

## SUPPORTING STATEMENT

### ALASKA REGION PERMIT FAMILY OF FORMS OMB CONTROL NO. 0648-0206

#### INTRODUCTION

This request is for the revision of an existing collection of information due to an associated rule, RIN 0648- AY53.

National Marine Fisheries Service, Alaska Region (NMFS) manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) off the coast of Alaska under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the [Magnuson-Stevens Fishery Conservation and Management Act](#) as amended in 2006. Regulations implementing these procedures are located at [50 CFR part 679](#).

NMFS created the Federal Fisheries Permit (FFP), Federal Processor Permit (FPP), and Exempted Fishery Permit for use in the EEZ groundfish fisheries. These permits allow NMFS to monitor participation in groundfish fisheries. All vessel operators must hold onboard a vessel a valid FFP to fish for or to retain groundfish in the Gulf of Alaska (GOA). All managers of a shoreside processor or a stationary floating processor must hold at the plant or onboard a valid FPP to receive, purchase, or arrange to purchase unprocessed groundfish.

The State of Alaska parallel waters are concurrent physically and temporally with Federal waters in the GOA for specific fish species. Federal groundfish fisheries in the EEZ may be opened by NMFS to directed fishing for selected groundfish species. Parallel fisheries for groundfish species may be opened by the Commissioner for the Alaska Department of Fish and Game (ADF&G) through emergency order. The directed fisheries for Pacific cod in State waters (0 to 3 nm) are open concurrently with the directed fisheries in Federal waters (3 nm to 200 nm). The fisheries in State waters (referred to as the 'parallel fisheries') are conducted under virtually the same rules as the Federal fisheries, and catch is counted against the Federal total allowable catch (TAC). NMFS requires all vessel operators who hold an active FFP to comply with NMFS recordkeeping and reporting requirements as well as observer coverage and vessel monitoring system (VMS) requirements (see OMB Control No. 0648-0445).

One of the objectives of the proposed action is to establish sector allocations for each gear and operation type in the GOA Pacific cod fishery. The sector allocations would be based primarily on historical catches, as well as conservation, catch monitoring, bycatch, prohibited species catch (PSC) avoidance, and social objectives, including considerations for small boat sectors and coastal communities. Dividing the TAC among sectors may also facilitate the future development of management measures to address Steller Sea lion mitigation issues, bycatch reduction, and PSC mortality issues.

Currently, vessel operators who hold an FFP and fish for Pacific cod in Federal waters may surrender their FFP for the purpose of fishing in the parallel waters Pacific cod fishery; this

surrender allows them to avoid Federal monitoring (recordkeeping and reporting, observer, and VMS requirements. Without an active FFP, the vessel is immune from requirements. Without the Federal monitoring these requirements provide, NMFS believes that the quality of catch accounting is degraded.

In addition, certain catcher/processors using pot and hook-and-line gear continue to fish for Pacific cod in parallel waters when Pacific cod is closed to the catcher/processor sector but is open to directed fishing to the catcher vessel sector. This additional fishing by unauthorized vessels -- increased fishing pressure -- has resulted in shortened seasons, has exacerbated the race for fish, and has increased the concentration of Pacific cod harvest inside State waters. If not corrected, this pressure will erode the harvests by vessels that have historically participated in the GOA Pacific cod fishery. The increased fishing pressure and catch in the parallel waters fishery have also increased the complexity and difficulty in managing sector allocations, seasonal apportionments, area apportionments, and maintaining catch below acceptable biological catch and TAC. With this action, NMFS expects to reduce the frequency with which some catcher/processors circumvent the intent of Pacific cod sector allocations. Reduction of unauthorized fishing pressure is intended to enhance stability in the Western and Central GOA Pacific cod fisheries, reduce competition among the sectors, and preserve the historical division of catch among sectors.

#### Federal Fisheries Permit (FFP)

The owner of a vessel of the United States must hold an FFP for the vessel to fish for groundfish in the GOA or Bering Sea and Aleutian Islands (BSAI). The owner of a vessel of the United States must hold an FFP to fish in the GOA or BSAI for any non-groundfish species, including but not limited to halibut, crab, salmon, scallops, and herring, and that is required to retain any bycatch of groundfish. See 50 CFR 679.4(b).

Currently, an FFP may be voluntarily surrendered; if surrendered, NMFS will reissue an FFP in the same fishing year in which it was surrendered. With this action, NMFS would change procedures for surrender of an FFP:

- ◆ In the BSAI, NMFS will not reissue an FFP to the owner of a vessel named on an FFP that has been issued with endorsements for catcher/processor vessel operation type, pot or hook-and-line gear type, and the BSAI area, until after the expiration date of the surrendered FFP.

- ◆ In the GOA, NMFS will not reissue an FFP to the owner of a vessel named on an FFP that has been issued with endorsements for catcher/processor or catcher vessel operation type; trawl, hook-and-line, pot, or jig gear type; and the GOA area endorsement, until after the expiration date of the surrendered FFP.

Currently, an FFP may be amended; if amended, NMFS will reissue an amended FFP in the same fishing year in which it was amended. With this action, NMFS would change procedures for amendment of an FFP:

- ◆ In the BSAI, NMFS will not approve an application to amend an FFP to remove a catcher/processor vessel operation endorsement, pot gear type endorsement, hook-and-line gear type endorsement, or BSAI area endorsement from an FFP that was issued with endorsements for catcher/processor operation type, pot or hook-and-line gear type, and the BSAI area.

◆ In the GOA, NMFS will not approve an application to amend an FPP to remove a catcher/processor or catcher vessel operation endorsement, pot gear type endorsement, trawl gear type endorsement, hook-and-line gear type endorsement, or GOA area endorsement from an FPP that was issued with these endorsements.

#### Federal Processor Permit (FPP)

A shoreside processor or stationary floating processor must hold an active FPP to receive, purchase, arrange to purchase, unprocessed groundfish harvested in the GOA or BSAI (see 50 CFR 679.4(f)).

With this action, NMFS adds a new category of participants required to hold an FPP: a Community Quota Entity (CQE) floating processor. Vessel owners and operators can apply for a CQE floating processor endorsement on the FPP. A mothership FPP holder that chooses to operate as a CQE floating processor would need to surrender his or her FPP and apply for an FPP with the CQE floating processor endorsement. Regulations restrict the owner or operator of a vessel from possessing both an FPP and an FPP simultaneously.

Currently, a limited number of shoreside processors operate in GOA communities. The majority of Western GOA groundfish deliveries are made to Sand Point and King Cove, which each have one shoreside plant, and Dutch Harbor. Most (>95%) of Central GOA groundfish deliveries are made to Kodiak. The rationale for allowing motherships to process within specific GOA communities is that it may provide an incentive for additional processors to operate in the GOA, which would give CV operators more options for making deliveries, and possibly higher prices.

### **A. JUSTIFICATION**

Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) would allocate the Western and Central GOA Pacific cod total allowable catch (TAC) limits among various gear and operational sectors. Sector allocations would limit the amount of Western and Central GOA Pacific cod that each sector is authorized to harvest. This action would reduce competition among sectors and would support stability in the Pacific cod fishery. This action would also limit access to the Federal Pacific cod TAC fisheries prosecuted in State waters, commonly known as the parallel fishery, adjacent to the Western and Central GOA. This action is intended to promote community participation and would provide incentives for new entrants in the jig sector.

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

Competition among participants in the Western and Central GOA Pacific cod fisheries has intensified in recent years. Because the TACs are not divided among gear or operation types, there is a derby-style race for fish and competition among the various gear types for shares of the TACs. The proposed action would divide the Western and Central GOA Pacific cod TACs among the various gear and operation types, based primarily on historical dependency and use by each sector, while also considering the needs of fishing communities. This amendment is intended to enhance stability in the fishery by enabling operators within each sector to plan harvesting or processing activity during a fishing year, reduce competition among sectors, and

preserve the historical division of catch among sectors, while providing opportunities for new entrants in these fisheries.

**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.**

The information requested on the FFP and FPP applications is used for fisheries management and regulatory compliance by the U.S. Coast Guard (USCG), NMFS Sustainable Fisheries Division, NMFS Restricted Access Management Program, NMFS Observer Program, NOAA Fisheries Office for Enforcement, and the Council.

The applications may be submitted

by mail to: NMFS, Alaska Region  
Restricted Access Management (RAM) Program  
P.O. Box 21668  
Juneau, AK 99802

or delivered to:  
Federal Building  
709 W. 9th Street, Suite 713  
Juneau, AK 99801

or faxed to: 907-586-7354

**a. Federal Fisheries Permit (FFP).**

An FFP authorizes a vessel owner to deploy a vessel to conduct groundfish operations in the GOA or BSAI as a catcher vessel, catcher/processor, mothership, tender vessel, or support vessel. A vessel may not be operated in a category other than as specified on the FFP, except that a catcher vessel, catcher/processor, mothership, or tender vessel may be operated as a support vessel. FFPs are non-transferable, three-year permits, issued on request and without charge to vessel owners. These permits are authorized 50 CFR 679(4)b.

The FFP is also required for vessels used to fish for any non-groundfish species and that are required to retain any bycatch of groundfish under 50 CFR Part 679. Non-groundfish species include but are not limited to halibut, crab, salmon, scallops, and herring.

If the owner of a catcher vessel or catcher/processor plans to participate in the directed fishery for Pacific cod, pollock, or Atka mackerel in the GOA or BSAI with any gear other than jig gear, the FFP must be endorsed for these species by gear type. For new requests for an FFP or if ownership of the vessel issued an FFP has changed, documentation of vessel ownership must be provided with the application.

**Federal fisheries permit (FFP) application**

Indicate the type of request: New FFP, FFP Renewal, Amended FFP, or Surrendered FFP  
If requesting to renew, amend, or surrender an existing FFP, provide current FFP number

Block A – Owner information

- Owner name and NMFS Person ID
- Business mailing address, including street or P.O. box, city, state, and zip code;  
indicate whether permanent or temporary
- Managing company name (if any)
- Business telephone number, business fax number, and e-mail address

Block B. Vessel information

- Vessel name
- Home port (city and state)
- ADF&G processor code (if applicable)
- Indicate whether this is a vessel of the United States
- USCG documentation number
- ADF&G vessel registration number
- Length overall (ft) and registered length (ft)
- Gross tonnage and net tonnage
- Shaft horsepower

Block C. Permit information

- Area of operation.
- Type of vessel operation.
- Gear type (catcher vessel or catcher/processor only)
- GOA Inshore Processing Endorsement (vessels under 125 ft length overall)

Block D. Species Endorsements and Amendments

- Indicate requested species endorsements with gear other than jig gear; or
- Remove species endorsement

Block E. Signature

- Printed name and signature of applicant and date signed

**Attachments:**

- For USCG documented vessels, a copy of the USCG Abstract of Title or Certificate of Documentation
- For undocumented vessels, a copy of the ADF&G vessel license or registration

<b>Federal Fisheries Permit, respondents</b>	
<b>Total number of respondents</b>	<b>1,789</b>
1,460 catcher vessels	
170 catcher/processors	
34 motherships	
100 tender vessels	
25 support vessels	
<b>Total number of annualized respondents and responses</b> (1789 /3 = 586.33)	<b>596</b>
Response per participant = 1 every 3 yrs	
<b>Total Time burden</b> (208.60)	<b>209 hr</b>
Time per response (21 min)	
<b>Total personnel costs</b> (\$25 x 209)	<b>\$5,225</b>
Cost per hour =\$25	
<b>Total miscellaneous costs</b> (877.84)	<b>\$878</b>
Submit by fax (\$6 x 100 = 600)	
Submit by mail (.44 x 496 = 218.24)	
Photocopy (0.05 x 2pp x 596 = 59.60)	

<b>Federal Fisheries Permit, Federal Government</b>	
<b>Total number of responses</b>	<b>596</b>
<b>Total time burden</b>	<b>447 hr</b>
Time requirement per response (45 min)	
<b>Total personnel cost (\$25 x 447)</b>	<b>\$11,175</b>
Cost per hour =\$25	
<b>Total miscellaneous costs</b>	<b>\$0</b>

## **b. Federal processor permit (FPP) application**

The FPP is a groundfish permit required for stationary floating processors (processing vessels that operate solely within Alaska State waters) and for shoreside processors that receive, purchase, arrange to purchase, and/or process groundfish harvested in the GOA and BSAI. FPPs are non-transferable, three year permits, issued to owners on request and without charge. Only persons who are U.S. citizens are authorized to receive or hold an FPP.

A new endorsement, a CQE Floating Processor, is required on a Federal Processor Permit (FPP) if the vessel will process Pacific cod within the marine municipal boundaries of CQE communities in the Western or Central GOA. A CQE floating processor is able to move to any number of CQE communities in a given fishing year. A vessel cannot function as both a mothership and as a CQE floating processor at the same time; a vessel cannot have an FPP and an FPP at the same time.

This action would permit eligible vessels to operate in the Western and Central GOA within the boundaries of municipalities eligible to participate in the CQE program. The owners or operators of vessels that are not stationary floating processors, defined at 50 CFR part 679.2, could apply for an FPP with a CQE floating processor endorsement. Under this action, Federally permitted vessels that receive and process groundfish from other vessels, and have not been used to harvest groundfish off Alaska during the same calendar year could temporarily process groundfish within the municipal boundaries of a Western or Central GOA CQE community.

### **Federal processor permit (FPP) application**

Indicate category of processor: Shoreside processor, SFP, or CQE floating processor

Indicate type of permit requested

If requesting to renew or amend an existing FPP, enter FPP number

#### Block A. Owner information

Owner name

NMFS Person ID

Permanent business mailing address, including street or box, city, state, and zip code

A temporary business mailing address may also be included

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

Managing company name (if any)

#### Block B. SFP information.

Name of SFP

Indicate whether this is a vessel of the United States

USCG documentation number

ADF&G vessel registration number

ADF&G processor code

Length overall (ft) and registered length (ft)

Gross tonnage and net tonnage

Shaft horsepower

Home port (city and state)

Indicate if requesting GOA Inshore Processing Endorsement

**Block C. Shoreside processor information**

Name of shoreside processor

ADF&G processor code

Permanent business mailing address, including P.O. box or street, city, state, and zip code

A temporary business mailing address may also be included

Physical location of plant at which this shoreside processor is operating (no post office boxes)

Indicate whether this shoreside processor is replacing a previous processor at this facility;  
if YES, name of previous processor

Indicate whether there are multiple processors using this facility

Indicate whether the owner named in Block A owns the plant named in Block C

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

**Block D. CQE Floating processor information**

Name of vessel

Indicate whether a vessel of the United States

USCG documentation number

ADF&G vessel registration number

ADF&G processor code

Length overall (ft) and registered length (ft)

Gross tonnage and net tonnage

Shaft horsepower

Home port of vessel (city and state)

Indicate if requesting GOA CQE Floating Processor Endorsement

**Block E. Applicant signature**

Printed name and signature of applicant and date signed

**Attachment:** If an SFP or CQE floating processor, attach a copy of the USCG Abstract of Title or Certificate of Documentation if requesting a new FPP or if ownership of the SFP or CQE floating processor has changed

<b>Federal Processor Permit, respondents</b>	
<b>Total number of respondents</b>	<b>157</b>
119 shoreside processors	
14 SFPs	
24 CQE floating processors	
<b>Total number of annualized respondents and responses (52.33)</b>	<b>52</b>
Number responses per participant=1 every 3 years	<b>18 hr</b>
<b>Total time burden</b> for all responses (18.2)	
Time requirement per response (21 min)	<b>\$450</b>
<b>Total personnel cost</b>	
Cost per hour =\$25	<b>\$56</b>
<b>Total miscellaneous cost (55.88)</b>	
Submit by fax (\$6 x 5 = 30)	
Submit by mail (.44 x 47 = 20.68)	
Photocopy (0.05 x 2pp x 52 = 5.20)	

<b>Federal Processor Permit, Federal Government</b>	
<b>Total number responses</b>	<b>52</b>
<b>Total time burden</b> for all responses	<b>39 hr</b>
Time requirement per permit = 45 min	
<b>Total personnel cost</b> (\$25 x 39 hr)	<b>\$975</b>
<b>Total miscellaneous cost</b>	<b>\$0</b>

The other information collection, annual exempted fishery permit, remains the same:

<b>Exempted Fishing Permit, Respondent</b>	
<b>Estimated number of respondents</b>	<b>4</b>
<b>Total estimated responses</b>	<b>4</b>
Number of responses per participant=1	
<b>Total time burden (4 x 20 hr)</b>	<b>80 hr</b>
Application for each permit=20 hr	
<b>Total personnel cost (\$25 x 80 hr)</b>	<b>\$2,000</b>
Personnel cost per hour=\$25	
<b>Total miscellaneous cost</b>	<b>\$18</b>
Priority Mail Postage (4.50 x 4)	
<b>Exempted Fishing Permit, Federal Government</b>	
<b>Estimated total responses</b>	<b>4</b>
Number responses per respondent=1	
<b>Total time burden</b>	<b>45 hr</b>
Review application & resolve questions (10)	
4 hr at GS-12/13	
5 hr at GS-14/15	
1 hr at \$100/hr	
Process application, create EA, issue EFP (33 hr)	
24 hr at GS-12/13	
9 hr at GS-14/15	
Complete report of EFP activity (2 hr)	
1 hr at GS-12/13	
1 hr at GS-14/15	
<b>Total personnel cost</b>	<b>\$2,247</b>
(4 + 24 + 1 GS-12/13) x \$43 = 1247	
(5 + 9 + 1 GS-14/15) x \$60 = 900	
1 hr at \$100 = 100	
<b>Total miscellaneous costs</b>	<b>\$300</b>

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. 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.**

The FFP and FPP applications may be completed onscreen using fillable forms, downloaded, and printed from the NMFS Alaska Region website <http://www.alaskafisheries.noaa.gov>.

**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 directly regulates catcher vessels and catcher/processors that participate in the Pacific cod fisheries in the Western and Central GOA. Data from 2008 show that five processing entities and 401 catcher vessels are considered small entities. Seven catcher/processors are estimated to be small entities. NMFS estimates that one mothership and a stationary floating processor owned by two different processing entities, are small entities. As of April 29, 2011, 24 CQE non-profit corporations represent 24 unique Alaskan communities. The 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.**

In 1992, the inshore/offshore processing allocations were established under Amendment 23 to the FMP (57 FR 23321; June 3, 1992) and were intended to prevent one processing sector, such as catcher/processors, from preempting another, such as shoreside processors. The inshore/offshore processing allocations enabled vessels and facilities operators to better plan their annual harvest and processing activity. These provisions protected the inshore processing component from competition by the offshore fleet.

The proposed action, Amendment 83, would supersede the inshore/offshore allocations with sector allocations. This amendment is intended to enhance stability in the fishery by enabling operators within each sector to plan harvesting or processing activity during a fishing year, reduce competition among sectors, and preserve the historical division of catch among sectors, while providing opportunities for new entrants in these fisheries.

This action would retain restrictions established under the inshore/offshore system to prohibit stationary floating processors from engaging in mothership activity in more than one geographic location in the GOA, or operating as a catcher/processor in the GOA during the same calendar year. In addition, this proposed rule would establish various processing caps as part of the new sector allocations in the Western and Central GOA.

Without these restrictions, sector allocations, and processing caps, owners and operators of vessels receiving deliveries of Pacific cod could shift historic processing delivery patterns away from communities historically dependent on processing activity and future harvests by some sectors would increase and impinge on the historical levels of catch by other sectors.

**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.**

NMFS Alaska Region will submit a proposed rule (RIN 0648-AY53) 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.

**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.*); and also under [NOAA Administrative Order \(AO\) 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a system of records: NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries.

**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 and responses: 652, up from 644. Hours: 307, up from 304. Personnel costs: \$ 7,675, up from \$ 7,600.

**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 cost: \$ 952, down from \$2,200.

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

Estimated total burden: 531 up from 525 hr. Estimated total personnel cost: \$14,397, up from \$14,247. Total miscellaneous costs: no change from previous cost of \$300.

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

Adjustments are made in this collection, due in part to differences in numbers of participants, based on current permit counts, and due to revisions to postage rates and fax costs and the more current proportions of those choosing to mail vs. faxing.

Federal fisheries permit application

A decrease of \$1,038 miscellaneous costs, \$878 instead of \$1,916.

Federal processor permit application

A decrease of \$210 miscellaneous costs, \$56 instead of \$266.

Program change: A total of 24 CQE floating processors will be completing the FPP application (annualized to 8).

Federal processor permit application

An increase of 8 respondents and responses, 52 instead of 44

An increase of 3 hrs, 18 instead of 15

An increase of \$75 personnel costs, \$450 instead of \$375.

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

The information obtained from the applications for FFPs and FPPs is not expected to be published for statistical use. Information resulting from issuance of EFPs will be made available to the public. NMFS anticipates that some of this information will be in the form of statistical data.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

In accordance with OMB requirements, the control number and expiration date of OMB approval will be shown on the FFP and FPP applications. The EFP application does not have a form; required information may be submitted in any format.

**18. Explain each exception to the certification statement.**

In accordance with OMB requirements, the certification statement will be shown on the FFP and FPP applications. The EFP application does not have a form; required information may be submitted in any format.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.