

**SUPPORTING STATEMENT
ALASKA REGION AMENDMENT 80 PERMITS AND REPORTS
OMB CONTROL NO.: 0648-xxxx**

INTRODUCTION

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) primarily would allocate several Bering Sea and Aleutian Islands Management Area (BSAI) non-pollock trawl groundfish fisheries among fishing sectors, and facilitate the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector (hereinafter the “Program”). The Program would establish a limited access privilege program (LAPP) for the non-AFA trawl catcher/processor sector. This proposed action is necessary to increase resource conservation and improve economic efficiency for harvesters who participate in the BSAI groundfish fisheries.

This action would provide participants with a management system that allows for improved efficiency by providing an environment in which revenues can be increased and operating costs can be reduced. Depending on the magnitude of these potential efficiency gains and the costs of bycatch reduction, increases in efficiency could be used to cover the costs of bycatch reduction measures or provide additional benefits to participants.

Perhaps most importantly, the proposed management would apply retention standards on an aggregate basis to all activities of a cooperative, allowing participants within the cooperative to coordinate fishing and retention practices across the cooperative to meet the retention requirements.

This action is a request for a new collection-of-information for Amendment 80 permits and reports. Implementing regulations may be found at [50 CFR part 679](#).

Several pieces of legislation affect various aspects of the eligibility to participate in the Program and the amount of total allowable catch that is available to be allocated to the Program. Specifically, eligibility and allocation criteria of the Program are affected by:

- The Magnuson-Stevens Fishery Conservation and Management Act, 18 U.S.C. 1801 *et seq.* ([Magnuson-Stevens Act](#)), as amended by Public Law 109-479, modified provisions related to the Western Alaska Community Development Quota (CDQ) Program and instituted other measures applicable to LAPP programs.

- Section 219 of the Consolidated Appropriations Act of 2005 ([Public Law No. 108-447; December 8, 2004](#)) defined the Amendment 80 sector and implemented the Capacity Reduction Program (CRP).

- Section 416 of the Coast Guard and Maritime Transportation Act of 2006 ([Public Law No. 109-241](#); July 11, 2006) amended provisions of the CDQ Program in the Magnuson-Stevens Act.

A. JUSTIFICATION

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

The eligibility criteria for the non-AFA trawl catcher/processor sector were determined by Congress in the provisions of the BSAI catcher/processor Capacity Reduction Program (CRP). In order to qualify for the sector, a license holder must have trawl and catcher/processor endorsements on their License Limitation Program (LLP) license and must own a vessel that caught and processed 150 metric tons of groundfish with trawl gear between 1997 and 2002.

Licenses and vessels used to qualify for the Program (either to be included in the non-AFA trawl catcher/processor sector or to be used in Amendment 80 cooperative formation) are restricted from being used outside of the Amendment 80 sector, except that any eligible vessel authorized to fish pollock under the AFA would still be authorized to fish under this statute. Under the proposed provisions of the Program, non-AFA trawl catcher/processor vessel operators could choose to either:

- Form harvesting cooperatives that could receive an exclusive annual harvest privilege of specific groundfish species; or
- Fish in a limited access fishery comprised of fishery participants that choose not to join a cooperative.

Fishery participants that join a cooperative would receive an exclusive harvest privilege not subject to harvest by other vessel operators; could consolidate fishing operations on a specific vessel or subset of vessels, thereby reducing monitoring and enforcement and other operational costs; and harvest fish in a more economically efficient and less wasteful manner.

Sixty-four trawl LLP licenses are designated as catcher/processors that are endorsed for the BSAI. Twenty of these licenses are currently registered to AFA trawl catcher/processors operating in the BSAI. The remaining 44 trawl catcher/processor licenses are either currently registered to non-AFA trawl catcher/processors that currently operate in the BSAI and/or Gulf of Alaska (GOA) or they are registered to other vessels but are not being used in either area. Of the 44 non-AFA trawl catcher/processor licenses, 22 also have GOA endorsements.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

a. Application for Amendment 80 cooperative and cooperative quota (CQ) Permit issuance

National Marine Fisheries Service (NMFS) would enforce violations of an Amendment 80 cooperative jointly and severally on the members of the cooperative. Each member of an Amendment 80 cooperative would be jointly and severally liable for any violations of the Program regulations while fishing under authority of a CQ permit. This liability could extend to any persons who are hired to catch or receive CQ assigned to an Amendment 80 cooperative. Each member of an Amendment 80 cooperative would be responsible for ensuring that all

members of the cooperative comply with all regulations applicable to fishing under the Program. Joint and several liability encourages better compliance by ensuring that members of an Amendment 80 cooperative would not be immune from legal responsibility from violations of the regulations that would directly benefit them.

Quota share (QS) holders wishing to form an Amendment 80 cooperative must submit an annual application for CQ to ensure that NMFS knows prior to the fishing year how much CQ to assign to each cooperative, how much of the Amendment 80 species Initial Total Allowable Catch (ITAC) is assigned to the Amendment 80 limited access fishery, and which vessels must be tracked to properly account for all catch. This application is also used to review ownership and control information for various QS holders to ensure that QS and CQ use caps are not exceeded.

The application for CQ must be received by NMFS not later 5:00 p.m., Alaska local time, on November 1 of the year prior to fishing under the CQ permit to be considered timely. The cooperative must designate an individual to be responsible for submitting the CQ application on behalf of all the members. If the designated representative for the cooperative were to fail to submit a timely application for CQ, the members of the cooperative would not be permitted to assign their QS permits, any associated Amendment 80 vessels, or any Amendment 80 LLP licenses, to another Amendment 80 cooperative or the Amendment 80 limited access fishery for the following year. This requirement would encourage all participants in the Amendment 80 sector to complete an application, and avoid actions that could delay the issuance of CQ or the Amendment 80 limited access fishery ITAC.

The application for CQ may be submitted to NMFS by mail, fax, or in person.

By mail to: Regional Administrator, NMFS
Restricted Access Management Program (RAM)
P.O. Box 21668,
Juneau, AK 99802-1668

By fax to: (907) 586-7354.

Forms are available through the Internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>, or by contacting NMFS at (800) 304-4846, Option 2.

Application for Amendment 80 cooperative and CQ Permit issuance

Block A -- Cooperative identification.

Cooperative's legal name
Type of business entity under which the Amendment 80 Cooperative is organized
State in which the Amendment 80 Cooperative is legally registered as a business entity
Permanent business address
Business telephone number, business fax number, and e-mail address (if available)
Printed name and signature of Amendment 80 designated representative and date signed

Block B – Members of the Amendment 80 Cooperative

Amendment 80 QS Permit Holder and Ownership Documentation

Full name and NMFS Person ID of all members of the Amendment 80 cooperative
Amendment 80 QS Permit Number(s)
Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS Permit Number(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS Permit(s).

Block C – Identification of Amendment 80 cooperative member vessels and Amendment 80 LLP licenses

Amendment 80 vessel name
Alaska Department of Fish and Game (ADF&G) vessel registration No.
United States Coast Guard (USCG) documentation number
Amendment 80 LLP licenses held by all members of the Amendment 80 Cooperative.

Block D -- Identification of vessels on which the CQ issued to the Amendment 80 Cooperative will be used

Amendment 80 vessel name
ADF&G vessel registration No.
USCG documentation number

Block E – Economic Data Report (EDR) submittal

Indicate (YES or NO) whether the each member of the Amendment 80 cooperative submitted a timely and complete EDR for each Amendment 80 QS permit held by that person

Block F – Certification of cooperative authorized representative

Printed name and signature of Cooperative authorized representative and date signed
Attach explicit authorization to complete the application on behalf of the members of the cooperative

| Application for Amendment 80 cooperative and CQ permit, Respondent | |
|---------------------------------------------------------------------------|---------------|
| Number of respondents | 44 |
| Total annual responses | 44 |
| Number responses per respondent = 1/yr | |
| Total burden hours | 88 |
| Time per response = 2 hr | |
| Total personnel cost (\$25/hr) | \$2200 |
| Total miscellaneous costs | \$123 |
| Postage (0.39 x 22 = 8.58) | |
| Photocopy cost (0.05 x 2 x 44 = 4.40) | |
| FAX cost (\$5 x 22 = 110) | |

| Application for Amendment 80 cooperative and CQ permit, Federal Government | |
|-----------------------------------------------------------------------------------|--------------|
| Total annual responses | 44 |
| Total burden hours | 22 |
| Time per response = 0.50 | |
| Total personnel cost (\$25/hr) | \$550 |
| Total miscellaneous cost | 0 |

b. Application for Amendment 80 QS

A person would be required to submit an application for Amendment 80 QS in order to receive Amendment 80 QS initially. NMFS would require an application to ensure that QS is assigned to the appropriate persons, and to provide a process for resolving claims for legal landings that are contrary to the official record. Once a person submits an application for QS that is approved by NMFS, that person would not need to resubmit an application for QS in future years.

Unlike other LAPPs (e.g., Central GOA Rockfish Program) that provided only a single application period to receive QS after which no additional applications would be accepted by NMFS, NMFS would accept applications for Amendment 80 QS on an annual basis. This change is necessary to accommodate the specific statutory language in the CRP that does not grant NMFS the authority to permanently deny eligibility to participate in the Program for failure to meet an application deadline.

NMFS would mail an application package to all potentially eligible Amendment 80 vessel owners and Amendment 80 LLP holders based on the address on record at the time the application period opens. Interested persons also could contact NMFS to request an application

package. Application forms are available through the internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>, or by contacting NMFS at 800-304-4846, Option 2. A completed application for Amendment 80 QS must be received by NMFS no later than 1700 hours A.I.t. on October 15 of the year prior to the fishing year for which the applicant is applying, or if sent by U.S. mail, postmarked by that time. Applications received or postmarked after the deadline will not be eligible to receive an Amendment 80 QS permit for the upcoming fishing year. The application could be submitted by:

Mail: Regional Administrator, NMFS
c/o Restricted Access Management Program
P.O. Box 21668
Juneau, AK 99802-1668

Fax: 907-586-7354; or

Hand delivery or carrier: NMFS, Room 713, 709 West 9th Street, Juneau, AK 99801

Although a person could apply to receive Amendment 80 QS by October 15 of the following year if they missed the application deadline for the previous year(s), once NMFS approves an application for QS, it would not need to be resubmitted annually.

Once an Amendment 80 QS permit is issued, the QS units assigned to that QS permit would remain with that QS permit and could not be severed or otherwise be transferred independently from the rest of the QS permit. The Amendment 80 QS permit would be issued to the person identified in an approved application for QS. In most cases, the person receiving the QS would be the Amendment 80 vessel owner.

Application for Amendment 80 QS

Applicant identification.

Applicant's name and NMFS person ID

Permanent business mailing address,

Business telephone number, business fax number, and e-mail address (if available);

Indicate (YES or NO) if the applicant is a U.S. citizen; if YES, enter his or her date of birth;

Indicate (YES or NO) if the applicant is a U.S. corporation, partnership, association, or other business entity; if YES, enter the date of incorporation;

Indicate (YES or NO) if the applicant is a successor-in-interest to a deceased individual or to a non-individual no longer in existence, if YES attach evidence of death or dissolution;

Indicate whether the applicant is applying as the owner of an Amendment 80 vessel or the holder of an Amendment 80 LLP license originally assigned to an Amendment 80 vessel;

For an applicant claiming Amendment 80 legal landings associated with an Amendment 80 vessel, enter the following information for each Amendment 80 vessel:

USCG documentation number of vessel on which Amendment 80 legal landings were caught and processed,

Vessel name, ADF&G vessel registration number, and LLP license held by that person at the time of application;

If an Amendment 80 vessel has suffered an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108, provide clear and unambiguous documentation in written form that the Amendment 80 vessel has suffered an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108; and

If applicable, a copy of the express terms of a written contract held by the applicant that clearly and unambiguously indicates that the owner of the Amendment 80 vessel that has suffered has an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108 has transferred all rights and privileges to use Amendment 80 legal landings and any

resulting Amendment 80 QS or exclusive harvest privilege from that Amendment 80 vessel to the person holding the Amendment 80 LLP license originally assigned to that Amendment 80 vessel.

Applicant signature and certification.

Applicant printed name and signature and date signed
 If application is completed by a designated representative, attach authorization

| Application for Amendment 80 Quota Share (QS), Respondent | |
|------------------------------------------------------------------|---------------|
| Number of respondents | 28 |
| Total annual responses | 28 |
| Number responses per respondent = 1 | |
| Total burden hours | 56 |
| Time per response = 2 hr | |
| Total personnel cost (\$25/hr) | \$1400 |
| Total miscellaneous costs (133.58) | \$134 |
| Postage (0.39 x 2 = 0.78) | |
| Photocopy cost (0.05 x 2 x 28 = 2.80) | |
| FAX cost (\$5 x 26 = 130) | |

| Application for Amendment 80 QS, Federal Government | |
|------------------------------------------------------------|--------------|
| Total annual responses | 28 |
| Total burden hours | 14 |
| Time per response = 0.50 | |
| Total personnel cost (\$25/hr) | \$350 |
| Total miscellaneous cost | 0 |

c. Application for an Amendment 80 limited access fishery

The BSAI trawl limited access sector describes fisheries conducted in the BSAI by persons using trawl gear and who are not:

- Using an Amendment 80 vessel or an Amendment 80 LLP license; or
- Fishing for CDQ groundfish.

An Amendment 80 limited access fishery permit is required for an Amendment 80 QS holder to catch, process, and receive Amendment 80 species assigned to the Amendment 80 limited access fishery, or use halibut and crab, Pacific Salmon Commission (PSC) assigned to the Amendment 80 limited access fishery. An Amendment 80 limited access fishery permit is issued annually to an Amendment 80 QS holder who has submitted:

- A timely and complete application for the Amendment 80 limited access fishery as described at § 679.91(b)(4) that is approved by NMFS; and
- A timely and complete EDR for all Amendment 80 QS permits held by that person as described under § 679.94.

An Amendment 80 limited access fishery permit is valid until whichever of the following occurs first:

- Until the end of the year for which the Amendment 80 limited access fishery permit is issued; or
- Until the permit is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904.

A legible copy of the Amendment 80 limited access fishery permit must be carried onboard an Amendment 80 vessel assigned to the Amendment 80 limited access fishery when fishing in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season.

This application may be submitted:

By mail to: Regional Administrator, NMFS
 Restricted Access Management Program
 P.O. Box 21668
 Juneau, AK 99802-1668

By fax to: (907) 586-7354.

Forms are available through the Internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>, or by contacting NMFS at: 800-304-4846, Option 2.

Application for an Amendment 80 limited access fishery

Block A – Applicant identification.

Applicant's name and NMFS person ID
 Permanent business mailing address
 Business telephone number, fax number, and e-mail address

Block B -- Amendment 80 Vessel identification.

Name, ADF&G vessel registration number, and USCG documentation number of the vessel owned by applicant

Block C – Amendment 80 LLP identification

Amendment 80 LLP license number held by the applicant

Block D – Amendment 80 QS permit information

Amendment 80 QS permit number held by the applicant

Block E -- Amendment 80 QS ownership documentation.

Provide the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit held by the applicant and the percentage ownership each person and individual holds in the Amendment 80 QS permit

Block F – EDR Submission

Indicate (YES or NO) whether the applicant has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person

Block G -- Applicant certification.

Applicant printed name, signature, and date signed.
 If completed by authorized representative, attach authorization

| Application for an Amendment 80 limited access fishery, Respondent | |
|---------------------------------------------------------------------------|---------------|
| Number of respondents | 44 |
| Total annual responses | 44 |
| Number responses per respondent = 1/yr | |
| Total burden hours | 88 |
| Time per response = 2 hr | |
| Total personnel cost (\$25/hr) | \$2200 |
| Total miscellaneous costs | \$123 |
| Postage (0.39 x 22 = 8.58) | |
| Photocopy cost (0.05 x 2 x 44 = 4.40) | |
| FAX cost (\$5 x 22 = 110) | |

| Application for an Amendment 80 limited access fishery, Federal Government | |
|-----------------------------------------------------------------------------------|--------------|
| Total annual responses | 44 |
| Total burden hours | 22 |
| Time per response = 0.50 | |
| Total personnel cost (\$25/hr) | \$550 |
| Total miscellaneous cost | 0 |

d. Application to Transfer Amendment 80 QS

Quota share would be the basis for the annual calculation of the amount of fish that may be harvested or used if those QS were assigned to an Amendment 80 cooperative. Once an Amendment 80 QS permit is assigned to a person, it would authorize that QS holder to fish in the Amendment 80 sector. On an annual basis a QS holder could choose either to assign that QS to a cooperative with other eligible QS holders, or assign that QS to the Amendment 80 limited access fishery.

Once issued, QS assigned to a specific Amendment 80 vessel or to an Amendment 80 LLP license originally assigned to an Amendment 80 vessel could only be transferred in its entirety. The Program would not allow an Amendment 80 QS permit to be subdivided once allocated. The Program is designed to allow Amendment 80 vessel owners to form cooperatives and receive annual harvest privileges.

Rather than allowing an Amendment 80 QS permit to be subdivided, participants could form Amendment 80 cooperatives and transfer the annual CQ among the cooperatives. Subdivision of QS would counter the clear intent of the Program to maintain a fixed number of Amendment 80 QS permits and to encourage QS holders to form cooperative harvest arrangements to meet specific harvesting goals.

Methods for transferring QS.

NMFS would approve all transfers of QS to properly track ownership and use cap accounting. Once issued, QS could be transferred in one of three ways:

1. An Amendment 80 vessel owner assigned QS could transfer (i.e., sell) the Amendment 80 vessel and the QS assigned to that Amendment 80 vessel to another person eligible to own a U.S. fishing vessel (i.e., document that Amendment 80 vessel under Maritime Administration (MARAD) regulations);

2. Upon the actual loss, total constructive loss, or permanent ineligibility of an Amendment 80 vessel assigned QS, the Amendment 80 vessel owner may transfer the QS to the LLP license originally issued for that Amendment 80 vessel (see Table 1 in the proposed regulatory text for a list of those LLP licenses); or

3. An Amendment 80 LLP license with QS assigned to it may be transferred to another person through the existing LLP transfer provisions described in regulations at 50 CFR 679.4(k)(7).

Assigning an Amendment 80 QS permit to an Amendment 80 LLP license.

Although the Capacity Reduction Program (CRP) has defined which vessels and persons may fish in the Amendment 80 sector, the CRP does not restrict NMFS' ability to assign QS to persons other than Amendment 80 vessel owners. During the development of the Program, the Council recommended that QS could be transferred to the LLP license originally issued for that vessel, if a vessel were lost or permanently ineligible to be used. Using the terms in the LLP, all Amendment 80 vessels, except the F/V ENTERPRISE, were originally qualifying vessels that gave rise to an LLP license endorsed for trawl gear in the BSAI with a catcher/processor designation. However, since the implementation of the LLP in 2000, the F/V ENTERPRISE has fished under the authority of one LLP license (LLP license number LLG 4831). For purposes of applying this provision, NMFS would permit the transfer of an Amendment 80 QS permit assigned to the owner of the F/V ENTERPRISE to LLG 4831 should the F/V ENTERPRISE be lost, or otherwise become permanently ineligible to participate in the BSAI fisheries.

An Amendment 80 harvester holding an Amendment 80 QS permit may transfer all Amendment 80 QS units on that Amendment 80 QS permit to the Amendment 80 LLP license originally assigned to that Amendment 80 vessel only by submitting an Application to transfer an Amendment 80 LLP permit. If transferring Amendment 80 QS from an Amendment 80 QS permit to the Amendment 80 LLP license originally assigned for the Amendment 80 vessel from which that Amendment 80 QS permit was derived, clear and unambiguous written documentation must be attached from which NMFS can verify that the Amendment 80 vessel for which that Amendment 80 LLP license was originally assigned is no longer able to be used in the Program due to the actual total loss, constructive total loss, or permanent ineligibility of that vessel.

The authorized representative must submit the application by one of the following methods:

By mail to: Regional Administrator, NMFS
 Restricted Access Management Program
 P.O. Box 21668
 Juneau, AK 99802-1668

By fax to: (907) 586-7354.

Forms are available through the Internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>, or by contacting NMFS at: 800-304-4846, Option 2.

Application to Transfer Amendment 80 QS

Indicate (YES or NO) whether the transferor is applying to transfer an Amendment 80 QS permit to another person;

Indicate (YES or NO) whether the transferor is applying to transfer Amendment 80 QS from an Amendment 80 QS permit to the Amendment 80 LLP license originally issued for the Amendment 80 vessel from which the Amendment 80 QS permit was derived

Indicate the Amendment 80 QS permit number to be transferred.

Transferor information.

- Name and NMFS person ID (if applicable)
- Date of incorporation or date of birth
- Permanent business mailing address, business telephone number, fax number, and e-mail address (if available)

If transferring an Amendment 80 QS permit to another person, attach abstract of title or USCG documentation which clearly and unambiguously indicates that the Amendment 80 QS transferee is named on the abstract of title or USCG documentation as the owner of the Amendment 80 vessel from which that Amendment 80 QS permit was derived.

If transferring Amendment 80 QS from an Amendment 80 QS permit to the Amendment 80 LLP license originally issued for the Amendment 80 vessel from which that Amendment 80 QS permit was derived, provide clear and unambiguous written documentation that can be verified by NMFS that the Amendment 80 qualified vessel for which that Amendment 80 LLP license was originally issued is no longer able to be used in the Amendment 80 Program due to the actual loss, constructive total loss, or permanent ineligibility of that vessel. a

Certification of transferor.

Transferor signature, printed name, and date signed.

Transferee information.

- Name and NMFS person ID
- Date of incorporation or date of birth
- Permanent business mailing address
- Business telephone number, fax number, and e-mail (if available)

Certification of transferee

Transferee signature, printed name, and date signed.

| Application to Transfer Amendment 80 QS, Respondent | |
|------------------------------------------------------------|--------------|
| Number of respondents | 15 |
| Total annual responses | 15 |
| Number responses per respondent = 1/yr | |
| Total burden hours | 30 |
| Time per response = 2 hr | |
| Total personnel cost (\$25/hr) | \$750 |
| Total miscellaneous costs | \$43 |
| Postage (0.39 x 7 = 2.73) | |
| Photocopy cost (0.05 x 15 = 0.75) | |
| FAX cost (\$5 x 8 = 40) | |

| Application to Transfer Amendment 80 QS, Federal Government | |
|--------------------------------------------------------------------|--------------|
| Total annual responses | 15 |
| Total burden hours | 8 |
| Time per response = 0.50 | |
| Total personnel cost (\$25/hr) | \$200 |
| Total miscellaneous cost | 0 |

e. Application for Transfer of Amendment 80 Cooperative Quota (CQ)

Amendment 80 cooperatives may transfer CQ during a calendar year with the following restrictions:

- An Amendment 80 cooperative may only transfer CQ to another Amendment 80 cooperative;
- An Amendment 80 cooperative may only receive CQ from another Amendment 80 cooperative; and
- An Amendment 80 cooperative receiving Amendment 80 species CQ by transfer must assign that Amendment 80 species CQ to a member(s) of the Amendment 80 cooperative for the purposes of use caps calculation as established under § 679.92(a).
A completed application may be submitted to NMFS:

By mail to: NMFS Alaska Region, Restricted Access Management,
P.O. Box 21668, Juneau, AK 99802-1668.

Application for CQ transfer

Identification of transferor

- Name and NMFS Person ID of transferor
- Name of transferor’s designated representative
- Permanent business mailing address (and temporary mailing address if appropriate)
- Business telephone number, business fax number, and e-mail address (if available)

Identification of transferee

- Name and NMFS Person ID of transferee
- Name of transferee’s designated representative
- Permanent business mailing address (and temporary mailing address if appropriate)
- Business telephone number, business fax number, and e-mail address (if available)

CQ to be transferred

- Type and amount of Amendment 80 species or Amendment 80 PSC CQ to be transferred.

Identification of Amendment 80 cooperative member

- Name and NMFS Person ID of the member(s) of the receiving Amendment 80 cooperative to whose use cap Amendment 80 species CQ will be applied,
- Amount of Amendment 80 species CQ applied to each member, for purposes of applying Amendment 80 species use caps established under the Amendment 80 Program

Certification of transferor

- Transferor’s designated representative signature, printed name, and date signed
- Attach representative’s authorization

Certification of transferee

- Transferee’s designated representative signature, printed name, and date signed
- Attach representative’s authorization

| Application for CQ Transfer, Respondent | |
|------------------------------------------------|--------------|
| Number of respondents | 5 |
| Total annual responses | 5 |
| Number responses per respondent = 1/yr | |
| Total burden hours | 10 |
| Time per response = 2 hr | |
| Total personnel cost (\$25/hr) | \$125 |
| Total miscellaneous costs | \$2 |
| Postage (0.39 x 5 = 1.95) | |
| Photocopy cost (0.05 x 2 x 5 = 0.50) | |

| Application for CQ Transfer, Federal Government | |
|--------------------------------------------------------|-------------|
| Total annual responses | 5 |
| Total burden hours | 3 |
| Time per response = 0.50 | |
| Total personnel cost (\$25/hr) | \$75 |
| Total miscellaneous cost | 0 |

f. Amendment 80 cooperative catch report

An operator of an Amendment 80 vessel that is permitted to receive fish harvested under the Amendment 80 Program must submit to the Regional Administrator an Amendment 80 cooperative catch report detailing each cooperative’s delivery and discard of fish by 1200 hours, A.l.t. one week after the date of completion of delivery.

The Amendment 80 cooperative catch report may be submitted to NMFS by:

By mail: Sustainable Fisheries, P.O. Box 21668 Juneau, AK 99802-1668; or
 By fax: (907) 586-7131.

Amendment 80 cooperative catch report

- CQ Permit number
- ADF&G vessel registration number(s) of vessel(s) delivering catch
- Federal fisheries permit or Federal processor permit number of processor receiving catch
- Date delivery completed
- Amount of fish (in metric tons) delivered, plus weight of at-sea discards.

| Amendment 80 cooperative catch report, Respondent | |
|----------------------------------------------------------|-----------------|
| Number of respondents | 44 |
| Total annual responses | 880 |
| Number responses per respondent = 20 | |
| Total burden hours | 440 |
| Time per response = 0.50 hr | |
| Total personnel cost (\$25/hr) | \$11,000 |
| Total miscellaneous costs | \$2266 |
| Photocopy cost (0.05 x 880 = 44) | |
| FAX cost (\$5 x 440 = 2200) | |
| Electronic file submittal (0.05 x 440 = 22) | |

| Amendment 80 cooperative catch report, Federal Government | |
|------------------------------------------------------------------|---------------|
| Total annual responses | 880 |
| Total burden hours | 220 |
| Time per response = 0.25 | |
| Total personnel cost (\$25/hr) | \$5500 |
| Total miscellaneous cost | 0 |

g. Annual Amendment 80 cooperative report

An Amendment 80 cooperative permitted in the Amendment 80 Program (see § 679.4(o)(2)) annually must submit to the Regional Administrator an annual Amendment 80 cooperative report detailing the use of the cooperative’s CQ.

The annual reports will require cooperative members (all large entities) to increase the amount of time spent fulfilling their reporting requirements. The first year of the program is expected to require the most time. After a good working template is developed for the annual report, members will only need to update the information. Updating the reports is anticipated to be less time consuming than creating the first reports. Reporting requirements will apply to any company that is a member of the cooperative, and it is the responsibility of the collective cooperative membership to ensure that the reports are submitted in a timely and accurate fashion. Additional recordkeeping requirements may be needed by individual firms. If firms do not currently record information that is requested in the annual report, those firms will need to add that information their records. Those firms that already record the data will not have additional requirements.

It is not possible to determine which firms will be most impacted by the requirements, since the information each firm collects is based on what they need to operate their business and the current reporting requirements. Any additional reporting requirements will apply to both small and large entities that join a cooperative. Each firm will know the reporting requirements that they are expected to meet if they join a cooperative. Any firm joining a cooperative will know these requirements and it is assumed that the benefits from cooperative membership outweigh the costs imposed by the new recordkeeping and reporting requirements.

The annual Amendment 80 cooperative report must be submitted to the Regional Administrator:
 by an electronic data file in a NMFS-approved format
 by fax: (907) 586-7557; or
 by mail to the Regional Administrator, NMFS Alaska Region, P.O. Box 21668,
 Juneau, AK 99802-1668; and

The annual Amendment 80 cooperative report must be received by the Regional Administrator by March 1st of each year for fishing activities in the prior calendar year.

Annual Amendment 80 cooperative report

The cooperative’s CQ, sideboard limit (if applicable), and any sideboard fishery harvests made by the Amendment 80 cooperative vessels on a vessel-by-vessel basis;

The cooperative’s actual retained and discarded catch of CQ, and sideboard limit (if applicable) by statistical area and vessel-by-vessel basis;

A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated; and

A description of any actions taken by the cooperative in response to any members that exceeded their catch as allowed under the Amendment 80 cooperative agreement.

| Annual Amendment 80 cooperative report, Respondent | |
|-----------------------------------------------------------|---------------|
| Number of respondents | 44 |
| Total annual responses | 44 |
| Number responses per respondent = 1 | |
| Total burden hours | 176 |
| Time per response = 4 hr | |
| Total personnel cost (\$25/hr) | \$4400 |
| Total miscellaneous costs | \$39 |
| Postage (0.39 x 44 = 17.16) | |
| Photocopy cost (0.05 x 10 pg x 44 = 22) | |

| Annual Amendment 80 cooperative report, Federal Government | |
|-------------------------------------------------------------------|---------------|
| Total annual responses | 44 |
| Total burden hours | 88 |
| Time per response = 2 hr | |
| Total personnel cost (\$25/hr) | \$2200 |
| Total miscellaneous cost | 0 |

h. Appeals

An Amendment 80 qualified vessel owner or Amendment 80 LLP license holder who believes that NMFS has incorrectly identified his or her vessel or LLP license as meeting the criteria for a sideboard limitation may make a contrary claim and provide evidence to NMFS. All claims must be submitted in writing to the RAM Program, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, together with any documentation or evidence supporting the request within 30 days of being notified by NMFS of the sideboard limitation. If NMFS finds the claim is unsupported, the claim will be denied in an Initial Administrative Determination (IAD). The affected persons may appeal this IAD using the procedures described at § 679.43.

The Regional Administrator will evaluate applications received and compare all claims in an application with the information in the official Amendment 80 record. Application claims that are consistent with information in the official Amendment 80 Program record will be approved by the Regional Administrator. Application claims that are inconsistent with the official Amendment 80 record, unless verified by documentation, will not be approved. An applicant who submits an inconsistent claim or an applicant who fails to submit the specified information will be provided a single 30-day evidentiary period in which to submit the specified information, submit evidence to verify his or her inconsistent claims, or submit a revised application with claims consistent with information in the official Amendment 80 record.

An applicant who submits a claim that is inconsistent with information in the official Amendment 80 record has the burden of proving that the submitted claims are correct. Any claim that remains inconsistent or that is not accepted after the 30-day evidentiary period will be denied, and the applicant will be notified by an IAD of his or her appeal rights under § 679.43.

| Appeals, Respondent | |
|-----------------------------------------|--------------|
| Number of respondents | 2 |
| Total annual responses | 2 |
| Number responses per respondent = 1 | |
| Total burden hours | 8 |
| Time per response = 4 hr | |
| Total personnel cost (\$25/hr) | \$100 |
| Total miscellaneous costs | \$1 |
| Postage (0.39 x 2 = 0.78) | |
| Photocopy cost (0.05 x 4 pg x 2 = 0.40) | |

| Appeals, Federal Government | |
|------------------------------------|--------------|
| Total annual responses | 2 |
| Total burden hours | 8 |
| Time per response = 4 hr | |
| Total personnel cost (\$50) | \$400 |
| Total miscellaneous cost | 0 |

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Applications are “fillable” on the computer screen by participant at the NMFS Alaska Region Home Page at www.fakr.noaa.gov, then downloaded, printed, and faxed to NMFS. Future plans include interactive permit applications completed through the Internet.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The collection-of-information does not impose a significant impact on small entities

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

The intent of this collection is to provide permits for an Amendment 80 Program. Without the specified permitting scheme described in this Supporting Statement, the program would be jeopardized. The consequences of not collecting this information would be that NMFS could not fulfill the intent of the laws mentioned earlier.

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

No inconsistencies occur in this collection.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The NMFS Alaska Region will submit a proposed rule (RIN 0648-AU68) coincident with this submission.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The information collected is confidential under section 303(d) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under NOAA Administrative Order (NAO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics. All information collected is in a system of records: NOAA #17, notice published March 3, 2005.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

NA

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

Estimated total unique respondents, 44. Estimated total annual responses, 1,062. Estimated total annual burden, 896 hr. Estimated total annual personnel cost, \$22,175.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Estimated annual total miscellaneous costs \$2,731.

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

Estimated total annual burden, 385 hr. Estimated total annual personnel cost, \$9,825. Estimated total annual miscellaneous cost, \$0.

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

This is a new program.

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

The information collected will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the forms, except the annual report and appeals letter for which a form is not provided.

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

In accordance with OMB requirements, the certification statement is shown on the forms, except the annual report and appeals letter for which a form is not provided.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.