

JUSTIFICATION
WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA (CDQ) PROGRAM
OMB CONTROL NO. 0648-0269

JUSTIFICATION: This action will integrate two collections (OMB Control No. 0648-0609 and OMB Control No. 0648-0616) into OMB Control No. 0648-0269. All of these collections describe the Western Alaska Community Development Quota (CDQ) Program, but due to timing were given different OMB Control Numbers.

The CDQ Program (OMB Control No. 0648-0269) is an economic development program implemented under the Magnuson-Stevens Act and the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands (BSAI). The CDQ Program was developed to redistribute some of the BSAI fisheries' economic benefits to adjacent communities by allocating a portion of commercially important BSAI fisheries species to such communities. The objectives of the CDQ Program are to provide western Alaska communities the opportunity to participate and invest in BSAI fisheries, to support economic development in western Alaska, to alleviate poverty and provide economic and social benefits for residents of western Alaska, and to achieve sustainable and diversified local economies in western Alaska. The renewal of OMB Control No. 0648-0269 was approved by OMB on December 7, 2010.

OMB Control No. 0648-0609, approved by OMB on August 30, 2010

This temporary information collection was requested in lieu of revising OMB Control No. 0648-0269 to support the Chinook Salmon Bycatch Program, a new program created for the management of Chinook salmon prohibited species catch in the Bering Sea pollock fishery managed under the American Fisheries Act (AFA) through a final rule RIN No. 0648-AX89 (75 FR 53026, August 30, 2010), implementing Amendment 91 to the FMP.

The CDQ group transfer procedure was revised to incorporate Chinook Salmon Bycatch. Under Amendment 91 to the FMP, NMFS would issue additional transferable Chinook salmon prohibited species quota (PSQ) allocations to eligible entities representing the AFA catcher/processor sector, the AFA mothership sector, and to AFA inshore cooperatives. A new requirement is the authorization for the CDQ groups to transfer Chinook salmon PSQ allocations to anyone other than another CDQ group. CDQ groups may transfer to and receive transfer from any of the other eligible entities; the AFA inshore cooperatives, the AFA catcher/processor sector, and the AFA mothership sector via the "CDQ or PSQ non-Chinook Transfer Request."

OMB Control No. 0648-0616, approved by OMB on February 8, 2012

The United States Coast Guard (USCG) Act, through a proposed and final rule (RIN No. 0648-AV33), made certain changes to the Magnuson-Stevens Act which caused the removal of regulations at 50 CFR part 679 and a temporary information collection in lieu of a revision to the existing OMB Control No. 0648-0269 information collection. The 0648-616 request moved the "Prior notice to observer, shoreside" and the "Prior notice to observer, vessel" to the OMB Control No. 0648-0330 collection. The final rule removed all of the other data requirements from

this collection except “Alternative fishing plan.” The rule added one new form “Application for Approval of Use of Non-CDQ Harvest Regulations.”

The new form, approved as part of Final Rule 0648-AV33, but not added before the rule was finalized, has only one respondent, a cooperative (one of the existing respondents), and the form is a one-time submittal. Burden is estimated to be 5 hours, from one respondent. The form is filed in order to obtain less restrictive regulations.

In the final rule, a new paragraph was added to § 679.32 to provide a process for relief from more restrictive CDQ regulations if a voluntary cooperative forms in a non-CDQ sector. Section 679.32(e) allows a CDQ group, a representative of an association representing the CDQ groups, or a representative of a voluntary fishing cooperative to request approval from NMFS to use non-CDQ harvest regulations while groundfish CDQ fishing.

A person requesting approval to use non-CDQ harvest regulations must submit to NMFS an application that will provide NMFS with information about the submitting entity, the applicable cooperative and the fisheries in which that cooperative participates, the vessels participating in that cooperative, and a copy of the contract or affidavit documenting the formal existence of the cooperative. NMFS will review this information and make determinations about whether a majority of the participants in the sector in which the voluntary cooperative has formed are participants in the cooperative and whether the CDQ regulations are more restrictive than the non-CDQ regulations applicable to that sector. ¹

Previous and revised burden

In the December 2011 renewal of OMB Control No. 0648-0269, there were 93 respondents, 4,802 responses, 2,193 hours and \$197 in reporting/recordkeeping costs. With the two temporary collections, respondents were reduced to 6; responses, 24; hours, 54 and costs, \$62, for the remaining: 1) Alternative fishing plan and 2) CDQ or PSQ non-Chinook Transfer Request.

With the addition of the new form, Application for Approval of Use of Non-CDQ Harvest Regulations, a one-time burden of one 5-hour response with \$1 for postage is added, **bringing the totals to: 6 respondents, 25 responses, 59 hours and \$63.**

¹ If NMFS approves an application, vessel operators operating in the cooperative would have to comply with the applicable regulations in place for a particular non-CDQ groundfish fishery based on their vessel’s operational category and the directed groundfish fisheries in which they participated. Specifically, vessel operators would not have to comply with the applicable operational requirements in § 679.32(c)(3)(i) associated with (1) observer coverage levels and experience requirements (OMB Control No. 0648-0318), (2) observer sampling stations (OMB Control No. 0648-0330), and (3) the information used to accrue catch against the CDQ allocations. Operators also would not have to comply with CDQ observer coverage requirements in § 679.50(c)(4), but would have to comply with the more general observer requirements detailed in other paragraphs of § 679.50 that apply when these vessels are fishing in the non-CDQ fisheries (OMB Control No. 0648-0318).