

**SUPPORTING STATEMENT
ALASKA LICENSE LIMITATION (LLP) PROGRAM
FOR GROUND FISH, CRAB, AND SCALLOPS
OMB CONTROL NO. 0648-0334**

INTRODUCTION

This request is a resubmission of a revision with the final rule, of this collection due to Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, as described in the proposed rule Regulation Identifier Number (RIN) 0648-AY53. There were no changes due to comments on the proposed rule.

National Marine Fisheries Service, Alaska Region (NMFS) manages the fisheries in the exclusive economic zone off the coast of Alaska under the Fishery Management Plan for Groundfish of the Gulf of Alaska, the Fishery Management Plans (FMP) for: 1) Groundfish of the Gulf of Alaska (GOA), 2) Groundfish of the Bering Sea and Aleutian Islands Management Area, 3) Bering Sea/Aleutian Islands (BSAI) King and Tanner Crabs, and the 4) the Scallop Fishery off Alaska. Under the Scallop FMP, management of all aspects of the scallop fishery, except limited access, is delegated to the State of Alaska. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* as amended in 2006. These FMPs are implemented by regulations at [50 CFR part 679](#).

Pacific cod (*Gadus macrocephalus*) is a valuable groundfish resource in the GOA and is second to walleye pollock (*Theragra chalcogramma*) as the dominant species of the commercial groundfish catch in the GOA. As one of the most valuable fish species in the GOA, Pacific cod is the primary species targeted by vessels using pot and hook-and-line gear and is an important species for vessels using the trawl gear. Smaller amounts of Pacific cod are taken by vessels using jig gear.

The North Pacific Fishery Management Council (Council) and NMFS established the License Limitation Program (LLP) which limits access to the groundfish, crab, and scallop fisheries in the Bering Sea and Aleutian Islands (BSAI) Management Area and GOA. The LLP is intended to limit entry into Federally managed fisheries. For groundfish, the LLP requires that persons hold and assign a license for each vessel that is used to fish in Federally managed fisheries, with some limited exemptions.

The Council established the Community Quota Entity (CQE) program to ensure specified coastal communities have access to and sustain participation in commercial fisheries. To participate in the CQE program, each community must meet the following criteria: fewer than 1,500 residents; documented historical participation in the halibut or sablefish fisheries; direct access to saltwater on the GOA; no road access to a larger community; and be listed in Table 21 to 50 CFR part 679. The final rule implementing the CQE program was published in the [Federal Register](#) on April 30, 2004 ([69 FR 23681](#)).

A. JUSTIFICATION

The intended effect of the LLP is to limit the number of participants and reduce fishing capacity in fisheries off Alaska. One of the measures used by the Council and NMFS is the LLP that limits access to the groundfish, crab, and scallop fisheries in the BSAI and GOA. The LLP is intended to limit entry into Federally managed fisheries.

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

Currently, 21 CQE non-profit corporations represent 21 unique Alaskan communities (in this revision, NMFS Alaska Region is correcting the number of communities eligible to receive a CQE LLP). Three additional communities will now be eligible making the total 24. To be able to receive benefits under the program an eligible community must form a non-profit cooperation, under the applicable State laws, and submit a complete application to NMFS.

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.

An entity seeking to become a CQE must submit to NMFS an Application for a Non-profit Corporation to be Designated as a Community Quota Entity (CQE) (see OMB Control No. 0648-0272). Upon approval, the newly designated CQE must then submit an Application for a CQE to Receive a Non-trawl Groundfish LLP license.

a. **Application for a CQE to receive a Non-trawl groundfish LLP license**

A non-profit CQE representing a specific community may receive a limited number of fixed gear LLP licenses with Pacific cod endorsements for use on designated vessels. An LLP license issued to a CQE must designate only one vessel per calendar year. This process is expected to:

- ◆ Provide greater economic stability for fixed gear LLP license holders with recent participation in the Central GOA and Western GOA Pacific cod fisheries;
- ◆ Reduce the potential for substantial increases in fishing effort from latent LLP license holders;
- ◆ Provide additional harvesting opportunities for residents of specific communities (see table below) located adjacent to the Western and Central GOA, including the West Yakutat District.

A groundfish LLP license approved for issuance to a CQE by NMFS for an eligible community:

- ◆ May not be transferred to any person;
- ◆ May not be assigned to any vessel other than the vessel specified for that groundfish license in the annual CQE authorization letter; and

- ◆ May not be assigned for use by any person other than the person specified for that groundfish license in the annual CQE authorization letter, or any subsequent amendment to that annual authorization letter that is made by the CQE and approved by NMFS;
- ◆ Will have only the regional designation specified for that community;
- ◆ Will have a vessel maximum length overall (MLOA) of 60 feet;
- ◆ Will have only a catcher vessel designation;
- ◆ Will be assigned a Pacific cod endorsement with a non-trawl gear designation. Non-trawl Pacific cod gear endorsements on groundfish licenses approved for issuance to CQEs shall have the following gear designations:
 - Only pot gear Pacific cod endorsements for groundfish licenses with a Western GOA designation to CQEs on behalf of an eligible community;
 - Either a pot gear or a hook-and-line gear Pacific cod endorsement for a groundfish license with a Central GOA designation to CQEs on behalf of an eligible community.

To be eligible under the Federal CQE program, a community must have fewer than 1,500 residents, lack direct road access, have direct access to saltwater, and have historic participation in the halibut and sablefish fisheries. The main benefit to the community of the CQE Program is that it could provide opportunities for new entrants who reside in the community to participate in the Federal waters directed Pacific cod fishery.

The CQE must submit to NMFS as an attachment to the application, an annual letter of authorization that lists, for each license held by the CQE, the vessel to be assigned to the license for the calendar year and the individual authorized to use the license, and any subsequent change of individual. The CQE must certify that the individual authorized to use the license is a citizen of the United States and has maintained a domicile for the 12 consecutive months preceding the authorization of the CQE community. An LLP license issued to a CQE must designate only one vessel per calendar year. The CQE can amend the authorization letter to add additional persons authorized to use the LLP license on a vessel.

A copy of the authorization letter and any amendments to the authorization letter must be provided to NMFS, and a copy of that authorization letter and any amendments must be maintained onboard the vessel assigned the CQE's LLP license.

NMFS requires that the authorization letter be provided on or before the date that the LLP license is used on a vessel during a calendar year. Any amendments to the authorization to designate new authorized persons must be provided to NMFS prior to those persons using the CQE's Pacific cod LLP.

Currently, there are 21 communities eligible under the CQE Program, located in the Western and Central GOA management areas, including West Yakutat. Under the Federal LLP program, the

Central GOA endorsement area also authorizes vessels to fish in the West Yakutat management area. Currently, 21 CQE non-profit corporations represent the 21 unique Alaskan communities (in this revision, NMFS Alaska Region is correcting the number of communities eligible to receive a CQE LLP) and is adding three eligible communities, making the total 24.

Application for a CQE to receive a Non-trawl groundfish LLP license

Block A - Identification of Applicant

- Name of Non-Profit (CQE) Organization
- Name of CQE Contact Person
- CQE NMFS Person ID
- Name of Community on whose behalf the CQE is applying for an LLP(s)
- Permanent Business Mailing Address
- Business Telephone Number, Business Fax Number, and Business E-mail Address

Block B – Number of GOA Non-Trawl LLP Licenses & Non-Trawl Gear Designations Requested

- Number of LLP groundfish licenses requested
- LLP License number
- Gear Type designation

Block C – Attachments

- Procedures to determine the distribution of LLP licenses to residents of the community represented by that CQE
- Procedures to solicit requests from residents to be assigned an LLP license.
- Criteria to determine the distribution of LLP licenses among qualified community residents and the relative weighting of those criteria
- Annual letter of authorization

Application for a CQE to receive a Non-trawl groundfish LLP license, Respondent	
Total respondents	24
17 Central GOA LLP licenses	
07 Western GOA LLP licenses	
Total responses = 1	8
Frequency of response = Initial application	
24/3= 8	
Total burden hours	160 hr
Time per response = 20 hr	
Total personnel cost (\$25 x 160)	\$4,000
Total miscellaneous costs (7.52)	\$8
Postage (0.44 x 8 = 3.52)	
Photocopy (0.05 x 10pp x 8= 4)	

Application for a CQE to receive a Non-trawl groundfish LLP license, Federal Government	
Total responses	8
Total burden hours Time per response = 4 hr	32 hr
Total personnel costs (\$25 x 32)	\$800
Total miscellaneous costs	0

b. Letter of Authorization

Upon receipt of the LLPs from NMFS, the CQE shall determine who may use the LLP license and provide them with a letter of authorization. The LLP license must designate only one vessel per LLP per calendar year. The person specified for an LLP groundfish license in an annual CQE authorization letter, or any subsequent amendment to that annual authorization letter, who operates a vessel under the authority of an LLP license issued to a CQE, must be onboard the vessel during directed fishing.

The residency requirements for a vessel operator using a CQE license would ensure that residents of a specific community actively participate in the Pacific cod fishery consistent with the overall goal the Council established for CQE LLP licenses. This authorization letter would require that the CQE attest to individuals’ residency, but would not require individuals to submit proof of residency to NMFS in order to use the LLP license issued to the CQE. This approach would reduce potential administrative burdens on NMFS that could be required to determine the residency of a specific person. In many cases, particularly in smaller communities, the representatives of CQEs are likely to have specific local knowledge that can be used to assess a person’s claim of residency in a particular community.

The CQE must provide an authorization letter assigning a specific vessel and designating the vessel operator. The authorization letter must be sent to the authorized vessel and to NMFS, and a copy of that letter must be maintained onboard the vessel. This would help to ensure that only those persons and vessels that have been vetted through the CQE would be able to use the LLP license.

CQE Authorization Letter

The CQE authorization letter must list for each LLP license

The vessel assigned to the LLP license for the calendar year

The individual authorized to use the LLP license

Certification that the individual authorized to use the LLP license is

A citizen of the United States

Has maintained a domicile, for the 12 consecutive months preceding the authorization in the CQE

Community that is eligible to receive an LLP license endorsed for Pacific cod in the CG or WG and on whose behalf this LLP license is to be held

CQE Letter of authorization, Respondent	
Total respondents	24
17 Central GOA communities	
07 Western GOA communities	
Total responses = 1	24
Frequency of response = 1	
Total burden hours (24)	24 hr
Time per response = 1 hr	
Total personnel cost (\$25 x 24)	\$600
Total miscellaneous costs (11.76)	\$12
Postage (0.44 x 24 = 10.56)	
Photocopy (0.05 x 1 pp x 24 = 1.20)	

CQE Letter of authorization, Federal Government	
Total responses	0
Total burden hours	0
Total personnel costs	0
Total miscellaneous costs	0

c. CQE annual reports

NMFS requires that CQEs that have received LLP licenses submit annual reports that describe the use of LLP licenses during a calendar year. The CQE annual report must be sent to NMFS and to the governing body of the community that the CQE represents. These annual reports serve as a means of tracking the progress of the CQEs and assess whether the issuance of LLP licenses is meeting the overall goal of providing its residents access to the Pacific cod resource.

CQE Annual Report

- The number of community residents requesting a groundfish license from the CQE
- A description of the distribution of groundfish licenses among community residents
- Vessels assigned to use the groundfish licenses
- The number and residency of crew employed on a vessel using the LLP license
- The amount of any payments made to CQEs for use of the LLP licenses, if any

CQE Annual Report, Respondent	
Total respondents	24
17 Central GOA communities	
7 Western GOA communities	
Total responses	24
Frequency of response = 1	
Total burden hours	960 hr
Time per response = 40 hr	
Total personnel cost (\$25 x 960)	\$24,000
Total miscellaneous costs (22.56)	\$23
Postage (0.44 x 24 = 10.56)	
Photocopy (0.05 x 10pp x 24 = 12)	

CQE Annual Report, Federal Government	
Total responses	24
Total burden hours	96 hr
Time per response = 4 hr	
Total personnel costs (\$25 x 96)	\$2400
Total miscellaneous costs	0

The rest of the information collections remain the same (see Question 15 for specifics).

It is anticipated that the information collected 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.

The Application for a CQE to Receive LLPs and the CQE Annual Report are large reports with various sizes of pages which do not lend themselves to automated submittal. They would be mailed or delivered. The letter of authorization may be submitted as an attachment to an email.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections.

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

The directly regulated entities are CQEs and eligible communities, all of whom are small entities. 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.

This 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. Without sector allocations, future harvests by some sectors are expected to 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 are associated with this information collection.

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 published a proposed rule, RIN 0648-AY53, 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.

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.

Information provided on the forms: The information collected is mandatory and is required to manage commercial fishing efforts under 50 CFR Part 679 and 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.

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: 172 unduplicated (up from 171, in which duplicate respondents had been counted). Estimated total responses: 204 up from 171. Estimated total burden: 1,418 up from 355 hours. Estimated total personnel costs: \$35,450 up from \$8,075.

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: \$2,012 down from \$2,110.

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

Estimated total responses: 180, up from 150. Estimated total burden: 352 hr, up from 232 hr. Estimated total personnel costs: \$17,200, up from \$14,200.

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

Program Change. This action describes new management measures to limit access to the Federal Pacific cod fisheries prosecuted in Alaska 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.

From the changes per the three information collections below:

Program change: Increase of three respondents (unduplicated), seven responses, 143 hours, \$8.

Adjustments: Increases of one respondent (unduplicated), 26 responses, 920 hours, decrease in costs of \$106.

Application for a COE to Receive a Non-trawl Groundfish LLP License

an increase of 23 respondents, 24 instead of 1
after annualization, an increase of 7 responses, 8 instead of 1
an increase of 140 hr burden, 160 instead of 20 hr
an increase of \$3,500 personnel costs, \$4,000 instead of \$500
a decrease of \$121 miscellaneous costs, \$8 instead of \$129

Letter of authorization

an increase of 3 respondents and responses, 24 instead of 21
an increase of 3 hr burden, 24 hr instead of 21 hr
an increase of \$75 personnel costs, \$600 instead of \$525
an increase of \$1 miscellaneous costs, \$12 instead of \$11

COE Annual Report

an increase of 23 respondents and responses, 24 instead of 1
an increase of 952 hr burden, 960 hr instead of 8

an increase of \$23,800 personnel costs, \$24,000 instead of \$200
an increase of \$22 miscellaneous costs, \$23 instead of \$1

These information collections remain the same:

Transfer applications: 100 respondents and responses, 100 hours, \$2,500 personnel costs and \$1,112 miscellaneous costs.

Transfer appeals: 42 respondents and responses, 168 hours, \$4,200 personnel costs and \$39 miscellaneous costs.

Survey to Verify the Length Overall (LOA) of the Vessel: Six respondents and responses, 6 hours, \$150 personnel costs and \$818 miscellaneous costs.

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

NMFS Alaska Region posts Community Quota Entity LLP groundfish license information on the web at <http://www.fakr.noaa.gov/ram/cqp.htm#apps> and contains a list of Community Quota Entities. Under current regulations, vessels must be designated on the licenses and the identities of original qualifying vessels are provided for reference only.

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.