

**SUPPORTING STATEMENT
ALASKA REGION AMENDMENT 80 PERMITS AND REPORTS
OMB CONTROL NO. 0648-0565**

This action is a revision to an existing information collection due to an associated rule, RIN: 0648- BA93.

INTRODUCTION

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 amended in 2006. Regulations implementing the FMP appear at [50 CFR part 679](#).

Amendment 80 to the FMP permits the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector. Non-AFA trawl catcher/processors are vessels that have harvested the required amount of Bering Sea and Aleutian Islands Management Area (BSAI) groundfish during the qualifying period and are not listed by name in the AFA as being eligible to participate in the directed pollock target fisheries. The Council recommended the Groundfish Retention Standard (GRS) for non-AFA trawl catcher/processors because, as a group, they had the lowest retained catch rates of any catcher/processor sector operating in the BSAI groundfish fishery. The GRS Program was implemented to increase the retention and utilization of groundfish caught by the catcher/processors not listed in the AFA.

Sector allocations and the formation of cooperatives were intended to assist compliance with the GRS by allowing participants to focus less on harvest rate maximization and more on optimizing their harvest. This type of management applies retention standards on an aggregate basis to all activities of a cooperative, allowing participants within the cooperative to coordinate fishing and retention practices across the cooperative to meet the retention requirements.

This action would remove the groundfish retention standard (GRS Program). NMFS discovered that the regulatory methodology used to calculate compliance with and to enforce the GRS Program requires the sector to retain groundfish at a rate well above that considered by the Council or that implemented by NMFS. Monitoring and enforcement of the GRS have proven far more complex, challenging, and potentially costly than anticipated by NMFS.

This action is necessary because the circumstances that justified the GRS rates have changed. This action is intended to mitigate higher than expected compliance costs of the GRS borne by the Amendment 80 sector. Furthermore, this action is needed to mitigate management and enforcement costs that were not foreseen when the regulation was promulgated.

Amendment 80 cooperatives would be required to report annual groundfish retention rates as part of the Amendment 80 annual cooperative report, instead of requiring an additional report from these participants. As recommended by the Council, NMFS proposes to require third party audits of each cooperative's retention performance as part of the modified cooperative report.

A. JUSTIFICATION

Several pieces of legislation affect various aspects of the Program.

- ◆ Section 219 of the [Consolidated Appropriations Act of 2005](#) (Public Law No. 108-447; December 8, 2004) referred to as the Capacity Reduction Program (CRP). CRP elements relevant to the GRS Program: legislates who may participate in the non-AFA trawl catcher/processor sector in the BSAI for “non-pollock groundfish fisheries” and defines the non-pollock groundfish fisheries in the BSAI as “target species of Atka mackerel, flathead sole, Pacific cod, Pacific Ocean perch, rock sole, turbot, or yellowfin sole harvested in the BSAI.” Because all of the Amendment 80 species are included in the CRP's definition of non-pollock groundfish fishery, the CRP's eligibility requirements for the non-AFA trawl catcher/processor sector apply to the Program's eligibility criteria for the Amendment 80 sector. The GRS Program would incorporate the CRP's definition of a non-AFA trawl catcher/processor.
- ◆ Section 416 of the [Coast Guard and Maritime Transportation Act of 2006](#) (Public Law No. 109-241; July 11, 2006) referred to as the Coast Guard Act. The elements of the Coast Guard Act relevant to the GRS Program are the species or species groups allocated to the Western Alaska Community Development Quota (CDQ) Program, the regulation of harvest of these allocations, and the percentage allocations of all of the groundfish species allocated to the CDQ Program, except pollock and sablefish.
- ◆ The Magnuson-Stevens Act includes amendments relating to Limited Access Privilege Programs (LAPPs), the CDQ Program, cost recovery and fee collection provisions, and other measures applicable to LAPPs. A LAPP involves a federal permit specifying the amount of catch a privilege holder may harvest. Privileges and shares may be revoked, limited, or modified at any time, with no right to compensation. The LAPP must contribute to rebuilding overfished stocks and reducing excess harvest capacity; promote fishing safety, conservation and management, and social and economic benefits.

NMFS has identified two issues with the current GRS Program:

- ◆ The GRS calculation as implemented does not correlate with historic groundfish retention rates in front of the Council at the time of BSAI Amendment 79 final action (71 FR 17362, April 06, 2006), and requires groundfish retention well beyond what was considered by the Council. The current GRS calculation schedule may impose economic hardships to the Amendment 80 fleet well beyond those considered in the Amendment 79 analysis.

- ◆ NOAA Fisheries Office for Law Enforcement (OLE) has significant concerns with the cost of enforcing a GRS violation, which may hinder their ability to enforce the current GRS program.

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

The CRP provided the eligibility criteria for the non-AFA trawl catcher/processor sector. In order to qualify for the non-AFA trawl catcher/processor sector; a person must have an LLP license with trawl and catcher/processor endorsements and must own a non-AFA vessel that caught and processed 150 mt of groundfish with trawl gear between 1997 and 2002. Under the provisions of the GRS Program, a non-AFA trawl catcher/processor operator could choose to either:

- ◆ Form a harvesting cooperative that could receive an exclusive annual harvest privilege of specific groundfish species; or
- ◆ Fish in a limited access fishery comprised of fishery participants that choose not to join a cooperative.

To operate as a cooperative, membership must include at least three separate entities and be composed of at least 30 percent of the qualified vessels, including LLP licenses with associated catch history. Most eligible participants in the non-AFA trawl catcher/processor sector are likely to join a cooperative, since operations in the limited access fishery are likely to be less efficient (and less profitable). Fishery participants that join a cooperative:

- ◆ receive an exclusive harvest privilege not subject to harvest by other vessel operators;
- ◆ could consolidate fishing operations on a specific vessel or subset of vessels, thereby reducing monitoring, enforcement, and other operational costs; and
- ◆ harvest fish in a more economically efficient and less wasteful manner.

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.

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

An Application to Transfer Amendment 80 Quota Share may be used by:

- ◆ A person holding Amendment 80 QS assigned to an Amendment 80 vessel to transfer that Amendment 80 QS
 - 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
- ◆ A person holding an Amendment 80 LLP license that is designated as an Amendment 80 LLP/QS license to transfer that QS to a vessel approved as an Amendment 80 replacement vessel
- ◆ A person requesting to change the vessel designated on an LLP groundfish or crab species license. 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.
- ◆ 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.

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.

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.

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.

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.alaskafisheries.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 to another person (includes QS permit affixed to an Amendment 80 QS/LLP license)

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

Transfer of A80 QS 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

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

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 [UNCHANGED]

The owner of each of the 28 originally qualifying Amendment 80 vessels may replace his or her vessel for any purpose. A replacement vessel will be eligible to participate in the Amendment 80 fisheries in the same manner as the original vessel. 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.

The Regional Administrator will approve 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 if the replacement vessel:

- ◆ Does not exceed 295 feet 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

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
 Indicate YES or NO whether the vessel was built in the United States
 Indicate YES or NO 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.

It is estimated that up to two vessels may need to be replaced in a given year.

Application for A80 Vessel Replacement, Respondent	
Number of respondents	2
Total annual responses	2
Number responses per respondent = 1	
Total burden hours	4 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$100
Total miscellaneous costs (5.54)	\$6
Postage (0.44 x 1 = 0.44)	
FAX cost (\$5 x 1 = 5)	
Photocopy cost (0.05 x 2 = 0.1)	

Application for A80 Vessel Replacement, Federal Government	
Total annual responses	2
Total burden hours	1 hr
Time per response = 30 minutes	
Total personnel cost (\$25/hr)	\$25
Total miscellaneous cost	0

c. Application for Amendment 80 Quota Share (QS) [UNCHANGED]

Quota share (QS) is the basis for the annual calculation of the amount of fish that may be harvested or used if that QS is assigned to an Amendment 80 cooperative. When Amendment 80 QS is assigned to a person, it authorizes that QS holder to fish in the Amendment 80 sector. A person who wishes to receive Amendment 80 QS must submit a timely and complete application for Amendment 80 QS. Upon receipt of NMFS approval an application for Amendment 80 QS is not required to be resubmitted.

An Application for Amendment 80 QS may be submitted to NMFS using any one of the following methods:

By mail: NMFS Alaska Region, Administrator
 c/o Restricted Access Management Program
 P.O. Box 21668
 Juneau, AK 99802-1668

By fax: 907-586-7354

By hand delivery or carrier:
NMFS, Room 713
709 West 9th Street
Juneau, AK 99801

Application forms are available through the Internet on the NMFS Alaska Region Web site at <http://www.alaskafisheries.noaa.gov/sustainablefisheries/amds/80/default.htm#apps> or by contacting NMFS at 800-304-4846, Option 2.

A completed application for Amendment 80 QS must be received by NMFS no later than 1700 hours A.l.t. on October 15 of the year prior to the fishing year for which the applicant is applying, or if sent by U.S. mail, postmarked by that time. Applications received or postmarked after the deadline are not eligible to receive an Amendment 80 QS permit for the upcoming fishing year.

Application for A80 Quota Share

Indicate the type of application

Applicant identification

Applicant name and NMFS person ID

Permanent business mailing address

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

If applicant is a U.S. citizen, enter date of birth

If applicant is a U.S. corporation, partnership, association or other business entity, enter the date of incorporation

If applicant is a successor-in-interest to a deceased individual or to a non-individual no longer in existence, attach evidence of death or dissolution

Agreement with A80 Official Record

Indicate whether you

agree with the A80 Official Record Summary,

do not agree with the A80 Official Record Summary, or

did not receive an A80 Official Record Summary from NMFS

Owner of A80 Vessel

List each Amendment 80 LLP license for which applying for A80 QS

A80 vessel originally assigned to each license

Vessel name

LLP No., ADF&G No., and USCG No.

Attachment:

documentation that the A80 vessel has suffered an actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108.

Attachment:

if the holder of the LLP license is not the same person(s) who owns the A80 vessel, a copy of a written contract held by the applicant that clearly and unambiguously indicates that the owner of the A80 vessel that has suffered an actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108 has transferred all rights and privileges to use A80 legal landings and any resulting A80 QS or exclusive harvest privilege from that A80 vessel to the person holding the A80 LLP license originally assigned to that A80 vessel.

Applicant certification

Printed name and signature and date signed

If representative, **attach** authorization of the cooperative membership agreement or contract

Application for A80 QS, Respondent	
Number of respondents	28
Total annual responses	
Responses per respondent = 1	
Total burden hours	56
Time per response = 2 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$1,400
Total miscellaneous costs (113.96)	\$114
Postage (0.44 x 14 = 6.16)	
Fax (\$5 x 14 = 70)	
Photocopy cost (0.05 x 27 (7 pp form + 20pp contract)] x 28 = 37.80	

Application for A80 QS, Federal Government	
Total annual responses	28
Total burden hours	14
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$350
Total miscellaneous cost	0

d. Application for Amendment 80 Cooperative and CQ Permit [UNCHANGED]

An Amendment 80 cooperative quota (CQ) permit authorizes a cooperative to participate in the Amendment 80 Program.

NMFS uses the CQ application information

- ◆ to assign CQ quantities to each cooperative prior to the fishing year
- ◆ to determine the Amendment 80 species interim total allowable catch assignments to the Amendment 80 limited access fishery
- ◆ to determine which vessels must be tracked for catch accounting
- ◆ to review ownership and control information for various QS holders to ensure that QS and CQ use caps are not exceeded.

NMFS issues a CQ permit annually to an Amendment 80 cooperative which has submitted a complete and timely CQ application. The cooperative must designate an authorized representative to be responsible for submitting the CQ application on behalf of all the members. Every member of the Amendment 80 cooperative must submit a timely and complete economic data report (EDR) for each Amendment 80 QS permit held by that person during the previous calendar year. The annual EDR submission deadline is June 1.

To be considered timely, the application must be received by NMFS no later than 5:00 p.m., Alaska local time, on November 1 of the year prior to fishing under the CQ permit. The application 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.alaskafisheries.noaa.gov/ram/amd80/coop_cq_permitapp.pdf or by contacting NMFS at 800-304-4846, Option 2.

Application for A80 cooperative and CQ Permit

Cooperative identification.

Cooperative's legal name
Type of business entity under which the A80 Cooperative is organized
State in which the A80 Cooperative is legally registered as a business entity
Permanent business address
Business telephone number, business fax number, and e-mail address (if available)
Printed name of A80 designated representative

Members of the A80 Cooperative (A80 QS Permit Holder and Ownership Documentation)

Full name and NMFS Person ID 1of all members
A80 QS Permit Number(s)
Names of all persons, to the individual level, holding an ownership interest in the QS Permit
Percentage ownership each person holds in the A80 QS Permit(s)

Identification of A80 cooperative member vessels and A80 LLP licenses

Vessel name
ADF&G vessel registration No. and USCG documentation number
A80 LLP number

1Identification of vessels on which the CQ issued to the A80 Cooperative will be used

Vessel name
ADF&G vessel registration No. and USCG documentation number

EDR submittal

Indicate whether the each member submitted a timely and complete EDR for each A80 QS permit

Certification of cooperative authorized representative

Printed name and signature of Cooperative authorized representative and date signed

Attach explicit authorization

Attachment

Copy of the cooperative membership agreement or contract

Application for A80 cooperative and CQ permit, Respondent	
Number of respondents	1
Total annual responses	1
Responses per respondent = 1	
Total burden hours	2 hr
Time per response = 2 hr (including 5 minutes for recordkeeping)	
Total personnel cost (\$25/hr)	\$50
Total miscellaneous costs (1.84)	\$2
Postage (0.44 x 1 = 0.44)	
Photocopy cost (0.05 x 8pp (form) + 20pp contract = 1.40)	

Application for A80 cooperative and CQ permit, Federal Government	
Total annual responses	1
Total burden hours	1
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$25
Total miscellaneous cost	0

e. Application for an Amendment 80 Limited Access Fishery Permit [UNCHANGED]

An Amendment 80 limited access fishery permit is required for an Amendment 80 QS holder to catch, process, and receive Amendment 80 species assigned to the Amendment 80 limited access fishery, or use halibut and crab Prohibited Species Catch (PSC) assigned to the Amendment 80 limited access fishery. An Amendment 80 limited access fishery permit is issued annually to an Amendment 80 QS holder who has submitted a timely and complete:

- ◆ Application for the Amendment 80 limited access fishery (see § 679.91(b)(4)) that is approved by NMFS; and
- ◆ Amendment 80 EDR for all Amendment 80 QS permits held by that person (see § 679.94).

An Amendment 80 EDR is required from any person who held an Amendment 80 QS permit during the previous calendar year. An EDR must be submitted for each Amendment 80 QS permit held by a person. The annual EDR submission deadline is June 1.

An Application for an A80 Limited Access Fishery 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.

This application must be submitted annually and received by NMFS no later than 1700 hours Alaska local time on November 1 of the year prior to the year for which the applicant wishes to participate in an Amendment 80 fishery; or if sent by U.S. mail, the application must be postmarked by that time.

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

Application for an A80 limited access fishery

Applicant identification.

- Applicant's name and NMFS person ID
- Permanent business mailing address
- Business telephone number, business fax number, and business e-mail address (if available)

A80 Vessel identification.

- Name, ADF&G vessel registration number, and USCG documentation number of applicant's vessel

A80 LLP identification

- A80 LLP license number(s) held by the applicant

A80 QS permit information

- A80 QS permit number(s) held by the applicant

A80 QS ownership documentation.

- Names of all persons, to individual level, holding an ownership interest in the A80 QS permit
- Percentage ownership each person holds in the A80 QS permit

EDR Submission

- Indicate whether the applicant has submitted a timely and complete EDR for each A80 QS permit

Applicant certification.

- Applicant printed name, signature, and date signed.
- If completed by authorized representative, **attach** authorization

Application for an A80 limited access fishery permit, Respondent	
Number of respondents	8
Total annual responses	8
Number responses per respondent = 1/yr	
Total burden hours	16 hr
Time per response = 2 hr (including recordkeeping time)	
Total personnel cost (\$25/hr)	\$400
Total miscellaneous costs (22.96)	\$23
Postage (0.44 x 4 = 1.76)	
Photocopy cost (0.05 x 3 x 8 = 1.20)	
FAX cost (\$5 x 4 = 20)	

Application for an A80 limited access fishery permit, Federal Government	
Total annual responses	8
Total burden hours	4
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$100
Total miscellaneous cost	0

f. Application for Inter-Cooperative Transfer of Amendment 80 CQ [UNCHANGED]

NMFS will process an application for inter-cooperative transfer of Amendment 80 cooperative quota (CQ) provided that a paper or electronic application is completed by the transferor and transferee, with all applicable fields accurately filled in, and all required additional documentation is attached. In order for an inter-cooperative CQ transfer to be approved, both parties must be already established and recognized by NMFS as a cooperative. NMFS will notify the transferor and transferee once the application has been received and approved. A transfer of CQ is not effective until approved by NMFS.

1 Amendment 80 cooperatives may transfer CQ during a calendar year with the following restrictions.

- ◆ May only transfer CQ to another Amendment 80 cooperative;
- ◆ May only receive CQ from another Amendment 80 cooperative; and
- ◆ When receiving Amendment 80 species CQ by transfer, must assign that Amendment 80 species CQ to a member(s) of the Amendment 80 cooperative for the purposes of use caps calculation as established under § 679.92(a).

This application cannot be processed or approved unless all parties to the proposed transfer (including the proposed transferor, the proposed transferee, and the receiving Qualifying Member) have met all the requirements and conditions of the Amendment 80 Program. Any person who held an Amendment 80 CQ permit during a calendar year must submit to NMFS an EDR for that calendar year for each Amendment 80 CQ permit held by that person (see § 679.94). The annual EDR submission deadline is June 1.

Application for Inter-Cooperative Transfer of Amendment 80 Cooperative Quota may be submitted to NMFS electronically or non-electronically.

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

By fax to: 907-586-7354

Applications may be faxed to RAM at 907-586-7354; however, permits will not be returned by fax. The original, signed permit must be on board the vessel.

Hand deliver to:

NMFS Alaska Region (RAM)
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801

Attachment to an e-mail: RAM.Alaska@noaa.gov

Online to: <http://www.alaskafisheries.noaa.gov>

When using the online submittal method, the respondent must provide a NMFS Person ID and transfer key. These two pieces of information are provided by NMFS after an applicant is approved for participation in the Amendment 80 Program.

Application for Inter-Cooperative Transfer of Amendment 80 CQ

Identification of transferor cooperative

Name and NMFS Person ID of transferor
Name of transferor's designated representative
Permanent business mailing address (and temporary mailing address if appropriate)
Business telephone number, business fax number, and business e-mail address (if available)
Indicate whether transferor submitted an EDR, if required to do so under § 679.94

Identification of transferee cooperative

Name and NMFS Person ID of transferee
Name of transferee's designated representative
Permanent business mailing address (and temporary mailing address if appropriate)
Business telephone number, business fax number, and business e-mail address (if available)
Indicate whether transferee submitted an EDR, if required to do so under § 679.94

Identification of Amendment 80 CQ to be transferred (leased) to transferor cooperative member(s)

Amendment 80 Species CQ
Type of CQ (Area/Species)
Amount (metric tons (mt))
Amendment 80 PSC CQ
Type of PSC (Area/Species)
Amount (mt)
Number of QS units

Identification of Amendment 80 transferee cooperative member(s)

Name and NMFS Person ID of the qualifying member(s) of the receiving Amendment 80 cooperative to whom the CQ pounds being transferred will be attributed
Species
Amount of CQ

Certification of transferor

Transferor's designated representative signature, printed name, and date signed
Attach representative's authorization

Certification of transferee

Transferee's designated representative signature, printed name, and date signed
Attach representative's authorization

Only one cooperative exists in the Amendment 80 Program, and this form has not been used. However, one potential cooperative is added to retain approval of this form if needed.

Application for Inter-coop CQ Transfer, Respondent	
Number of respondents	1
Total annual responses	1
Number responses per respondent = 1	
Total burden hours	2
Time per response = 2 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$50
Total miscellaneous costs (0.10)	\$1 (rounded down to 0 in ROCIS)
Attachment to email (0.05 x 1 = 0.05)	
Photocopy cost .05 x 1 = .05	

Application for Inter-coop CQ Transfer, Federal Government	
Total annual responses	1
Total burden hours	1
Time per response = 0.50	
Total personnel cost (\$25/hr)	25
Total miscellaneous cost	0

g. Amendment 80 Cooperative Report [REVISED]

An Amendment 80 cooperative issued a cooperative quota (CQ) permit must submit annually to the Regional Administrator an Amendment 80 cooperative report detailing the use of the cooperative’s CQ. The annual Amendment 80 cooperative report must be submitted to NMFS by March 1 each year. Certain information in these reports is also presented annually to the Council during their April meeting.

The current regulatory method used for calculating compliance with the GRS consistently results in a lower calculated retention rate than the method used in the Amendment 79 analysis. To correct this problem, NMFS would require cooperatives to report annual groundfish retention performance in the annual cooperative report. This additional reporting requirement is intended to ensure that the groundfish retention achievements of the GRS Program are maintained.

The Amendment 80 fleet must annually report groundfish retention using observer, scale, and product data that can be verified by NMFS. Amendment 80 cooperatives would be required to report annual groundfish retention rates as part of the Amendment 80 annual cooperative report, instead of requiring an additional report from these participants. As recommended by the Council, NMFS proposes to require third party audits of each cooperative’s retention performance as part of the modified cooperative report.

A third party must audit the Amendment 80 cooperative’s annual groundfish retention calculations. The Amendment 80 cooperative must include the finding of the third party audit in its Amendment 80 annual cooperative report. Each third party audit will require the Amendment 80 cooperative to coordinate with NMFS and the appropriate Amendment 80 entities for a release of confidential observer and production data.

Based on information from one Amendment 80 cooperative that has voluntarily done the third party audit for the past two years, NMFS estimates that the time burden to an Amendment 80 cooperative of the third party audit requirement is 1.5 hours total and the cost burden of the third party audit requirement is \$350. The third party audit time burden is composed of time needed to (1) retain the third party auditor and coordinate audit schedule, and (2) coordinate with NMFS and the appropriate Amendment 80 entities for a release of confidential observer and production data to the third party auditor. Based on discussions with the cooperative manager, the 40 hours estimated in the GRS rule to complete the Amendment 80 cooperative reports includes the time for completing the third party audit.

1The annual Amendment 80 cooperative report may be submitted to the Regional Administrator:

- ◆ by as an attachment to email to RAM.Alaska@noaa.gov
- ◆ by fax at 907-586-7557
- ◆ or by mail at Regional Administrator
NMFS Alaska Region
P.O. Box 21668
Juneau, AK 99802-1668

Amendment 80 cooperative report

The cooperative's actual retained and discarded catch of CQ and GOA sideboard limited fisheries (if applicable) by statistical area and on a vessel-by-vessel basis

A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated

A description of any actions taken by the cooperative against specific members in response to a member that exceeded the amount of CQ that the member was assigned to catch for the Amendment 80 cooperative

Revision: The percent of groundfish retained by that Amendment 80 cooperative of the aggregate groundfish retained by all Amendment 80 vessels assigned to that Amendment 80 cooperative

Results of third-party audit of Amendment 80 cooperative's annual groundfish retention calculations

The time per response is increased from 25 hrs to 26.5 (27) hrs in order to include the time for the third-party audit.

Amendment 80 cooperative report, Respondent	
Number of respondents	1
Total annual responses	1
Number responses per respondent = 1	
Total burden hours (26.5)	27 hr
Time per report response = 25 hr	
Time per 3 rd party audit = 1.5 hr	\$675
Total personnel cost (\$25/hr)	\$351
Total miscellaneous costs (351.05)	
Third party audit of retention calculations = \$350	
Photocopy cost (0.05 x 20 = 1)	
Attachment to email (0.05 x 1 = 0.05)	

Amendment 80 cooperative report, Federal Government	
Total annual responses	1
Total burden hours	2 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$50
Total miscellaneous cost	0

h. Appeals [UNCHANGED]

1An Amendment 80 qualified vessel owner or Amendment 80 LLP license holder who believes that NMFS has incorrectly identified his or her vessel or LLP license as meeting the criteria for a sideboard limitation may make a contrary claim and provide evidence to NMFS.

All claims must be submitted in writing to the RAM Program, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, together with any documentation or evidence supporting the request within 30 days of receiving a denial. If an applicant is notified by an Initial Administrative Determination (IAD) that inconsistent claims made by the applicant on a permit application have been denied, that applicant may appeal that IAD under the provisions described at § 679.43.1

Appeals, Respondent	
Number of respondents	1
Total annual responses	1
Number responses per respondent = 1	
Total burden hours	4
Time per response = 4 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$100
Total miscellaneous costs (0.64)	\$1
Postage (0.44 x 1 = 0.44)	
Photocopy cost (0.05 x 4 pg x 1 = 0.20)	

Appeals, Federal Government	
Total annual responses	1
Total burden hours	4
Time per response = 4 hr	
Total personnel cost (\$50)	\$200
Total miscellaneous cost	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 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 inter-cooperative transfer of Amendment 80 cooperative quota may be submitted online at <http://www.alaskafisheries.noaa.gov>. The cooperative report may be submitted as an attachment to email to RAM.Alaska@noaa.gov. Applications are “fillable” on the computer screen by 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 will 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 applied to NMFS to participate in this sector. Therefore, this vessel will not be directly regulated by the final rule unless and until the owner is approved to participate in the Amendment 80 sector and is assigned Amendment 80 QS. Based on the known affiliations and ownership of the Amendment 80 vessels, all but one of the Amendment 80 vessel owners are categorized as large entities for the purpose of the RFA. Thus, this analysis estimates that only one small entity will be directly regulated by the final rule. This one small entity could be linked by company affiliation to a large entity, which then could qualify the entity as large entity. Complete information, however, is not available to determine any such linkages.

Under this action, NMFS will not require the individual owners and operators of Amendment 80 vessels participating in the limited access fishery to annually report groundfish retention performance. Instead, NMFS will prepare retention estimates for each vessel in the limited access fishery and present these data to the Council annually as part of the inseason management report.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If this collection were not conducted or conducted less frequently, high compliance costs would go into effect. This action is necessary to relieve Amendment 80 vessels and Amendment 80 cooperatives from undue compliance costs stemming from the minimum retention rates while continuing to promote the GRS program goals of increased groundfish retention and utilization. This action maintains current monitoring requirements for the Amendment 80 fleet and establishes a new requirement for Amendment 80 cooperatives to annually report groundfish retention performance as part of the report submitted to NMFS.

Circumstances that justified the increasing groundfish retention rates of the GRS Program have changed. Moreover, the regulatory constraint and associated GRS standards established for 2012, and each following fishing year, no longer achieve the goals that led to their establishment under Amendments 79 and 80 (72 FR 52668, September 14, 2007). This action is intended to mitigate higher than expected compliance costs of the groundfish retention standard borne by the Amendment 80 sector. Furthermore, this action is needed to mitigate management and enforcement costs that were not foreseen when the regulation was promulgated.

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 published a proposed rule, RIN 0648-BA93, on October 15, 2012 (77 FR 62482) requesting comments from the public. NMFS received two comment letters during the public comment period for the proposed rule to implement this regulatory amendment. A summary of the comments and NMFS' responses follow.

Comment 1: The commenter expressed general support for the proposed regulatory amendment.

Response: NMFS acknowledges this comment.

Comment 2: The proposed rule would require an Amendment 80 cooperative to report its groundfish retention rate in its annual cooperative report and would continue the requirement that Amendment 80 cooperative reports be submitted to NMFS. The information contained in the cooperative reports is confidential under NOAA Administrative Order (NAO) 216-100, 50 CFR 600.405, and section 402(b)(1) of the Magnuson-Stevens Act. Although NMFS states in the preamble of the proposed rule on page 62487 that it would provide Amendment 80 cooperative reports to the Council, NMFS is prevented from providing the cooperative reports to the Council given the confidential nature of information contained in the reports.

Response: NMFS considers the information submitted by an Amendment 80 cooperative in its annual report to be information subject to the confidentiality provisions of the Magnuson-Stevens Act at section 402(b). Any release of such information must be in conformance with the provisions of section 402(b) of the Magnuson-Stevens Act, NAO 216-100, and regulations at 50 CFR 600.405.

NMFS incorrectly described in the preamble statement highlighted by the commenter the information that will be provided to the Council after the effective date of this final rule. NMFS has not provided Amendment 80 cooperative reports to the Council and does not intend to provide Amendment 80 cooperative reports to the Council as a result of this final rule. However, NMFS has provided the Council with information on the annual groundfish retention rates of vessels participating in the Amendment 80 fisheries. NMFS has presented this information to the Council in a manner that does not directly or indirectly disclose the identity or business of the persons submitting such information to NMFS, consistent with section 402(b)(3) of the Magnuson-Stevens Act, NAO 216-100, and 50 CFR 600.405. NMFS intends to continue to provide the Council with information on the annual groundfish retention rates of vessels participating in the Amendment 80 fisheries. Moreover, the statement in the preamble should have been worded to explain that information on groundfish retention rates, rather than the cooperative report, will be provided to the Council and the public.

No comments were received that raised significant issues in response to the IRFA specifically; therefore, no changes were made to the rule as a result of comments on the IRFA.

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, currently in process of being updated.

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, remains at 67. Estimated total annual burden, 161 hr, increased from 159 hr. Estimated total annual personnel cost, \$4,025, increased from \$3,975.

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 annual total miscellaneous costs, \$532, increased from \$182.

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

Estimated total annual burden, 40 hr. Estimated total annual personnel cost, \$1,100.

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

NMFS makes a program change to this collection that would change the source of information formerly collected through eLandings to information reported in the existing annual cooperative report. In addition, a third-party audit of groundfish retention calculations is added to the cooperative report, which changes the total miscellaneous costs.

Amend 80 Cooperative Report

- an increase of 2 burden hours, 27 hr instead of 25 hr
- an increase of \$50 personnel cost, \$ 675 instead of \$ 625
- an increase of \$350 miscellaneous cost, \$351 instead of \$1.

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.

1Not Applicable.

18. Explain each exception to the certification statement.

1Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.