

Appendix A

Fishery Management Plan and Federal Regulations for Economic Data Collection Programs or Economic Data Reporting Requirements

Text below in *italics* are excerpts from the fishery management plans and are followed by text of the applicable regulations. The text in both sections has been marked in red line strike out visible in review track changes mode under full markup. In addition, comments have been added to identify which Alternative, Component, and where applicable which Option may require the indicated revisions. These suggested revisions are presented for general informational purposes. Actual proposed FMP or regulatory amendments will depend on the Council's final action and will be described in the Notice of Availability and proposed rule published in the *Federal Register*.

Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (crab FMP)

Requirements for the Crab Rationalization Program Economic Data Collection are in Chapter 11, Section 14 of the crab FMP. These requirements were elements of the Crab Rationalization Program, which was added to the crab FMP in 2004 through Amendment 18. These requirements were revised in 2013 through Amendment 42 to the crab FMP. The current text of the crab FMP for the Economic Data Collection Program and requirements are reproduced below:

14. *Data Collection Program*

The Crab Rationalization Program includes a mandatory economic data collection program which requires owners or leaseholders of catcher vessels, catcher/processors, shoreside crab processors, and stationary floating crab processors, as well as PQS holders that purchase crab deliveries, in the BSAI crab fisheries to submit an economic data report (EDR) periodically every 2, 3, or 5 years . The purpose of the EDR is to collect cost, revenue, ownership, and employment data to provide the Council and NMFS with the information necessary to study the impacts of the Crab Rationalization Program. Participation is mandatory.

14.1 *Purpose*

This data collection effort is required to address the Council's original problem statement for the Crab Rationalization Program. That problem statement requires a structure that achieves "equity between the harvesting and processing sectors" and "...economic stability for harvesters, processors and coastal communities." The Council revised the data collection program in 2012 to improve the quality of data collected and eliminate redundancies with other collections of data.

The data collected is intended to aid the Council and NMFS in assessing the efficacy of the Crab Rationalization Program and to determine its relative impact on fishery participants and communities. The collected data may assist with the development of amendments to the Crab Rationalization Program or could be used to analyze the economic and social impacts of future FMP amendments on industry, regions, and localities.

14.2 *Collection of Data*

The EDR is administered by NMFS through contracts with Pacific States Marine Fisheries Commission (PSMFC), an independent third party data collection agent. Each owner or leaseholder of the BSAI crab fishing industry must fill out the appropriate EDR form periodically every 2, 3, or 5 years . The data collected is specific to the crab fisheries in the Crab Rationalization Program and includes information on costs of fishing and processing, revenues for harvesters and processors, and employment data.

14.3 Use of data

Data will be supplied to NMFS, Council staff, and any other authorized users according to statutory and regulatory data confidentiality requirements

14.4 Verification of Data

The third party data collection agent will verify the data in a manner that assures accuracy of the information supplied by private parties. The data collection agent may review and request for the owner or leaseholder to provide copies of additional data.

14.5 Duration

The data collection program will continue through the life of the Crab Rationalization Program.

14.6 Failure to Submit Forms

Participation in the data collection program is mandatory. Should a submitter fail to submit the appropriate EDR to PSMFC by the deadline, the infraction will be referred to the Office of Law Enforcement.

14.7 Enforcement of the Data Requirements¹

The Council endorses the approach to enforcing the data requirements developed by the staff and the Data Collection Committee, as set out on page 3.17-20 in the February, 2003 document entitled “BSAI Crab Rationalization Program, Trailing Amendments”, which provides:

Anticipated Enforcement of the Data Collection Program The analysts anticipate that enforcement of the data collection program will be different from enforcement programs used to ensure that accurate landings are reported. It is critical that landings data are reported in an accurate and timely manner, especially under an IFQ system, to properly monitor catch and remaining quota. However, because it is unlikely that the economic data will be used for in-season management, it is anticipated that persons submitting the data will have an opportunity to correct omissions and errors³⁷ before any enforcement action would be taken. Giving the person submitting data a chance to correct problems is considered important because of the complexities associated with generating these data. Only if the agency and the person submitting the data cannot reach a solution would the NMFS Office of Law Enforcement be contacted. The intent of this program is to ensure that accurate data are collected without being overly burdensome on industry for unintended errors.

A discussion of three scenarios will be presented to reflect the analysts understanding of how the enforcement program would function. The three scenarios are 1) a case where no information is provided on a survey; 2) a case where partial information is provided; 3) and a case where the agency has questions regarding the accuracy of the data that has been submitted; and 4) a case where a random “audit” to verify the data does not agree with data submitted in the survey.

In the first case, the person required to fill out the survey does not do so. In the second case, the person fills out some of the requested information, but the survey is incomplete. Under either case that person would be contacted by the agency collecting the data and asked to fulfill their obligation to provide the required information. If the problem is resolved and the requested data are provided, no other action would be taken. If that person does not comply with the request, the collecting agency would notify enforcement that the person is not complying with the requirement to provide the data. Enforcement

¹ The intent of Amendment 42 for the wording of what was section (F) Enforcement of Data Requirements of the crab FMP is unclear. Specifically, the FMP amendment text states The FMP amendment may or may not have retained the following text under paragraph 14.7: This analysis assumes the following text is included in the FMP and the highlighted text would be revised or deleted as needed under the components and options of this action.

would then use their discretion regarding the best method to achieve compliance. Those methods would likely include fines or loss of quota and could include criminal prosecution.

In the third case the person fills out all of the requested information, but the agency collecting the data, or the analysts using the data, have questions regarding some of the information provided. For example, this may occur when information provided by one company is much different than that provided by similar companies. These data would only be called into question when obvious differences are encountered. Should these cases arise, the agency collecting the data would request that the person providing the data double check the information. Any reporting errors could be corrected at that time. Only when that firm refuses to comply with the collecting agencies attempts to verify the accuracy of the data would enforcement be contacted. Once contacted, enforcement would once again use their discretion on how to achieve compliance.

In summary, members of the crab industry will be contacted and given the opportunity to explain and/or correct any problems with the data, that are not willful and intentional attempts to mislead, before enforcement actions are taken. Agency staff does not view enforcement of this program as they would a quota monitoring program. Because these data are not being collected in “real” time, there is the opportunity to resolve occasional problems as part of the data collection system. Development of a program that collects the best information possible to conduct analyses of the crab rationalization program, minimizes the burden on industry, and minimizes the need for enforcement actions are the goals of the data collection initiative.

Footnotes to 14.7:

³⁷ *The intent of the program is to have enforcement actions triggered by the willful and intentional submission of incorrect data or noncompliance with the requirements to submit data.*

Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP)

3.7.5 Amendment 80

.....

3.7.5.9 Economic Data Report

A socioeconomic data collection program will be implemented for the non-AFA trawl CP sector. Data will be collected on a periodic basis. The purpose of the data collection program is to understand the economic effects of the Amendment 80 program on vessels or entities regulated by this action, and to inform future management actions.

3.6.2 Prohibited Species Catch Limits

.....

3.6.2.1.6 Chinook Salmon

There is no reference to the Chinook salmon bycatch economic data collection requirements in the BSAI FMP. The last sentence of section 3.6.2.1.6 states the following:

The process for allocating the Bering Sea Chinook salmon PSC limit among participants in the Bering Sea pollock fishery; requirements governing the transfer and use of these allocations; and requirements for an IPA, the performance standard, annual reporting, and other aspects of the Bering Sea Chinook Salmon Bycatch Management Program are specified in Federal regulations implementing the FMP.

The BSAI FMP also contains the following sections that generally authorize recordkeeping and reporting requirements necessary to implement conservation and management measures regulations needed.

3.9.1 Recordkeeping and Reporting

The Council and NMFS must have the best available biological and socioeconomic information with which to carry out their responsibilities for conserving and managing groundfish resources, as well as other fish resources, such as crab, halibut, and salmon, that are incidentally caught in the groundfish fishery. This information is used for making inseason and inter-season management decisions that affect these resources as well as the fishing industry that utilize them. This information is also used to judge the effectiveness of regulations guiding these decisions. The Council will recommend changes to regulations when necessary on the basis of such information.

The need for the Council and NMFS to consider the best available information is explicit in the goals and objectives as established by the Council and contained in the FMP. They are also explicit in the Magnuson-Stevens Act, Executive Order 12866, the Regulatory Flexibility Act, the National Environmental Policy Act, and other applicable law. The Secretary, therefore, will require segments of the fishing industry to keep and report certain records as necessary to provide the Council and NMFS with the needed information to accomplish these goals and objectives. The Secretary may implement and amend regulations at times to carry out these requirements after receiving Council recommendations to do so, or at other times as necessary to accomplish these goals and objectives. Regulations will be proposed and implemented in accordance with the Administrative Procedure Act, the Magnuson-Stevens Act, and other applicable law.

Information on catch and production, effort, and price

In consultation with the Council, the Secretary may require recordkeeping that is necessary and appropriate to determine catch, production, effort, price, and other information necessary for conservation and management of the fisheries. Such requirements may include the use of catch and/or product logs, product transfer logs, effort logs, or other records. The Secretary may require the industry to submit periodic reports or surveys of catch and fishery performance information derived from the logs or other recordkeeping requirements.

Recordkeeping and reporting is required of operators of catcher vessels, catcher/processor vessels, mothership processor vessels, and by responsible officers of shoreside processor plants.

3.9.1.1 Processor Reports

All processors of groundfish shall report information necessary for the management of groundfish resources. The regulations implementing this plan specify the information to be reported and the time schedule for reporting.

Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP)

There is no specific reference to economic data collection or reporting requirements in the GOA FMP. Requirements that apply to trawl catcher vessels, catcher/processors, and processors that operate in the GOA are implemented under the general recordkeeping and reporting authority in section 3.9 of the GOA FMP. Therefore, amending EDR requirements for the GOA should require only regulatory amendments and revisions to forms and instructions.

3.9 Monitoring and Reporting

The Council and NMFS must have the best available biological and socioeconomic information with which to carry out their responsibilities for conserving and managing groundfish resources, as well as other fish resources, such as crab, halibut, and salmon, which are incidentally caught in the groundfish fishery. This catch monitoring and reporting information is used for making inseason and inter-season management decisions that affect these resources as well as the fishing industry that utilize them. Information collected from industry reports and through the Observer Program constitutes the standardized reporting methodology for the GOA groundfish fishery. The standardized reporting methodology means established, consistent procedures used to collect, record, and report catch and bycatch in the fisheries. One of the purposes of industry reports and the Observer Program is to collect, record, and report bycatch data in the fisheries that are used to assess the amount of type of bycatch occurring in the fishery and inform the development of conservation and management measures that, to the extent practicable, minimize bycatch and bycatch mortality.

Scientific evaluation of the information that is collected through the Observer Program is used to adjust the sampling plan for observer and electronic monitoring deployment. Monitoring and reporting information is also used to judge the effectiveness of regulations guiding the standardized reporting methodology. The Council will recommend changes to regulations when necessary on the basis of such information

3.9.1 Recordkeeping and Reporting

The Council and NMFS must have the best available biological and socioeconomic information with which to carry out their responsibilities for conserving and managing groundfish resources, as well as other fish resources, such as crab, halibut, and salmon, that are incidentally caught in the groundfish fishery. This information is used for making inseason and inter-season management decisions that affect

these resources as well as the fishing industry that utilize them. This information is also used to judge the effectiveness of regulations guiding these decisions. The Council will recommend changes to regulations when necessary on the basis of such information.

The need for the Council and NMFS to consider the best available information is explicit in the goals and objectives as established by the Council and contained in the FMP. They are also explicit in the Magnuson Stevens Act, Executive Order 12866, the Regulatory Flexibility Act, the National Environmental Policy Act, and other applicable law. The Secretary, therefore, will require segments of the fishing industry to keep and report certain records as necessary to provide the Council and NMFS with the needed information to accomplish these goals and objectives. The Secretary may implement and amend regulations at times to carry out these requirements after receiving Council recommendations to do so, or at other times as necessary to accomplish these goals and objectives. Regulations will be proposed and implemented in accordance with the Administrative Procedure Act, the Magnuson-Stevens Act, and other applicable law.

3.9.1.1 Information on catch and production, effort, and price

In consultation with the Council, the Secretary may require recordkeeping that is necessary and appropriate to determine catch, production, effort, price, and other information necessary for conservation and management of the fisheries. Such requirements may include the use of catch and/or product logs, product transfer logs, effort logs, or other records. The Secretary may require the industry to submit periodic reports or surveys of catch and fishery performance information derived from the logs or other recordkeeping requirements.

Recordkeeping and reporting is required of operators of catcher vessels, catcher/processor vessels, mothership processor vessels, and by responsible officers of shoreside processor plants. Such requirements will be contained in regulations implementing this FMP.

Regulations:

Code of Federal Regulations

Title 50, Part 680—Shellfish Fisheries of the Exclusive Economic Zone of Alaska
e-CFR data is current as of December 2, 2019

§680.2 Definitions.

In addition to the definitions in the Magnuson-Stevens Act, in 50 CFR part 600, and §679.2 of this chapter, the terms used in this part have the following meanings:

Affiliation means a relationship between two or more entities, except for CDQ groups, in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another, or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both. For the purpose of this definition, the following terms are further defined:

(1) Entity. An entity may be an individual, corporation, association, partnership, joint-stock company, trust, or any other type of legal entity, except for a CDQ group, any receiver, trustee in bankruptcy or similar official or liquidating agent, or any organized group of persons whether incorporated or not, that holds direct or indirect interest in:

(i) Quota share (QS), processor quota share (PQS), individual fishing quota (IFQ), or individual processing quota (IPQ); or,

(ii) For purposes of the economic data report (EDR), a vessel or processing plant operating in CR fisheries.

Data collection agent (DCA) means the entity selected by the Regional Administrator to distribute an EDR to a person required to complete it, to receive the completed EDR, to review and verify the accuracy of the data in the EDR, and to provide those data to authorized recipients.

Economic data report (EDR) means the report of cost, labor, earnings, and revenue data for catcher vessels, catcher/processors, shoreside crab processors, and stationary floating crab processors participating in CR fisheries.

§680.4 Permits.

(a) *General information.* Persons participating in the CR fisheries are required to possess the permits described in this section.

(1) *Approval.* Approval of applications under this part may be conditioned on the payment of fees under §680.44 or the submission of an EDR as described under §680.6.

§680.5 Recordkeeping and reporting (R&R).

(a) *General requirements—(1) Recording and reporting crab.* Any CR crab harvested that is retained must be recorded and reported.

(2) *Responsibility.* (i) The participants in the CR fisheries are responsible for complying with the following R&R requirements:

Recordkeeping and reporting report	Person responsible	Reference
(A)
		§680.6.
...

§680.6 Crab economic data report (EDR).

(a) *Requirements.* (1) Any owner or leaseholder of a vessel or processing plant, or a holder of a registered crab receiver permit that harvested, processed, custom processed, or obtained custom processing for CR crab, during a calendar year, must submit a complete Economic Data Report (EDR) by following the instructions on the applicable EDR form.

(2) A completed EDR or EDR certification pages must be submitted to the DCA periodically every 2, 3, or 5 years on or before 1700 hours, A.l.t., July 31 of the following year.

(3) EDR forms for catcher vessels, catcher/processors, shoreside crab processors, and stationary floating crab processors are available on the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov> or the Pacific States Marine Fisheries Commission (PSMFC) Alaska Crab Rational Program Web site at www.psmfc.org/alaska_crab/, or by contacting NMFS at 1-800-304-4846.

(b) *EDR certification pages.* Any person required to submit an periodic every 2, 3, or 5 years EDR under paragraph (a) of this section must submit the EDR certification pages as either:

(1) *Part of the entire EDR.* Persons submitting the completed EDR certification pages as part of the entire EDR must attest to the accuracy and completion of the EDR by signing and dating the certification pages; or

(2) *A separate document.* Persons submitting the completed EDR certification pages only must attest that they meet the conditions exempting them from submitting the entire EDR, by signing and dating the certification pages.

(c) *Catcher vessel crab EDR*—Any owner or leaseholder of a catcher vessel that landed CR crab in the previous calendar year must submit to the DCA, electronically or at the address provided on the form, a completed catcher vessel EDR for data for the previous calendar year.

(d) *Catcher/processor crab EDR*—Any owner or leaseholder of a catcher/processor that harvested or processed CR crab in the previous calendar year must submit to the DCA, electronically or at the address provided on the form, a completed catcher/processor EDR for data for the previous calendar year.

(e) *Stationary floating crab processor (SFCP) and shoreside crab processor EDR*—(1) Any owner or leaseholder of an SFCP or a shoreside crab processor that processed CR crab, including custom processing of CR crab performed for other crab buyers, in the previous calendar year must submit to the DCA, electronically or at the address provided on the form, a completed processor EDR for data for the previous calendar year.

(2) Any holder of a registered crab receiver (RCR) permit that obtained custom processing for CR Program crab in the previous calendar year must submit to the DCA, electronically or at the address provided on the form, a completed processor EDR for data for the previous calendar year.

(f) *Verification of data.* (1) The DCA shall conduct verification of information with the owner or leaseholder.

(2) The owner or leaseholder must respond to inquiries by the DCA within 20 days of the date of issuance of the inquiry.

(3) The owner or leaseholder must provide copies of additional data to facilitate verification by the NMFS or the DCA. NMFS or the DCA may review and request copies of additional data provided by the owner or leaseholder, including but not limited to previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data.

(g) *DCA authorization.* The DCA is authorized to request voluntary submission of economic data specified in this section from persons who are not required to submit an EDR under this section.

1.1 **§680.7 Prohibitions.**

In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(d) Recordkeeping and reporting. (1) Fail to submit information on any report, application, or statement required under this part.

(2) Submit false information on any report, application, or statement required under this part.

Code of Federal Regulations
Title 50, Part 679—Fisheries of the Exclusive Economic Zone of Alaska

§679.2 Definitions.

In addition to the definitions in the Magnuson-Stevens Act and in part 600 of this chapter, the terms used in this part have the following meanings:

Data collection agent (DCA) means the entity selected by the Regional Administrator to distribute an EDR to a person required to complete it, to receive the completed EDR, to review and verify the accuracy of the data in the EDR, and to provide those data to authorized recipients.

Economic data report (EDR) means the report of cost, labor, earnings, and revenue data required under §679.65, §679.94, and §679.110.

§679.7 Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(o) *Amendment 80 Program*—

(8) *Economic data report (EDR)*: Fail to submit a timely and complete EDR as described under §679.94.

§679.91 Amendment 80 Program annual harvester privileges.

(b)(4)(v) *EDR submission*. For 2009 and thereafter, indicate (YES or NO) whether each member of the Amendment 80 cooperative has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under §679.94.

(b)(5) (vi) *EDR submission*. For 2009 and thereafter, indicate (YES or NO) whether the applicant has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under §679.94.

(h)(3)(xi) Are there any special reporting requirements? Yes, the designated representative of the Amendment 80 cooperative must submit an annual Amendment 80 cooperative report as described under §679.5(s). In addition, each member of an Amendment 80 cooperative must submit a timely and complete EDR as described under §679.94.

§679.94 Economic data report (EDR) for the Amendment 80 sector.

(a) Periodically every 2, 3, or 5 years *Amendment 80 Economic Data Report (EDR)*—

(1) *Requirement to submit an EDR*. A person who held an Amendment 80 QS permit during a calendar year must submit a complete periodic, every 2, 3, or 5 years, Amendment 80 EDR for the previous calendar year for each Amendment 80 QS permit held by that person by following the instructions on the Amendment 80 EDR form.

(2) *Deadline.* A completed EDR or EDR certification pages must be submitted as required on the form to NMFS periodically as specified in (a) above, on or before 1700 hours, A.I.t., June 1 of the following year.

(3) *Information required.* The Amendment 80 EDR form is available on the NMFS Alaska Region Web site at www.alaskafisheries.noaa.gov, or by contacting NMFS at 1-800-304-4846.

(4) *EDR certification pages.* Any person required to submit an EDR under paragraph (a)(1) of this section, or their designated representative, if applicable, must submit the EDR certification statement as either:

(i) *Part of the entire EDR.* A person submitting the completed EDR must attest to the accuracy and completion of the EDR by signing and dating the certification portion of the EDR form; or

(ii) *EDR certification only.* A person submitting a completed EDR certification only must attest that they meet the conditions exempting them from submitting the entire EDR as described in the certification portion of the Amendment 80 EDR form and sign and date the certification portion of the EDR form.

(b) *Verification of EDR data.* (1) NMFS or the DCA will conduct verification of information with a person required to submit the Amendment 80 EDR, or if applicable, that person's designated representative.

(2) A person required to submit the Amendment 80 EDR or designated representative, if applicable, must respond to inquiries by NMFS or the designated DCA within 20 days of the date of issuance of the inquiry.

(3) A person required to submit the Amendment 80 EDR or designated representative, if applicable, must provide copies of additional data to facilitate data verification. NMFS or the DCA, may review and request copies of additional data provided by the person required to submit the Annual Trawl Catcher/Processor EDR form or designated representative, if applicable, including but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted in an Trawl Catcher/Processor EDR form.

§679.110 Gulf of Alaska Trawl Economic Data Reports (EDRs).

(a) *Requirements to submit an EDR—(1) GOA Trawl Catcher Vessels.* The owner or leaseholder of any vessel who is named on a Limited License Program (LLP) groundfish license that authorizes a catcher vessel using trawl gear to harvest LLP groundfish species in the GOA must submit a complete periodic (every 2, 3, or 5 years) Trawl Catcher Vessel Economic Data Report (EDR) for that calendar year by following the instructions on the Trawl Catcher Vessel EDR form.

(2) *GOA Shoreside Processors and Stationary Floating Processors.* The owner or leaseholder of a shoreside processor or stationary floating processor with a Federal Processor Permit (FPP) that processes groundfish caught by vessels fishing with trawl gear in the GOA must submit a complete periodic (every 2, 3, or 5 years) Shoreside Processor Economic Data Report (EDR) for that calendar year by following the instructions on the Shoreside Processor EDR form.

(3) *Annual Trawl Catcher/Processor Economic Data Report (EDR)*. The owner or leaseholder of a vessel that is named on a Limited License Program (LLP) groundfish license that authorizes a Catcher/Processor using trawl gear to harvest and process LLP groundfish in the GOA must submit a complete periodic (every 2, 3, or 5 years) Trawl Catcher/Processor EDR as described at §679.94 for the previous calendar year.

(b) *Deadline*. A completed EDR or EDR certification page for:

(1) The periodic (every 2, 3, or 5 years) Trawl Catcher Vessel EDR or the Annual Shoreside Processor EDR must be submitted to the DCA for each calendar year on or before 1700 hours, A.I.t., June 1 of the following year, or

(2) The periodic (every 2, 3, or 5 years) Trawl Catcher/Processor EDR must be submitted to NMFS as required at §679.94(a)(2).

(c) *Information required*. The periodic (every 2, 3, or 5 years) Trawl Catcher Vessel EDR, periodic (every 2, 3, or 5 years) Shoreside Processor EDR, and periodic (every 2, 3, or 5 years) Trawl Catcher/Processor EDR forms are available on the NMFS Alaska Region Web site at www.alaskafisheries.noaa.gov, or by contacting NMFS at 1-800-304-4846.

(d) *EDR certification*. A person required to submit an EDR under paragraph (a) of this section, or the designated representative, if applicable, must submit the EDR certification statement as either:

(1) *Part of the entire EDR*. A person submitting the applicable EDR form must attest to the accuracy and completion of the EDR by signing and dating the certification portion of the applicable EDR form; or

(2) *EDR certification only*. A person submitting a completed EDR certification only must attest that they meet the conditions exempting them from submitting the entire EDR as described in the certification portion of the applicable EDR form and sign and date the certification portion of the form.

(e) *Verification of EDR data*. (1) NMFS, the DCA will conduct verification of information with a person required to submit the applicable EDR, or if applicable, that person's designated representative.

(2) The person required to submit the applicable EDR or designated representative, if applicable, must respond to inquiries by NMFS, the designated DCA within 20 days of the date of issuance of the inquiry.

(3) The person required to submit the applicable EDR or designated representative, if applicable, must provide copies of additional data to facilitate data verification. NMFS and the DCA may review and request copies of additional data provided by the person required to submit the applicable EDR form or designated representative, if applicable, including but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted in an EDR form.

(f) *DCA authorization*. Except for EDR data submitted as required under §679.94(a), the DCA is authorized to release unaggregated EDR data to authorized data users in blind data format only.

§679.65 Bering Sea Chinook Salmon Bycatch Management Program Economic Data Report (Chinook salmon EDR program).

(a) *Requirements.* NMFS developed the regulations under this section to implement the Chinook salmon EDR program. Additional regulations that implement specific portions of the Chinook salmon EDR program are set out under paragraphs (a)(1) through (4) of this section:

(1) *Daily fishing logbook* (DFL), catcher vessel trawl gear. See §679.5(c)(4).

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

(3) *IPA Annual Report.* See §679.21(f)(13).

(4) *AFA cooperative annual reporting requirement.* See §679.61(f)(2).

(b) *Chinook salmon PSC Compensated Transfer Report (CTR).* (1) An owner or leaseholder of an AFA-permitted vessel and the representative of any entity that received an allocation of Chinook salmon PSC from NMFS must submit a CTR, Part 1, periodic (every 2, 3, or 5 years) , for the previous calendar year.

(2) Any person who transferred Chinook salmon PSC allocation after January 20, and paid or received money for the transfer, must submit a completed CTR (Part 1 and Part 2) periodically (every 2, 3, or 5 years) for the previous calendar year.

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

(4) Beginning in 2013, and periodically (every 2, 3, or 5 years) thereafter, the completed CTR for the previous calendar year must be submitted electronically on or before 1700, A.I.t., on June 1, following the instructions on the form.

(c) *Vessel Fuel Survey.* (1) An owner or leaseholder of an AFA-permitted vessel must submit all completed Vessel Fuel Surveys for each vessel used to harvest pollock in the Bering Sea periodically (every 2, 3, or 5 years) (2) The Vessel Fuel Survey is available through the Internet on the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at (206) 526-6414.

(3) The owner or leaseholder periodically (every 2, 3, or 5 years) must submit a completed Vessel Fuel Survey, electronically on or before 1700, A.I.t., on June 1, 2013, and periodically thereafter, following the instructions on the form.

(d) *Vessel Master Survey.* (1) For any AFA-permitted vessel used to harvest pollock in the Bering Sea in the previous periodically specified year:

(i) The vessel master must complete the Vessel Master Survey, and the Vessel Master certification following the instructions on the form.

(ii) An owner or leaseholder must complete the Vessel owner certification following instructions on the form.

(iii) An owner or leaseholder must submit all Vessel Master Surveys, and each Vessel owner certification electronically on or before 1700, A.I.t., on June 1, 2013, and periodically thereafter, following the instructions on the form.

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

(e) *Chinook salmon EDR verification and audit procedures.* NMFS or the designated data collection agent (DDCA) will conduct verification of Chinook salmon EDR information with the persons identified at §679.65(b)(1), (b)(2), (c)(1), (d)(1)(i), and (d)(1)(ii).

(1) The persons identified at §679.65(b)(1), (b)(2), (c)(1), (d)(1)(i), and (d)(1)(ii) must respond to inquiries by NMFS and its DDCA for purposes of the CTR, within 20 days of the date of issuance of the inquiry.

2) The persons identified at §679.65(b)(1) and (b)(2) must provide copies of additional data to facilitate verification by NMFS and its DCA for purposes of the CTR. These paper or electronic copies may include, but are not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted.