledge gap and only ask questions about harvesters' and processors' crab operations.

NMFS Alaska Region collects and maintains personal information on applicants who wish to participate in the BSAI crab fisheries. NMFS Alaska Region does not disclose, sell, or transfer information maintained within NMFS databases without an official need to know; however, NMFS may only protect the information it collects and maintains to the extent permitted by the Privacy Act of 1974 and the Freedom of Information Act of 1966. This PIA has been developed to comply with the requirement in Section 208 of the E-Government Act of 2002 (44 U.S.C. 36) and the Department of Commerce IT Privacy Policy.

1. The law or regulation that authorizes the collection and maintenance of the information.

Section 313(j) of the Magnuson-Stevens Fishery Conservation & Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act).

2. What information is being collected, maintained, or disseminated (identify the data as Personally Identifiable Information or Business Identifiable Information).

Both personally identifiable information and business identifiable information are collected. The personal information collected is pertinent to the stated purpose for which the information is to be used, and only information that is required for establishing and implementing NMFS' fishery management programs is collected.

3. With whom the information will be shared (e.g., another agency for a specified programmatic purpose).

The personal information is shared only with authorized users who have a legitimate need to know. These records or information contained therein may specifically be disclosed as a routine use as stated below. The Department will, when so authorized, make the determination as to the relevancy of a record prior to its decision to disclose a document.

a. In the event that a system of records maintained by the Department to carry out its functions indicates or is relevant to a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, or rule, regulation or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records, including individual identifiers, may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department. That agency may disclose such records in the course of conducting its investigation.

b. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures during the course of litigation, such as through discovery or to opposing counsel in the course of settlement negotiations.

c. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

d. A record in this system of records may be disclosed without individual identifiers to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

e. A record in this system of records may be disclosed with individual identifiers to Department of Justice and the Federal Trade Commission when such records are requested by those agencies for anti-trust analyses or enforcement proceedings.

4. What opportunities individuals have (if any) to decline providing information in the case of voluntary collections.

The personal information is collected via an individual's completion of an EDR. Prior to completion of the EDR, the individual is advised that providing the information is voluntary; however, NMFS will not be able to issue a permit, if an individual does not provide each item of information requested. The individual may choose to decline to provide the required personal information or to consent to the particular use of his/her personal information at that time.

5. How the information will be secured (e.g., administrative and technological controls).

The information is secured via both administrative and technological controls. The potential risk of inappropriate disclosure and/or unauthorized disclosure is mitigated by limiting the number of authorized system users, providing initial and annual system security training, monitoring authorized user activity, automatic and immediate notification of unauthorized system access or usage to the system administrator, documenting user violations, and gradually increasing user reprimands for system violations ranging from a verbal warning with refresher security training to denial of system access. Economic data will not be collected and held by NMFS, but instead by a contractor, the Pacific State Marine Fish Commission (PSMFC). NMFS has instructed PSMFC on the confidential nature of this information. PSMFC will abide by all statutory and regulatory data confidentiality requirements, and will only release the data to authorized users.

Buildings employ security systems with locks and access limits. Only those that have the need to know, to carry out the official duties of their job, have access to the data. Computerized data base is password protected, and access is limited. Paper records are maintained in secured file cabinets in areas that are accessible only to authorized personnel of PSMFC.

6. Name, e-mail address, and telephone number of a contact person:

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