

SUPPORTING STATEMENT

ALASKA REGION AMENDMENT 80 PERMITS AND REPORTS

OMB CONTROL NO. 0648-0565

INTRODUCTION

This action is a revision of an existing collection-of-information due to an associated proposed rule RIN 0648-BB18. If approved, Amendment 97 would establish a process for the owners of originally qualifying Amendment 80 vessels to replace each trawl catcher/processor for any purpose.

The Secretary of Commerce is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS). NMFS Alaska Region manages the groundfish fisheries in the EEZ under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) as revised in 2006. Regulations implementing the FMP appear at [50 CFR part 679](#).

The Amendment 80 Program is a limited access privilege program that allocates a quota share (QS) permit to a person, based on the catch history of six Amendment 80 species (Atka mackerel, Aleutian Islands Pacific ocean perch, flathead sole, Pacific cod, rock sole, and yellowfin sole) in the Bering Sea and Aleutian Islands Management Area (BSAI), from 1998 through 2004, for each of 28 originally qualifying non-AFA trawl catcher/processors. Each of the 28 originally qualifying vessels may be assigned a QS permit, if that vessel owner applies to receive QS.

This action is necessary to promote safety-at-sea through the gradual replacement of the aging fleet of vessels, and is intended to increase the harvesting capacity of the fleet while promoting the retention, and utilization of Amendment 80 species in the BSAI.

JUSTIFICATION

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

This action would allow the owner of an Amendment 80 vessel to replace that vessel with up to one other vessel for any purpose and to provide Amendment 80 vessel owners with the tools required to gradually replace the aging fleet with larger safer vessels. In general, larger vessels are more efficient and retain and utilize more catch than vessels with limited freezing and processing capacity. Larger replacement vessels would provide non-AFA trawl catcher/processor owners with the flexibility to incorporate a broad range of processing opportunities that are not currently available on all vessels.

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.

Several vessels that originally qualified are no longer active in the Amendment 80 fleet due to an actual or constructive loss (i.e., Alaska Ranger, Arctic Sole, Prosperity), or because those vessels have been reflagged under foreign ownership and are no longer eligible to reenter U.S. fisheries under the provisions of 46 U.S.C. 12108 (i.e., Bering Enterprise). In cases where an original qualifying vessel has suffered a total or constructive loss, or is no longer eligible to receive a fishery endorsement (i.e., the vessel has been removed through a vessel buyback program, or has been reflagged as a foreign vessel) the QS permit may be assigned to a replacement vessel, or to the License Limitation Program (LLP) license initially assigned to that original qualifying vessel.

a. Application to Transfer Amendment 80 Quota Share (QS)

A person holding an Amendment 80 QS permit assigned to an Amendment 80 vessel may transfer that Amendment 80 QS permit to another person, to the Amendment 80 LLP license assigned to the originally qualifying Amendment 80 LLP license, or transfer an Amendment 80 QS permit affixed to an Amendment 80 QS/LLP license to an Amendment 80 replacement vessel only by submitting an application to transfer Amendment 80 QS permit that is approved by NMFS.

A person holding an Amendment 80 LLP license that is designated as an Amendment 80 LLP/QS license may transfer that QS permit to a vessel approved as an Amendment 80 replacement vessel only by submitting an application to transfer Amendment 80 QS permit that is approved by NMFS.

A person holding an Amendment 80 vessel cannot enter an Amendment 80 fishery without that vessel being named on an Amendment 80 QS permit and that vessel being named on an Amendment 80 LLP license, unless the Amendment 80 QS permit is permanently affixed to the LLP license originally assigned to an Amendment 80 vessel under the provisions of §679.90(d) or §679.90(e).

If an Amendment 80 QS permit is assigned to the holder of an LLP license originally assigned to an Amendment 80 vessel, that Amendment 80 LLP license is designated as an Amendment 80 LLP/QS license. A person may not separate the Amendment 80 QS permit from that Amendment 80 LLP/QS license.

A request to change the vessel designated on an LLP groundfish or crab species license must be made on a transfer application. A request to change the vessel designated on an Amendment 80 LLP license or an Amendment 80 LLP/QS license to an approved Amendment 80 replacement vessel will permanently modify the maximum length overall (MLOA) to 295 ft.

An Amendment 80 QS holder may not transfer an Amendment 80 QS permit to another person unless all Amendment 80 QS units for all Amendment 80 species on that Amendment 80 QS permit are transferred in their entirety to the same person at the same time.

A person holding an Amendment 80 QS permit, or a person holding an Amendment 80 LLP license that is designated as an Amendment 80 LLP/QS license who wishes to transfer an Amendment 80 QS permit to a replacement vessels must submit a completed application to one of the addresses indicated on the application and have the application approved by NMFS.

No change occurs in the application due to this action; therefore, the costs and burden are expected to remain the same.

An Application to Transfer an Amendment 80 QS permit may be submitted to NMFS by mail, fax, or in person.

By mail to: Regional Administrator, NMFS
Restricted Access Management Program (RAM)
P.O. Box 21668,
Juneau, AK 99802-1668

By hand delivery or carrier to:
Federal Building, Room 713
709 West 9th Street
Juneau, AK 99801.

By fax to: 907-586-7354.

Forms are available through the Internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov/ram/amd80/transferappqs.pdf> or by contacting NMFS at 800-304-4846, Option 2.

Application to Transfer A80 QS

Indicate the type of transfer being requested

Transfer of A80 QS permit to another person (includes QS permit affixed to an Amendment 80 QS/LLP license)

Transfer of A80 QS permit to the LLP license originally assigned to an A80 vessel

Transfer of A80 QS permit to an approved A80 Replacement Vessel

Identification of transferor

Name and NMFS person ID

Date of incorporation or date of birth

Permanent business mailing address

Business telephone number, business fax number, and e-mail address (if available)

Identification of transferee

Name and NMFS person ID

Date of incorporation or date of birth

Permanent business mailing address

Business telephone number, fax number, and e-mail (if available)

Transfer of A80 QS permit to another person

Identify A80 QS permit(s) being transferred
Attach abstract of title or USCG documentation
Attach: original QS Permit(s) being transferred
Transfer of A80 QS to an A80 LLP license

Identify A80 QS permit being transferred
 Identify A80 LLP license to which the A80QS permit is transferring
Attach Abstract of Title or USCG documentation showing listing of the vessel owner(s)
Transfer of A80 QS to a replacement vessel

Name of the replacement vessel
 ADF&G registration number of replacement vessel
 USCG registration number of replacement vessel
 Name of owner(s) of replacement vessel
Attach Abstract of Title or USCG documentation
Certification of transferor.

Transferor signature, printed name, and date signed
 If representative, attach authorization

Certification of transferee

Transferee signature, printed name, and date signed
 If representative, attach authorization

Application to Transfer A80 QS, Respondent	
Number of respondents	25
Total annual responses	25
Number responses per respondent = 1	
Total burden hours	50 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$1,250
Total miscellaneous costs (35.05)	\$35
Postage (0.44 x 20 = 8.80)	
Photocopy cost (0.05 x 25 = 1.25)	
FAX cost (\$5 x 5 = 25)	

Application to Transfer A80 QS, Federal Government	
Total annual responses	25
Total burden hours (12.5)	13
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$325
Total miscellaneous cost	0

b. Application for Amendment 80 Vessel Replacement

The owner of an Amendment 80 vessel may replace such vessel for any purpose. The replacement vessel will be eligible to participate in the Amendment 80 fisheries in the same manner as the original vessel; moreover, the owner of the replacement vessel is responsible for all monitoring, enforcement, permitting, recordkeeping and reporting, prohibitions, and general sideboard measures that apply to Amendment 80 vessels in the Gulf of Alaska (GOA) or BSAI.

A vessel will be approved by the Regional Administrator as an Amendment 80 vessel following the submission and approval of a completed application for an Amendment 80 Replacement

Vessel, provided that only one replacement vessel is used as a replacement for any one replaced vessel at a given time and that the replacement vessel:

- ◆ Does not exceed 295 feet length overall (LOA)
- ◆ Was built in the United States and, if ever rebuilt, rebuilt in the United States
- ◆ Is classed and loadlined or meets the requirements of the USCG Alternative Compliance and Safety Agreement (ACSA)

Application for Amendment 80 Replacement Vessel

Identification of the Amendment 80 vessel being replaced

Vessel name
 A80 QS permit number, ADF&G vessel registration number, and USCG documentation number
 Last year in which vessel harvested or processed groundfish in an A80 fishery
 Name and NMFS person ID number of applicant
 Business mailing address(es). Indicate whether permanent or temporary
 Business telephone number, Business FAX number, and Business e-mail address of owner(s)
 Indicate one: vessel was lost at sea; vessel is permanently ineligible to participate; or not applicable

Identification of the A80 replacement vessel

Vessel name
 ADF&G vessel registration number and USCG documentation number
 If the replacement vessel cannot be classed and loadlined, does the vessel meet the requirements of the USCG Alternative Compliance and Safety Agreement
 Indicate YES or No whether vessel is classed
 Indicate YES or No whether vessel is loadlined
 YES or NO indication of whether the vessel was built in the United States
 YES or NO indication of whether the vessel has ever been rebuilt
 If YES, whether it was rebuilt in the United States
 Name of vessel owner and NMFS person ID number
 Business mailing address(es); indicate whether permanent or temporary
 Business telephone number(s), business FAX number(s), and business e-mail address(es) of the owner(s)

Applicant signature and certification

Printed name and signature of applicant, title, and date signed
 If designated representative, **attach** explicit authorization.

Application for A80 Vessel Replacement, Respondent	
Number of respondents	28
Total annual responses	28
Number responses per respondent = 1	
Total burden hours	56 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$1,400
Total miscellaneous costs (50.20)	\$50
Postage (0.44 x 20 = 8.80)	
FAX cost (\$5 x 8 = 40)	
Photocopy cost (0.05 x 28 = 1.40)	

Application for A80 Vessel Replacement, Federal Government	
Total annual responses	28

Total burden hours Time per response = 0.50	14
Total personnel cost (\$25/hr)	\$350
Total miscellaneous cost	0

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. 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 applications are “fillable” on the computer screen by the participant at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, then downloaded, printed, and faxed or mailed to NMFS. Future plans include interactive permit applications completed through the Internet.

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.

Vessels that are assigned Amendment 80 QS and that are eligible to fish in the Amendment 80 sector are commonly known as Amendment 80 vessels. Currently, there are 27 Amendment 80 vessels that would be directly regulated based on this action. One vessel owner who could be eligible for the Amendment 80 Program and could apply for Amendment 80 QS has not done so, and would not be directly regulated by the proposed action. Based on the known affiliations and ownership of the Amendment 80 vessels, all but one of the Amendment 80 vessel owners would be categorized as large entities for the purpose of the RFA.

Thus, this analysis estimates that only one small entity would be directly regulated by the proposed action. It is possible that this one small entity could be linked by company affiliation to a large entity, which may then qualify that entity as large entity, but complete information is not available to determine any such linkages. 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.

NMFS is proposing regulations that would allow vessels currently participating in the Amendment 80 program to replace other Amendment 80 vessels. As proposed, this action would enable the owners of Amendment 80 vessels to replace less safe or underperforming vessels with larger safer vessels currently prosecuting Amendment 80 fisheries, without requiring new construction. The regulations proposed in this action would require vessel owners to replace an Amendment 80 vessel with a vessel that meets the increase safety standards proposed by this action. NMFS would require that all replacement vessels, including replacement vessels that are currently participating in an Amendment 80 fishery, meet contemporary vessel construction standards that are intended to improve safety at sea.

If this collection were not conducted or conducted less frequently, these older vessels could become a safety hazard for the Amendment 80 fleet.

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 Alaska Region will submit a proposed rule (RIN 0648-BB18) 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.

1As stated on the forms and in the regulations, the information collected is confidential under section 303(d) 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 in a system of records: NOAA #19, notice published April 17, 2008.

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.

Estimated total unique respondents, 37. Estimated total annual responses, 93, increased from 65. Estimated total annual burden, 211 hr, increased from 155 hr. Estimated total annual personnel cost, \$5,275, increased from \$3,875.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

Estimated annual total miscellaneous costs, \$228, increased from \$176.

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

Estimated total annual burden, 53 hr, increased from 39 hr. Estimated total annual personnel cost, \$1,425, increased from \$1,075.

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

This action describes a program change. A procedure is set up to allow replacement of Amendment 80 vessels, resulting in an increase of 28 responses and respondents, an increase in of 56 hours burden, an increase of \$1,400 in personnel costs, and an increase of \$50 in miscellaneous costs.

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

The information collected will not be published.

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.

