

**SUPPORTING STATEMENT
ALASKA COMMUNITY QUOTA ENTITY (CQE) PROGRAM
OMB CONTROL NO. 0648-XXXX**

The National Marine Fisheries Service (NMFS) requests a new information collection to describe requirements for nonprofit entities called Community Quota Entities (CQEs), to be created from elements of three (3) existing collections that formerly described the requirements for a CQE under different programs [associated Rule is RIN 0648-BB94].

BACKGROUND

The groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska are managed by NMFS under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.*, as amended in 2006 (Magnuson-Stevens Act).

Under the authority of the Magnuson-Stevens Act, the North Pacific Fishery Management Council (Council) developed Fishery Management Plans (FMPs) for the groundfish fisheries of the Gulf of Alaska management area (GOA) and Bering Sea and Aleutian Islands management area (BSAI). The Pacific halibut fishery off Alaska is managed by NMFS under the authority of the [Northern Pacific Halibut Act of 1982](#), and in coordination with annual fishery management measures adopted by the International Pacific Halibut Commission (IPHC) under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention).

The Council, under the authority of the Halibut Act (with respect to Pacific halibut) and the Magnuson-Stevens Act (with respect to sablefish), manages the fixed gear Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program. The IFQ Program provides a limited access system for Pacific halibut in Convention waters in and off Alaska and sablefish fisheries in waters of the EEZ off Alaska. Regulations pursuant to the Convention are set forth at [50 CFR 300.60 through 300.65](#). Regulations implementing the IFQ program are set forth at [50 CFR 50 CFR part 679](#). Regulations listing the communities eligible under the CQE Program appear in Table 21 to 50 CFR Part 679.

The State of Alaska allows the Alaska Department of Economic Development, Financing Section to provide a loan program for CQE's to purchase halibut and sablefish IFQs. The CQE Program is a Federal program administered by NMFS, but the State of Alaska will provide assistance to eligible communities from three divisions within the Department of Commerce, Community, and Economic Development (DCED):

- ◆ The Division of Banking, Securities, and Corporations will be able to answer questions regarding how to setup a non-profit corporation. The Division of Banking, Securities, and Corporations home page is: <http://www.commerce.state.ak.us/bsc/home.htm>
- ◆ The Division of Community Advocacy will be able to answer questions regarding sample by-laws and provide a non-profit corporation handbook with ideas regarding how to set

up a non-profit corporation. The Division of Community Advocacy home page is:
<http://www.commerce.state.ak.us/dca/>

- ◆ The Department of Economic Development (DCED), Financing Section will be able to provide loan applications and explain the application requirements to obtain financing for halibut and sablefish IFQ's. The Financing Section home page is:
<http://www.commerce.state.ak.us/investments/index.cfml>. Eligible communities can contact DCED to schedule workshops regarding the CQE program.

INTRODUCTION

Under GOA Amendment 66 (69 FR 23681, 04/30/2004), the Council modified the IFQ Program by revising the eligibility criteria to receive halibut and sablefish IFQ and quota share (QS) by transfer to allow eligible communities in the Gulf of Alaska (GOA) to establish non-profit entities to purchase and hold QS for lease to, and use by, community residents. This action allowed a distinct set of 42 remote coastal communities in the GOA that had historic participation in the halibut and sablefish fisheries to purchase and hold catcher vessel quota share (QS) in Areas 2C, 3A, and 3B.

Eligible communities must form nonprofit corporations, CQEs, to act on its behalf to purchase catcher vessel QS, and lease the annual IFQ resulting from the QS to community residents. In addition, two other Federal limited-access programs provide eligible CQEs an opportunity to improve their economies with program-related fishing privileges: the charter halibut limited access program (CHP) and the GOA Pacific cod endorsed non-trawl groundfish License Limitation Program (LLP). Under the CHP, a CQE may request a limited number of no-cost community permits to fish charter halibut. Under the LLP, a CQE may use a limited number of non-trawl groundfish licenses with Pacific cod endorsements.

The CQE permitted to purchase and hold the QS for eligible communities must be a new non-profit entity incorporated under the State of Alaska or a new non-profit entity formed by an aggregation of several eligible communities. The non-profit must have been incorporated after April 10, 2002. The non-profit corporation must apply to NMFS for recognition as a CQE and must have the written approval of the community. Upon approval by NMFS, the CQE may buy, sell, and hold halibut and sablefish QS for the community.

CQE Program Checklist

- ◆ Review Non-profit Community Association Handbook from Division of Community Advocacy.
- ◆ Follow the directions for forming a Domestic Non-profit Alaskan Corporation at www.commerce.state.ak.us/bsc/corpdoc.htm. Complete and file an application to form a non-profit corporation with the State of Alaska at www.commerce.state.ak.us/bsc/pub/08-405.pdf

- ◆ Review the NMFS Community Quota Program website at www.fakr.noaa.gov/ram/cqp.htm. Complete and file a CQE Application with NMFS at www.fakr.noaa.gov/ram/cqp/CQEStatus.pdf
- ◆ To obtain financing a CQE may contact a local financial institution or may contact the Department of Economic Development, Financing Section to discuss financing terms offered through the Commercial Fishing Revolving Loan Fund.

NMFS implemented the CQE Program through combination of three separate information collections, each of which contained other elements not related to the CQE. The CQE elements from these collections are brought together into one new CQE collection; the elements are moved from:

License Limitation Program [see OMB Control No. 0648-0334]

The License Limitation Program (LLP) authorizes CQEs for eligible communities to request non-trawl gear groundfish LLP licenses endorsed for Pacific cod in the central or western Gulf of Alaska. Residency and other requirements exist for community LLP Users, and the CQEs have an annual reporting requirement on permit use.

Individual Fishing Quota Community Quota Program [see OMB Control No. 0648-0272]

The Individual Fishing Quota (IFQ) Community Quota Program authorizes CQEs to purchase commercial halibut and sablefish Quota Share (QS) for lease to residents of the eligible community. A CQE that meets specific criteria to receive transferred halibut or sablefish QS on behalf of an eligible community may lease the resulting IFQ to persons who are residents of the eligible community. NMFS Alaska Region administers the IFQ Program. Regulations pursuant to the Convention are set forth at 50 CFR 300.60 through 300.65. Regulations implementing the IFQ program are set forth at 50 CFR part 679.

Charter Halibut Limited Access Program and Community Permits [see OMB Control No. 0648-0592]

Under the Charter Halibut Limited Access Program (CHLAP) eligible CQEs may request community charter halibut permits (CHP) for use in IPHC Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). The CQE designates charter operators to use its community CHPs, although the CHP itself is retained by the CQE. A charter vessel operator using a Community CHP is subject to all charter fishing regulations, and must either begin or end the charter vessel fishing trip within the community designated on the permit.

A. JUSTIFICATION

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

A CQE fishing program conveys specific regulated privileges to a CQE eligible community as described for a community CHP permit at §300.67 (k), halibut and sablefish IFQ and QS at §679.41 (l)(3), and a groundfish LLP license with non-trawl Pacific cod gear endorsement at §679.4(k)(iv)(F)(2).

NMFS would provide fishing opportunities for residents of fishery-dependent communities and would place CQE regulations into one section of regulations (50 CFR 679.5(t)) instead of three, with the following objectives:

- ◆ To align technically with the Council’s intent
- ◆ To improve the clarity and effectiveness of the IFQ Program and CQE regulations
- ◆ To promote the objectives of the Magnuson-Stevens Act with respect to the IFQ fisheries.

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.

The CQE Program allocates a portion of the quotas for groundfish, halibut, crab, and prohibited species in the Bering Sea and Aleutian Islands Management Area (BSAI). Forty-two eligible Western Alaska communities are eligible in the IFQ Program: 21 are in Southeast Alaska (Area 2C) and 21 are in Southcentral Alaska (14 in Area 3A and 7 in Area 3B); an additional three communities are eligible, making a total of 45. The allocations provide communities the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally based, fisheries-related economy. A non-profit corporate entity that meets specific criteria to receive transferred halibut or sablefish QS on behalf of an eligible community may lease the resulting IFQ to persons who are residents of the eligible community.

A CQE representing an eligible community located within IFQ Program Areas 3A or 3B is prohibited from purchasing QS in Area 2C (Southeast Alaska) on behalf of that community. The Council noted that 21 of the 42 communities eligible to participate in this program are located in Area 2C. Allowing CQEs in Areas 3A and 3B to purchase QS in Area 2C would increase the competition of QS and could adversely affect the price and availability of QS among Area 2C communities. Likewise, a CQE representing an eligible community within Area 2C is prohibited from purchasing and using QS in Area 3B (Western GOA) on behalf of that community. This limitation applies because residents from communities located in Area 2C traditionally did not fish in Area 3B.

Communities eligible to participate in the CQE Program must meet all of the following criteria:

- ◆ Is a municipality or census designated place, as defined in the 2000 United States Census, located on the GOA coast of the North Pacific Ocean
- ◆ Has a population of not less than 20 and not more than 1,500 persons based on the 2000 United States Census
- ◆ Have direct saltwater access
- ◆ Is not accessible by road to a community larger than 1,500 persons based on the 2000 United States Census

- ◆ Has had a resident of that community with at least one commercial landing of halibut or sablefish made during the period from 1980 through 2000, as documented by the State of Alaska Commercial Fisheries Entry Commission
- ◆ Is a community that is listed in Table 21 to 50 CFR 679.

This action would add three IFQ Program eligible communities to the CQE Program (for a total of 45) and allow CQEs in halibut regulatory area 3A (Area 3A) to purchase D category halibut QS.

There are currently 95 CQE eligible communities (45 IFQ & QS halibut and sablefish, 32 charter halibut, and 21 LLP communities), although only a few communities are currently participating. Twenty-nine CQEs are currently registered.

Each of the eligible communities must designate a CQE to represent it; only 28 of the 45 IFQ Program have done so. Of these 28 communities with CQEs, only a few have actually applied for or received any permits. Only 2 have obtained halibut QS by transfer. Approximately 16 of these have obtained charter halibut permits, and a few have obtained LLP groundfish licenses.

Table 21 to Part 679 – Eligible communities, community governing body that recommends the CQE, and the fishing programs and associated areas where a CQE eligible community may be permitted to participate.

Eligible GOA community	Community governing body that recommends the CQE	May use halibut QS only in halibut IFQ regulatory		May participate in the Charter Halibut Limited Access Program		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be granted	
		Area 2C, 3A	Area 3A, 3B	Area 2C	Area 3A	Central GOA	Western GOA
Akhiok	City of Akhiok.		X		X	2	
Angoon	City of Angoon.	X		X			
Chenega Bay	Chenega IRA Village.		X		X	2	
Chignik	City of Chignik.		X			3	
Chignik Lagoon	Chignik Lagoon Village Council.		X			4	
Chignik Lake	Chignik Lake Traditional Council.		X			2	
Coffman Cove	City of Coffman Cove.	X		X			
Cold Bay	City of Cold Bay		X				2
Craig	City of Craig.	X					
Edna Bay	Edna Bay Community Association.	X		X			
Elfin Cove	Community of Elfin Cove.	X					

Eligible GOA community	Community governing body that recommends the CQE	May use halibut QS only in halibut IFQ regulatory		May participate in the Charter Halibut Limited Access Program		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be granted	
		Area 2C, 3A	Area 3A, 3B	Area 2C	Area 3A	Central GOA	Western GOA
Game Creek	N/A.	X		X			
Gustavus	Gustavus Community Association.	X					
Halibut Cove	N/A.		X		X	2	
Hollis	Hollis Community Council.	X		X			
Hoonah	City of Hoonah.	X		X			
Hydaburg	City of Hydaburg.	X		X			
Ivanof Bay	Ivanof Bay Village Council.		X				2
Kake	City of Kake.	X		X			
Karluk	Native Village of Karluk.		X		X	2	
Kasaan	City of Kasaan.	X		X			
King Cove	City of King Cove.		X				9
Klawock	City of Klawock.	X		X			
Larsen Bay	City of Larsen Bay.		X		X	2	
Metlakatla	Metlakatla Indian Village.	X		X			
Meyers Chuck	N/A.	X		X			
Nanwalek	Nanwalek IRA Council.		X		X	2	
Naukati Bay	Naukati Bay, Inc.	X		X			
Old Harbor	City of Old Harbor.		X		X	5	
Ouzinkie	City of Ouzinkie.		X		X	9	
Pelican	City of Pelican.	X		X			
Perryville	Native Village of Perryville.		X				2
Point Baker	Point Baker Community.	X		X			
Port Alexander	City of Port Alexander.	X		X			
Port Graham	Port Graham Village Council.		X		X	2	
Port Lions	City of Port Lions.		X		X	6	
Port Protection	Port Protection Community Association.	X		X			
Sand Point	City of Sand Point.		X				14
Seldovia	City of Seldovia.		X		X	8	

Eligible GOA community	Community governing body that recommends the CQE	May use halibut QS only in halibut IFQ regulatory		May participate in the Charter Halibut Limited Access Program		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be granted	
		Area 2C, 3A	Area 3A, 3B	Area 2C	Area 3A	Central GOA	Western GOA
Tatitlek	Native Village of Tatitlek.		X		X	2	
Tenakee Springs	City of Tenakee Springs.	X		X			
Thorne Bay	City of Thorne Bay.	X		X			
Tyonek	Native Village of Tyonek.		X		X	2	
Whale Pass	Whale Pass Community Association.	X		X			
Yakutat	City of Yakutat.		X		X	3	

a. Application for a Non-profit Corporation to be Designated as a Community Quota Entity (CQE) – [moved from OMB Control No. 0648-0272, and 4 respondents removed]

A community quota entity (CQE) is a non-profit organization that (1) did not exist prior to April 10, 2002; (2) represents at least one eligible community that is listed in Table 21 of this part; and (3) has been approved by the Regional Administrator to obtain by transfer and hold QS, and to lease IFQ resulting from the QS on behalf of an eligible community

NMFS requires information to establish the eligibility of the CQEs to hold QS, monitor the participation of the eligible communities in this program, gather information on the distribution of QS and IFQ among these communities, and receive an annual report from each CQE. This information is used both to evaluate the ability of the specific CQE to represent an eligible GOA community and to augment fisheries management efforts.

This application procedure is required for each non-profit entity seeking to become a CQE representing a specific community. This application is due only once, unless a particular eligible community withdraws support from a specific CQE. For purposes of estimating burden hours, this situation is unlikely to arise. The application would not be resubmitted more than once every five years.

An application may be submitted to NMFS by mail or delivery. Fax submittal is not acceptable due to the Notary requirements.

Application for a Non-profit Corporation to be Designated as a CQE

Block A—Identification of applicant

- Name of nonprofit organization
- Name of contact person
- Permanent business mailing address
- Business telephone number, fax number, and e-mail address
- Name of community represented by nonprofit organization
- Name of contact person for community governing body

Block B – Required Information -- Checklist of required attachments

Block C – Notary Certification

Printed name and signature of applicant and date signed
Signature, date when commission expires, and stamp of Notary

One CQE can represent more than one community, although a community can only have one CQE. A current list of CQEs and the communities represented is presented at <http://alaskafisheries.noaa.gov/ram/daily/cqenamescontacts-en-us.pdf>. These CQEs represent 28 communities. The potential number of additional respondents seeking to become a CQE is 17.

Application to Become an CQE, Respondent	
Estimated number of respondents	17
Total annual responses	17
Number of responses = 1 initial	
Total Time burden	1,139 hr
Time per response = 200 hr/3 = 67 hr	
Total personnel cost (\$150 x 67)	\$170,850
Total miscellaneous cost (135.15)/3 = \$46.05	\$46
Postage (0.45 x 17 = 7.65)	
Photocopy (0.05 x 50pp x 17 = 42.50)	
Notary (5 x 17 = 85)	

Application to Become an CQE, Federal Government	
Total annual responses	17
Total Time burden	23 hr
Time per response = 4 hr /3 = 1 hr 20 min	
Total personnel cost (\$25 x 23)	\$575
Total miscellaneous cost	0

b. Application for Transfer of QS/IFQ to or from a CQE [moved from OMB Control No. 0648-0272, and no respondents/responses added]

To participate in a fishery, an eligible community must first form a CQE and purchase catcher vessel QS through a transfer. The eligible communities and the community governing body that recommends the CQE are listed in Table 21 to 50 CFR Part 679. Once QS is held the CQE can lease the annual IFQ resulting from the QS to individual community residents.

The CQE Program was intended as a way to promote QS ownership by individual residents, as individuals can lease annual IFQ from the CQE and gradually be in a position to purchase their own QS. Both the community and individually-held QS are important in terms of fishing access and economic health of communities.

This application is used to apply for a transfer of QS or IFQ to or from a CQE. The receiving party of the QS/IFQ transfer must hold a Transfer Eligibility Certificate (TEC) (see OMB 0648-0272). If the application is to permanently transfer QS from a CQE to another party, the application must be signed by a representative of the community for whom the CQE holds the QS.

A. CQE may transfer QS to:

- ◆ Generate revenues to provide funds to meet administrative costs for managing the community QS holdings
- ◆ Generate revenue to improve the ability of residents within the community to participate in the halibut and sablefish IFQ fisheries
- ◆ Generate revenue to purchase QS to yield IFQ for use by community residents
- ◆ Dissolve the CQE

In addition, a CQE may transfer QS as a result of a court order, operation of law, or as part of a security agreement.

An application for transfer may be submitted to NMFS by mail or delivery. Fax submittal is not acceptable due to the Notary requirements.

Application for Transfer of QS/IFQ to or from a CQE

Block A – Identification of Transferor

- Name and NMFS Person ID
- Name of community represented by the CQE
- Business mailing address (indicate whether permanent or temporary)
- Business telephone number, business fax number, and business e-mail address

Block B – Identification of Transferee

- Name and NMFS Person ID
- Name of community represented by the CQE
- Business mailing address (indicate whether permanent or temporary)
- Business telephone number, business fax number, and e-mail address

Block C – QS Questions for Transferee

- If QS is to be included in a sweep-up, list the identifier on the QS certificate into which this new piece should be combined
- For sweep-up, **attach** the original QS Certificates of both the transferor and the transferee
- If this is a transfer of Catcher vessel CDQ compensation QS and the vessel category has never been declared, designate the catcher vessel category in which QS should be issued

Block D – Identification of QS/IFQ to be Transferred

Complete Block D if QS and IFQ transfer together or to transfer QS only
Quota Share to be transferred

- Total QS units
- Designation of QS, as shown on the QS certificate: from and to
- Indicate whether all remaining IFQ pounds from the current fishing year should be transferred with the QS
- If NO**, indicate the number of pounds to be transferred

Block E – Transfer of IFQ only (lease of IFQ)

- (Pertains only to proposed transfers from CQEs to qualifying community members)
- Identification of IFQ to be transferred: Permit number and year
- Name of the community to which QS are currently assigned

Block F – Required Transferor Supplemental Information

- Indicate the reason(s) transfer being proposed
- Price per unit of QS and the price per pound of IFQ
- Total amount paid for the QS/IFQ in this transactions, including all fees
- If a broker is used for this transaction, indicate amount paid in brokerage fees or percentage of total price
- Indicate reason for transferring QS/IFQ

Block G – Required Transferee Supplemental Information

- If QS/IFQ will have a lien attached, identify the lien holder
- Primary source of financing for this transfer
- How was the QS/IFQ located
- Relationship to the transferor
- If an agreement exists to return the QS or IFQ to the transferor or any other person or a condition placed on resale, explain

Block H -- Certification of Transferor

- Printed name and signature of Transferor and date signed
- If authorized representative, **attach** authorization
- Signature, commission expiration date, and stamp of notary

Block I -- Certification of Transferee

- Printed name and signature of Transferee and date signed.
- If authorized representative, attach authorization.
- Signature, commission expiration date, and stamp of notary

Block J -- Certification of CQE Community Representative

- Printed name, title, and signature of Community Representative and date signed
- Signature, commission expiration date, and stamp of notary

Two CQEs have Halibut QS, and they do several transfers a year; they lease out the annual IFQ to community residents. Transfers of Charter halibut permits or LLP permits are not allowed in the CQE program. The number of potential transfers to or from a CQE is left at 21.

Application for Transfer of QS/IFQ to or from a CQE, Respondent	
Estimated number of respondents	21
Total annual responses	42
Number of responses per year = 2	
Total Time burden	84 hr
Time per response = 2 hr	
Total personnel cost (\$25 x 84)	\$2,100
Total miscellaneous cost (118.65)	\$119
Postage (.45 x 21 = 9.45)	
Photocopy (0.05 x 4 pp x 21 = 4.20)	
Notary (\$5 x 21 = 105)	

Application for Transfer of QS/IFQ to or from a CQE, Federal Government	
Total annual responses	21
Total Time burden (10.5)	11 hr
Time per response = 30 min	
Total personnel cost (\$25 x 11)	\$275
Total miscellaneous cost	0

**c. Application for a CQE to Receive a Non-trawl Groundfish LLP License
[moved from OMB Control No. 0648-0334, and no respondents/responses added]**

Entities representing specific communities may receive a limited number of fixed gear LLP licenses with Pacific cod endorsements for use on vessels designated by entities representing the communities. This 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 through Non-profit CQEs who hold fixed gear LLP licenses

A groundfish license approved for issuance to a CQE by the Regional Administrator 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 provided that NMFS receives that amendment prior to that person using that groundfish license aboard a vessel.
- Will have only the regional designation specified for that community.
- Will have a maximum length overall (MLOA) of 60 feet specified on the license.
- Will have only a catcher vessel designation;
- Will receive only a non-trawl gear endorsement;
- 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.

There are 45 communities eligible under the CQE Program, located in the Western and Central GOA management areas, including West Yakutat. Under the Federal LLP, the Central GOA endorsement area also authorizes vessels to fish in the West Yakutat management area, and communities located in this area are also included in this discussion.

The CQEs, representing specific communities in the Central GOA and Western GOA, would need to submit:

- ◆ An application to receive a fixed gear LLP license endorsed for Pacific cod, the selection of fixed gear type by CQEs in the Central Gulf (CG), a description of the methods used to assign any fixed gear LLP licenses received,
- ◆ A letter of authorization for persons using LLP licenses assigned to a CQE, and
- ◆ An annual report detailing the distribution and use of LLP licenses.

A CQE may apply for and may receive a maximum amount of groundfish licenses designated in the regulatory area specified for a community. Licenses would have an MLOA designation of 60 ft. Western GOA licenses would be endorsed for pot gear, and Central GOA CQEs may choose either a pot or hook-and-line endorsement.

Each CQE that is approved by the Regional Administrator may apply to receive groundfish licenses on behalf of the communities that the CQE is designated to represent. To receive a groundfish license a CQE must submit a complete application for a groundfish license to the Regional Administrator, NMFS, P.O. Box 21668, Juneau, AK 99802. The application may be submitted by mail, courier, or fax.

A maximum of 50 Central GOA and 21 Western GOA licenses would be issued.

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

Identification

Name of non-profit organization

Name of contact person for the CQE

NMFS person ID number

Permanent business mailing address

Business telephone number, business e-mail address, and business fax number

Procedures to determine the distribution of LLP licenses to community residents represented by that CQE

Procedures used to solicit requests from residents to be assigned an LLP license

Criteria to determine the distribution of the use of LLP licenses among qualified community residents and the relative weighting of those criteria

Number of LLP licenses the CQE is requesting and the gear designation for each license

Application for a CQE to receive a Non-trawl groundfish LLP license, Respondent	
Total respondents	1
50 Central GOA LLP licenses	
21 Western GOA LLP licenses	
Total responses = 1	1
Frequency of response = Initial application	
Total burden hours	20 hr
Time per response = 20 hr	
Total personnel cost (\$25 x 20)	\$500
Total miscellaneous costs (0.95)	\$1
Postage (0.45 x 1 = 0.45)	
Copying (0.05 x 10 pp x 1 = 0.50)	

Application for a CQE to receive a Non-trawl groundfish LLP license, Federal Government	
Total responses	1
Total burden hours	4
Time per response = 4 hr	
Total personnel costs (\$25 x 4)	\$100
Total miscellaneous costs	0

d. Community Quota Entity (CQE) Annual Report [moved from OMB Control No. 0648-0334, and 27 additional respondents/responses]

This action proposes the consolidation of CQE annual reporting requirements for all CQE participation in Federal fishery management programs in § 679.5(t), the recordkeeping and reporting regulations. Proposed paragraph (t) would describe both general reporting requirements for CQE annual reports and specific reporting requirements for any CQE participating in the IFQ, charter halibut limited access, and LLP programs. The action would also revise § 679.4(k), Permits, and § 679.5(l), Recordkeeping and Reporting, to reference the single location for annual reporting regulations at § 679.5(t). Finally, the action would add the CQE annual reporting requirement to the charter halibut limited access program at § 300.67(k)(7). These proposed changes would streamline regulatory text and provide CQEs with a single reference to determine their annual reporting requirements.

The CQE may combine annual reports about its holdings of community charter halibut permits (CHPs), IFQ, and LLPs in one report. A CQE must submit annual report data for the community charter halibut permit, IFQ, and LLP permits it held during the calendar year. A CQE is not required to submit an annual report for any calendar year in which it did not hold any community charter halibut permits, IFQ, or LLPs.

By January 31, the CQE must submit a complete annual report for the prior calendar year to the Regional Administrator, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, and to the governing body of each community represented by the CQE as identified in Table 21 to part 679.

A complete annual report contains all general report requirements and all program specific report requirements applicable to the CQE, as follows:

Community Entity Quota (CQE) Program Annual Report

General Report Requirements

Each CQE must report business operations and fishing activity for the charter halibut permit, IFQ, and LLP programs for each eligible community represented by the CQE.

Eligible community or communities represented by the CQE

Any new communities

Any withdrawn communities

Any changes in the bylaws of the CQE, board of directors, or other key management personnel; and

Attach copies of minutes and other relevant decision making documents from all CQE board meetings held during the prior calendar year

Charter Halibut Permit (CHP) Limited Access Program

If a community in Table 21 was issued one or more CHPs held on behalf of the community by a CQE, the program-specific report must include:

Total number of CHPs held by the CQE

at the start of the calendar year

at the end of the calendar year

projected to be held in the next calendar year

Process used by the CQE to solicit applications from persons to use CHPs

Total number of persons who applied to use one or more CHPs

Name, business address, city and state, and number of CHPs requested by each person who applied to use a CHP

Criteria used by the CQE to distribute CHPs among persons who applied to use one or more CHPs

For each person issued one or more CHPs, provide

Name

Business address, city and state,

ADF&G logbook number(s),

Number(s) of each CHPs authorized to use with the corresponding regulatory area endorsement and angler endorsement

For each vessel authorized to participate in the charter halibut fishery using one or more CHPs, provide

Vessel name,

ADF&G vessel registration number,

USCG documentation number,

Length overall,

Home port

Each CHP number held by the CQE and used onboard the vessel

Each set of ports from which the vessel departed and to which it returned

Total number of trips that occurred to and from each set of ports

For each community represented by the CQE, provide any payments made to the CQE for use of the CHPs.

Individual Fishing Quota Program.

If a community in Table 21 leased halibut and sablefish IFQ derived from the QS held on behalf of the community by a CQE, the program specific report must include:

Total amount of halibut QS and total amount of sablefish QS held by the CQE

at the start of the calendar year

at the end of the calendar year

projected to be held in the next calendar year

Describe process used by the CQE to solicit applications from eligible community residents to use IFQ that is derived from QS that the CQE is holding on behalf of the eligible community;

Total number of community residents who applied to use IFQ derived from QS held by the CQE;

Name, business address, city and state, and amount of IFQ requested by each person who applied to use IFQ

Describe criteria used by the CQE to distribute IFQ among eligible community residents who applied to

Use IFQ

For each person who leased IFQ derived from QS held by the CQE, provide

Name, business address, city and state,

Each IFQ permit number,

Total pounds of halibut IFQ authorized to use through each IFQ permit number

Total pounds of sablefish IFQ authorized to use through each IFQ permit number;

For each vessel used to harvest IFQ derived from QS held by the CQE, provide

Vessel name,

ADF&G vessel registration number

USCG documentation number

Length overall

Home port

Each IFQ permit number(s) used onboard

Describe efforts made by the CQE to ensure crew members onboard the vessels used to harvest the IFQ are residents of the CQE eligible community

Name, resident city and state, and business address, city and state of each person employed as a crew member on each vessel used to harvest IFQ

For each community whose residents landed IFQ, provide any payments made to the CQE for use of the IFQ

License Limitation Program

If a community in Table 21 to part 679 was assigned one or more Pacific cod endorsed non-trawl groundfish licenses held on behalf of the community by a CQE, the program specific report for GOA Pacific cod endorsed non-trawl groundfish licenses held by a CQE must include:

Total number of LLP groundfish licenses by gear type endorsement held by the CQE

at the start of the calendar year

at the end of the calendar year

projected to be held in the next calendar year

Describe process used by the CQE to solicit applications from residents of the eligible community to use LLP groundfish license(s) that the CQE is holding on behalf of the eligible community

Total number of community residents who applied to use an LLP groundfish license

Name, business address, city and state, and number of LLP groundfish licenses requested by each person who

applied to use a LLP groundfish license
 Describe criteria used by the CQE to distribute LLP groundfish licenses among eligible community residents who applied to use LLP groundfish licenses
 For each person assigned one or more LLP groundfish licenses held by the CQE, provide name, business address, City and state
 LLP groundfish license numbers for permits of each gear endorsement type they were authorized to use
 For each vessel authorized to harvest LLP groundfish using one or more LLP groundfish licenses held by the CQE, provide:
 Vessel name
 ADF&G vessel registration number
 USCG documentation number
 Length overall
 Home port
 Each LLP groundfish license number used onboard
 Describe efforts by the CQE to ensure crew members onboard the vessels authorized to harvest LLP groundfish are residents of the eligible community
 For each person employed as a crew member on each vessel authorized to harvest LLP groundfish using one or more LLP groundfish licenses held by the CQE; and
 Name
 Resident city and state
 Business address, city and state
 For each community whose residents made landings using one or more LLP groundfish licenses held by the CQE, provide any payments made to the CQE for use of the LLP groundfish licenses.

CQE Annual Report, Respondent	
Estimated number of respondents	28
Total annual responses	28
Response per respondent = 1	
Total burden hours	1,120 hr
Time per response = 40 hr	
Total personnel cost = \$25/hr	\$28,000
Total miscellaneous costs (138.60)	\$139
Photocopy (10 pp x .05 x 28 x 3 = 42.00)	
1 cc to NMFS	
1 cc to community	
1 cc to CQE	
Postage (0.90 x 14= 12.60)	
Fax or courier (\$6 x 14 = 84)	

CQE Annual Report, Federal Government	
Total annual responses	28
Total burden hours = 4 hr	112 hr
Total personnel cost = \$25/hr	\$2,800
Total miscellaneous cost	0

e. CQE LLP Authorization letter [moved from OMB Control No. 0648-0334, and added 7 respondents/responses]

The LLP is issued to the CQE and the CQE designates the vessel to which the LLP license is assigned. Prior to requesting an LLP, the CQE shall provide NMFS with a detailed plan for soliciting and determining recipients of the CQE permit.

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 issued cannot designate more

than one vessel per LLP per calendar year. The CQE must provide an authorization letter assigning each community LLP to a specific vessel and designating the vessel operator. The person specified for an LLP groundfish license in an annual CQE authorization letter must be onboard the vessel during directed fishing. The CQE must send a copy of each letter to NMFS, and must maintain a copy.

The authorization letter must be sent to the authorized vessel, and the 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.

If an amendment is made to the annual CQE authorization letter, copies of the revised CQE authorization letter must be sent to the designated vessels.

As part of the authorization letter, NMFS requires that the CQE attest that the authorized representative using a groundfish license issued to a CQE:

- ◆ Is a citizen of the United States;
- ◆ Has maintained a domicile in a CQE community in the Central GOA or Western GOA eligible to receive an LLP license endorsed for Pacific cod for the 12 consecutive months immediately preceding the time when the assertion of residence is made; and
- ◆ Is not claiming residency in another community, state, territory, or country, except that residents of the Village of Seldovia shall be considered to be eligible community residents of the City of Seldovia for the purposes of eligibility to serve as an authorized vessel operator.

The residency requirements for a vessel operator using a CQE license ensures 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.

The 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.

CQE Letter of authorization, Respondent	
Total respondents	28
Total responses = 1	28
Frequency of response = 1	
Total burden hours	28 hr
Time per response = 1 hr	
Total personnel cost (\$25 x 28)	\$700
Total miscellaneous costs (29.40)	\$29
Postage (0.45 x 28 x 2 = 25.20)	
Copying (0.05 x 1 pp x 28 x 3 = 4.20)	
1 cc to NMFS	
1 cc to vessel operator	
1 cc to CQE	

CQE Letter of authorization, Federal Government	
Total responses	28
Total burden hours = 1 hr	28
Total personnel costs (\$25/hr)	\$700
Total miscellaneous costs	0

f. Application for Community Charter Halibut Permit (CCHP) or Military Charter Halibut Permit (MCHP) [moved from OMB Control No. 0648-0592, and no respondents/responses added]

Two types of special charter halibut permits are available:

- ◆ Community charter halibut permit to allow economic development of a charter halibut fishery in certain rural communities.
- ◆ U.S. military charter halibut permit for recreational use of active duty Army and Air Force personnel.

Community charter halibut permit.

A CQE could apply for a limited number of permits for eligible communities at no cost, if they meet criteria for limited participation in the charter halibut fishery. The purpose of issuing permits to this subset of small GOA communities, not located on the road system, is to provide them the opportunity to derive economic benefits from the charter halibut industry.

A CQE representing a community or communities in Area 2C could receive a maximum of four Community Charter Halibut Permits for each eligible community it represents. A CQE representing a community or communities in Area 3A could receive a maximum of seven Community Charter Halibut Permits for each eligible community it represents. The larger number of community permits that would be allowed in Area 3A reflects the larger resource base in that area. A Community Charter Halibut Permit would have an angler endorsement of six. The communities eligible for community charter halibut permits include those CQE communities in which 10 or fewer “active” charter vessel businesses terminated charter vessel trips in the community in each of the qualifying years, 2004 and 2005.

The list of communities eligible for community charter halibut permits under a CQE are a subset of those listed in Table 21 in 50 CFR part 679, shown previously. In addition to the community

charter halibut permits available to a CQE under this proposed action, a CQE could acquire other charter halibut permits through transfer.

A charter vessel fishing trip for halibut that is authorized by a Community Charter Halibut Permit would be required to either begin or end within the geographic boundaries of the community designated on the permit. The purpose of this requirement is to assure that the charter vessel anglers on such a fishing trip have an opportunity to use the goods and services of the community. A Community Charter Halibut Permit issued to a CQE could not be transferred to a different CQE or to a non-CQE entity.

MWR charter halibut permit.

NMFS would recognize charter vessels used by the U.S. Army Morale, Welfare, and Recreation (MWR) Program, based at Fort Richardson in Anchorage, Alaska, and those used by the Seward Air Force Recreation Camp operated by Elmendorf Air Force Base in Anchorage, Alaska. This action would not limit charter halibut fishing by any charter vessel owned, operated, or used by either the MWR program or the Seward Air Force Recreation Camp. MWR vessels are not required to meet the qualification requirements of the program, but harvests still count against the guideline harvest level. To be exempt from the overall charter halibut program, however, such vessels would be required to obtain a special MWR charter halibut permit by application to NMFS. Each MWR charter halibut permit would be non-transferable and valid only in the regulatory area designated on the permit.

Applications submitted by mail, hand deliver, or fax would be acceptable if postmarked or hand delivered or faxed no later than the last day of the application period. Electronic submissions other than fax would not be acceptable because each application would require the original signature of the applicant.

Application for Community Charter Halibut Permit (CCHP) or Military Charter Halibut Permit (MCHP)

Block A--Type of permit

Indicate type of permit for which applying.

If applying for Community Charter Permit,

An authorized CQE must apply on behalf of the eligible community

Complete Blocks A and B.

Sign and date Block D

Enter the name of the community to be represented

If applying for MWR Permit,

Complete Blocks A and C

Sign and date Block D

Enter the branch of the United States Armed Services represented

Block B –Applicant information

Applicant's name

Business mailing address (street or P.O. Box, city, state, zip code)

Business telephone number, business fax number, and business e-mail address

Block C – Community Charter Halibut Permit(s) request

Name(s) of the community that the CQE represents

For each community charter permit requested, specify

Name(s) of person(s)

Number of permits to be issued to that person

List location boundaries of community, including latitude and longitude, where all trips will begin or end

Block D – MWR Permit(s) request

List the number of MWR permits requested for each area, for 2C and for 3A

Block E – CQE applicant signature

Signature, printed name, and title of individual completing this application on behalf of CQE

Date signed. Attach authorizing documentation.

Block F – MWR applicant signature

Signature, printed name, and rank in service of individual completing this application on behalf of military service. Attach authorizing documentation

Date signed

Application for community or MWR charter Permit, Respondents	
Total number of respondents	58
Communities:	
14 – Area 3A	
18 – Area 2C	
Military -- 26	
Total annual responses	58
Frequency of response = 1	
Total annual time burden	58
Estimated response time = 1 hr	
Total personnel costs	\$1,450
Cost per hour = \$25	
Total miscellaneous costs (198.65)	\$199
Mail (0.45 x 29 = 13.05)	
Fax (6 x 29 = 174)	
Photocopy (2 x 0.10 x 58 = 11.60)	

Application for community or MWR Charter Permit, Federal Government	
Total responses	58
Frequency per response = 1	
Total annual time burden	29
Estimated response time = 0.5	
Total personnel costs	725
Cost per hour = \$25	
Total miscellaneous costs	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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 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.

Forms and applications are “fillable” on the computer screen at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov. The Application for a CQE to Receive a Non-trawl LLP License and the Application for Transfer of QS-IFQ to a CQE may be submitted to NMFS by mail, courier, or fax. The Application for a Non-profit Corporation to be Designated as a CQE and the Application for Transfer of QS-IFQ to a CQE may be submitted to NMFS by mail or delivery. Fax submittal is not acceptable due to the Notary requirements. The CQE final report is a large report with various sizes of pages which must be submitted by mail or in person. The CQE Authorization Letter 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. 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.

NMFS has defined all IFQ halibut vessels as small businesses, for the purpose of this analysis. This 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.

Without the specified reporting scheme described in this Support Statement, the CQE Program would be unable to proceed.

The lack of adequate information to manage the CQE Program would result in the fishery management decision-making process being less objective, more political, and potentially less equitable. This would decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system. The cost of making decisions based on inadequate information would adversely affect the viability of the CQE fishing industry.

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.

NMFS Alaska Region will submit a proposed rule (RIN 0648-BB94) 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 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.

The information collected is confidential under section 402(b) 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. Assurance of confidentiality under these authorities is stated on all forms.

A Privacy Act System of Records Notice, COMMERCE/NOAA System-19, Permits and Registrations for United States Federally Regulated Fisheries, was published in the Federal Register on April 17, 2008 (73 FR 20914).

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: 87 (28 CQEs, 58 Community halibut permittees, 1 CQE to receive non-trawl LLP). Estimated total responses: 174. Estimated total burden: 2,449 hr. Estimated total personnel costs: \$203,600.

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: \$533.

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

Estimated total responses: 184. Estimated total burden: 207 hr. Estimated total personnel costs: \$5,175.

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

This is a new collection-of-information created by combining and revising three existing portions of the CQE Program that were previously in three different collections-of-information. Also, an adjustment is made to correct the number of eligible communities; the current correct number of communities is 42. Adding three new communities to the CQE Program makes 45 in total.

Program Change: The first three information collections below were transferred from other collections, with a change in respondents and associated change with burden and cost from the original collection.

Application for a Non-profit Corporation to be Designated as a CQE [**transferred from 0272 with changes**]

a decrease of 4 respondents, 17 instead of 21
an increase of 10 responses, 17 instead of 7
an increase of 2,000 hours burden, 3,400 instead of 1,400 (annualized to 1,139)
an increase of \$300,000 personnel costs, \$510,000 instead of \$210,000 (annualized to \$170,850)
an increase of \$73 miscellaneous costs, \$135 instead of \$62 (annualized to \$46).

Community Quota Entity (CQE) Annual Report [**moved from 0334 with changes**]

an increase of 4 respondents and responses, 28 instead of 24
an increase of 160 hours burden, 1,120 instead of 960 hr
an increase of \$4,000 personnel costs, \$28,000 instead of \$24,000
an increase of \$1,873 miscellaneous costs, \$139 instead of \$2,012

CQE LLP Authorization letter [**transferred from 0334 with changes**]

an increase of 7 respondents and responses, 28 instead of 24
an increase of 4 hours burden, 28 instead of 24 hr
an increase of \$100 personnel costs, \$700 instead of \$600
an increase of \$17 miscellaneous costs, \$29 instead of \$12

These three information collections were transferred from the original collections with no changes:

Application for Transfer of QS/IFQ to or from a CQE [**transferred from 0272 with no change**]:

21 respondents, 42 responses, 84 hours, \$2,100 personnel costs, \$119 miscellaneous costs.

Application for a CQE to receive a non-trawl groundfish LLP license [**transferred from 0334 with no change**]: 1 respondent and response, 20 hours, \$500 personnel costs, \$1 miscellaneous cost.

Application for community or MWR charter permit [**transferred from 0592 with no change**]: 58 respondents and responses, 58 hours, \$1,450 personnel costs, \$199 miscellaneous costs.

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

NMFS Alaska Region posts LLP license information on the web at <http://alaskafisheries.noaa.gov/ram/llp.htm#list>. The lists contain LLP groundfish and crab licenses issued as of the indicated preparation date. Data are sorted alphabetically and are updated daily. 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.