

SUPPORTING STATEMENT
ALASKA LICENSE LIMITATION PROGRAM FOR GROUND FISH,
CRAB, AND SCALLOPS
OMB CONTROL NO. 0648-0334

This is a resubmission with the final rule, of a request is for revision of an existing collection due to modifications in RIN 0648-BD61. There are no changes to the information collection requirements from the original submission.

INTRODUCTION

National Marine Fisheries Service, Alaska Region (NMFS) manages the fisheries in the exclusive economic zone off the coast of Alaska under the FMP for Groundfish of the Gulf of Alaska, the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area, the FMP for Bering Sea/Aleutian Islands King and Tanner Crabs, and the FMP for the Scallop Fishery off Alaska. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* as amended in 2006. These FMPs are implemented by regulations at [50 CFR parts 679 and 680](#).

Regulations allow the allocation of Pacific cod (*Gadus macrocephalus*) to hook-and-line catcher/processors to be harvested only by vessels that are assigned a license limitation program (LLP) license with a Pacific cod hook-and-line catcher/processor endorsement. An LLP license is required to be assigned to a vessel before it can be used to directed fish for groundfish in Federal fisheries.

A limited number of LLP licenses were issued to limit the total number of potential participants in Gulf of Alaska (GOA) groundfish fisheries. LLP licenses are assigned endorsements for specific areas, specific gear, and operation type, and in the case of vessels using hook-and-line or pot gear in the Central and Western GOA Pacific cod fisheries, a Pacific cod endorsement. Additional detail on LLP endorsements in the GOA is available in the final rule implementing the LLP (63 FR 52642, October 1, 1998), and in the final rule implementing Amendment 86 to the FMP that established the Pacific cod endorsement requirements for hook-and-line and pot gear in the Central and Western GOA (March 22, 2011, 76 FR 15826).

Therefore, most LLP licenses endorsed for the hook-and-line catcher/processor sector authorize vessels to fish in both the Bering Sea and Aleutian Islands Management Area (BSAI) and the GOA, while only 3 LLP licenses are endorsed for the hook-and-line catcher/processor sector only in the GOA.

NMFS revises implementing regulations for Amendment 45 to the crab FMP to remove the catch limits, known as sideboard limits, for certain catcher/processors. These catcher/processors use hook-and-line gear to target Pacific cod in the Western GOA, Central GOA, or both. If all participants agree to cooperatively manage their catch of Pacific cod in the GOA and those participants notify NMFS that a legally binding agreement to that effect has been achieved within a one-year deadline, NMFS will remove the sideboard limits.

A. JUSTIFICATION

This action directly regulates the freezer longline sector that is authorized to catch and process Pacific cod with hook-and-line gear. The freezer longline sector includes the BSAI longline catcher/processor subsector and catcher/processors that operate solely in the Western GOA and Central GOA. Public Law 108-447, 118 Stat. 2887, Dec. 8, 2004, at section 219(a)(6), defines the term “longline catcher processor subsector” as “the holders of an LLP license that is non-interim and transferable, or that is interim and subsequently becomes non-interim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, catcher/processor, Pacific cod, hook-and-line gear.”

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

Since the implementation of reorganized sideboard limits in the Western GOA and Central GOA in 2011, certain fishermen have been prevented from catching and processing Pacific cod in the GOA sideboard fisheries with hook-and-line gear. This action removes the regulatory requirement that NMFS establish specific sideboards limits during the annual harvest specification process, if certain conditions are met. This contingency is intended to promote cooperative fishing practices among all participants catching and processing Pacific cod with hook-and-line gear in the Western GOA and Central GOA, within a defined timeline.

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. Request to Extinguish Pacific Cod Sideboard Limits for Hook-and-Line Catcher/processors in the Western or Central GOA (NEW)

This action would establish a process for a voluntary fishing cooperative to be formed. The authorized representative would notify NMFS within a 1-year deadline that all required freezer longline sector participants are members of the cooperative and that the regulatory provisions for sideboard limit removal have been met.

LLP licenses authorize the license holder to deploy a vessel in fisheries designated by gear, area, and operational type endorsements specified on the LLP license. Freezer longline sector participants that do not meet the statutory definition of a BSAI longline catcher/processor, and instead hold a LLP license that authorizes its holder to deploy vessels to catching and processing Pacific cod with hook-and-line gear in the GOA, but not in the BSAI, would also be directly regulated by this action.

The freezer longline sector is comprised of 36 LLP licenses that meet the eligibility criteria for the BSAI longline catcher/processor subsector, as defined in section 219(a)(6). In addition, there are 3 LLP licenses that authorize freezer longline license holders to target Pacific cod in the Western GOA and Central GOA, or a total of 39 LLP license holders that would be directly regulated by this action.

Of these 39 LLP license holders, and specific to this action, the holders of 5 LLP licenses and the owners and operators of 8 freezer longline vessels are subject to Pacific cod specific catch limits, known as sideboard limits, that were established by regulations implementing the BSAI Crab Rationalization Program.

If all participants agree to cooperatively manage their catch of Pacific cod in the GOA, those participants would notify NMFS that a legally binding affidavit to that effect has been achieved. LLP license holders may request a one-time, permanent removal of the non-American Fisheries Act crab sideboard harvest limit for catcher/processors targeting Pacific cod with hook-and-line gear in the Western Gulf of Alaska (GOA), Central GOA. By signing this document each LLP holder affirms that all information on the affidavit is true, correct, and complete to the best of his or her knowledge and belief.

Upon approval, NMFS will permanently remove annual sideboard harvest limits for Pacific cod apportioned to catcher/processors using hook-and-line gear in the GOA regulatory area associated with the agreement, effective upon the start of the next fishing year.

The signed request must be submitted to NMFS using one of the following methods:

By mail to: Regional Administrator, NMFS
 c/o Sustainable Fisheries Division
 P.O. Box 21668
 Juneau, AK 99802-1668

By fax to: 907-586-7465

By delivery to: NMFS
 Room 420
 709 West 9th Street
 Juneau, AK 99801

The request may take any format and must include the following information.

Request to Extinguish Pacific Cod Sideboard Limits for Hook-and-Line Catcher/processors in the Western or Central GOA

- LLP license number held by each LLP holder
- Printed name and signature of each LLP holder
- Date signed

One response will come to NMFS from the designated representative of the voluntary cooperative one time only.

Request to Remove Sideboards, Respondent	
Total respondents	1
Total responses	1
Frequency of response = one time only	
Total burden hours (0.50)	1 hr
Time per response = 30 minutes	
Total personnel cost (\$37/hr x 1)	\$37
Total miscellaneous costs (0.45)	\$1

Postage 0.45 x 1 = 0.45	
Request to Remove Sideboards, Federal Government	
Total responses	1
Total burden hours	1 hr
Time per response = 1 hr	
Total personnel costs (\$37/hr)	\$37
Total miscellaneous costs	0

b. Application for Transfer License Limitation Program Groundfish/Crab License (UNCHANGED)

Each transfer request must include a completed transfer application, the original license, and a copy of the sale or transfer agreement. From the copy of the transfer contract or Bill of Sale for LLP permits, NMFS can look up much of the same financial information if needed. The financial information requested on the applications is primarily used for research and program evaluation.

NOTE: The transfer of a license that was issued based on the documented harvests from a vessel that did not have a Federal Fisheries Permit during the period beginning January 1, 1988, through October 8, 1998, is restricted by regulation at 50 CFR 679.4(k)(7)(ix). Under this transfer restriction, this type of groundfish LLP license cannot be transferred separately and used on a vessel other than the original qualifying vessel.

Application for Transfer License Limitation Program Groundfish/Crab License

Block A – Required documentation

Use this block to determine which forms and other information must be attached to your transfer. Please check all that apply to ensure that your application is complete and can be processed in a timely manner

Block B – Identification of license to be transferred

Indicate whether license to be transferred is groundfish, crab, or Aleutian Islands and enter LLP license number

Block C -- Identification of Rockfish QS to be Transferred

This section applies only to Rockfish Quota Share (QS) assigned to an LLP license that exceeds a use cap specified in § 679.82 (a)(2). All other Rockfish QS is not severable from the LLP license on which it was initially allocated.

LLP license number on which Rockfish QS over the use cap is currently assigned

LLP license number to which the Rockfish QS is being transferred. This LLP license must already be assigned Rockfish QS

Identification of Rockfish QS to be transferred (list number of QS units and Rockfish Species)

Block D – Identification of transferor (seller)

Name of transferor (as it appears on LLP)

Permanent business mailing address

Temporary business mailing address for (if applicable)

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

Block E – Identification of transferee (receiver)

Indicate if transferee is a U.S. Citizen, or U.S. corporation, partnership, association, or other non-individual entity

If NO, stop here. The person is not eligible to receive a license.

Name of transferee

Permanent business mailing address

Temporary business mailing address (if applicable)

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

Block F -- Vessel currently named on license

Name of vessel

Length overall (ft)

ADF&G vessel registration number

USCG documentation number

Block G -- Vessel to be named on new license

Name of vessel
Length overall (ft)
ADF&G vessel registration number
USCG documentation number

Block H -- LLP Ownership documentation

Provide the names of all persons, to the individual level, holding an ownership interest in the LLP License being transferred and the percentage ownership each person and individual will hold in the LLP License

Block I -- Transferor information

Total amount being paid for the license in this transaction, including all fees
Indicate whether this price includes the price of the vessel
Reason for transferring the license (check all that apply)
Indicate whether a broker is employed to assist with this transaction

If YES, enter price paid in brokerage fees or percent of total price

Block J -- Transferee information

Indicate whether license is used as collateral for a loan
If YES, enter name of party holding security interest or lien
Primary source of financing
How the license was located
Receiver's relationship to the license holder
Indicate whether transfer of LLP license includes the sale of the fishing history of a vessel

If YES, identify

Name of vessel
ADF&G number
USCG documentation number
Vessel LOA

Indicate whether transfer of this LLP license is part of an agreement that also transfers ownership of a vessel

If YES, identify

Name of vessel
ADF&G number
USCG documentation number
Vessel LOA

Indicate whether there is an agreement to return the license to the transferor or to transfer it to any other person, or is there is any condition requiring the resale or conveyance of the license

If YES, explain

Block K -- Certification of transferor/seller

Printed name, signature, and date signed
If representative, **attach** authorization
Name and signature of notary public, notary stamp or seal, and date commission expires

Block L -- Certification of transferee/receiver

Printed name, signature, and date signed
If representative, **attach** authorization
Name and signature of notary public, notary stamp or seal, and date commission expires.

Application for Transfer of Scallop LLP

Block A -- Identification of License to be transferred

License number
Total price to be paid for the license, including fees
Indicate whether this price includes the price of the vessel or other assets
Attach copy of sales contract or other agreement between the parties that sets out the terms and conditions of the proposed transfer.

Block B -- Transferor information (seller)

Name
Business mailing address; indicate whether permanent or temporary
Business telephone number, business fax number, and e-mail address

Block C -- Transferee information (buyer)

Indicate whether transferee is a U.S. Citizen or U.S. corporation, partnership, association, or other non-individual entity

If **NO**, stop. The person is not eligible to receive this license

Name

NMFS Person ID

Business mailing address; indicate whether permanent or temporary

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

Block D -- Certification of transferor

Printed name, signature, and date signed

If signed by representative, **attach** authorization

Name and signature of notary public, notary stamp or seal, and date commission expires

Block E -- Certification of transferee

Printed name and signature and date signed

If signed by representative, **attach** authorization

Name and signature of notary public, notary stamp or seal, and date commission expires.

Groundfish, crab, and scallop transfer application, Respondent	
Total respondents	61
Total responses	61
Frequency of response = 1	
Total burden hours	61
Time per response = 1 hr	
Total personnel cost (\$37 x 61)	\$2,257
Total miscellaneous costs (646.60)	\$647
Postage (0.45 x 61= 27.45)	
Photocopy (0.05 x 3pp x 61 = 9.15)	
Notary (\$10 x 61 = 610)	

Groundfish, crab, and scallop transfer application, Federal Government	
Total responses	61
Total burden hours	31 hr
Time per response = 30 minutes	
Total personnel costs (31 x \$37)	\$1,147
Total miscellaneous costs	0

c. Transfer appeals (UNCHANGED)

To apply for a transfer appeal, the applicant must provide a written statement in support of the appeal and show why the initial determination should be reversed.

Transfer appeals, Respondent	
Total respondents	17
Total responses	17
Frequency of response = 1	
Total burden hours	68 hr
Hours per response = 4 hr	
Total personnel cost (\$37 x 68)	\$2,516
Total miscellaneous costs (8.50)	\$9
Postage (0.45 x 17 = 7.65)	
Photocopy (0.05 x 17 = 0.85)	

Transfer appeals, Federal Government	
Total responses	17
Frequency of response = 1	
Total burden hours	68 hr
Hours per response = 4 hr	
Total personnel cost (\$75 x 68)	\$5,100
Total miscellaneous costs	0

It is anticipated that the information collected be disseminated to the public or used to support publicly disseminated information. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (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 transfer applications may be completed on the computer screen at <http://alaskafisheries.noaa.gov> by the participant, downloaded, printed, and faxed or submitted by e-mail. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This action would directly regulate eight entities. These eight entities include the owners of the eight vessels, and the holders of the five LLP licenses currently subject to CR Program GOA Pacific cod sideboard limits in the Central and Western GOA hook-and-line catcher/processor sectors. The owners of the eight vessels and holders of the five LLP licenses directly regulated by this action are affiliated through their membership in the Freezer Longline Conservation Cooperative (FLCC). The FLCC represents LLP holders and the owners and operators of vessels that participate in the Pacific cod hook-and-line catcher/processor sector in the Federal waters of the BSAI. The FLCC is comprised of businesses that are engaged in the harvesting and processing of finfish. Members of the FLCC are not considered small entities because the annual revenue of the cooperative exceeds the size standards for small entities.

The remaining three hook-and-line catcher/processor sector vessels are not restricted by the CR GOA sideboards, are not members of the FLCC and are named on LLP licenses that are only endorsed for participation in the Central GOA and Western GOA: two vessels named on LLP licenses with a Western GOA Regulatory Area Pacific cod endorsement and one vessel named on an LLP license with a Central GOA Regulatory Area Pacific cod endorsement. These three entities are not directly regulated by this action because this action would not impose regulations on these vessels or the associated LLP licenses, or relieve them from regulation. These three entities may voluntarily choose to submit a request for removal of the sideboard limits under this action, but are not required to do so.

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

An essential feature of the LLP program is the ability for participants to transfer their LLP license. The transfer feature is not a mandated item nor does it contain a cycle of completion. Transfers are done when the participants deem it necessary. Without the ability to track the movement of the LLP license, NMFS would be unable to manage effectively the LLP program

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances are associated with this information collection.

8. Provide a copy of 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 for Amendment 45 ([80 FR 7817, February 12, 2015](#)), coincident with this submission, requesting comments from the public. The 30-day comment period on the proposed rule ended March 16, 2015.

NMFS received one comment, which did not support Amendment 45 and the proposed rule. It was not a comment on the proposed change to the information collection requirements. However, since it was the only comment received, and it broadly addresses the change to the information collection, it is included below.

Comment:

Amendment 45 is not consistent with National Standard 1 of the Magnuson-Stevens Act because it does not prevent overfishing while achieving the optimum yield of fish stocks. Under Amendment 45, industry participants would utilize self-regulation and private contractual agreements to limit GOA Pacific cod harvests if all operations consent to eliminating GOA Pacific cod sideboard limits. This self-regulation would lead to overfishing because industry participants do not have sufficient biological information to establish sustainable catch limits. Furthermore, individual fishing operations have a significant economic incentive to agree to

eliminate the Pacific cod sideboard catch limits and then engage in overfishing in order to increase fishing revenue.

Response:

NMFS has determined that Amendment 45 and this final rule are consistent with the Magnuson-Stevens Act, the Crab FMP, and other applicable law. Under Amendment 45 and this final rule, the Council and NMFS will continue to manage the Pacific cod fisheries in the GOA to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery, consistent with National Standard 1 of the Magnuson-Stevens Act and the GOA FMP. Section 3.2.1 of the GOA FMP defines the OFL as the level above which overfishing is occurring for a species or species group. NMFS manages fisheries in an effort to ensure that no OFLs are exceeded in any year. Section 3.2.4.3 of the GOA FMP clarifies that if catch is approaching an OFL, NMFS will prevent overfishing by closing specific fisheries identified by gear and area that incur the greatest catch. Closures expand to other fisheries if the rate of take is not sufficiently slowed. Regulations at §§ 679.20(d)(1), (d)(2), and (d)(3) define the process NMFS uses to limit or prohibit fishing to prevent overfishing and maintain total catch at or below the OFL.

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.

Except for the Request to Extinguish Pacific code Sideboard Limits for Hook-and-Line Catcher/processors in the Western or Central GOA, the information collected is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006 and under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

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 and responses: 79, increased from 78. Estimated total burden: 130 hours, increased from 129 hours. Estimated total personnel costs: \$4,810, increased from \$4,773.

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: \$657, increased from \$656.

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

Estimated total responses: 79. Estimated total burden: 100 hr. Estimated total personnel costs: \$6,284.

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

Program Change.

Request to Remove Sideboards (New)

an increase of 1 respondent and response, 1 instead of 0

an increase of 1 hr in burden, 1 hr instead of 0

an increase of \$37 in personnel costs, \$37 instead of 0

an increase of \$1 in miscellaneous costs, \$1 instead of 0

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.