

**SUPPORTING STATEMENT
RATIONALIZATION OF THE PACIFIC COAST GROUND FISH
TRAWL LIMITED ENTRY FISHERY
OMB CONTROL NO. 0648-0611**

INTRODUCTION

This supporting statement describes a revision to the existing information collection OMB Control No. 0648-0611. This revision includes one new information collection item. *This is a resubmission with the final rule, 0648-BB13, with no changes due to public comment on the proposed rule. The date after which a vessel would not qualify for an at-sea processing exemption has been changed since the first submission but this was a management decision, not based on public comment.*

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) authorizes the Fishery Management Councils to prepare and amend fishery management plans (FMP) for any fishery in waters under its jurisdiction. The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) manages the groundfish fishery in 3-200 mile zone off of the coasts of Washington, Oregon and California. In 1993, the Council, under Amendment 6 ([50 CFR 660 Subpart D](#)), implemented a limited entry program for the groundfish fishery. Currently, there are a total of 399 Pacific Coast limited entry permits of which 177 permits are endorsed for trawl gear.

In January 2011, NMFS implemented a trawl rationalization program, a catch share program, for the Pacific coast groundfish fishery's trawl fleet. The program was developed through Amendment 20 to the FMP and consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting fisheries); and cooperative (coop) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets (whiting only). Fixed allocations to the limited entry trawl fleet were developed through a parallel process with Amendment 21 to the FMP.

The regulations implementing the program were effective January 1, 2011; however, all of the necessary tracking systems to make the program operational became active on January 11, 2011, the date fishing began under the new program. Since that time, the Council and NMFS have been addressing implementation issues as they arise, some of which are the subject of this proposed rule.

The Council took final action at its June 2011 meeting on some trailing actions for the program that are included in this proposed rule. This proposed rule, RIN 0648-BB13, also includes items that are further revisions and refinements to the program that are still within Council intent for Amendments 20 and 21 including revisions to existing language to provide greater clarity and to remove outdated language and include some minor changes to the existing program.

Those include a regulatory amendment to provide an exemption from the prohibition on processing groundfish at sea for qualified participants in the Shorebased IFQ Program.

JUSTIFICATION

The trawl rationalization program is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch for participants in the shorebased IFQ groundfish fishery and at-sea whiting mothership fishery.

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

In January 2011, NMFS implemented a prohibition on processing at sea for the IFQ fishery with some exceptions, as specified at §660.112(b)(1)(xii). Processing is defined in groundfish regulations at §660.11 as "...the preparation or packaging of groundfish to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done. ...(1) At-sea processing means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another, whether shore-based or on the water..."

The previous regulations before the trawl rationalization program was implemented did not include a general prohibition on processing all groundfish at-sea for vessels landing groundfish at shorebased processors. In other words, previously, the non-whiting trawl catcher vessels were not prohibited from processing non-whiting catch. The Shorebased IFQ Program envisioned that participants would not process their catch at sea and that all catch was delivered to shorebased processors for further processing. This was intended to maintain the character of the fleet and the coastal communities that relied on this fleet delivering their catch to processors on land.

During the Council's review of the draft regulations over 2010 and its regulatory deeming process, the Council specified that processing at sea should be prohibited under the Shorebased IFQ Program with two exceptions. The two exceptions were for processing that was already allowed in the groundfish fishery before the trawl rationalization program and included exemptions for the following: (1) any vessel that is 75-ft (23-m) or less length overall that harvests whiting and, in addition to heading and gutting, cuts the tail off and freezes the whiting, is not considered to be a catcher/processor nor is it considered to be processing fish, and (2) a vessel that has a sablefish at-sea processing exemption, defined at §660.25(b)(3)(iv)(D), subpart C may process sablefish at sea in both the limited entry fixed gear primary sablefish fishery or in the Shorebased IFQ Program.

After the public comment period had closed on the proposed rule announcing the processing prohibition, a fisherman came forward requesting an exemption. At the Council's March, April and June 2011 meetings, Oregon Department of Fish and Wildlife (ODFW), representing the interests of that fisherman, requested that the Council consider an exemption from the prohibition on processing at sea in the Shorebased IFQ Program. The fisherman had invested money on the equipment and the time to develop markets for his trawl vessel to glaze non-

whiting groundfish at sea while the trawl rationalization program was still under development. The fisherman made the investment in order to supply a value-added product and was unaware that the implementing regulations proposed on August 31, 2010 ([75 FR 53380](#)) and finalized on December 15, 2010 ([75 FR 78344](#)) for the trawl rationalization program would prohibit processing at sea for the Shorebased IFQ Program beginning in January 2011.

At its June 2011 meeting, the Council decided that it had not intended to negatively impact any existing operations. The Council recommended an exemption from the prohibition on processing at sea for select participants in the Shorebased IFQ Program that could prove they had legally processed groundfish other than Pacific whiting at sea before August 31, 2010 (prior to the Shorebased IFQ Program), as verified by fish tickets, dock receiving tickets, landing receipts, or other official documents. This exemption would only apply to the vessel while operating under the Shorebased IFQ Program regardless of the type of gear used.

The exemption will be issued to a qualifying vessel and vessel owner. The exemption will not be tied to a trawl limited entry permit and will not be transferable to any other vessel, vessel owner, or permit owner for any reason. The at-sea processing exemption will expire when there is a change in vessel owner or if the vessel is totally lost.

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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.

In order to apply for the non-whiting at-sea processing exemption, the owner of a vessel must submit an exemption application form (included in this submission) to NMFS by the deadline date and provide supporting documentation to verify that the vessel processed at-sea non-whiting groundfish prior to August 31, 2010. The application period will be a one-time opportunity to obtain the exemption. The exemption will be issued specifically to the vessel that qualified and to the current vessel owner. The exemption will not be transferrable to any other vessel and the exemption will expire when the vessel is registered to another owner or is totally lost.

The application form will require the applicant to provide the name of the vessel, vessel registration number, Pacific Coast Groundfish permit number that the vessel was registered to during the qualifying period, the vessel owner name, the business address of the vessel owner, business phone and fax number of the vessel owner. The application will require the owner of the vessel to affirm that the named vessel processed at sea non-whiting groundfish prior to August 31, 2010 and to certify that the application is true and correct. Further, the applicant must provide supporting documents which provide evidence that the vessel met the qualifying criteria including: receipts from shorebased processors, buyers or exporters accompanied by the state fish tickets or landing receipts appropriate to the processed product. Documentation showing that purchase of freezing equipment for the vessel is not sufficient in itself without evidence of landings of at-sea processed non-whiting groundfish product.

The Council's consideration of this issue seems to indicate that only one vessel would qualify and as such, we have estimated that there will be only one respondent.

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 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and 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.

NMFS will provide a fillable form (pdf) which will be available from NMFS/NWR website. Because this is a one-time application and the number of applicants is expected to be very few, NMFS will not provide an online application. Also, any application submitted to NMFS would require various documents (state fish tickets, receipts) to support qualification, applicant will need to mail. The application must be mailed to the following address:

NOAA/NMFS/Sustainable Fisheries Division
Attn: Fisheries Permit Office
7600 Sand Point Way NE
Bldg. #1
Seattle, WA 98115

4. Describe efforts to identify duplication.

This is a unique information collection and does not duplicate other collections. This opportunity for an exemption from current Federal groundfish regulations has been developed by the Pacific Fishery Management Council and is unique to the Pacific Coast groundfish fishery. The exemption has been reviewed been discussed at least two Council meetings, and the proposed rule will be subject to public comment. No issues have been raised in the Council process identifying duplication. This program and the associated information collection are targeted at specific individuals in the trawl fishing industry and they authorize specific information required to implement and administer this program.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The applicants will be small businesses. 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.

If the collection is not conducted no exemption will be issued. If no exemption is issued, any vessel owner who has traditionally processed at-sea non-whiting groundfish will be prohibited from continuing this harvest method. Such individuals stand to lose revenue, as at-sea processed products tend to sell at a higher price and, in addition, such individuals stand to lose a return on any previous investment on processing equipment.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

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 Northwest Region published a proposed rule, RIN 0648-BB13, coincident with the original submission, requesting comments from the public. *There were no comments affecting the information collection requirements in this request.*

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

Not Applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information provided on the forms: The information collected is mandatory and is required to manage commercial fishing under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006 and 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.

Not Applicable.

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

NMFS estimates that there will be only one respondent and the time to prepare and submit an application by the respondent will take two hours [1 application x 2 hours = 2 hours]. Estimated total respondents for this information collection: 120. Estimated total responses: 543 up from 542. Estimated total burden: 1,861 hours up from 1,859 hours. Again, this is a one-time application.

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).

Application fee: -0-

Mailing cost: 1 x \$0.44 = \$0.44

Notarized form: 1 x \$10 = \$10

Copy cost: 15 pages x .05 = \$0.75

Total Estimated Reporting and Recordkeeping Costs: \$11.19 (in addition to the previously approved one-time costs of \$98,786).

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

The existing collection currently provides an estimate of \$87,000. The incremental costs to issue the exemption will include staff time to publish a notice inviting potentially qualified persons to apply by the deadline, review of applications received, prepare and review an initial administrative determination (letter) either approving/disapproving the exemption; preparing a file for documents received from an applicant and issued by NMFS, mailing costs associated with the letter. The incremental cost to the Federal government to solicit and respond to applications for the exemption is estimated to be approximately \$250.

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

Program Change: The proposed action will require a new information collection from the owner of a vessel to provide evidence of meeting the qualifying criteria to receive the exemption. The increase in reporting/recordkeeping costs and increase in time burden are due to the efforts required to complete and submit the application.

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

The results from this collection are not planned for statistical publication.

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.