

**SUPPORTING STATEMENT
WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA (CDQ) PROGRAM
OMB CONTROL NO. 0648-XXXX**

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 (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area under the authority of the Magnuson-Stevens Fishery Conservation & Management Act (16 U.S.C. 1801 *et seq.*). Regulations implementing the FMP appear at 50 CFR part 679.

The CDQ Program is an economic development program. The purpose of the program is to provide western Alaska communities the opportunity to participate and invest in Bering Sea and Aleutian Islands Management Area (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.

This collection-of-information supports the Chinook Salmon Bycatch Program (Program), a new program created for the management of Chinook salmon prohibited species catch (PSC) in the Bering Sea pollock fishery managed under the American Fisheries Act (AFA). The Program is implemented under Amendment 91 to the FMP. This collection will be merged with Office of Management and Budget (OMB) Control No. 0648-0269 as soon as possible.

A. JUSTIFICATION

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

The 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 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.

Chinook salmon taken incidentally in groundfish fisheries are classified as prohibited species catch (PSC) and, as such, must be either discarded or donated through the Prohibited Species Donation Program (see OMB Control No. 0648-0316). New measures are sought to minimize salmon bycatch to the extent practicable while achieving optimum yield from the pollock fishery.

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.

A higher level of salmon PSC accountability is required in order to carry out entity-to-entity transfers or seasonal rollovers. The pollock fishery has two fishing seasons: the A season and the B season. Transfers to eligible entities may occur at anytime in a season but transfers cannot be made between the B season and the A season. Amendment 91 would place a limit on the number of Chinook salmon that may be caught incidentally in the Bering Sea pollock fishery by fishing season and fishery sector. This limit, when reached, would require directed fishing for pollock to cease for the remainder of the season even if the total allowable catch for pollock had not been fully harvested.

Amendment 91 includes two options for the maximum Chinook salmon PSC limit (60,000 Chinook salmon or 47,591 Chinook salmon), with the higher limit available as transferable PSC allocations to those who participate in an industry-developed incentive plan agreement to reduce Chinook salmon bycatch below the PSC limit. Amendment 91 also includes a Chinook salmon bycatch performance standard that, if exceeded, would require members of the affected pollock sector to fish under the lower Chinook salmon PSC limit in all future years. The dual allocation levels, incentive plan agreement, and performance standard are intended to minimize Chinook salmon PSC at all levels of Chinook salmon or pollock abundance and at all levels of Chinook salmon encounter rates in the pollock fishery.

NMFS is modifying the CDQ group transfer procedure to incorporate Chinook Salmon Bycatch. Since 1999, the CDQ groups have received transferable Chinook and non-Chinook salmon PSQ allocations and are authorized to transfer their salmon PSQ allocations to and from other CDQ groups. Under Amendment 91, NMFS would issue additional transferable Chinook salmon PSQ allocations to eligible entities representing the AFA catcher/processor sector, the AFA mothership sector, and to AFA inshore cooperatives. New under this proposed action, is the authorization for the CDQ groups to transfer Chinook salmon PSQ allocations to anyone other than another CDQ group. CDQ groups may transfer to and receive transfer from any of the other eligible entities; the AFA inshore cooperatives, the AFA catcher/processor sector, and the AFA mothership sector. Any entity could transfer all of its Chinook PSQ allocation or a portion of that allocation to another entity. Each entity would be responsible for any penalties assessed for exceeding the entity's salmon PSQ allocation.

Transfer requests are voluntary requests through NMFS, initiated by the entity transferring surplus Chinook PSQ allocations (transferor), to move a specific amount of a Chinook salmon PSQ allocation from a transferor's (sender's) account to a transferee's (receiver's) account. 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 bycatch at or below the PSC limit.

NMFS will evaluate overages of Chinook PSQ on June 25 for the A season and on December 1 for the B season. These dates would provide the 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 PSQ allocation, the entity would be subject to an enforcement action for violating NMFS regulations.

a. Groundfish/Halibut CDQ and Prohibited Species Quota (PSQ) Transfer Request

A representative from each CDQ group proposing to transfer annual amounts of groundfish and halibut CDQ and Prohibited Species Quota (PSQ) except Bering Sea Chinook salmon would complete and sign this form.

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.

Groundfish/Halibut CDQ and Prohibited Species Quota (PSQ) Transfer Request

Transferring CDQ Group Information

Group Name or initials
Group number
Business telephone number, business fax number, and business e-mail address
Representative's name and signature

Receiving CDQ Group Information

Group Name or initials
Group number
Business telephone number, business fax number, and business e-mail address
Representative's name and signature

CDQ Amount Transferred

Species or species category
Area
Amount (mt)

PSQ Amount Transferred

Species or species category

Crab zone

Number of animals (if crab) or metric tons for groundfish

Transfer Year

Groundfish/Halibut CDQ and PSQ transfer request, Respondents	
Total number of respondents	6
Total number of responses (2) 1 each for A season and B season	12
Total time burden 30 min. x 12 = 6 hr	6 hr
Total personnel cost (25 x 6)	\$150
Total miscellaneous cost Online to NMFS (0.05 x 12 = 0.60)	\$1

Groundfish/Halibut CDQ and PSQ transfer request, Federal Government	
Total number of responses	12
Total time burden = 15 minutes x 12 = 3 hr	3 hr
Total personnel cost (\$25)	\$75
Total miscellaneous cost	0

b. CDQ Chinook Salmon PSQ Transfer Request [REMOVED]

This form is replaced by the Application for Transfer of Bering Sea Chinook Salmon PSC Allocations in OMB Control No. 0648-0393.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response 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.

Transfer forms are fillable and are posted on the Alaska Region website, <http://alaskafisheries.noaa.gov> and may be submitted online, by fax, or by mail.

4. Describe efforts to identify duplication.

This information request does not duplicate any previous information request.

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. These CDQ groups represent 65 western Alaska communities that currently participate in the CDQ Program. These groups include: Aleutian Pribilof Island Community Development Association, Bristol Bay Economic Development Corporation, Central Bering Sea Fishermen=s Association, Coastal Villages Region Fund, Norton Sound Economic Development Corporation, and Yukon Delta Fisheries Development Association. Each of these groups is organized as a not-for-profit entity, and none is dominant in its field. Consequently, each is a small entity under the Regulatory Flexibility Act (RFA). The impact is not significant on the CDQ groups.

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 PSQ 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 a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The NMFS Alaska Region will submit a proposed rule, RIN 0648-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 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 forms, 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.

Information collected for the CDQ program does not include information of a private or 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: 6. Estimated total responses: 12. Estimated total burden: 6 hr. Estimated total personnel cost: \$150, 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 \$1.

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

Estimated total responses: 12. Estimated total burden, 3. Estimated total personnel cost: \$75, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA, \$25 per hour.

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.

Each year, NMFS will release to the public and publish on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>):

- ◆ The Chinook salmon PSC allocations for each entity receiving a transferable allocation;
- ◆ The non-transferable Chinook salmon PSC allocation for each entity;
- ◆ The vessels fishing on behalf of that entity for that year under each transferable or non-transferable allocation;
- ◆ The amount of Chinook salmon PSC that accrues towards each transferable or non-transferable allocation; and
- ◆ Any changes to the PSC allocations due to transfers, rollovers, and deductions to the B- season non-transferable allocations.

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.