

SUPPORTING STATEMENT
ALASKA INDIVIDUAL FISHING QUOTA TEMPORARY TRANSFERS
OMB CONTROL NO.: 0648-0569

INTRODUCTION

The United States (U.S) groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) in the exclusive economic zone (EEZ) off the coast of Alaska are managed by National Marine Fisheries Service (NMFS) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)), 16 U.S.C. 1801 *et seq.*, as amended. The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska were prepared by the North Pacific Fishery Management Council (Council) and are implemented by regulations at 50 CFR part 679. The domestic fishery for Pacific halibut off Alaska is managed by the International Pacific Halibut Commission as provided by the [Northern Pacific Halibut Act of 1982](#), 16 U.S.C. 773, *et seq.*

The Individual Fishing Quota (IFQ) Program provides management measures for the commercial fisheries that use fixed gear to harvest sablefish and Pacific halibut. The IFQ Program limits access to the halibut and sablefish fisheries to those persons holding quota share in specific management areas.

Under the IFQ Program, quota share (QS) represents a harvesting privilege for a person. On an annual basis, QS holders are authorized to harvest specified poundage which is issued by NMFS as IFQ. The specific amount of IFQ held by a person is determined by the number of QS units held, the total number of QS units issued in a specific regulatory area, and the total pounds of sablefish or halibut allocated for the IFQ fisheries in a particular year. Fishermen may harvest the IFQ over the entire fishing season, which in 2007 was March 10 through November 15 for halibut (72 FR 11792; March 14, 2007) and sablefish (72 FR 9676; March 5, 2007). Generally, an IFQ permit holder must be onboard a vessel at the time his or her IFQ is fished. He or she also must comply with IFQ landing report requirements at § 679.5(1)(2).

IFQ regulations also restrict the type of QS and IFQ transfers that may occur including restrictions against the transfer of most types of QS, if the QS is subject to a lease or condition of repossession or resale by the person transferring the QS. This effectively precludes temporary transfers of QS and IFQ between parties. QS is categorized by vessel size and type. IFQ derived from QS associated with catcher vessels may not be temporarily transferred or leased, with limited exception.

This action adds the option to obtain a temporary military transfer of IFQ for members of the National Guard and military reserves who are mobilized to active duty. This temporary transfer of their annual halibut and sablefish IFQ to other eligible IFQ recipients would allow guardsmen and reservists to accrue some economic benefit from their annual IFQ if unable to harvest it due to military service. In addition, the name of the collection is changed from “Medical Transfer for Pacific Halibut and Sablefish Individual Fishing Quotas to read “Alaska Individual Fishing Quota (IFQ) Temporary Transfers.” This collection will be integrated into the IFQ Program Collection, Office of Management and Budget (OMB) Control No.: 0648-0272.

A. JUSTIFICATION

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

The proposed rule, identified number (RIN) 0648-AV64, would implement the Council's recommendation to allow halibut and sablefish QS holders to request a temporary IFQ transfer, if the applicant meets specified requirements related to eligibility and evidence of military mobilization or activation. This proposed regulatory change would not jeopardize the Council's policy of having an owner operator IFQ fleet. This alternative may further promote stable, owner-operated businesses in the halibut and sablefish IFQ fisheries.

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 Temporary Military Transfer

This action would amend IFQ Program regulations to allow military reservists and National Guardsmen to temporarily transfer their halibut or sablefish IFQ to other eligible IFQ recipients, should they be mobilized to active duty. This proposed change is intended to allow reservists and guardsmen the potential to gain some economic benefit from their QS, should they be unavailable to fish their IFQ during a given year due to active military duty or deployment. This would decrease the likelihood that such QS holder would suffer economic hardship from being unable to catch his or her halibut or sablefish IFQ. Furthermore, this action would minimize adverse impacts that may be attributable to idled IFQ that could accrue to processors, fishery dependent communities, and other fishing support businesses.

Existing QS and IFQ transfer regulations generally do not allow temporary transfers (leasing) of IFQ. Such restrictions are intended to ensure that QS owners also fish the IFQ associated with their quota shares, rather than leasing or otherwise assigning it to other parties to fish on their behalf. Thus, mobilized reservists and guardsmen (who are not otherwise authorized to hire a master to harvest their IFQ) currently may not temporarily transfer their annual IFQ so that it may be fished by another party. The inability to temporarily transfer IFQs during a military mobilization could constitute an economic hardship to affected service members and their dependents.

The Council advised NMFS that it wished to address a long-term solution to situations where QS holders in the military reserves or National Guard are mobilized without any recourse except to leave their annual IFQ allocation unharvested or to sell their quota share. The proposed rule would implement the Council's recommendation to allow halibut and sablefish QS holders to request temporary IFQ transfers, if the applicant meets specified requirements related to eligibility and evidence of military mobilization or activation. An application and appeals process would be added to 50 CFR part 679. This proposed regulatory change would not jeopardize the Council's policy of having an owner-operator IFQ fleet.

This type of transfer would be limited to guardsmen and reservists that were deemed eligible to make such transfers, based on eligibility criteria established by NMFS. Such criteria would include evidence of valid, pending mobilization orders that would preclude the QS holder from fishing his/her IFQ during a given time period. A temporary military transfer (TMT) could be restricted in duration to a given fishing year. Qualified applicants would be required to request a TMT annually, even if the length of their deployment or mobilization exceeded one year.

The recipient of IFQ transferred via a TMT would presumably compensate the QS holder for the transferred IFQ, thus allowing QS holders to avoid some of the economic loss associated with their inability to fish their IFQ in a given year. This arrangement would benefit the mobilized QS holder and the temporary recipient of the IFQ. It could also result in a small increase in the use of the Halibut and Sablefish IFQ Program allocations compared to the status quo. The active use of IFQ that would otherwise be idled due to a guardsman or reservist's mobilization also would promote economic activity among fishing support industry sectors, and provide structural stability to the Council's "owner on board" policy by allowing guardsmen and reservists to retain their QS and resume IFQ fishing following a military deployment.

The general benefits associated with TMT include:

- ◆ Provide operational and economic flexibility to fishermen that are subject to military mobilization orders
- ◆ Provide an income stream to such fishermen that may sustain them economically and allow their future participation in the IFQ fisheries
- ◆ Provide an incremental increase in the amount of halibut and sablefish delivered to seafood processors
- ◆ Sustain demand for services and supplies from fishing industry support sectors
- ◆ Ensure a continued supply of fisheries products derived from the IFQ fishery to consumers; and
- ◆ Ensure that any associated jobs, value added production, tax revenues, and other benefits attributable to the economic activity made possible by the temporary transfer of otherwise inactive IFQ are sustained.

A temporary military transfer application may be obtained at www.alaskafisheries.noaa.gov or by calling 1-800-304-4846. Completed applications must be mailed to:

NMFS, Alaska Region
Restricted Access Management Program
P.O. Box 21668
Juneau, AK 99802-1668

At present, NMFS does not have sufficient ownership and affiliation information to determine the number of military reservists or guardsmen that hold the category of QS that may not be legally fished by a hired master under current rules. The number of these "citizen soldiers" who

hold such restricted QS and who may be mobilized to active duty status during their fishing career cannot be determined; therefore for purposes of this analysis, NMFS estimates that number to be 100 per year.

The information requested in Block A is needed to determine eligibility of the two parties for the transfer to take place. Block B is a checklist for required attachments, which include: TMT application; copy of IFQ permit or QS Certificate; and documentation of active military mobilization or deployment, needed to authenticate the military transfer. Block C information is needed to identify the person applying for the TMT and his or her eligibility. Block D information is needed to identify the person receiving the TMT transfer and his or her eligibility. Block E information is needed to identify the IFQ to be transferred.

Blocks F and G information are needed for certification of the individuals involved in the transfer. The IFQ Program was implemented to both maintain rigorous safeguards on use of fishing privileges for a public resource and to provide safeguards for program constituents. Use of notarized signatures is the best way for NMFS to ensure that only authorized persons are granted privileges so that NMFS may act in certainty with requests for program services or commercial transactions (for transfers). By employing this widely accepted means of unequivocally establishing the identity of submitters, this requirement removes ambiguity about whether constituents have specific knowledge of the terms and conditions of requested benefits

Application for Temporary Military Transfer

Block A

Indicate (YES or NO) whether Transferee holds a Transfer Eligibility Certificate (TEC)

Indicate (YES or NO) whether Transferor qualifies for a hired master exception under 50 CFR 679.42(i)(1)

If YES, Stop! You do not qualify for a TMT

Block B – Attachments

Completed, signed, and notarized application

Copy of IFQ permit or QS Certificate

Documentation of active military mobilization or deployment, including the following:

Copy of official documentation, such as mobilization or deployment orders, that direct the transferor to report to active duty status or to mobilize for a military deployment.

Concise description of the length and nature of the military deployment including verification that the applicant is unable to participate in the IFQ fishery for which he or she holds IFQ permits during the IFQ season because of his/her active duty military status.

Block C – Transferor information

Full name, NMFS person ID, and date of birth of transferor

Permanent business mailing address. Temporary mailing address may be provided, if appropriate

Business telephone number, fax number, and e-mail address (if any)

Block D -- Transferee information

Full name, NMFS person ID, and date of birth of transferee

Permanent business mailing address. Temporary mailing address may be provided, if appropriate

Business telephone number, fax number, and email address (if any)

Block E – Identification of IFQ to be transferred

Whether the transfer is for halibut or sablefish IFQ

IFQ regulatory area

Number of units

Range of serial numbers for IFQ to be transferred

Actual number of IFQ pounds

Transferor IFQ permit number

Fishing year

Block F – Certification of transferor (seller)

Signature, printed name, and date signed of transferor

Signature, seal or attest, and commission expiration date of a notary public
 If authorized agent, attach authorization.

Block G – Certification of transferee (buyer)

Signature, printed name, and date signed of transferee
 Signature, seal or attest, and commission expiration date of a notary public.
 If authorized agent, attach authorization

Temporary Military Transfer Application, Respondent	
Estimated number of respondents	100
Total annual responses	100
Number of responses per year = 1	
Total Time burden	200 hr
Time requirement per response = 2 hr	
Total personnel cost	\$5,000
Cost per hour = \$25	
Total miscellaneous cost	\$551
Postage (0.41 x 100 = 41)	
Photocopy (0.05 x 2 x 100 = 10)	
Notary (\$5 x 100 = 500)	

Temporary Military Transfer Application, Federal Government	
Total annual responses	100
Total Time burden	50 hr
Time requirement per response (30 min/60 min = 0.5)	
Total personnel cost	\$1,250
Cost per hour = \$25	
Total miscellaneous cost	0

b. Letter of Appeal

The Regional Administrator will evaluate an application for a temporary military transfer submitted in accordance with § 679.41(c)(1) through (c)(9). An applicant who fails to submit the information specified in the application for a temporary military transfer will be provided a reasonable opportunity to submit the specified information or submit a revised application.

The Regional Administrator will prepare and send an Initial Administrative Determination (IAD) to the applicant if the Regional Administrator determines that the application provided by the applicant is deficient or if the applicant fails to submit the specified information or a revised application. The IAD will indicate the deficiencies in the application, including any deficiencies with the information on the revised application. An applicant who receives an IAD may appeal under the appeals procedures set out at § 679.43. For purposes of this analysis, 5 percent of those participants filing a TMT are estimated to file a letter of appeal.

TMT Letter of Appeal, Respondent	
Estimated number of respondents	5
Total annual responses	5
Number of responses per year = 1	
Total Time burden	20 hr
Time requirement per response = 4 hr	
Total personnel cost	\$100
Cost per hour = \$25	
Total miscellaneous cost (2.55)	\$3
Postage (0.41 x 5= 2.05)	
Photocopy (0.05 x 2 x 5 = 0.50)	

TMT Letter of Appeal, Federal Government	
Total annual responses	5
Total Time burden	
Time requirement for each appeal = 4 hr	20
Total personnel cost	\$2,000
Cost per hour = \$100	
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.

A “fillable” application is available at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, for the participant to download, print, and mail or deliver to NMFS. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

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.

This collection-of-information does not impose a significant impact on small entities. The Initial Regulatory Flexibility Analysis prepared for this action assumes that all halibut and sablefish QS holders are small entities, for Regulatory Flexibility Act purposes.

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

Existing QS and IFQ transfer regulations generally do not allow temporary transfers (leasing) of IFQ. Such restrictions are intended to ensure that QS owners also fish the IFQ associated with their quota shares, rather than leasing or otherwise assigning it to other parties to fish on their behalf. Thus, mobilized reservists and guardsmen (who are not otherwise authorized to hire a

master to harvest their IFQ) may not temporarily transfer their annual IFQ so that it may be fished by another party. The inability to temporarily transfer IFQs during a military mobilization could constitute an economic hardship to affected service members and their dependents.

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

No special circumstances exist.

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-AV64, coincident with this submission, requesting comments from the public.

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 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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.

This information collection does not involve information of a sensitive nature.

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

Estimated total unique respondents: 2,977, up from 2,877. Estimated total responses: 3,203, up from 3,098. Estimated total burden hours: 3,559, up from 3,339. Estimated total personnel costs: \$88,975, up from \$83,475. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$25 per hour.

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 total miscellaneous costs: \$3,764, up from \$3,210.

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

Estimated total burden hours: 3,092, up from 3,022. Estimated total personnel costs: \$78,800, up from \$75,550.

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

The temporary military transfer and associated appeal are results of a program change that will be integrated into OMB Control No.: 0648-0272. This program change adds 100 unique respondents, 105 responses (100 requests and 5 appeals), and 220 hours, as well as \$554 in mailing, photocopying and notary costs.

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 TMT application. If an appeal is filed, no form exists.

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

No exceptions to the certification statement are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.