

**JUSTIFICATION FOR CHANGE
ALASKA REGION BSAI CRAB PERMITS
OMB CONTROL NO. 0648-0514**

This request is for revision of Crab Rationalization (CR) Program permits, CR permit transfers, and appeals due to associated rule **(RIN 0648-BA61)**.

NMFS proposes regulations to implement Amendment 31 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs (FMP). Amendment 31 is necessary to ensure that catcher vessel crew (CVC) or catcher/processor crew (CPC) quota share (QS) are held by individuals who are active in the CR Program fisheries and to ensure that application deadlines for individual fishing quota (IFQ), individual processing quota (IPQ), and cooperative formation provide adequate time to resolve disputes.

This action changes the following:

- ◆ Establishes an earlier deadline (from August 1 to June 15) for filing annual IFQ, individual processing quota (IPQ), and crab harvesting cooperative IFQ applications, which would increase the amount of time during which NMFS would suspend the processing of IFQ and IPQ transfer applications
- ◆ Shortens the amount of time in which to appeal an initial administrative determination (IAD) denying an allocation of IFQ, IPQ, or crab cooperative formation from 60 days to 30 days. The proposed rule also would substitute the appeals process set forth at 50 CFR § 679.43 with the appeal procedures at 15 CFR part 906.
- ◆ For each fishery, halts crab quota share transfers from June 15 until the time that NMFS issues IFQ and IPQ for the fishery, or until Alaska Department of Fish and Game (ADF&G) notifies NMFS that the fishery will not open that year. Moving the deadline to June 15 would create a period of approximately three and one-half months during which no transfers would be permitted. However, this limitation should have a minimal effect on fishery participants, since most CR Program fisheries are not open during this period.
- ◆ Provides that an applicant's proof of timely filing for IFQ, IPQ, or cooperative formation creates a presumption of timely filing.

This action would change the submittal deadline for the following forms:

- ◆ IFQ application
- ◆ IFQ transfer application
- ◆ IPQ application
- ◆ IPQ transfer application
- ◆ Coop IFQ application
- ◆ Application for Transfer of Individual Fishing Quota (IFQ) between Crab Harvesting Cooperatives
- ◆ Application for BSAI Crab Eligibility to Receive QS/PQS or IFQ/IPQ by Transfer

- ◆ Application for Transfer of Crab QS or PQS
- ◆ Application for Converted CPO Quota Share (QS) and CPO IFQ

In addition, NMFS is taking this opportunity to remove unneeded data elements: date of birth and/or date of incorporation.

Respondent burden hours and costs will not change.

NMFS received a total of three comment letters from two different persons during the comment periods on Amendment 31 and the proposed rule to implement the amendment. The letters contained three separate topics.

Comments and Responses

NMFS received three letters of public comment from two individuals during the public comment periods for Amendment 31 and the proposed rule. A summary of the comments received and NMFS' responses follow.

Comment 1: The commenter supports the change of the IFQ/IPQ permit application date from August 1 to June 15. This change will reduce the potential for stranding crab because adjudicative proceedings involving IFQ or IPQ permit applications will likely be resolved by the time IFQ and IPQ are issued.

Response: NMFS acknowledges this comment and agrees with the commenter that the potential for stranding crab will be reduced with the new application deadline.

Comment 2: All quotas should be cut by 25%.

Response: NMFS acknowledges this comment. However, the comment is outside the scope of this action, as this action doesn't deal with changes to quota.

Comment 3: I oppose amending Bering Sea and Aleutian Islands Crab Rationalization Program to expand eligibility requirements. I believe in sustainability and this action is just more overfishing.

Response: NMFS disagrees that the temporary expansion of eligibility requirements for acquiring C share QS will lead to unsustainability and overfishing of crab stocks. This action does not alter the TAC of any CR Program crab fisheries. Therefore, it does not increase any fishing. Instead, this action, which is more administrative in nature, provides an opportunity for those individuals who may have been forced out of the crab fisheries due to fleet contraction at the beginning of the CR Program to obtain C shares to fish crab again. This action also requires captains and crew to be active on a vessel, in order to maintain their QS, which achieves the Council's intent which was to ensure holders of C shares are actively participating in fishing and does not, in any way, increase the amount of C share QS originally issued under the CR Program.