

SUPPORTING STATEMENT
ALASKA PACIFIC HALIBUT FISHERIES; LIMITED ACCESS FOR
CHARTER HALIBUT VESSELS
OMB CONTROL NO. 0648-xxxx

INTRODUCTION

The International Pacific Halibut Commission (IPHC) and National Marine Fisheries Service, Alaska Region (NMFS) manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under authority of the Northern Pacific Halibut Act of 1982 ([Halibut Act](#)). The IPHC promulgates regulations governing the Pacific halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea, signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, D.C., on March 29, 1979). Regulations developed by the IPHC are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce. After approval by the Secretary of State and the Secretary of Commerce, the IPHC regulations are published in the Federal Register as annual management measures pursuant to [50 CFR part 300.62](#).

NMFS proposes regulations that would implement a limited access system for charter vessels in the guided sport fishery for Pacific halibut in waters of IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). This limited access system would limit the number of charter vessels that may participate in the charter halibut fishery in these areas. NMFS would issue a charter halibut permit to a licensed charter fishing business owner based on his or her past participation in the charter halibut fishery for halibut. In addition, this action proposes two special permits: a community charter halibut permit issued to a Community Quota Entity (CQE) representing specific rural communities and a military charter halibut permit issued to a United States Military Morale, Welfare and Recreation (MWR) Program.

All charter halibut permit holders would be subject to limits on the number of permits they could hold and on the number of charter vessel anglers who could catch and retain halibut on their charter vessels.

This action describes a new collection-of-information for the charter halibut fishery.

A. JUSTIFICATION

A charter vessel is a vessel used for hire in sport fishing for halibut; however, a vessel without a hired operator is not a charter vessel for purposes of the halibut fishery. Charter halibut harvests, along with other non-commercial harvests, are unrestricted because there is no specific allocation to the sectors. Therefore as the charter fishery expands, its proportion of the overall catch of halibut increases, thereby reducing the amount available for the commercial sector. In effect, this growth results in a reallocation to the charter sector from the commercial sector and effects the value of quota share (QS) in the commercial halibut Individual Fishing Quota (IFQ) Program.

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

This action is necessary to achieve the halibut fishery management goals of the North Pacific Fishery Management Council. The intended effect is to curtail growth of fishing capacity in the guided sport fishery for halibut. If implemented, halibut guide business operators would be required to hold a permit for each vessel they use to provide their charter clients with halibut fishing trips. The permits would be issued based on historic participation in the halibut charter fishery and endorsed for the IPHC area they may fish and the maximum number of anglers they may carry. A higher participation threshold is required to receive a transferable permit. The majority of permits would be transferable to persons meeting the U.S. ownership requirements that are under the maximum permit use cap.

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.

Before the start of the application period, NMFS would create an official record of charter vessel participation in Area 2C and 3A during the qualifying and recent participation years. The official record would be compiled from the State of Alaska Department of Fish and Game (ADF&G) business owner license data and charter vessel trip information from the ADF&G charter vessel logbooks. The official record would link each charter vessel fishing trip to an ADF&G business owner license and to the business owner.

Prior to issuance of permits, NMFS would prepare and distribute application packets for business owners that, based on the official record, clearly would qualify for one or more charter permits. The application packet would include a partially completed application and information about how many permits the applicant would likely receive, whether they would be transferable or not transferable, and their likely angler and area endorsements. The same information from the official record would be supplied to applicants on request who did not receive an application packet. Regardless of whether an applicant receives an application packet, the obligation to submit a complete application within the application period is solely the responsibility of the applicant.

Upon receipt of a completed application, NMFS would compare the information on the application to the official record. If an applicant submits a claim that is not consistent with the official record, NMFS will allow the applicant to submit documentation or further evidence in support of the claim during a 30-day evidentiary period. NMFS would change the official record if it agrees with the submitted evidence, and issue charter halibut permit(s) accordingly. If NMFS does not agree that the further evidence supports the applicant's claim, NMFS would issue an initial administrative determination (IAD). The IAD would describe why NMFS is initially denying some or all of a claim and would provide instructions on how to appeal the IAD.

The qualifying year would be 2004 or 2005. Minimum qualification for a business owner during either of these years would require at least five ADF&G halibut logbook fishing trips during the

year. The recent participation year would be the year prior to implementation of this proposed action. Although the qualifying year could be either 2004 or 2005, no permits would be issued unless the applicant also meets the minimum participation requirement of five halibut logbook fishing trips in the year prior to implementation.

After determining participation eligibility, NMFS would determine:

- ◆ How many permits the applicant would receive;
- ◆ How many permits, if any, would be transferable permits;
- ◆ What angler endorsements apply; and
- ◆ What area endorsements apply to the permit(s).

In making these determinations, NMFS would consider only the history of a charter vessel business during the qualifying years that each applicant chose (2004 or 2005).

NMFS would endorse, and thereby restrict, each permit for a specific regulatory area (2C or 3A) and for the number of anglers that can fish from the vessel.

NMFS would determine the angler endorsement for a permit as the highest number of anglers that an applicant reported on an ADF&G logbook in 2004 or 2005. Any sport charter business that qualifies for a permit, however, would receive at least a minimum angler endorsement of four. Through permit transfers, angler endorsements may be “stacked;” that is, the total number of angler endorsements may be combined on a charter vessel. This stacking is designed to allow a sport charter business to expand without increasing the total number of permits. Also, the angler endorsement would not limit the number of passengers that a charter vessel could carry; only the number that may catch and retain halibut. Enforcement of the angler endorsement would be based on the number of halibut onboard the vessel at any time.

Transferability of charter halibut permits would foster the development of a market for charter vessel access to the halibut resource. A market would allow limited new entry into the charter vessel sector while the charter halibut program generally would prevent an unfettered expansion of the charter vessel fishing sector and provide for some consolidation in the sector.

Consolidation also would be limited to prevent any one person from holding an excessive share of charter vessel privileges; a person would be prevented from acquiring more than five permits by transfer. To enforce limitations on the transfer of charter halibut permits, no transfer of a permit would be effective unless it is first approved by NMFS.

a. Application for Charter Halibut Permit

An application period of no less than 60 days will be specified by notice in the Federal Register during which any person may apply for a charter halibut permit. Applications received during the application period will be considered filed on time. Late applications will be denied. The application will require information about the business applying for the permit, including the ownership structure of the business (U.S. citizenship papers for individuals and information on the charter activities of the business). After submitting the initial permit application, additional applications will not be required. NMFS will only require additional reports when the structure of the business owning the permit changes or the permit is transferred.

Permit Eligibility

Charter halibut permits will be issued to the ADF&G licensed fishing guide business owner, based on the following information:

- ◆ Every charter vessel fishing trip was authorized by, and made pursuant to, an ADF&G business owner license. The owner of the charter vessel fishing business had to obtain a business owner license from ADF&G.
- ◆ Second, a guide of the charter vessel fishing business had to obtain an ADF&G guide license. Beginning in 2005, ADF&G allowed an applicant to receive a joint business owner and guide license but continued issuing separate business owner and guide license if an applicant applied for only one. Therefore, someone with a guide license could be, but did not have to be, the same person who owned the charter vessel business and obtained the ADF&G business owner license.
- ◆ Third, the business owner was required to register with ADF&G the vessel to be used as a charter vessel. ADF&G issued decals that were required to be displayed on the registered charter vessel when it was engaged in guided sport fishing.
- ◆ Finally, each charter vessel guide was required to have onboard the vessel an ADF&G-issued charter vessel logbook (logbook) and to maintain certain information in the logbook about the charter vessel anglers and their catch. The ADF&G business owner license number was required to be recorded on each sheet of the logbook because this license authorized the guide to provide fishing guide services to the charter vessel anglers. The business owner was responsible for submitting the logbook sheets to ADF&G within the required time limits.

A charter halibut permit for IPHC regulatory area 2C must be based on meeting participation requirements in area 2C. A charter halibut permit for IPHC regulatory area 3A must be based on meeting participation requirements in area 3A. Qualifications for a charter halibut permit in each area must be determined separately and must not be combined. Each permit will be designated as transferable or non-transferable. The number of transferable charter halibut permits issued to an applicant will be equal to the number of vessels that made 15 bottomfish logbook fishing trips or more in the applicant selected year. If the applicant qualifies for additional charter halibut permits, they will be issued as non-transferable permits.

Charter Halibut permits will be issued to persons who meet the following eligibility criteria:

- ◆ Makes timely application during the application period.
- ◆ Non-transferable permit. NMFS will issue a non-transferable charter halibut permit to a person that: is the person to whom the ADF&G issued the ADF&G Business Owner Licenses that authorized logbook fishing trips during the applicable time periods;

reported five bottomfish logbook fishing trips or more during one year of the qualifying period; and reported five halibut logbook fishing trips or more during the recent participation period.

- ◆ Transferable permit. NMFS will issue a transferable charter halibut permit to a person that: is the person to whom the ADF&G issued one or more ADF&G Business Owner Licenses that authorized logbook fishing trips during the applicable time periods; reported 15 bottomfish logbook fishing trips or more during one year of the qualifying period; and reported 15 halibut logbook fishing trips or more during the recent participation period.

Unavoidable Circumstances Exemption.

Certain unavoidable circumstances could prevent an applicant from participating in either the qualifying period or recent participation period despite the applicant's intention. NMFS developed a limited exception to allow for unavoidable circumstances. Basically, an applicant must demonstrate that:

- ◆ The applicant had a specific intent to participate in either the qualifying period or recent participation period (but not both periods) that the applicant missed;
- ◆ The circumstance that thwarted the intended participation was unavoidable, unique to the applicant, and unforeseen and unforeseeable;
- ◆ The applicant took all reasonable steps to overcome the problem; and
- ◆ The unavoidable circumstance actually occurred.

Military Exemption.

A person claiming military service as a reason he or she did not participate in the qualifying period must meet the minimal participation requirements of five halibut logbook fishing trips in the recent participation period. If an applicant for the military exception did not participate at this minimum level in the recent participation period, the applicant would not qualify for a military exemption. The applicant could try to meet the criteria for an unavoidable circumstance exception, but could not claim a military exemption and an unavoidable circumstance exemption. An applicant for a military exemption must meet the recent participation year requirement.

To qualify for a military exemption, a person would have had to be assigned to active military duty as a member of the National Guard or a reserve component. Moreover, a person's decision to enlist in the regular armed services is a voluntary career choice and is not unavoidable. Hence, such a person serving during any part of the qualifying period chose a military occupation in lieu of a charter vessel occupation.

In addition, to qualify for a military exemption, a person must demonstrate intent to participate in the charter halibut fishery before or during the qualifying period. If an applicant was called up to

military service at any time during the qualifying period, however, a demonstration of intent to participate during the qualifying period would also suffice for a military exemption. Hence, this action proposes to consider any evidence of a specific intent to operate a charter halibut fishing business by the applicant that was thwarted by the applicant's order to report for military service, whether the applicant's intent was prior to the qualifying period or during the qualifying period.

The military exemption is designed to benefit persons who would otherwise be completely excluded from receiving any charter halibut permits despite their intention to meet the participation requirement during the qualifying period. If a military exemption applicant could receive any permits based on the applicant's actual participation in the qualifying period, the applicant would be limited to that number and type of permits and could not use the military exemption. This action proposes to treat a military exemption applicant the same as other unavoidable circumstance applicants for purposes of assigning angler endorsements. The military exemption applicant would receive one non-transferable permit with an angler endorsement of six unless the applicant could demonstrate that it likely would have met participation requirements for a transferable permit or a higher angler endorsement.

Applications submitted by mail, hand deliver, or fax would be acceptable if postmarked or hand delivered or faxed no later than the last day of the application period. Electronic submissions other than fax are not acceptable because each application requires the original signature of the applicant.

Application for Charter Halibut Permit

Block A--Applicant information

Name(s)

Business mailing address (street or P.O. Box, city, state, zip code)

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

If applicant is an individual U.S. Citizen, enter date of birth

If applicant is a U.S. Corporation, partnership, association, or other business entity, enter date of incorporation

If applicant is a successor-in-interest to a deceased individual or to a non-individual, attach evidence of death or dissolution and evidence supporting successor-in-interest status

Block B -- Selection of "Best Year" for determination of charter halibut permit allocations

If participant received and reviewed Official Charter Halibut Record Summary

For Area 2C, select 2004 or 2005 as "best year"

For Area 3A, select 2004 or 2005 as "best year"

List any claims to change the charter halibut official record summary in Block C

Proceed to Blocks E and F

If participant did not receive Official Charter Halibut Record Summary

For Area 2C, select 2004 or 2005 as "best year"

For Area 3A, select 2004 or 2005 as "best year"

Complete Blocks C and D. Provide evidence to support claims to charter halibut permit(s)

Complete Block E

Sign and date the application in Block F

If claiming eligibility for one or more charter halibut permits on the basis of an unavoidable circumstance,

Complete Blocks C, D, and E

Sign and date the application in Block F

Block C₁--Claims

Indicate the nature of claim that the charter halibut permit official record is incorrect

Areas (2C, 3A, or both) endorsement

Transferable permit status

Number of angler endorsements

Credit for all charter halibut fishing businesses owned and/or all vessels operated by charter halibut businesses

If purchased entire qualifying history of a charter halibut business, complete Blocks C and D

Whether claiming eligibility based on unavoidable circumstance

that occurred in 2004 or 2005

that occurred in 2007 (the recent participation year).

Complete Block D

Whether claiming eligibility based on active duty military service that prevented participation in 2004 or 2005

as the owner of a charter halibut business. Complete Block D

Other (describe)

Complete Blocks C₂ and C₃ as appropriate

Block C₂--Charter halibut fishing business(es) owned in 2004, 2005 and 2007

Identify all charter halibut fishing businesses owned in 2004, 2005 and 2007 that qualify for

charter halibut permit(s)

Name of business(es)

Year(s) of operation (2004, 2005, and 2007)

State of Alaska business license numbers

Charter halibut fishing license numbers

Block C₃--Vessels operated by charter halibut fishing business(es) owned in 2004, 2005 and 2007

Vessel Name

ADF&G Vessel Registration Number

United States Coast Guard (USCG) Documentation Number

Charter halibut fishing logbook No. (check all that apply)

Year of Operation (check all that apply)

Number of Trips (per year) (check all that apply)

Block D₁ --Unavoidable circumstance claim

Indicate if applying for eligibility based on an unavoidable circumstance

Indicate if applying for eligibility based on unavoidable circumstance in most recent participation year

Attach documentation to support claim.

Certify by signing and entering date of signature

Block D₂ -- Military service claim

Indicate if applying for eligibility based on active duty military service in 2004 or 2005

Attach documentation to support claim

Certify by signing and entering date of signature

Block E₁-- Identification of ownership

If the Applicant in Block A is not an individual, enter the name(s) of all owners and their percent of ownership. If a

listed owner is not an individual, provide the same information for each such owner, including the percent of

ownership

Block E₂ -- Identification of affiliation

Provide the names of the persons with whom the applicant is affiliated at 10% or greater level of ownership or

control. Enter percent of interest. Do not repeat owner names provided in Block E₁

Block F -- Applicant signature

Certify by signing, entering date of signature, and printed name.

If completed by authorized representative, attach authorization

Each licensed guide business owner who reported a minimum of 5 bottomfish trips during 2004 or 2005, and a minimum of 5 halibut trips in the year prior to implementation would be issued a permit(s) based on the number of trips summed for all vessels in his/her best year of the qualification period. This summed number of trips results in issuing an estimated maximum of 851 permits: 380 businesses in Area 2C and 471 businesses in Area 3A.

The charter halibut program will increase administrative and enforcement costs for NMFS. These costs include the hiring of new staff, or the redirection of current staff resources. Redirection of staff resources would reduce the ability of the agency to administer current management programs and enforcement activities. To provide adequate enforcement coverage for the charter fishery, OLE would need to have an enforcement presence and administrative support for the following communities: Petersburg, Sitka, Juneau, Anchorage, Homer, and Seward, Alaska. Thus, the cost estimates include annual costs for seven enforcement officers and one full-time attorney to prosecute permit violations. In addition to the enforcement costs, there are start-up and annual administrative costs associated with administering the program. In total, the Federal agency costs for implementing the program are estimated to be about \$1.23 million.

Application for Charter Halibut Permit(s), Respondent	
Number of respondents	851
Area 2C = 380 permits	
Area 3A = 471 permits	
Total annualized responses (280.83)	281
Frequency of response = 1/3 yr = 0.33	
Total burden hours	562
Time per response = 2 hr	
Total personnel costs (\$25 x 562)	14,050
Total miscellaneous costs (955.42)	955
Mail (0.42 x 141 = 59.22)	
Fax (6 x 140 = 840)	
Photocopy (2 x 0.10 x 281 = 56.20)	

Application for Charter Halibut Permit(s), Federal Government	
Number of responses	281
Total burden hours (140.50)	141
Time per response = 0.5	
Total personnel costs (\$25 x 141)	3,525
Total miscellaneous costs	1.23 million
Start-up and annual administrative costs	
7 enforcement officers	
1 full-time attorney	

b. Application for Transfer of Charter Halibut Permit

A charter halibut permit would be transferrable or not transferrable based on certain minimum participation criteria. After NMFS initially distributes charter halibut permits, a person holding a transferable permit could transfer the permit to another individual or corporate entity with certain limitations.

Vessels that qualified at trip levels of 15 trips and above would earn a transferable permit for that business owner; permits issued based on trip levels below 15 trips would be non-transferable. This provision results in an estimated 29% of the permits issued in Area 2C, and 21% of the permits issued in Area 3A, being non-transferable. This equates to 25% of the permits in both areas combined as non-transferable.

The transferable and nontransferable permits would have different values. The nontransferable permit would cease to exist when the holder leaves the charter halibut fishing business, and the transferable permit would have value as an asset that could be transferred to another business. This would allow a business with relatively low halibut fishing trips to continue its existing business model until it leaves the charter halibut industry.

NMFS proposes approval of a transfer to an individual only if the individual is a U.S. citizen, and approval of a transfer to a corporate entity only if it is a U.S. business with at least 75 percent U.S. citizen ownership of the business. These citizenship standards do not apply to the initial allocation of charter halibut permits but effect future permit transfers under the limited access program. Hence, as non-U.S. citizens leave the fishery their charter halibut permits either would cease to exist (if the permits were nontransferable) or they would be owned by U.S. citizens or U.S. businesses.

NMFS proposes to prevent the transfer of a charter halibut permit to or from any person that owes NMFS any fines, civil penalties or other payments. In addition, a transfer of a permit would not be approved if it would be inconsistent with any sanctions resulting from federal fishing violations. NMFS concluded that this was a reasonable way to enforce fishing sanctions and payment of fines, penalties and payments owed to NMFS by parties to a proposed transfer.

Application for Transfer of Charter Halibut permit

Block A -- Required documentation

Checklist to assist participant

Block B -- Identification of charter halibut permit(s) to be transferred

List permit number(s)

Indicate if this transfer is a single group of "grandfathered" Charter Halibut permits

If YES, indicate whether the transfer of these permits includes the sale or purchase of the transferor's entire charter halibut business.

If NO, your transfer will not be approved as submitted

Block C -- Transferor (seller) information

Name of Transferor (as it appears on the permits)

Permanent business mailing address and temporary mailing address (if applicable)

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

Block D -- Transferee (receiver) information

Indicate whether the person applying to receive the permit(s) is an U.S. Citizen or a U.S. Business with 75% U.S. ownership (individual, corporation, partnership, or other association)

If NO, STOP HERE. This person is not eligible to receive a permit

Name of Receiver(s) (as it will appear on the permit)

Business mailing address and temporary mailing address (if applicable)

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

Block E₁ -- Ownership documentation (to be completed by the transferee (receiver))

Names of each person, to the individual level, holding an ownership or control interest of 10% or more in the Charter Halibut permit(s) being transferred

Percentage ownership each person and individual will hold in the Charter Halibut permit(s)

If the Transferee is a non-individual (i.e., a corporation, partnership or other entity), provide the names of and the percentage of ownership held by, all of its owners to the individual level

Block E₂ -- Identification of affiliation (to be completed by transferee (receiver))

Provide the names of the persons with whom the applicant is affiliated at 10% or greater level of ownership or control. Enter percentage of interest. Do not repeat owner names provided in Block E₁

Block F -- To be completed by the transferor (seller)

Total amount being paid for the permit(s) in this transaction, including all fees

Whether this amount includes the price of the charter halibut business

Reason(s) for transferring the permit(s) (check all that apply)

Block G -- To be completed by the transferee (receiver)

If Charter Halibut permit is being used as collateral for a loan,
enter name of party holding security interest or lien

If the transfer of this Charter Halibut permit includes the sale of the charter halibut business,
enter name of business

If transferee currently holds other Charter Halibut permits,
transfer of "grandfathered" Charter Halibut permits cannot be approved.

If there is an agreement to return the permit to the transferor (seller) or to transfer it to any other person,
explain (use attachment if necessary)

If there is any condition requiring the resale or conveyance of the permit, explain (use attachment if necessary)

Block I -- Certification of transferor

Signature, date signed, and printed name of transferor. If signed by agent, attach authorization.

Notary Public Signature, Notary Stamp or Seal, and date commission expires

Block J -- Certification of Transferee

Signature, date signed, and printed name of transferee. If signed by agent, attach authorization.

Notary Public Signature, Notary Stamp or Seal, and date commission expires

Applications submitted by mail or hand delivery would be acceptable. Electronic submissions, including fax, would not be acceptable because each application must be notarized. The number used for transferors in this analysis is 10% of 851, or 85.

Application for Transfer of Charter Halibut permit , Respondents	
Total number of transferors	85
Total annual responses	85
Frequency of response = 1	
Total annual time burden	170 hr
Estimated response time = 2 hr	
Total personnel costs	4,250
Cost per hour = \$25	
Total miscellaneous costs (2177.70)	2,178
Mail (0.42 x 85 = 35.70)	
Notary (25 x 85 = 2125)	
Photocopy (2 x 0.10 x 85 = 17)	

Application for Transfer of Charter Halibut permit, Federal Government	
Total responses	85
Frequency per response = 1	
Total annual time burden (42.50)	43
Estimated response time = 0.5	
Total personnel costs	1,075
Cost per hour = \$25	
Total miscellaneous costs	0

c. Application for community or MWR charter permit

Two types of special charter halibut permits are available:

- ◆ Community charter halibut permit to allow economic development of a charter halibut fishery in certain rural communities.
- ◆ U.S. military charter halibut permit for recreational use of active duty Army and Air Force personnel.

Community charter halibut permit.

Eligible communities, through a representative of a Community Quota Entity (CQE), could apply for a limited number of permits at no cost, if they meet criteria for limited participation in the charter halibut fishery. The purpose of issuing permits to this subset of small Gulf of Alaska (GOA) communities, not located on the road system, is to provide them the opportunity to derive economic benefits from the charter halibut industry.

A CQE representing a community or communities in Area 2C could receive a maximum of four community charter halibut permits for each eligible community it represents. A CQE representing a community or communities in Area 3A could receive a maximum of seven community charter halibut permits for each eligible community it represents. The larger number of community permits that would be allowed in Area 3A reflects the larger resource base in that area. A community charter halibut permit would have an angler endorsement of six. The communities eligible for community charter halibut permits include those CQE communities in which 10 or fewer “active” charter vessel businesses terminated charter vessel trips in the community in each of the qualifying years (2004 and 2005).

The list of communities proposed to be eligible for community charter halibut permits under a CQE are a subset of those listed in Table 21 in 50 CFR part 679. A community charter halibut permit could be used only in the area and by the person designated on the permit.

In Area 2C 18 communities would be eligible for a community charter halibut permit including Angoon, Coffman Cove, Edna Bay, Hollis, Hoonah, Hydaburg, Kake, Kassan, Klawock, Metlakatla, Meyers Chuck, Pelican, Point Baker, Port Alexander, Port Protection, Tenakee, Thorne Bay and Whale Pass.

In Area 3A 14 communities would be eligible for a community charter halibut permit including Akhiok, Chenega, Halibut Cove, Karluk, Larsen Bay, Nanwalek, Old Harbor, Ouzinkie, Port Graham, Port Lions, Seldovia, Tatitlek, Tyonek, and Yakutat.

In addition to the community charter halibut permits available to a CQE under this proposed action, a CQE could acquire other charter halibut permits through transfer.

A charter vessel fishing trip for halibut that is authorized by a community charter halibut permit would be required to either begin or end within the geographic boundaries of the community

designated on the permit. The purpose of this requirement is to assure that the charter vessel anglers on such a fishing trip have an opportunity to use the goods and services of the community. A community charter halibut permit issued to a CQE could not be transferred to a different CQE or to a non-CQE entity.

MWR charter halibut permit.

NMFS would recognize charter vessels used by the U.S. Army Morale, Welfare, and Recreation (MWR) Program, based at Fort Richardson in Anchorage, Alaska, and those used by the Seward Air Force Recreation Camp operated by Elmendorf Air Force Base in Anchorage, Alaska. This action would not limit charter halibut fishing by any charter vessel owned, operated, or used by either the MWR program or the Seward Air Force Recreation Camp. MWR vessels are not required to meet the qualification requirements of the program, but harvests still count against the guideline harvest level. To be exempt from the overall charter halibut program, however, such vessels would be required to obtain a special MWR charter halibut permit by application to NMFS. Each MWR charter halibut permit would be non-transferable and valid only in the regulatory area designated on the permit.

Applications submitted by mail, hand deliver, or fax would be acceptable if postmarked or hand delivered or faxed no later than the last day of the application period. Electronic submissions other than fax would not be acceptable because each application would require the original signature of the applicant.

Application for community or MWR charter permit

Block A--Type of permit

Indicate type of permit for which applying.

If applying for Community Charter Permit,

An authorized CQE must apply on behalf of the eligible community

Complete Blocks A and B.

Sign and date Block D

Enter the name of the community to be represented

If applying for MWR Permit,

Complete Blocks A and C

Sign and date Block D

Enter the branch of the United States Armed Services represented

Block B –Applicant information

Applicant's name

Business mailing address (street or P.O. Box, city, state, zip code)

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

Block C – Community Charter Halibut Permit(s) request

Name(s) of the community that the CQE represents

For each community charter permit requested, specify

Name(s) of person(s)

Number of permits to be issued to that person

List location boundaries of community, including latitude and longitude, where all trips will begin or end

Block D – MWR Permit(s) request

List the number of MWR permits requested for each area, for 2C and for 3A

Block E – CQE applicant signature

Signature, printed name, and title of individual completing this application on behalf of CQE

Date signed. Attach authorizing documentation.

Block F – MWR applicant signature

Signature, printed name, and rank in service of individual completing this application on behalf of military service. Attach authorizing documentation
 Date signed

Application for community or MWR charter Permit, Respondents	
Total number of respondents	58
Communities: 14 – Area 3A 18 – Area 2C Military -- 26	
Total annual responses	58
Frequency of response = 1	
Total annual time burden	58
Estimated response time = 1 hr	
Total personnel costs	1450
Cost per hour = \$25	
Total miscellaneous costs (197.78)	198
Mail (0.42 x 29 = 12.18)	
Fax (6 x 29 = 174)	
Photocopy (2 x 0.10 x 58 = 11.60)	

Application for community or MWR Charter Permit, Federal Government	
Total responses	58
Frequency per response = 1	
Total annual time burden	29
Estimated response time = 0.5	
Total personnel costs	725
Cost per hour = \$25	
Total miscellaneous costs	0

d. Appeals

NMFS will compare all timely applications to the official record. If an applicant submits a claim that is not consistent with the official record, NMFS will allow the applicant to submit documentation or further evidence in support of the claim during a 30-day evidentiary period. If NMFS accepts the applicant’s documentation as sufficient to change the official record, NMFS will change the official record and issue charter halibut permit(s) accordingly. If NMFS does not agree that the further evidence supports the applicant’s claim, NMFS will issue an initial administrative determination (IAD). The IAD will describe why NMFS is initially denying some or all of a claim and will provide instructions on how to appeal the IAD.

An applicant may appeal the IAD to the Office of Administrative Appeals (OAA) pursuant to 50 C.F.R. § 679.43. NMFS will issue interim permits to applicants whose appeal is accepted by OAA. All interim permits will be non-transferable. NMFS will limit interim permits on appeal to applicants who applied for charter halibut permits within the application period specified in the Federal Register. This means that an applicant that is denied a permit because its application was late will not receive an interim permit. This limitation is necessary for NMFS to know, at

the end of the application period, the maximum number of interim permits that could be issued. Because the grounds for treating a late application as filed on time are extremely narrow, this limitation means that NMFS will not issue an interim permit to an applicant that has an extremely limited chance of prevailing on appeal.

The number used in this analysis is 1% of 851 charter halibut permit applicants, or 9 are estimated to file an appeal.

Appeals for Charter Halibut permit, Respondents	
Total number of respondents	9
Total annual responses Frequency of response = 1	9
Total annual time burden Estimated response time = 4 hr	36
Total personnel costs Cost per hour = \$25	900
Total miscellaneous costs (5.58) Mail (0.42 x 9 = 3.78) Photocopy (2 x 0.10 x 9 = 1.80)	6

Appeals for Charter Halibut permit, Federal Government	
Total responses Frequency per response = 1	9
Total annual time burden Estimated response time = 4 hr	36
Total personnel costs Cost per hour = \$50	1,800
Total miscellaneous costs	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 NOAA standards for confidentiality, privacy, and electronic information. See response to Question 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.

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

Management of the halibut fishery in and off Alaska is based on an international agreement between Canada and the United States and is given effect by the Northern Pacific Halibut Act of 1982. Existing halibut management includes commercial and subsistence fisheries for halibut. This limited access system would be an additional facet of halibut management with its own allocation which would limit the number of vessels that may participate in the charter halibut fishery in IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska).

Although most of the non-commercial uses of halibut have been relatively stable over the years, growth in the non-guided sport and charter halibut fisheries in recent years has resulted in larger amounts of halibut harvested in non-commercial fisheries than in earlier years of these fisheries. Increases in the halibut harvest of any non-commercial fishery effectively reduce the amount available to the commercial fishery and if not controlled, could endanger the Pacific halibut biomass.

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 information on 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-AW92, 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 responses to this information request are not confidential under Federal law. The information collected and submitted in the ADF&G logbook is protected by Alaska State confidentiality statute [AS 16.05.815](#). This information is used to monitor the charter vessel program under the Northern Pacific Halibut Act of 1982.

Federal access to logbook information is necessary for both administrative (including the NOAA Office of Administrative Appeals to adjudicate “hardship claims”) and enforcement purposes. Until recently, Alaska statute prevented direct access of ADF&G logbook or ADF&G business license information by NOAA Fisheries Office for Law Enforcement (OLE) or NMFS. In 2007, ADF&G sought and obtained a legislative change to the confidentiality statute that would facilitate Federal access to these sources of information. With this statute, NMFS can directly access State business and logbook information to determine permit qualification. OLE would need the cooperation of the State to enforce recordkeeping and reporting requirements.

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: 909 (851 plus 58 CQE/military applicants). Estimated total responses: 433. Estimated total burden hours: 826. Estimated total personnel costs: \$20,650. 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 Question 12 above).

Estimated total miscellaneous costs: \$3,337.

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

Estimated total burden hours: 249. Estimated total personnel costs: \$7,125. Estimated miscellaneous costs, initial start-up and administrative costs: \$1,230,000.

15. Explain the reasons for any program changes or adjustments.

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.

No exceptions exist for display of the control number and the expiration date; however, 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.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.