

SUPPORTING STATEMENT
AMERICAN FISHERIES ACT: VESSEL AND PROCESSOR PERMIT APPLICATIONS
OMB CONTROL NO. 0648-0393

INTRODUCTION

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the exclusive economic zone (EEZ) off Alaska. The North Pacific Fishery Management Council prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI) and the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska under the authority of the Magnuson-Stevens Fishery Conservation & Management Act (16 U.S.C. 1801 *et seq.*). The American Fisheries Act, 16 U.S.C. 1851 imposed major structural changes on the BSAI pollock fishery. Regulations implementing the FMPs appear at 50 CFR part 679.

This collection-of-information is revised to support a new program, the Chinook Salmon Prohibited Species Catch Program (Chinook PSC Program), in conjunction with RIN 0648-AX89.

A. JUSTIFICATION

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

The Chinook PSC Program is established to promote reduction of Chinook salmon PSC in the Bering Sea pollock fishery to the extent practicable while achieving optimum yield in the pollock fishery. The focus of the Chinook PSC Program is the Bering Sea pollock fishery because this trawl fishery catches up to 95 percent of the Chinook salmon taken as PSC in the BSAI groundfish fisheries. Non-Chinook salmon PSC reduction measures will also remain in effect.

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.

Under Amendment 91, the PSC limit would be 60,000 Chinook salmon if some or all of the pollock industry participates in an industry-developed contractual arrangement, called an incentive plan agreement (IPA) that establishes an incentive program to minimize bycatch at all levels of Chinook salmon abundance. A 47,591 Chinook salmon PSC limit would apply fleet-wide if industry does not form any IPAs. This PSC limit of 47,591 Chinook salmon is the approximate 10-year average Chinook salmon bycatch from 1997 to 2006.

NMFS would issue transferable Chinook salmon PSC allocations under either the 60,000 or 47,591 Chinook salmon PSC limits to eligible entities representing the catcher/processor sector, the mothership sector, inshore cooperatives, and Community Development Quota (CDQ) groups. Transferable allocations would provide the pollock fleet the flexibility to maximize the harvest

of pollock while maintaining Chinook salmon bycatch at or below the PSC limit. Transfers are a voluntary request, initiated by the entity transferring Chinook salmon PSC allocations, to NMFS to move a specific amount of a Chinook salmon PSC from a transferor's (sender's) account to a transferee's (receiver's) account. NMFS's approval is required for any transfer.

Transferability is expected to mitigate the variation in the distribution or encounter rates of Chinook salmon among the recipients of the transferable allocations in a given season by allowing recipients to accrue a larger portion of the PSC allocations in order to harvest their full pollock allocation or to transfer surplus allocation to other sectors, including post-delivery transfers. Transferable allocations would provide the Bering Sea pollock fleet the flexibility to fully harvest the pollock total allowable catch while maintaining the overall Chinook salmon PSC at or below the PSC limit.

NMFS may issue transferable Chinook salmon PSC allocations annually to the following four AFA sectors:

AFA Sector:	Eligible Participants are:
One entity formed to represent the AFA catcher/processor sector	AFA catcher vessels delivering to AFA catcher/processors
One entity formed to represent the AFA mothership sector	AFA catcher vessels harvesting pollock for processing by AFA motherships
Seven AFA inshore cooperatives	AFA catcher vessels harvesting pollock for processing by AFA inshore processors
CDQ entities	Six CDQ entities

Chinook salmon PSC allocations may be transferred to any other entity eligible to receive transferable Chinook salmon PSC allocation. Transferable allocations would allow the salmon allocation holder to obtain more salmon within an allocation period (e.g., the A season) or to transfer salmon to another sector, cooperative, or CDQ group in a season. The transfer process would require the different pollock entities to monitor their respective members' salmon PSC to ensure the sector's collective salmon allocation was not exceeded. An entity could be subject to enforcement actions if its sector exceeded its annual salmon PSC cap.

NMFS may issue transferable Chinook salmon PSC allocations to the entities, if these entities meet all of the applicable requirements. Transfers of Chinook salmon bycatch allocations among eligible entities are subject to the following restrictions:

- ◆ Entities receiving transferable allocations under the 60,000 PSC limit may only transfer to and from other entities receiving allocations under the 60,000 PSC limit.
- ◆ Entities receiving transferable allocations under the 47,591 PSC limit may only transfer to and from other entities receiving allocations under the 47,591 PSC limit.
- ◆ Chinook salmon PSC allocations may not be transferred between A season and B season, among entities from one entity's A season allocation to another entity's B season

allocation, or from any entity's B season allocation to that entity's A season allocation or any other entity's A season allocation.

If an entity's allocation account balance falls below zero in a season, the entity may receive transfers of Chinook salmon PSC to cover overages for that season. Transfers are allowed to cover overages from all fishing trips including Chinook salmon PSC from fishing trips in progress at the time the account balance first falls below zero. Post delivery transfers are limited to the amount of Chinook salmon PSC necessary to bring the entity's account balance to zero. If an entity is unable to achieve a zero balance, overages will be assessed after June 25 for the A season allocations and December 1 for the B season allocations.

a. Application for Approval as an Entity Eligible to Receive Transferable Chinook Salmon PSC Allocations.

CDQ groups and inshore cooperatives do not have to submit anything to NMFS to be authorized to receive transferable allocations of Chinook PSC. The CDQ groups already receive transferable allocations of Chinook and non-Chinook PSC under the current CDQ Program (since 1999). These groups are known to NMFS and they have a "NMFS Person ID. Inshore cooperatives already are permitted by NMFS to receive pollock allocations.

Two entities need to submit the application to be authorized to receive transferable allocations of Chinook: (1) an entity representing the catcher/processor sector, and (2) an entity representing the mothership sector. Neither of these sectors currently are recognized as a legal entity by NMFS to receive allocations or be responsible for overages.

NMFS will approve an entity to receive transferable Chinook salmon PSC allocations if a complete application and authorization contract are received by NMFS by November 1. The initial application and authorization contract must be submitted by November 1 of the year before the Chinook salmon PSC allocations are effective. Once submitted, the authorization contract attached to the application is valid until amended or revoked by the parties to the contract.

Additions or deletions to the vessels represented by the entity may be done one time per year for subsequent years by submitting an amended contract and revised vessel information by the deadline, unless additions or deletions are as a result of a replacement vessel under paragraph 679.21(f)(7) of this section. An amendment to the contract related to a replacement vessel may be made at any time upon submission of an amended application and a copy of the AFA permit issued under § 679.4 for the replacement vessel.

An initial or amended application and contract must be received by NMFS no later than 1700 hours A.l.t. on November 1 of the year prior to the fishing year for which the Chinook salmon PSC allocations are effective.

The authorization contract authorizes the entity to act on behalf of the vessel owner for purposes of receiving and transferring Chinook salmon PSC allocations and to be responsible for receiving legal papers on behalf of the vessel owners in the sector. This authorization to represent the sector members is needed under both the 60,000 and the 47,591 PSC limit. This contract is

different from the Incentive Plan Agreement (IPA), which is a contract among vessel owners and CDQ groups to participate in an incentive plan they have developed to minimize bycatch. The IPA applies only under the 60,000 cap.

The contract must document that:

- ◆ All parties to the contract agree that the entity, the entity’s representative, and the entity’s agent for service of process named in the application represent them for purposes of receiving transferable allocations of Chinook salmon PSC allocations.
- ◆ The entity’s representative and agent for service of process are authorized to act on behalf of the parties to the contract.
- ◆ The applicant is certified including signatures and printed names and date of signature for the owners of each of the AFA permitted vessels identified in the application. (The names of the vessel owners signing the contract must be the same as the names of on the United States Coast Guard (USCG) vessel documentation.)

The applicant must submit a paper copy of the application with all information fields accurately filled in.

Application for Approval as an Entity Eligible to Receive Transferable Chinook Salmon PSC Allocation
Contact information.

Name and NMFS person ID of entity
 Name of entity’s representative and Name of agent for service of process if different from representative
 Permanent business mailing address and temporary business mailing address (if applicable)
 Business telephone number, business fax number, and business e-mail address of the entity’s representative.

Certification.

Signature and printed name of entity’s representative
 Signature and printed name of agent for service of process, if different from representative
 Date of signature(s)

Vessel information for each AFA permitted vessel that the entity will represent.

Vessel name
 Alaska Department of Fish and Game (ADF&G) vessel registration number
 Federal Fisheries Permit number
 AFA permit number

Attachment: Authorization Contract

Approval as an Entry Eligible to Receive Transferable Chinook Salmon PSC Allocation, Respondent	
Estimated number of respondents	2
1 mothership entity	
1 catcher/processor entity	
Total annual responses	2
1 response per year	
Total burden hours = 8 hr	16 hr
Total personnel cost	\$400
Total miscellaneous cost (3.02)	\$3
Mail (1.26 x 2 = 2.52)	
Photocopy (5 pages x 0.05 x 2 = 0.50)	

Approval as an Entry Eligible to Receive Transferable Chinook Salmon PSC Allocations, Federal Government	
Total annual responses	2
Total burden hours = 2 hr	4
Total personnel cost	\$100
Total miscellaneous cost	0

b. Application for Transfer of Bering Sea Chinook Salmon PSC Allocation

A higher level of salmon PSC accountability is required in order to carry out entity-to-entity transfers or seasonal rollovers. Enforcement costs would be greater for transferable allocations and rollovers than those that would be expected for fishery level caps.

Potential Number of Transferable Chinook Salmon PSC Allocations

Entities That Could Receive Transferable Allocations					
	Catcher/Processor Sector	Mothership Sector	Inshore Co-Ops	CDQ	Total Transferable
A Season	1	1	7	6	15
B Season	1	1	7	6	15
Annual total	2	2	14	12	30

Including the two new sectors, there would be a maximum of 15 different Chinook salmon PSC accounts each season. Separate allocations would be made for the A season and the B season for a total of up to 30 transferable PSC allocation accounts each year. This number of transferable PSC accounts could exist under either the 60,000 Chinook salmon PSC limit or the 47,591 Chinook salmon PSC limit.

The entity receiving a transferable Chinook salmon PSC allocation from NMFS would be authorized to transfer all or a portion of the entity’s salmon PSC allocation to another entity or receive a transfer from another entity (authorized to sign transfer request forms), and be responsible for any penalties assessed for exceeding the entity’s salmon PSC allocation.

Transfers are a voluntary request to NMFS, initiated by the entity transferring surplus Chinook salmon allocations, to move a specific amount of a Chinook salmon PSC allocation from one entity’s account to another entity’s account. NMFS would review the transferring entity’s catch account to ensure sufficient salmon was available to transfer; therefore, NMFS’s approval would be required before a transaction could be completed. Transfers to eligible entities could occur at anytime in a season but transfers cannot be made between the B and A seasons.

Requests for transfers may be submitted to NMFS either electronically or non-electronically through a form available on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov>).

NMFS will design computer programs to review the transferor's catch account during a transfer request to ensure sufficient Chinook salmon is available to transfer and, if it were, to make that transfer effective immediately.

NMFS will evaluate overages of Chinook salmon PSC on June 25 for the A season and on December 1 for the B season. This would provide entities 15 days after the end of the A season and 30 days after the end of the B season to obtain post delivery transfers to reduce or eliminate any overages. NMFS proposes that 15 days after the A season is an appropriate amount of time to provide for post delivery transfers because most A season pollock fishing is completed well before the end of the season on June 10. NMFS needs to resolve A season account balances relatively quickly so that any necessary adjustments can be made to the B season account balances before B season pollock fishing begins.

NMFS would allow 30 days after the end of the B season for post delivery transfers because pollock fishing will cease for the remainder of the year on November 1. NMFS does not need to make further adjustments to account balances within a specified period of time at the end of the year. If, after allowing for post-delivery transfers to cover an overage, an entity exceeded its Chinook salmon PSC allocation, the entity would be subject to an enforcement action for violating NMFS regulations.

Application for Transfer of Bering Sea Chinook Salmon PSC Allocations

Non-Electronic

Identification of transferor

Name and NMFS person ID

Permanent (and temporary, if applicable) Business Mailing Address

Business Telephone No., Business Fax No, and Business E-mail address:

Identification of transferee

Name and NMFS person ID

Permanent (and temporary, if applicable) Business Mailing Address

Business Telephone No., Business Fax No, and Business E-mail address:

Chinook Salmon PSC transferred

Number of Chinook salmon

Date of Transfer

Whether A Season or B Season

Electronic

Identification of transferor

Transferor selects the transferee.

NMFS person ID, password and Transfer

Chinook PSC Amount Transferred

Number of Chinook PSC

Date of Transfer

Whether A Season or B Season

Identification of Transferee.

Transferee accepts transfer

NMFS person ID, password, and Transfer Key

Transfer Bering Sea Chinook Salmon PSC Allocation, Respondents	
Total number of respondents 15 per season.	15
Total number of responses (2) Separate allocations for A season and B season	30
Total time burden $15/60 = 0.25 \text{ hr} \times 30 = 7.5 \text{ hr}$	8 hr
Total personnel cost (25 x 8)	\$200
Total miscellaneous cost (1.50) Online to NMFS ($0.05 \times 30 = 1.50$)	\$2

Transfer Bering Sea Chinook Salmon PSC Allocation, Federal Government	
Total number of responses	30
Total time burden = $0.25 \text{ hr} \times 30 = 7.5 \text{ hr}$	8 hr
Total personnel cost (\$25)	\$200
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 following 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 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.

Forms may be downloaded from the NMFS Alaska Region Web site <http://www.alaskafisheries.noaa.gov>. The Application for Transfer of Chinook PSC allocation may be submitted online at this Web site. The Application for Eligibility to Receive Transferable PSC has an attachment with original signatures and must be mailed to the Regional Administrator, NMFS, P.O. Box 21668, Juneau, AK 99802, or sent by courier to the Office of the Regional Administrator, 709 West 9th St., Juneau, AK 99801.

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 proposed action applies only to those entities that participate in the directed pollock trawl fishery in the Bering Sea. The only small entities that are directly regulated by this action are the six western Alaska CDQ organizations, and the impact is not significant.

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

The purpose of the proposed action is to minimize Chinook salmon PSC to the extent practicable while achieving optimum yield from the pollock fishery. The proposed action is necessary to ensure long-term conservation and abundance of salmon, maintain a healthy marine ecosystem, provide maximum benefit to fishermen and communities that depend on salmon and pollock, and comply with the Magnuson–Stevens Act. If the information were not collected annually, NMFS would be unable to achieve these goals.

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.

NMFS Alaska Region will submit a proposed rule Regulation Identifier Number (RIN) 0648-AX89 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 is 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 forms, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act. 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.

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

Estimated total respondents: 61, increased from 44. Estimated total responses: 76, increased from 44. Estimated total burden: 181, increased from 157 hr. Estimated total personnel costs: \$4,513, increased from \$3,913.

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: \$124, increased from \$119.

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

Estimated total burden: 39, increased from 27 hr. Estimated total personnel cost: \$975, increased from \$675.

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

Program Change. This action describes new management measures to minimize Chinook salmon PSC in the Bering Sea pollock fisheries.

Application for Approval as an Entity to Receive Transferable Chinook Salmon PSC Allocations (New)

an increase of 2 respondents and responses, 2 instead of 0
an increase of 16 hr burden, 16 instead of 0
an increase of \$400 personnel costs, \$400 instead of \$0

Application for Transfer of Chinook Salmon PSC Allocations (New)

an increase of 15 respondents, 15 instead of 0
an increase of 30 responses, 30 instead of 0
an increase of 8 hr burden, 8 instead of 0
an increase of \$200 personnel costs, \$200 instead of \$0
an increase of \$2 miscellaneous costs, \$2 instead of \$0

These already existing information collections are not changed:

Application for AFA Permit for Replacement Vessel: 1 respondent and response, 30 minutes' burden (rounded to 1 hour), \$13 personnel costs and \$6 miscellaneous costs.

Application for AFA Inshore Catcher Vessel Cooperative Permit: 8 respondents and responses, 16 hours' burden, \$400 personnel costs and \$45 miscellaneous costs.

Contract Fishing by Non-Member Vessels: 35 respondents and responses, 140 hours' burden, \$3,500 personnel cost and \$68 miscellaneous costs.

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

The results of this collection-of-information 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.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.