

SUPPORTING STATEMENT

WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA (CDQ) PROGRAM II

OMB CONTROL NO. 0648-xxxx

This action is request for a temporary new collection-of-information to implement Magnuson-Stevens Act amendments by the United States Coast Guard (USCG) Act through a proposed and final rule (RIN No. 0648-AV33). This collection will be combined with the Office of Management and Budget (OMB) Control No. 0648-0269 collection after renewal is approved.

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the exclusive economic zone (EEZ) off Alaska. The North Pacific Fishery Management Council (Council) prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area (FMP) under the authority of the [Magnuson-Stevens Fishery Conservation & Management Act](#) (16 U.S.C. 1801 *et seq.*) as amended in 2006. Regulations implementing the FMP appear at [50 CFR part 679](#).

The Western Alaska Community Development Quota (CDQ) Program is an economic development program implemented under the Magnuson-Stevens Act and the FMP. The purposes of the Program are to provide western Alaska communities the opportunity to participate and invest in BSAI fisheries, to support economic development in western Alaska, to alleviate poverty and provide economic and social benefits for residents of western Alaska, and to achieve sustainable and diversified local economies in western Alaska.

Section 305(i)(1) of the Magnuson-Stevens Act was amended on July 11, 2006, by the Coast Guard and Maritime Transportation Act (USCG Act). These amendments replaced much of the existing language with new language. The new requirements in section 305(i)(1) address all aspects of management and oversight of the CDQ Program including: the purpose of the CDQ Program; allocations of groundfish, halibut, and crab to the program; allocations of program allocations among the CDQ entities; management of the CDQ fisheries; which communities may participate in the program; eligibility criteria for participation in the program; limits on allowable investments; the creation of a CDQ administrative panel; compliance with State reporting requirements; a decennial review and allocation adjustment process; and other features of program administration and oversight by the State and NMFS. Most of the new CDQ Program requirements in the Magnuson-Stevens Act must be implemented through revisions to federal regulations at 50 CFR parts 679 and 680.

A. JUSTIFICATION

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

The USCG Act made certain changes to the Magnuson-Stevens Act in 2006 which caused the removal of regulations at 50 CFR part 679 that formerly provided Federal government oversight of how the CDQ entities used the CDQ allocations to provide benefits to the eligible communities. New regulations defining the role of the Federal government in oversight of the CDQ Program, consistent with the new requirements of the Magnuson-Stevens Act, are being developed and will be implemented through a proposed rule (RIN: 0648-AV33). Removal of the CDQ Program regulations caused a similar removal of requirements from this PRA collection.

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 applicable NOAA Information Quality Guidelines.

The regulation of CDQ harvest is directly addressed in the Magnuson-Stevens Act at section 305(i)(1)(B)(iv). This paragraph states:

The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of non-target species.

NMFS interprets the statement “in a manner no more restrictive than for other participants in the applicable sector” from the Magnuson-Stevens Act to mean that the fishery management regulations associated with regulating the harvest of CDQ allocations should be no more costly, complex, or burdensome than those that apply to comparable non-CDQ sectors managed under individual fishing quotas or cooperative allocations.

The following is an overview of the proposed revisions to CDQ fisheries management regulations.

- ◆ Add definitions of “sablefish CDQ fishing” and “pollock CDQ fishing” to provide a basis for establishing which fishery-specific regulations a vessel operator must comply with when participating in a particular CDQ fishery. The terms “halibut CDQ fishing” and “groundfish CDQ fishing” already are defined in regulation, but would be revised under this proposed rule.
- ◆ Exclude sablefish CDQ from the definition of “license limitation groundfish,” which would, in turn, exempt vessel operators from the requirement to have a License

Limitation Program (LLP) groundfish license while fishing for sablefish CDQ under the CDQ Program. This would be consistent with the exemption allowed for vessels fishing for sablefish IFQ.

- ◆ Revise CDQ catch monitoring and accounting requirements for the halibut, sablefish, and pollock CDQ fisheries to incorporate other applicable changes, which includes eliminating requirements that groundfish bycatch be retained for full catch accounting of all species caught by catcher vessels targeting halibut, sablefish, or pollock CDQ.
- ◆ Revise regulations to align observer coverage requirements for the sablefish CDQ, halibut CDQ, and pollock CDQ fisheries with comparable non-CDQ fisheries.

Only quota transfers, alternative fishing plan, and prior notice to observers are included in this collection. The collection of data necessary to monitor CDQ Program quotas will be accomplished through the existing eLandings system (OMB Control No. 0648-0515) and other groundfish reporting regulations (OMB Control No. 0648-0213).

- a. **CDQ or PSQ transfer request** (currently approved under OMB Control No. 0648-0269, will be merged after this request and the OMB Control No. 0648-0269 renewal are approved)

The transfer process is an in-season management function of NMFS. NMFS will not approve transfers to cover overages of CDQ or PSQ. CDQ groups may transfer groundfish CDQ, halibut CDQ, or Prohibited Species Quota (PSQ) from one group to another by each group submitting a transfer request directly to NMFS, unless submitting on line (see below). The transfer of either CDQ or PSQ may occur during any month of the year and either may be transferred without the other. A CDQ group may transfer all or part of its annual CDQ or PSQ to another group for several reasons, including but not limited to:

- ◆ Changes in, or the non-availability of, a group's harvesting partner;
- ◆ Length of a particular non-CDQ fishery season;
- ◆ Availability of a given target species; and
- ◆ Weather or seasonal conditions impacting smaller vessels

In order for an inter-CDQ group transfer to be approved, both parties must be already established and recognized by NMFS as a CDQ group prior to the transfer. CDQ groups may transfer groundfish CDQ, halibut CDQ, and PSQ online from one CDQ group to another, instead of each group submitting a transfer request directly to NMFS. Rather than NMFS reviewing each request prior to transfer to ensure that the group providing CDQ has adequate quota available to transfer, this check would be done automatically by NMFS' catch accounting system. The CDQ

or PSQ would be transferred as of the date NMFS approves the transfer request. Transfers will continue to be effective only for the remainder of the calendar year in which a transfer occurs.

Six CDQ groups are in the CDQ Program, and all six have the hardware and software to accomplish online transfers. Industry requested the option to submit transfer requests electronically in order to react quickly to changing conditions and to realize harvesting efficiencies. When using the online submittal method, the respondent must enter the NMFS Person ID, password, and Transfer Key, previously provided by NMFS, instead of name, address, telephone number, fax number, and email address. These three pieces of information are provided by NMFS after an applicant is approved for participation in the CDQ Program. A paper or electronic request form must be completed with all information fields accurately filled in by transferors and transferees, and all required additional documentation must be attached.

a. CDQ or PSQ transfer request

Transferring CDQ group information.

Name or initials and CDQ group number.

CDQ representative

Telephone number

Fax number

e-mail address

Name and signature

Certification of transferor

Non-electronic submittal

Transferor's designated representative signature and date signed

Electronic submittal

Transferor's designated representative must log into the system and create a transfer request as indicated on the computer screen.

By using the transferor's NMFS ID, password, and Transfer Key and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete

Receiving CDQ group information

Name or initials and CDQ group number

CDQ representative

Telephone number

Fax number

e-mail address

Name and signature

Certification of transferee

Non-electronic submittal

Transferee's designated representative signature and date signed.

Electronic submittal

Transferee's designated representative must log into the system and create a transfer request as indicated on the computer screen.

By using the transferee's NMFS ID, password, and Transfer Key and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete.

CDQ amount transferred.

Species name or species category

Area

Amount

For groundfish and halibut, specify transfer amounts in metric tons

For crab and salmon, specify transfer amounts in numbers of animals.

PSQ amount transferred.

Species name or species category

Crab Zone

Number of animals or metric tons

For crab and salmon, specify transfer amounts in number of animals

For halibut, specify the amount in metric tons.

Transfer year

CDQ or PSQ transfer request, Respondent	
Number of respondents	6
Total annual responses	48
Frequency of response = 8	
Total burden hours (11.75)	12 hr
Electronic response = $15/60 = 0.25 \text{ hr} \times 47$	
Total personnel cost (\$25 x 12 hr)	\$300
Personnel cost = \$25/hr	
Total miscellaneous costs (2.40)	\$2
Online (0.05 x 48)	

CDQ or PSQ transfer request, Federal Government	
Total annual responses	48
Total burden hours (15.84)	16 hr
Time per response (20 minutes/60) = 0.33 hr	
Total personnel cost (\$25 x 16)	\$400
Personnel cost = \$25/hr	
Total miscellaneous cost	0

- b. Alternative fishing plan** (currently approved under OMB Control No. 0648-0269, will be merged after this request and the OMB Control No. 0648-0269 renewal are approved)

A CDQ group may propose the use of an alternative method for verification of CDQ and PSQ catch by submitting an alternative fishing plan. NMFS will review the alternative fishing plan and approve it or notify the qualified applicant in writing if the proposed alternative does not meet the requirements.

- ◆ The alternative proposed must provide equivalent or better estimates than use of the NMFS standard data source would provide and the estimates must be independently verifiable.
- ◆ Each haul or set on an observed vessel must be able to be sampled by an observer for species composition.
- ◆ Any proposal to sort catch before it is weighed must ensure that the sorting and weighing process will be monitored by an observer.

- ◆ The time required for the level 2 observer¹ to complete sampling, data recording, and data communication duties must not exceed 12 hours in each 24-hour period and the level 2 observer must not be required to sample more than 9 hours in each 24-hour period. NMFS will not approve an alternative fishing plan that would require the observer to divide a 12-hour shift into shifts of less than 6 hours.

The CDQ group must provide a copy of the approved alternative fishing plan to the operator of the approved vessel. A copy of the NMFS-approved alternative fishing plan must be maintained onboard the vessel at all times while it is operating under the alternative fishing plan.

Alternative fishing plans are valid for the remainder of the calendar year in which they are approved. Alternatives to the requirement for a certified scale or an observer sampling station will not be approved.

Alternate fishing plan, Respondent	
Number of respondents	6
Total annual responses	12
Frequency of response = 2	
Total burden hours (12 x 4 hr)	48 hr
Time per response = 4 hr	
Total personnel cost (\$25 x 48 hr)	\$1,200
Personnel cost = \$25/hr	
Total miscellaneous costs (60.60)	\$61
FAX (\$5/page x 12 x 1 pg = 60)	
Photocopies (0.05 x 1 pg x 12 = 0.60)	

Alternate fishing plan, Federal Government	
Total annual responses	12
Total burden hours (12 x 0.5 = 6.0)	6 hr
Time per response (30minutes/60) = 0.5 hr	
Total personnel cost (\$25 x 6)	\$150
Personnel cost = \$25/hr	
Total miscellaneous cost	0

- c. **Prior notice to the Observers in Shoreside Plants** (currently approved under OMB Control No. 0648-0269, will be merged after this request and the OMB Control No. 0648-0269 renewal are approved)

The manager of each shoreside processor or stationary floating processor that is required to have a CDQ observer must notify the level 2 observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading. This notification would provide the level 2 observer an opportunity to monitor the sorting and weighing of the entire delivery. This notice typically

¹A certified observer may obtain a Level 2 endorsement to their certification. A Level 2 endorsement is required for purposes of performing observer duties aboard vessels or stationary floating processors or at shoreside processors participating in the CDQ or AFA fisheries. An observer who has achieved a Level 2 endorsement to their observer certification may additionally receive a Level 2 “lead” observer endorsement

consists of plant personnel verbally informing the observer that an incoming vessel will make a CDQ delivery.

Prior Notice to Observer Shoreside, Respondent	
Number of respondents	4
Total annual responses (4 x 14) Frequency of response = 14	56
Total burden hours (1.68) Time per response (2 minutes/60) = 0.03 hr	2 hr
Total personnel cost Personnel cost = \$25/hr	\$50
Total miscellaneous cost	0

Prior Notice to Observer Shoreside, Federal Government	
Total responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous cost	0

d. Prior notice to Observers of CDQ Delivery on Vessels (currently approved under OMB Control No. 0648-0269, will be merged after this request and the OMB Control No. 0648-0269 renewal are approved)

For catcher/processors, motherships, and catcher vessels required to have a CDQ observer, each vessel operator must notify the level 2 observer(s) before CDQ catch is brought on board the vessel. In addition, the operator must provide the CDQ group and CDQ number associated with the CDQ catch to the level 2 observer(s). This notice consists of vessel personnel verbally informing the observer that an incoming haul is a CDQ haul.

Prior notice to Observers on Vessels, Respondent	
Number of respondents	83
Total annual responses (83 x 56) Frequency of response = 56	4,648
Total burden hours (154.94) Time per response 2 minutes/60	155 hr
Total personnel cost (\$25 x 155 hr) Personnel cost = \$25/hr	\$3,875
Total miscellaneous cost	0

Prior notice to Observers on Vessels, Federal Government	
Total responses	0
Total burden hours	0
Total personnel cost	0
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. NOAA Fisheries 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.

All CDQ forms with instructions are available in a fillable format on the NMFS Alaska Region website at <http://www.alaskafisheries.noaa.gov>, from which the public may download copies of current forms. The quota transfers may be submitted online in order for respondents to react quickly to changing conditions and to realize harvesting efficiencies. The exact Web site, <https://alaskafisheries.noaa.gov/webapps/coopaccounts/Login>, must be requested the first time an applicant uses it; it is not visible to the general public.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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. The only small entities that are directly regulated by this action are the six CDQ groups, and they are not significantly impacted.

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

If most of the PRA requirements related to OMB Control No. 0648-0269 were not removed, in response to amendments that replaced all of the existing language in regulations, there would be great confusion.

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 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-AV33, 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.

As stated on the transfer form and in the regulations, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). It is also confidential under [NOAA Administrative Order 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. All information collected is part of a system of records: NOAA #19, notice published June 11, 2008 (73 FR 20914).

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

Estimated total unique respondents: 93. Estimated total responses: 4,764. Estimated total burden: 217 hours. Estimated total personnel cost: \$5,425, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA, \$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 are \$63.

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

Estimated total responses: 4,764. Estimated total burden: 22 hours. Estimated total personnel cost: \$550, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA, \$25 per hour. Estimated total miscellaneous cost: \$0.

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

This is a new collection.

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

No plans for publication exist.

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.

NA.

18. Explain each exception to the certification.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.