

**SUPPORTING STATEMENT
ALASKA PROHIBITED SPECIES DONATION (PSD) PROGRAM
OMB NUMBER 0648-0316**

INTRODUCTION

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) manages the groundfish fishery in the Exclusive Economic Zone of the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) under the Fishery Management Plan for Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for the Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Act](#) (16 U.S.C. 1801 *et seq.*). Regulations implementing the FMPs appear at [50 CFR part 679.26](#).

The Prohibited Species Donation program (PSD program) allows enrolled seafood processors in the Bering Sea and Gulf of Alaska trawl groundfish fisheries to retain salmon and halibut bycatch for donation to hunger-relief agencies. The PSD program began as a pilot project in 1994. The program was implemented for salmon in 1996, and expanded in 1997 to include halibut.

Without the PSD Program, fishermen would be required to discard their salmon and halibut bycatch at sea, as they still have the option of doing.

This action requests renewal of the Alaska Prohibited Species Donation Program collection of information.

A. JUSTIFICATION

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

Salmon and Pacific halibut (hereafter, halibut) are considered prohibited species for vessels fishing in the BSAI and GOA groundfish fisheries (50 CFR part 679.21). All prohibited species catch (PSC) is to be avoided by vessels, but if caught while fishing for groundfish, prohibited species must be returned to the sea with a minimum of injury.

A PSD permit authorizes tax-exempt hunger relief organizations to receive, process, and distribute PSC salmon and/or Pacific halibut to hunger relief agencies, food bank networks, or food bank distributors. The individual food banks take responsibility for moving the product to its final destination in soup kitchens, shelters, pantries, and hospices within the community.

The regulations prohibit authorized distributors and persons conducting activities supervised by authorized distributors from consuming or retaining prohibited species for personal use. They may not sell, trade, or barter any prohibited species that are retained under the PSD Program.

However, processors may convert offal from salmon or halibut that has been prepared for the PSD Program into fish meal, fish oil, or bone meal, and retain the proceeds from the sale of these products.

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.

a. Application to become a NMFS Authorized Distributor

The Regional Administrator may select one or more tax-exempt organizations to be authorized distributors under the PSD Program based on the information submitted by applicants under § 679.26. The number of authorized distributors selected by the Regional Administrator is based on the following criteria:

- ◆ The number and qualifications of applicants for PSD permits.
- ◆ The number of harvesters and the quantity of fish that applicants can effectively administer.
- ◆ The anticipated level of bycatch of prohibited species, salmon and Pacific halibut.
- ◆ The potential number of vessels and processors participating in the groundfish trawl fisheries.

An organization seeking to distribute salmon and halibut under the PSD Program must submit an application to become a PSD distributor. Applicants must be tax-exempt organizations that have received a determination letter from the Internal Revenue Service recognizing tax exemption under 26 CFR part 1 (§§ 1.501 to 1.640). SeaShare, formerly Northwest Food Strategies, is a non-profit organization that has participated since the PSD Program's inception and to date has been the only company licensed to participate.

NMFS uses the information on the PSD distributor application to determine an organization's nonprofit status. In addition, the application provides information about the ability of the organization to arrange for and distribute donated salmon and halibut as a high quality food product. A separate application must be submitted for each species. No application form is provided.

The authorized distributor and a processor retaining or receiving fish under the PSD Program annually must keep on file and make available for inspection by an authorized officer all documentation, including receipt and cargo manifests setting forth the origin, weight, and destination of all prohibited species bycatch. Receipts and cargo manifests are necessary to track salmon and halibut and to help ensure that the distribution of salmon and halibut is as intended and authorized by the PSD Program. Such documentation must be retained until 3 years after the effective period of the PSD permit.

A PSD permit is valid for a 3-year period after NMFS publishes the selection notice in the *Federal Register*.

One participant, SeaShare, from Bainbridge Island, WA, (<http://www.seashare.org/Seashare-News.htm>) has applied for and retained a PSD permit over the years. This participant is still the only distributor in the PSD Program. According to their accounting to date, SeaShare has provided over 23 million pounds of seafood to men, women, and children in America. SeaShare estimates that the halibut retained under the PSD Program will produce less than 5 percent of SeaShare seafood products received for and distributed to hunger-relief organizations (see Appendix).

The application to become a PSD distributor is submitted to NMFS as an attachment to email or U.S. mail in the form of a letter. Some items, such as the insurance certificate, budget, and individual processor applications are mailed. Any changes and updates may be submitted to NMFS as an attachment to email.

Application to be a NMFS Authorized Distributor

Proof of the applicant's tax-exempt status

Describe arrangements for processing, shipping, storing, and transporting donated fish and an estimate of the associated costs

Describe the applicant's expertise in providing for the distribution of food product from remote Alaskan locations to hunger relief agencies, food bank networks, or food bank distributors, including arrangements for transportation, distribution costs, and product quality control

Documentation of support from cold storage and transportation facilities

Operating budget that is adequate to ensure that PSD fish are distributed to hunger relief agencies, food bank networks, or food bank distributors and that the fish will be maintained in a manner fit for human consumption

Proof of the applicant's ability to obtain and maintain adequate funding for the distribution of PSD fish

Copy of the applicant's articles of incorporation and bylaws. Purpose must include providing food resources to hunger relief agencies, food bank networks, or food bank distributors

Proof of the applicant's ability to take full responsibility for the documentation and disposition of PSD fish, including sufficient liability insurance to cover public interests relating to the quality of fish distributed for human consumption

Quality control criteria for vessels, processors, hunger relief agencies, food bank networks, and food bank distributors

Number of vessels and processors that the applicant is capable of administering effectively

List of all vessels and processors, food bank networks, and food bank distributors in the PSD Program

For the halibut of the PSD program, vessels are not active participants.

The list of vessels and processors must include:

Vessel's FFP number or the processor's FFP number

Name of the vessel owner or responsible operator or the name of the processor owner or plant manager

Business telephone number and business fax number of the vessel or processor

Signature of the vessel owner or responsible operator, or owner or plant manager of the processor

A signed statement from the applicant and all persons listed, who would conduct activities pursuant to the PSD permit waiving any and all claims against the United States and its agents and employees for any liability for personal injury, death, sickness, damage to property directly or indirectly due to activities conducted under the PSD

A list of locations where fish must be delivered by participating vessels and processors

Application to become a NMFS Authorized Distributor, Respondent	
Number of respondents	1
Total annual responses (0.33)	1
Responses per respondent (1 every 3 yrs)	
Total burden hours (13.33)	13 hrs
Hours per response = 40; 40/3 = 13.33*	
Total personnel cost (\$25 x 13)	\$325
Total miscellaneous cost (6/3 = 2)	\$2
Mailing cost (\$5 x 1 = 5)	
Photocopy cost (\$0.05 x 1 x 20 pages = 1)	

Application to become a NMFS Authorized Distributor, Federal Government	
Total annual responses	1
Total burden hours (13.3)	13 hrs
Hours per response = 40/3 = 13.33	
Total personnel cost (\$25 x 13)	\$325
Total miscellaneous cost	0

*Changes and updates to application information are included in this burden.

b. Distributor’s List of PSD Program Participants [Removed]

This item is included as a requirement in the application to become a distributor, and is therefore removed.

c. Distributor product tracking and retention of records [Removed]

This is not a specific recordkeeping item. It is moved to general description, above.

SeaShare has coordinated the transportation routing of PSC seafood products from Alaska since 1993, relying on all major carriers serving at Dutch Harbor and Kodiak. Products received from shoreside processors are either stored at the processing site until they are shipped to Seattle or consolidated in temporary cold storage to await shipment. SeaShare consolidates products received from catcher/ processors or motherships in cold storage until ready for shipment.

SeaShare states that shipping costs range from \$8.50 per hundredweight to \$10.50 per hundredweight depending on the quantity of products being shipped and the point of origin of the shipment. In the past, much of the shipping was donated by the carriers. The same is expected, but not required, for the duration of the PSD Program.

To date, no costs were associated with the processing of donated prohibited halibut other than reprocessing costs, which vary depending on the needs of the receiving food bank distributor. All processors enrolling in the PSD Program for the distribution of halibut are expected to donate the processing and packaging of the fish.

SeaShare has coordinated the transfer, transportation and routing of prohibited species seafood products from Alaska since 1993, relying on all major carriers serving Dutch Harbor. SeaShare often receives donated transportation for carriers serving Dutch Harbor and has also received discounted tariff agreements from Alaska carriers. Some expenses are reimbursed for

transportation and cold storage. Certain companies currently donate all or a portion of, storage and/or shipping services for all SeaShare PSC species products originating in Alaska.

SeaShare also has agreements with freight consolidators and cold storage operators to facilitate the receipt and interim cold storage of products received for food banks from Alaska processors. Processors are given specific instructions with regard to the transfer of products to SeaShare representatives and cold storage providers in order to prevent product spoilage. In Seattle, SeaShare employs a trucking company to provide local trucking of products to Seattle-based cold storage providers. Some SeaShare products are released directly to Seattle-area food banks which, equipped with freezer trucks, pick up products directly from arriving carriers.

d. Processor product tracking & retention of records [Removed]

This recordkeeping requirement is removed and included in Item a, above.

e. Packaging and labeling of PSD prohibited species

All processors enrolling in the PSD Program for the distribution of salmon and halibut donate the processing and packaging of the fish.

Prohibited species retained under the PSD Program must be packaged, and all packages must be labeled to describe the fish contained in the package with:

- Date of processing,
- Name of the processing facility,
- Contents
- Weight of the fish contained in the package, and the words

*NMFS PROHIBITED SPECIES DONATION PROGRAM –
NOT FOR SALE -
PERISHABLE PRODUCT –
KEEP FROZEN*

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 application to become a PSD distributor is submitted to NMFS by email (with attachments) and U.S. mail in the form of a letter. Some items, such as the insurance certificate, budget, and individual processor applications are mailed. Changes and updates are submitted by email (with attachments).

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. Currently, only one distributor holds a PSD permit.

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

Without the specified permitting scheme described in this Supporting Statement, the PSD Program would be unable to proceed, and many thousands of pounds of salmon and Pacific halibut would go to waste.

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.

A Federal Register Notice (76 FR 7546), published February 10, 2011, solicited public comment. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift to respondents 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.

Information collected on the application for a PSD distributor is not considered confidential and will be released to the public upon request. Other information that may be collected from commercial operations may be considered confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) and also 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: 1, down from 21. Estimated total responses: 1, down from 3,781. Estimated total burden hours: 13 hrs, down from 535 hrs. Estimated total personnel costs: \$325, down from \$13,375.

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: \$2.

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

Estimated total responses:1; estimated total burden hours: 13 hrs; estimated total personnel costs: \$325.

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

Program changes (removal of information collections): NMFS is making updates and clarifications. Most of the costs and burden are donated by other companies.

Removal of the Distributor's List of PSD Program Participants because it is listed as a permit application requirement:

- a decrease of 1 respondent, 0 instead of 1
- a decrease of 90 responses, 0 instead of 90
- a decrease of 18 hrs burden, 0 instead of 18 hrs
- a decrease of \$450 personnel costs, \$0 instead of \$450

Removal of the Distributor Product Tracking and Retention of Records because it is not a requirement with specific counts and costs:

- a decrease of 1 respondent, 0 instead of 1
- a decrease of 90 responses, 0 instead of 90
- a decrease of 18 hrs burden, 0 instead of 18 hrs
- a decrease of \$450 personnel costs, \$0 instead of \$450

Removal of the Processor Product Tracking and Retention of Records. The burden for this item is incorporated into the Application to be a NMFS Authorized Distributor and does not qualify as a separate burden:

- a decrease of 20 respondent, 0 instead of 20
- a decrease of 1,800 responses, 0 instead of 1,800
- a decrease of 180 hrs burden, 0 instead of 180 hrs
- a decrease of \$4,500 personnel costs, \$0 instead of \$4,500

Removal of the PSD Fish Package Labeling because all of the labeling and packaging are donated:

- a decrease of 20 respondents, 0 instead of 20
- a decrease of 1,800 responses, 0 instead of 1,800
- a decrease of 306 hrs burden, 0 instead of 306 hrs
- a decrease of \$7,650 personnel costs, \$0 instead of \$7,650.

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

No plans exist for publishing the results of this information collection.

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 identified.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

APPENDIX

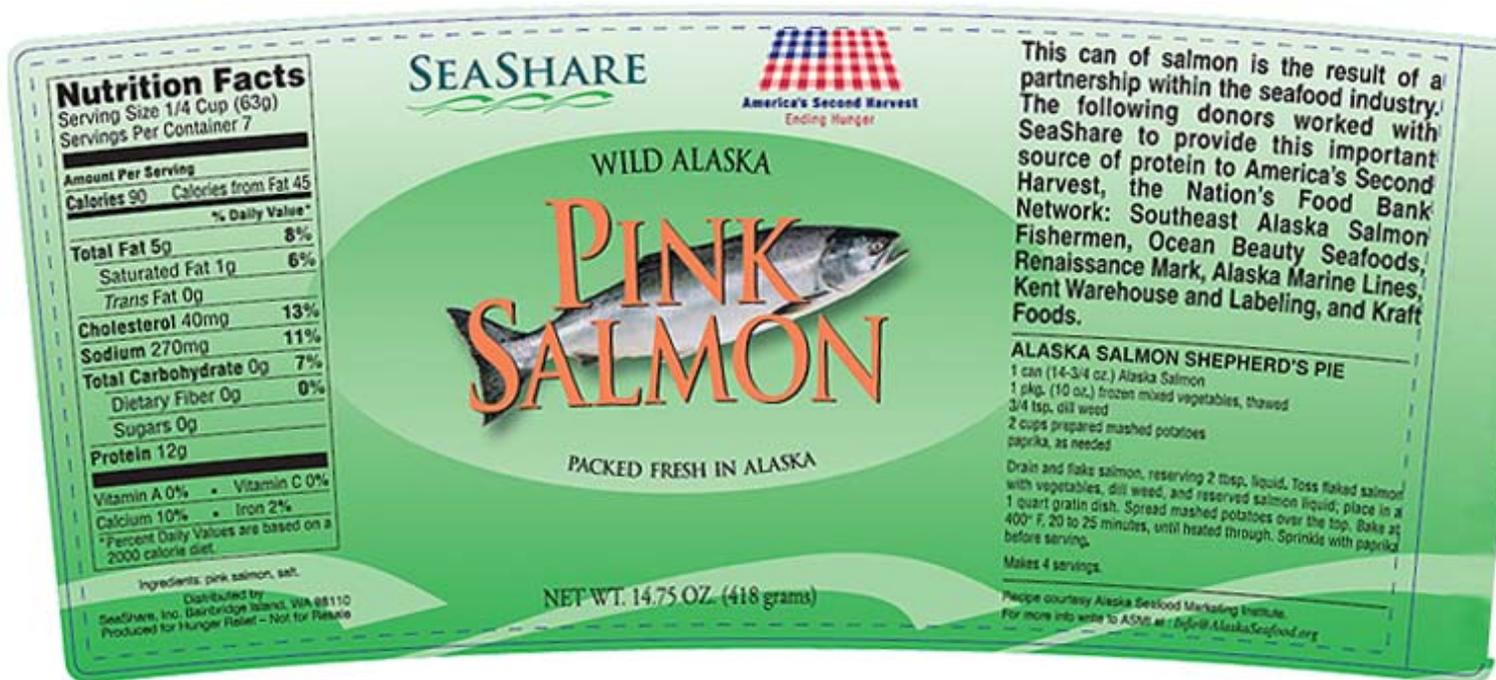
SeaShare Promotion (<http://www.seashare.org/howwework.htm>)

Building Partnerships that Create Seafood Donations of the Highest Possible Value to Food Banks at the Lowest Possible Cost.

Our experience in the seafood industry allows us to tailor programs that efficiently leverage several donations - generating large volumes that benefit food banks across the country. We combine donated products, services, and funds to support long-term donations that no single entity could justify. These partnerships provide the following benefits:

- The costs to donate are shared
- Donations are more useful to food banks
- The cost to food banks is kept as low as possible
- Volume is greater
- Visibility is higher
- The partnership is self-sustaining

For example, in our canned salmon program, SeaShare received donations of salmon from several salmon fishermen and seafood processors. These processors donated the salmon processing and canning at a reduced rate to SeaShare, the cans were supplied by a can company, freight companies shipped the canned salmon to the lower 48, label suppliers provided special SeaShare labels, labeling and inspection companies checked the cans and labeled them, and local warehouses stored them until they could be distributed. Our financial support helped to pay for those services that we could not obtain for free, which were donated at a substantially discounted rate.



A Key Partnership with Feeding America

All SeaShare products are distributed exclusively through Feeding America and their national network of food banks. No other organization has the capability to provide charitable food distribution on the national and local level that Feeding America does. They effectively handle frozen and canned seafood, track custody, maintain quality and assure timely and equitable distribution throughout the country. Feeding America turns to SeaShare for expertise in the area of seafood and SeaShare counts on Feeding America to get the products out to people who need them.