

**SUPPORTING STATEMENT
ALASKA LICENSE LIMITATION PROGRAM
FOR GROUND FISH, CRAB AND SCALLOPS
OMB CONTROL NO.: 0648-0334**

INTRODUCTION

National Marine Fisheries Service (NMFS), Alaska Region manages the fisheries in the exclusive economic zone off the coast of Alaska under the 1) Fishery Management Plan for Groundfish of the Gulf of Alaska, 2) Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, 3) Fishery Management Plan (FMP) for Bering Sea/Aleutian Islands King and Tanner Crabs, and the 4) Fishery Management Plan for the Scallop Fishery off Alaska FMP. Under the Scallop FMP, management of all aspects of the scallop fishery, except limited access, is delegated to the State of Alaska. The North Pacific Fishery Management Council prepared, and NMFS approved, the FMP under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 et seq. as amended by Public Law 109-479. These FMPs are implemented by regulations at [50 CFR part 679](#). This action requests renewal on this collection.

A. JUSTIFICATION

The License Limitation Program (LLP) is a step toward a comprehensive rationalization program to solve the conservation and management problems of Alaska's open access fisheries. The LLP provides stability in the fishing industry and identifies the field of participants in the fisheries. The LLP restricts access to the commercial groundfish fisheries, commercial crab fisheries and commercial scallop fisheries in the exclusive economic zone (EEZ) off Alaska except for certain areas where alternative programs exist. The intended effect of the LLP is to limit the number of participants and reduce fishing capacity in fisheries off Alaska.

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

The LLP originally collected basic information in order to make decisions regarding which owners of vessels were issued licenses. The decisions were based on the fishing history of the vessel and on the vessel's size. Now that the selection process is completed, and no more new permits will be issued, LLPs are issued to qualifying vessel owners only through transfer.

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.

Any person who wishes to deploy a harvesting vessel in the LLP king and tanner crab fisheries in the Bering Sea/Aleutian Islands (BSAI) and in the LLP groundfish fisheries in the Gulf of Alaska or the BSAI must hold a valid groundfish LLP license or crab LLP license.

The LLP is a Federal program; LLP licenses are not required for participation in fisheries that occur in the waters of the State of Alaska. The application period for initial allocation of groundfish and crab LLP licenses was from September 13, 1999, through December 17, 1999.

The application period for initial allocation of scallop LLP licenses was January 16, 2001, through February 12, 2001. Applications postmarked or hand-delivered after the ending date will be denied as untimely; however, persons who believe that a license should be issued to them may apply at any time for consideration.

The fisheries are essentially closed to any new LLP except by transfer. The LLP license authorizes a license holder to deploy a vessel to conduct directed fishing for LLP species only as listed in the endorsements on the face of the license, with the vessel name, specific area, specific species, vessel designation, gear designation, and the maximum length overall.

Endorsements

LLP groundfish licenses are issued with area, gear, and Amendment 80 trawl gear catcher/processor endorsements. LLP groundfish licenses are issued with area endorsements which, except in one case, have the same boundaries as Federal statistical and reporting areas. In the BSAI there are two LLP endorsement areas: Bering Sea (BS) and Aleutian Islands (AI). In the Gulf of Alaska, there are three LLP endorsement areas: Western Gulf of Alaska, Central Gulf of Alaska, and Southeast (SE) Gulf of Alaska. The Central Gulf LLP area is the exception mentioned above because it includes the West Yakutat district. A Central Gulf LLP area endorsement is earned based on harvests both from the Central Gulf of Alaska and the West Yakutat District, which in turn, authorizes harvesting in the entire region from 140 to 159 degrees west longitude and south of the Kenai Peninsula/Aleutian Chain. LLP groundfish are defined as “target species” and the “other species” category, specified annually pursuant to § 679.20(a)(2), except that demersal (i.e. living near the bottom of the sea) shelf rockfish as defined in Table 10 to part 679 east of 140° W. longitude and sablefish managed under the individual fishing quota (IFQ) program are not considered LLP groundfish.

LLP crab licenses are issued with species-area (fishery) endorsements. Pursuant to the BSAI Crab Rationalization Program, all crab licenses endorsed for fisheries other than Norton Sound king crab were revised in September 2005 to reflect fisheries remaining under governance of the LLP program. The actual areas available for harvest during any open fishery may differ. For the latest crab management information, the Alaska Department of Fish and Game in Dutch Harbor must be contacted.

LLP scallop licenses are issued with endorsement for scallop registration areas, fishing seasons, open and closed fishing areas, the scallop observer program, bycatch limits, gear restrictions, and measures to limit processing efficiency (including a ban on the use of mechanical shucking machines and a limitation on crew size). The gear regulations limit vessels to using no more than two 15-foot (4.5 m) dredges, except in Cook Inlet (State Registration Area H) where vessels are limited to using a single 6-foot (1.8m) scallop dredge.

Endorsements on licenses cannot be separated from the license. A person who receives both a groundfish LLP license and a crab LLP license derived from the qualifying history of one vessel may not transfer one without transferring both. Also, an LLP license that is issued premised on the fishing history of a vessel used to make qualifying harvests of LLP groundfish or crab, but was not named on a Federal Fisheries Permit during the time period January 1, 1988, through October 8, 1998, will contain the name and other characteristics of the original qualifying vessel

as a permanent "endorsement" on the license, regardless of any other vessel on which that LLP license has been used.

Transfers

LLP licenses may only be transferred to qualified persons. Permanent LLP licenses are transferable from the person holding the license to other persons. To be effective, an application for the transfer of a license must be submitted to, and approved by, NMFS. Transfer applications are available from NMFS Restricted Access Management (RAM) and online in Portable Document Format (PDF) format at the NMFS Alaska Region website at

http://www.fakr.noaa.gov/ram/LLP_trans_form.pdf for groundfish and crab and at

http://www.fakr.noaa.gov/ram/sllpransapp_inst.pdf for scallop.

In addition:

- ◆ Unless the LLP license was initially issued, no person may hold more than ten groundfish LLP licenses or five crab LLP licenses at any one time.
- ◆ An LLP license may not be transferred voluntarily more than one time in a calendar year.
- ◆ Licenses may transfer by "operation of law" (foreclosure, inheritance, court order, etc.). Such transfers (which may or may not include a vessel) will not be considered a "voluntary transfer" for purposes of limiting the number of allowable transfers in a calendar year.
- ◆ Any transferable LLP license derived from an American Fisheries Act (AFA)-permitted vessel is transferable for use only on another AFA-permitted vessel.
- ◆ The transfer of a groundfish LLP license that was issued based on the documented harvests from a vessel that did not have an Federal Fisheries Permit (FFP) during the period beginning January 1, 1988, through October 8, 1998, is restricted by regulation. Under this transfer restriction, this type of groundfish LLP license cannot be transferred separately and used on a vessel other than the original qualifying vessel. This transfer restriction has two exceptions.

First, if the fishing history of a vessel that did not have an FFP was transferred before February 7, 1998, the qualifying vessel did not have to accompany the license.

Second, a vessel that is subject to this provision but that is lost or destroyed can be replaced under the general vessel replacement provisions of the LLP. However, subsequent transfers will require the license to be "coupled" with the existing vessel (i.e., the license cannot be transferred separately from the vessel named on the license).

Application Forms

Applications for LLP permits were a one-time process. An LLP application originally was used to determine owners of vessels who were qualified to obtain an LLP license, and no new LLP permits may be issued except under very specific conditions. Permits have no expiration date,

but are transferable. This collection now supports LLP transfer activities for crab, scallops, and groundfish, and any appeals resulting from denied actions.

The LLP must have some basic information in order that decisions can be made regarding whether permit transfers may take place. Two sets of information are available under the LLP: the license transfer application and the appeals process. Two separate applications are used to request a transfer: one application for groundfish and crab, and the second, an application for scallop. Either or both the transferor/seller or the transferee/receiver may be represented by an authorized agent.

a. Groundfish and Crab LLP Transfer Application

Each transfer request must include a completed transfer application, the original license, and a copy of the transfer contract or Bill of Sale. The financial information requested on the applications supplements information found on the transfer contract or Bill of Sale and is primarily used for research and program evaluation.

Groundfish and Crab Transfer Application

Block A – Required documentation

Information in this block is used to indicate which forms and other information must be included with transfer application. Check all applicable boxes.

Block B – Identification of license to be transferred

Indicate whether license is to be transferred is groundfish or crab and enter LLP license number.

Block C – Person transferring license (transferor/seller)

Name(s)

Permanent business mailing address

Temporary business mailing address for (if applicable)

Business telephone number, business fax number, and e-mail address

Block D – Person to whom license will be transferred (transferee/receiver)

Indicate if transferee is a U.S. Citizen. If NO, stop here. The person is not eligible to receive a license.

Name and NMFS person ID of receiver

Business mailing address

Temporary business mailing address (if applicable)

Business telephone number, business fax number, and e-mail address

Block E -- Vessel currently named on license

Name of vessel

Length overall (ft)

Alaska Department of Fish and Game (ADF&G) vessel registration number

U.S. Coast Guard (USCG) documentation number

Block F -- Vessel to be named on new license

Name of vessel

Length overall (LOA) (ft)

ADF&G vessel registration number

USCG documentation number

Block G – LLP Ownership documentation

Provide the names of all persons, to the individual level, holding an ownership interest in the LLP License being transferred and the percentage ownership each person and individual will hold in the LLP License.

Block H -- Transferor/seller information

Total amount being paid for the license in this transaction, including all fees

Indicate whether this price includes the price of the vessel.

Reason for transferring the license

Indicate whether a broker is employed to assist with this transaction.

If YES, enter price paid in brokerage fees or percent of total price.

Block I -- Transferee/receiver information

Indicate whether license is used as collateral for a loan.

If YES, enter the name of the party holding security interest or lien.
Primary source of financing
How the license was located
Receiver's relationship to the license holder
Indicate whether transfer of LLP license includes the sale of the fishing history of a vessel.

If YES, identify
Name of vessel
ADF&G number
USCG documentation number
Vessel LOA.

Indicate whether transfer of this LLP license is part of an agreement that also transfers ownership of a vessel.

If YES, identify
Name of vessel
ADF&G number
USCG documentation number
Vessel LOA.

Indicate whether there is an agreement to return the license to the transferor or to transfer it to any other person, or is there is any condition requiring the resale or conveyance of the license.

If YES, explain.

Block J -- Certification of transferor/seller

Printed name, signature, and date signed
Name and signature of notary public, notary stamp or seal, and date commission expires

Block K -- Certification of transferee/receiver

Printed name, signature, and date signed
Name and signature of notary public, notary stamp or seal, and date commission expires.

b. Scallop LLP Transfer Application

Block A – Identification of License to be transferred

License number
Total price to be paid for the license, including fees
Indicate whether this price includes the price of the vessel or other assets

Block B – Person transferring license (transferor/seller)

Name
Business mailing address; indicate whether permanent or temporary
Business telephone number, business fax number, and e-mail address

Block C – Person to whom license will be transferred (transferee/buyer)

Indicate whether transferee is a U.S. Citizen
If NO, stop. Only U.S. citizens may hold this license

Name
NMFS Person ID
Business mailing address; indicate whether permanent or temporary
Business telephone number, business fax number, and business e-mail address

Block D – LLP Ownership documentation

Provide the names of all persons, to the individual level, holding an ownership interest in the LLP License being transferred and the percentage ownership each person and individual will hold in the LLP License

Block E -- Certification of transferor/seller

Printed name, signature, and date signed
If signed by representative, attach authorization
Name and signature of notary public, notary stamp or seal, and date commission expires

Block F -- Certification of transferee/buyer

Printed name and signature and date signed
Name and signature of notary public, notary stamp or seal, and date commission expires.

A total of 1,833 License Limitation Groundfish Permits (LLG) are currently active. A total of 351 License Limitation Crab (LLC) Permits are currently active. A total of nine License Limitation Scallop (LLS) are currently active. Some licenses have been revoked over the years

since implementation, and are not included in the totals. Each license can transfer once per calendar year, so all of the active LLPs potentially could be transferred. However, based on the past three years' data, 95-100 transfers occur annually. The number 100 is used in this analysis.

Groundfish, crab, and scallop LLP transfer application, Respondent	
Total respondents	100
Total responses	100
Frequency of response = 1	
Total burden hours	100 hr
Time per response = 1 hr	
Total personnel cost (\$25 x 100)	\$2,500
Total miscellaneous costs	\$1,112
Postage (0.82 x 100 = 82)	
Photocopy (0.10 x 3 x 100 = 30)	
Notary (\$10 x 100 = 1000)	

Groundfish, crab, and scallop LLP transfer application, Federal Government	
Total responses	100
Total burden hours	50 hr
Time per response = 0.5	
Total personnel costs (50 x \$25)	\$1,250
Total miscellaneous costs	0

c. LLP Transfer Appeals

To apply for a transfer appeal, the applicant must provide a written statement in support of the appeal and show why the initial determination should be reversed. The number of transfer appeals since the beginning of the program is 125. The estimated annual number of appeals are 42 (125/3).

Transfer appeals, Respondent	
Total respondents	42
Total responses	42
Frequency of response = 1	
Total burden hours	168 hr
Hours per response = 4 hr	
Total personnel cost (\$25 x 168)	\$4,200
Total miscellaneous costs (38.64)	\$39
Postage (0.82 x 42 = 34.44)	
Photocopy (0.10 x 42 = 4.20)	

Transfer appeals, Federal Government	
Total responses	42
Total burden hours	168 hr
Hours per response = 4 hr	
Total personnel cost (\$75 x 168)	\$12,600
Total miscellaneous costs	0

It is anticipated that the information collected 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.

The transfer applications may be completed online in PDF format at the NMFS Alaska Region website at http://www.fakr.noaa.gov/ram/LLP_trans_form.pdf for groundfish and crab and at http://www.fakr.noaa.gov/ram/sllptransapp_inst.pdf for scallop. The participant may then download, print, and fax or email the application. 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.

The proposed 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.

An essential feature of the LLP program is the ability for participants to transfer their LLP license. The transfer feature is not a mandated item nor does it contain a cycle of completion. Transfers are done when the participants deem it necessary. Without the ability to track the movement of the LLP license, NMFS would be unable to effectively manage the LLP program

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.

A *Federal Register* notice published October 10, 2007 (72 FR 57522) solicited public comment. No comments were received.

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. 1881a et seq.) and under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics. This protection is described in the Paperwork Reduction Act Statement on each form.

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 respondents: 142, down from 244. Estimated total responses: 142, down from 244. Estimated total burden: 268 down from 544 hours. Estimated total personnel costs: \$6,700, down from \$7,599.

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: \$1,151, up from \$1,012.

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

Estimated total responses: 142, down from 244. Estimated total burden: 218 hr, down from 8,220 hr. Estimated total personnel costs: \$13,850, down from \$ 205,500.

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

Adjustments are necessary for the Application for Transfer of Groundfish, Crab, or Scallops:

- a decrease of 44 respondents and responses, 100 instead of 144
- a decrease of 44 hours burden, 100 hr instead of 144 hr
- an increase of \$248 in miscellaneous costs, \$1,112 instead of \$864*.

*Fax charges (\$6 x 144 = \$864) were removed because the notary requirement precludes sending the application by fax. Notary charges (\$10 x 100 = \$1,000) were added because this cost was inadvertently omitted from the last analysis.

Adjustments are necessary for the Transfer Appeals:

- a decrease of 58 respondents and responses, 42 instead of 100
- a decrease of 232 hours burden, 168 hr instead of 400 hr
- a decrease of \$109 in miscellaneous costs, \$39 instead of \$148

The net changes are: a decrease of 102 in respondents and responses, and a decrease of 276 hours, with estimates lower based on recent data and an increase of \$139 (lower costs due to fewer respondents, but an adjustment upward as explained above, for notary costs).

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

NMFS Alaska Region posts LLP license information on the web at <http://www.alaskafisheries.noaa.gov/ram/llp.htm#list>. The lists contain LLP groundfish and crab licenses issued as of the indicated preparation date. Data are sorted alphabetically and are updated daily. Under current regulations, vessels must be designated on the licenses and the identities of original qualifying vessels are provided for reference only.

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 is shown on the transfer applications. The appeals request is not a form, so does not contain any OMB information.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.