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Crab Rationalization Program Cost Recovery for Fishing Year 2020/2021



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Crab Rationalization Program Cost Recovery for Fishing Year 2020/2021

Cost recovery

Section 304(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes and requires the collection of cost recovery fees for limited access privilege programs (LAPPs) and the Community Development Quota Program. The North Pacific Fishery Management Council developed a LAPP for Bering Sea and Aleutian Islands (BSAI) crab fisheries that allocates a percentage of the total allowable catch to participants in the Crab Rationalization Program (CR Program).

The National Marine Fishery Service (NMFS) published final regulations implementing the CR Program in 2005 ([70 FR 10173, March 2, 2005](#)). NMFS implemented the cost recovery program in that final rule and subsequently revised fee percentage methodology in 2006 ([71 FR 44231, August 4, 2006](#)). CR Program cost recovery authorizes the collection of actual management and enforcement costs for up to three percent of ex-vessel gross revenues. Under the regulations implementing the CR cost recovery program, cost recovery fees must be paid in equal shares by the harvesting and processing sectors. The processing sector, specifically registered crab receivers (RCRs), are responsible for collecting the fee from the harvesters and submitting this and their own self-collected fee amount to NMFS. Catcher/processors, i.e., (vessels that harvest and process crab) pay the full fee.

Use of funds

Receipts from the cost recovery fee collection are deposited into two accounts. Up to twenty-five percent of the collections are deposited into the U.S. Treasury and are available to Congress for annual appropriations to support the BSAI Crab Quota Share Loan Program described below. The other remaining funds are deposited into the Limited Access System Administrative Fund. Funds in this account are available only to the Secretary and must be spent on CR Program management and enforcement.

BSAI Crab Quota Share Loan program

The BSAI Crab Quota Share Loan Program was implemented in 2011 ([75 FR 78619, December 16, 2010](#)). The program provides low interest loans to assist captains and crew in the purchase of quota shares (QS) for the CR Program. The loan program is accessible only to active fishery participants and can be used to purchase either CR Program QS or Crew QS. The NMFS Financial Services Branch administers the BSAI Crab Quota Share Loan Program and additional information is available by calling 206-526-6122.

CR Program cost recovery fee

NMFS computes the annual fee percentage in the first quarter of the crab fishing year (July 1 through June 30) based on value and costs in the prior year. Fees are based on the total value of crab landings in money, goods, or services. For crab delivered raw for processing, each RCR's fee is estimated by multiplying the annual fee percentage needed to recover costs (up to three percent) by the ex-vessel value of CR Program crab. Catcher/processors participate in both the harvesting and processing sectors and are responsible for paying the entire fee liability, based on standard prices derived from information reported for raw crab deliveries.

Prior to the start of the crab fishing year, NMFS publishes the annual fee percentage in the *Federal Register* ([86 FR 35756, July 7, 2021](#)). The fee percentage is used by RCRs to collect fee liabilities from harvesters, and then self-collect, throughout the fishing year. The sections below describe the methodology for calculating the fee percentage.

Calculating the ex-vessel value of the CR Program fisheries

NMFS calculates the ex-vessel value of the CR Program fisheries using information from the Ex-vessel Volume and Value Report that is submitted annually by RCRs (due May 31). This report includes the pounds of CR Program crab purchased and the ex-vessel value paid. The overall ex-vessel value of the CR Program fisheries is calculated by summing the value of all pounds purchased of CR Program crab. Additionally, the Ex-vessel Volume and Value Report is used to calculate standard prices by month and by crab species. These standard prices are multiplied by the landings of catcher/processors to determine the ex-vessel value for that sector.

Calculating the costs of management and enforcement

Direct program costs are calculated by determining the incremental costs of managing the CR Program, that is, costs that would not have been incurred but for the CR Program. These costs cover the management, data collection, and enforcement of the CR Program by NMFS, the Alaska Department of Fish and Game (ADF&G), and the Pacific States Marine Fisheries Commission (PSMFC). The NMFS Alaska Region operating units that incur direct program costs include the Restricted Access Management Program (RAM), the Information Services Division (ISD), the Office of Law Enforcement Alaska Division (OLE), and the Sustainable Fisheries Division (SFD), the Regional Administrator/Appeals Office (RA/OAA), the Alaska Fisheries Science Center (AFSC), and the Financial Service Division (FSD). To arrive at these costs, every operating unit calculates CR Program direct program costs, broken out by cost categories including personnel/overhead, travel, transportation, printing, contracts/training, supplies, equipment and rent/utilities. The ADF&G and PSMFC track and report direct program costs in similar categories. Direct program costs are tracked from mid-April to mid-April of each calendar year.

Calculating the annual fee percentage

NMFS computes the annual fee percentage by dividing the direct program costs by the total ex-vessel value of crab landings in money, goods, or services. The annual fee percentage is calculated using the following formula:

$$[100 \times (DPC)/V]$$

The formula shows that the direct program costs of management and enforcement (DPC), multiplied by 100, and is then divided by the fisheries value (V). The result, rounded to the nearest 0.01 percent, is the fee percentage.

The annual fee percentage is published in the *Federal Register* at the start of the crab fishing year (July 1 through June 30) and is applied to all landings of CR Program crab. RCRs collect cost recovery fees as landings occur throughout the season. NMFS provides a summary of fees due to all RCR permit holders during the last quarter of the crab fishing year. The summary explains the cost recovery fee determination for each individual RCR, including the current fee percentage, details of raw crab pounds debited from CR allocations by permit, port or port-

group, species, date, and prices. Funds collected under the CR Program vary yearly because annual ex-vessel value and direct program costs fluctuate.

Calculating the 2020/2021 fee

The fee percentage for the 2020/2021 fishery year was set at 1.09 percent and applies to the 2021/2022 crab fishing year. This percentage is derived from:

- The total ex-vessel value of the CR Program fisheries; and
- The direct program costs for the CR Program (by actual expenditures during the Federal fiscal year).

The total standard ex-vessel value of the 2020/2021 CR Program fisheries was \$218,768,971, which was 9.8 percent higher than the total standard ex-vessel value of the 2019/2020 fisheries of \$199,226,271. This value is derived from price information submitted by the RCRs.

Using the fee percentage formula, the estimated percentage of costs to value was 1.09 percent. Therefore, NMFS applied the fee percentage of 1.09 percent to the 2021/2022 crab fishing year. Table 1 shows the fee percentage computation.

Table 1. Formula for calculating the 2021/2022 fee percentage

Factor	Value	Activity
Direct Program Cost (DPC)	\$ 2,387,593	divided by
Total Fishery Value (V)	\$ 218,768,971	multiply by 100
=	1.09 percent	yields
Fee percentage applied to 2021/2022 crab fishing year = 1.09 percent		

During 2020/2021 (FY2020), direct program costs (\$2,387,593) decreased by approximately nine percent compared with FY2019 program costs (\$2,616,000). Additionally, the value of crab harvested under the CR Program increased by \$19.5 million, or approximately ten percent. Overall, decreases in direct program costs and increased fishery value contributed to a reduced fee percentage in FY2020 relative to FY2019.

Payment of cost recovery fees

NMFS sends fee statements to RCRs based on the RCRs' reported landings for the previous crab fishing year for all CR Program crab and value as computed for fee collection purposes. The RCR permit holder is responsible for submitting payment to NMFS on or before the due date of July 31, of the crab fishing year in which payment for the crab is made.

If an RCR fails to pay on time, OMD will issue an Initial Administrative Determination to which the permit holder must respond within 30 days. If an account is unpaid for 30 days after the due date, administrative fees, interest, and penalties start to accrue. NMFS may take action against the permit holder's QS holdings and assess additional monetary charges, fines, or permit sanctions. Additionally, the Regional Administrator may disapprove any transfer of IFQ,

individual processing quota, QS, or processor quota shares to or from the RCR permit holder. The RCR may not be issued IFQ or individual processing quota for that crab fishing year if they fail to submit payment. If after 180 days the fee remains unpaid, the unpaid balance is forwarded to the U.S. Department of the Treasury for collection.

Details on Cost Categories

Figure 1 is a comparison of program costs from FY2014 to FY2020 while Table 2 shows the FY2020 program costs by agency and operating unit. The two highest cost components are ADF&G and OLE, respectively. Between fiscal years, management and enforcement costs fluctuate due to changes within the agency and operating units such as new contracts, required trainings, personnel changes, and equipment purchases.

Management of CR fisheries is delegated to the State of Alaska. As a result, ADF&G incurs the highest costs of all management units involved in the program. ADF&G's largest cost component is personnel to support the added duration and complexity of management, stock assessment, and monitoring programs implemented through rationalization. Personnel, and the associated administrative overhead costs decreased between FY2019 and FY2020. Contract and training expenses, which support crab observer deployment and training, also decreased.

OLE is tasked with inspections, boardings, investigations and enforcement activities. The two largest cost categories are for personnel and contracting. Costs are reflective of the number of participants (75-80 boats), complexity of the program, and duration of CR fisheries. Costs increased between FY2019 and FY2020, primarily due to the extension of the IFQ data clerk contract. However, contract costs fluctuate on a year-to-year basis. For example, in FY2019, a contract was only obligated for half of the year which resulted in lower contract costs compared to previous years and compared to FY2020.

OMD, ISD, and SF support eLandings, provide maintenance of the catch accounting system, develop and implement regulatory actions, determine fees and collection processes, and provide training and outreach for electronic reporting of crab harvest. Costs decreased for these operating units between FY2019 and FY2020 but are likely to fluctuate in coming years due to personnel changes and contract renewals.

NMFS RAM issues permits, handles transfers of QS and IFQ, and answers questions about permits and transfers. RAM incurs the largest share of costs of NMFS operating units. For other operating units, FSD costs increased for FY2020 due to the impacts of the ongoing Coronavirus (COVID-19) pandemic, which resulted in an increase in servicing actions and processing of crab loans. NMFS RA/OAA did not report any appeals costs in FY2020. Overall for NMFS, costs decreased between FY2019 and FY2020.

The AFSC and PSMFC support administration of the CR Program Economic Data Reports. AFSC costs decreased marginally. PSMFC costs increased between FY2019 and FY2020, primarily due to an increase in personnel expenses.

Figure 1. Crab Rationalization Program expenses by agency and NMFS operating unit from FY2014 to FY2020.

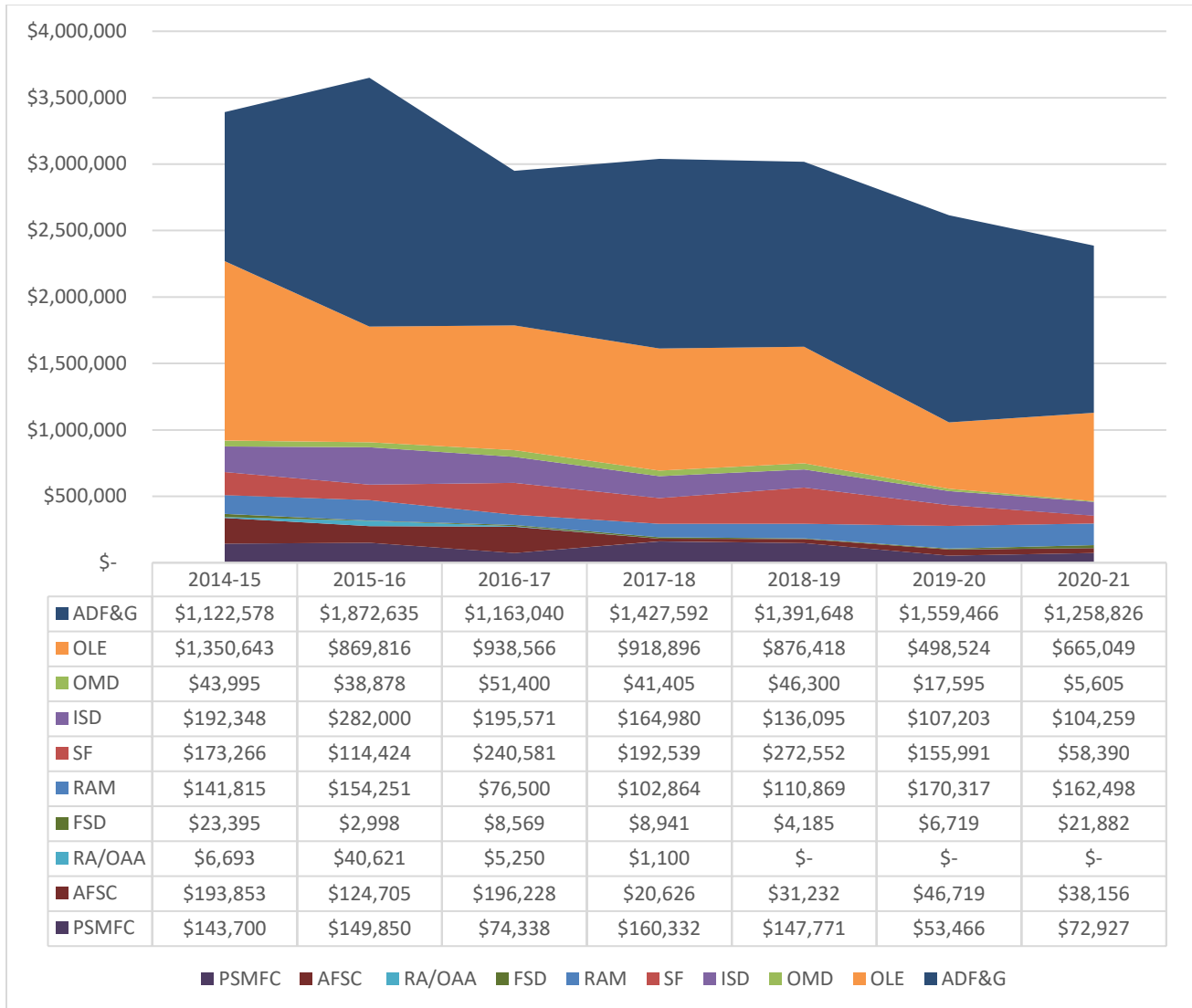


Table 2. Fiscal Year 2020 direct program for the CR Program (Fishing Year 2020/2021).

Cost Category	RAM	SF	OMD	ISD	OLE	ADF&G	AFSC	FSD	PSMFC	Total
Personnel^a	\$60,377	\$15,250	\$4,333	\$55,362	\$138,738	\$775,782	\$27,552	\$21,882	\$43,357	\$1,142,635
Benefits	\$0	\$0	\$0	\$0	\$66,053	\$0	\$10,604	\$0	\$17,314	\$93,971
Travel^b	\$0	\$0	\$0		\$0	\$11,665	\$0	\$0	\$0	\$11,665
Transportation^c	\$0	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0
Printing	\$0	\$0			\$0	\$0	\$0	\$0	\$0	\$0
Ace Contract	\$88,262	\$35,286	\$0	\$39,188	\$0	\$0	\$0	\$0	\$0	\$162,736
Contracts/Traini	\$363	\$0	\$0	\$4,872	\$416,121	\$290,180	\$0	\$0	\$1,105	\$712,641
Training	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Contract fees	\$2,648	\$1,059	\$0	\$1,322	\$0			\$0	\$0	\$5,028
Supplies	\$0	\$2	\$0		\$0	\$4,348	\$0	\$0	\$0	\$4,351
Equipment	\$0	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0
Rent/Utilities^d	\$10,848	\$6,792	\$1,272	\$3,516	\$44,548	\$3,952	\$0	\$0	\$1,672	\$72,601
Overhead	\$0	\$0	\$0	\$0	\$(411)	\$172,898	\$0	\$0	\$7,607	\$180,093
Other^e	\$0	\$0	\$0		\$0	\$0	\$0	\$0	\$1,872	\$1,872
TOTAL	\$162,498	\$58,390	\$5,605	\$104,259	\$665,049	\$1,258,826	\$38,156	\$21,882	\$72,927	\$2,387,593

^a Personnel Costs/Overhead includes locality pay and all benefits.

^b Travel includes per diem payments.

^c Transportation includes shipment of items.

^d Rent/Utilities includes costs of space and utilities and shared common space and services.

^e Other includes administrative costs associated with eligible CR program management and observer activity.

Conclusion

Cost recovery fees do not increase agency budgets or expenditures. They offset funds that would otherwise have been appropriated, except the PSMFC and ADF&G expenditures for which there is no direct appropriation. No budgetary advantage is gained by inflating CR Program management and enforcement costs. Table 3 shows the management costs and ex-vessel value of the CR Program fisheries for the purposes of cost recovery since the CR Program was initiated.

Table 3. CR Program cost recovery since implementation

Crab Fishing Year	Fishery Value ^a	Total Program Costs	Annual Fee Percentage ^b	RCR Permit Holders w/
2020/2021	\$218,768,971	\$2,387,593	1.09	19
2019/2020	\$199,226,271	\$2,616,001	1.31	18
2018/2019	\$177,868,964	\$3,017,069	1.70	17
2017/2018	\$163,998,853	\$3,038,830	1.85	17
2016/ 2017	\$188,017,358	\$2,950,043	1.57	18
2015/ 2016	\$227,733,902	\$3,650,178	1.60	16
2014/ 2015	\$229,198,504	\$3,392,286	1.48	19
2013/ 2014	\$209,386,273	\$3,095,352	0.69	20
2012/ 2013	\$231,535,032	\$3,516,592	0 ^c	20
2011/ 2012	\$286,752,062	\$3,364,442	1.23	20
2010/ 2011	\$261,747,837	\$3,210,189	2.67	21
2009/ 2010	\$147,188,073	\$3,927,062	0 ^c	18
2008/ 2009	\$212,412,973	\$3,195,760	1.05	22
2007/ 2008	\$202,719,417	\$2,133,758	3.0 ^d	20
2006/ 2007	\$119,652,929	\$3,939,841	3.0 ^d	22
2005/ 2006	\$138,888,840	\$4,270,881	3.0 ^d	17

^a Fishery Value is the projected ex-vessel value of the catch subject to the crab cost recovery fee liability for the current year. For this table, the value amount is rounded.

^b Fee liability percentages are noted here for the crab fishing year from which they were derived. The fee percentage was applied to the following crab fishing year.

^c For each fiscal year, the amount collected is rounded. Due to a revenue surplus, no billing/collection occurred in the 2009/10 and 2012/13 (Years 5 and 8, respectively) fishing year.

^d These billed percentages were limited by the Magnuson-Stevens Act statutory three percent cap of the ex-vessel value of the fishery in any Program year.

Fees collected under the BSAI King and Tanner Crab Fishing Capacity Reduction Program

Under section 312(b) of the Magnuson-Stevens Act, NMFS has the authority to conduct a fishing capacity reduction program if funds are provided and such a program is necessary to prevent or end overfishing, rebuild stocks of fish, or achieve measurable or significant improvements in the conservation and management of a fishery. A capacity reduction program must be consistent with any state and Federal fishery management plans in place for a fishery. Funding for such programs is authorized under section 312(c) of the Magnuson-Stevens Act and allows NMFS to obtain funding through specific appropriations from industry fee systems and public, private, or nonprofit sources. Under this authority, regulations implementing the BSAI King and Tanner Crab Fishing Capacity Reduction Program was implemented in 2005 (68 FR 69331, January 12, 2004). Under administration of the FSD, NMFS bought back 25 BSAI crab fishing vessels, associated fishery histories, and 62 licenses to achieve the maximum sustained reduction in BSAI crab fishing capacity at the least cost and in minimum time. In the BSAI King and Tanner Crab Fishing Capacity Reduction Program, the FSD administers an industry-funded, 30-year loan of \$97,399,357.00 at a fixed rate of 6.54 percent. Additional information is available on the [NMFS BSAI King and Tanner Crab Fishing Capacity Reduction Program web page](#).

Fees for repayment of the loan are authorized under section 312(d)(2)(C) of the Magnuson-Stevens Act and are to be paid on harvests of the CR Program crab species. Harvesters are required to pay the fee and all parties making the first ex-vessel purchase of the crab (“fish buyers”) are required to collect the fee based on the crab's full delivery value, and account for and forward the fee revenue to repay the loan. The current fee rates are shown in Table 4. By regulation, the fee rate may not exceed five percent of the delivery value.

Fee collection to repay the loan began on October 17, 2005. BSAI Crab Buyback Loan Fees are due by the 7th day of the month after the month in which landings occurred. Buyback fees received after that date are subject to a 1.5 percent per month (or portion thereof) late charge fee. NMFS may withhold annual crab permits if buyback fees are outstanding.

Table 4 shows the principal balance for each of the “subloans” allocated to each fishery by the BSAI King and Tanner Crab Fishing Capacity Reduction Program. Loan balances are current as of June 30, 2021. The Aleutian Islands Golden (Brown) King Crab subloan was repaid in 2016, therefore all buyback fees collected for Aleutian Island (Brown) King Crab landings ceased after October 31, 2016. The Western Aleutian Islands red king crab and Pribilof Islands king crab fisheries have been closed since the start of the loans.

Table 4. Fishery loan status of the BSAI King and Tanner Crab Fishing Capacity Reduction Program.

Crab Fishery	Original Loan Amount	Current Principal Balance	Current Outstanding Interest	Total Loan Balances
BSAI Snow (<i>Opilio</i>) and Tanner (<i>Bairdi</i>) Crab	\$66,410,767.20	\$47,966,356.15	\$192,578.15	\$48,158,934.30
Bristol Bay Red King Crab	\$17,129,957.23	\$3,697,287.25	\$70,671.34	\$3,767,958.59
Aleutian Islands Brown (Golden) King Crab	\$6,380,837.19	\$0	\$0	\$0
St Matthews Blue King Crab	\$5,668,991.10	\$5,668,991.10	\$4,931,767.44	\$10,600,758.54
Pribilof Red and Blue King Crab	\$1,571,216.35	\$1,571,216.35	\$1,693,373.01	\$3,264,589.36
Aleutian Islands Red King Crab	\$237,588.04	\$237,588.04	\$256,059.69	\$493,647.73
Total	\$97,399,357.11	\$62,610,290.62	\$7,935,440.00	\$66,285,888.52

Adapted from BSAI Crab Buyback Program Loan Balances found on fisheries.noaa.gov