

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

This action requests revision of this existing information collection due to an associated rule [RIN 0648-BF05].

**INTRODUCTION**

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the exclusive economic zone (EEZ) off Alaska. NMFS manages the groundfish and crab fisheries of the Bering Sea and Aleutian Islands management area (BSAI) under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the [Magnuson-Stevens Fishery Conservation & Management Act](#) (16 U.S.C. 1801 *et seq.*) as amended in 2006. The International Pacific Halibut Commission and NMFS manage fishing for Pacific halibut through regulations established under the authority of the Northern Pacific Halibut Act of 1982. Regulations implementing the FMPs appear at [50 CFR parts 300, 679, and 680](#).

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut through regulations established under the authority of the [Northern Pacific Halibut Act of 1982](#) (Halibut Act). The IPHC promulgates regulations governing the halibut fishery 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 IPHC's regulations are subject to approval by the Secretary of State with concurrence of the Secretary of Commerce (Secretary). NMFS publishes the IPHC's regulations as annual management measures pursuant to 50 CFR 300.62.

The Western Alaska Community Development Quota (CDQ) Program is an economic development program associated with Federally managed fisheries in the Bering Sea and Aleutian Islands Management Area (BSAI). The CDQ Program receives apportionments of the annual catch limits for a variety of commercially valuable species in the BSAI, which are in turn allocated among six different non-profit managing organizations representing different affiliations of communities (CDQ groups). The CDQ Program redistributes a portion of commercially important BSAI fisheries species to adjacent communities. There are 65 communities participating in the program. CDQ groups use the revenue derived from the harvest of their fisheries allocations as a basis both for funding economic development activities and for providing employment opportunities. Thus, the successful harvest of CDQ Program allocations is integral to achieving the goals of the program.

## **BACKGROUND**

Two species that are allocated to CDQ groups and that have been effectively harvested by local small-scale fisheries in the BSAI are halibut and Pacific cod. Both halibut and Pacific cod can be effectively harvested by small vessels using hook-and-line gear. Residents of CDQ communities commonly use hook-and-line gear because it is relatively inexpensive to purchase and maintain relative to other gear types such as trawl and pot gear, and can be operated on small vessels.

Currently, the majority of the local small-scale CDQ fisheries involve the harvest of the halibut CDQ allocations. By IPHC regulation, halibut must be harvested by hook-and-line gear. The halibut CDQ allocations typically are harvested by catcher vessels less than or equal to 46 ft LOA (14.0 m) using hook-and-line gear. There are 239 catcher vessels fishing for halibut CDQ that are less than or equal to 32 ft LOA, 9 are from 33 ft (10.1 m) LOA to 46 ft LOA, and 13 vessels are greater than 46 ft LOA.

In recent years, the exploitable biomass of halibut in the BSAI has declined, particularly over the last four years. This has resulted in a declining halibut CDQ allocation. The decrease in halibut CDQ allocations has resulted in decreasing opportunities for residents of CDQ communities to earn income important to themselves and their local economies.

### **A. JUSTIFICATION**

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

Regulations currently state that catcher vessels greater than 32 ft LOA that are using hook-and-line gear and groundfish CDQ fishing must have an LLP license endorsed by area, gear, and operation type, and have the appropriate MLOA designation. All vessels fishing for CDQ groundfish that are equal to or less than 32 ft length overall (LOA) are exempt from obtaining an LLP.

NMFS Alaska Region developed a program that would allow CDQ groups to use more of the smaller hook-and-line vessels to fish for CDQ groundfish -- mainly Pacific cod. The associated rule would allow, additionally, vessels less than 46 ft LOA to have an exemption from obtaining the LLP. This adds 9 vessels to those that are exempt -- these vessels are in between 32 and 46 ft.

In addition, the rule calls for registration of the additional, exempt 9 vessels. Those vessels 32 ft or less LOA do not need to be registered. CDQ vessel registration is accomplished through the NMFS online portal, eFISH. Vessels would be selected by the CDQ representative through use of a pull-down list of Alaska Department of Fish & Game (ADF&G) or Federal Fisheries Permit (FFP) numbers on the computer system. The CDQ group representative may add vessels to or

remove vessels from the CDQ vessel registration system at any time during the year by logging into the online system.

This action is intended to increase participation by residents of CDQ communities in the BSAI groundfish fisheries and to support economic development in western Alaska. The action would benefit the six CDQ groups and the operators of the small catcher vessels that the CDQ groups authorize to fish on their behalf by reducing the costs of participating in the groundfish CDQ 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.**

**a. CDQ Vessel Registration System [NEW].**

The CDQ representative must register each hook-and-line catcher vessel less than or equal to 46 ft LOA to obtain the exemption from the LLP license requirements. Vessels that are less than or equal to 32 ft are already exempt from the LLP requirements, but still must be registered. CDQ vessel registration is accomplished through the NMFS online portal, eFISH.

The CDQ group representative may add vessels to or remove vessels from the CDQ vessel registration system at any time during the year by logging into the online system.

Registration

The CDQ group representative must log into the online system using the group's existing NMFS ID and password. Use of the NMFS Person ID and password certifies that all information is true, correct, and complete.

The CDQ vessel registration system on the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov> will provide an LLP exemption letter documenting that the vessel is eligible for the LLP exemption while groundfish CDQ fishing. The CDQ representative must provide a copy of the LLP exemption letter to the appropriate vessel operator. The vessel operator must maintain a legible copy of the LLP exemption letter on board at all times.

To receive the exemption from the LLP license requirements for a vessel, the CDQ representative must

- (1) register the vessel in the CDQ vessel registration system, and
- (2) provide a legible copy of the LLP exemption letter to the operator of the vessel.

Through the CDQ registration system, each registered vessel is added to the CDQ vessel

registration list on the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>. Once registered, a vessel will remain on the CDQ vessel registration list until removed by a CDQ representative.

Exemption letter

The CDQ group representative must provide a copy of the LLP exemption letter to each vessel operator. The LLP exemption letter documents that the vessel is eligible for the LLP exemption while groundfish CDQ fishing. The vessel operator must maintain a legible copy of the LLP exemption letter on board the named vessel at all times while that vessel is groundfish CDQ fishing.

Removal of registered vessel

To remove a registered vessel from the CDQ vessel registration list, a CDQ group representative must:

- (1) provide notice to the operator of the registered vessel that the vessel is being removed from the vessel registration list;
- (2) certify at the time of removal that the vessel operator was given notice by the CDQ group that the vessel was going to be removed from the list; and
- (3) certify that the vessel was not groundfish CDQ fishing at the time of removal.

A vessel that is successfully removed from the CDQ vessel registration list is no longer exempt from the LLP requirements.

**Online Registration for Groundfish CDQ Fisheries for Vessels using Hook & Line Gear**

Block A --CDQ group information

Group Name or initials  
CDQ group number.  
Business Telephone Number  
Business Fax Number  
Business e-mail address  
Representative's name and signature

Block B --Vessel Information

Vessel Name:  
ADF&G Vessel Registration No.  
Federal Fisheries Permit No.

Block C -- Vessel Owner Information

Primary Owner's Name  
Primary Owner's Permanent Business Address  
Business Telephone Number  
Business Fax Number  
Business e-mail address  
Name of managing company (if any)

<b>CDQ Vessel Registration, Respondent</b>	
<b>Number of respondents</b>	<b>6</b>
<b>Total annual responses</b>	<b>6</b>
Frequency of response = 1	
<b>Total burden hours (1.50)</b>	<b>2 hr</b>
5 minutes register x 9 = 45minutes	
5 minutes print letter x 9 = 45minutes	
<b>Total personnel cost (\$37/hr x 2 hr)</b>	<b>\$74</b>
<b>Total miscellaneous costs</b>	<b>0</b>
Submit online = 0	

<b>CDQ Vessel Registration, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total burden hours</b>	<b>0</b>
<b>Total personnel cost</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**b. Groundfish/Halibut CDQ and Prohibited Species Quota (PSQ) Transfer Request [REVISED]**

The halibut Prohibited Species Catch (PSC) allocation to the CDQ Program is managed as halibut Prohibited Species Quota (PSQ) that are transferable only among the CDQ groups. The CDQ Program is a catch share program that allocates a portion of the BSAI total allowable catch for specific target crab and groundfish species, a portion of the commercial catch limits assigned by the IPHC, and associated PSC limits to the CDQ Program and then among the CDQ groups as transferable allocations. The small vessel halibut PSC limit is created by a transfer from a CDQ group's halibut PSQ to its small vessel halibut PSC limit.

This action adds a question to the Groundfish/Halibut CDQ and PSQ Transfer Request: whether the halibut PSQ amount should be converted to halibut PSC. The CDQ groups can transfer PSC from their regular PSC accounts into their "small CV halibut PSC limit" account using the online eFISH.

Through this action, using the Groundfish/Halibut CDQ and PSQ Transfer Request, a CDQ group may transfer halibut PSQ from its primary halibut PSQ to its small catcher vessel halibut PSC limit. CDQ groups do not have to transfer any halibut PSQ to this account. Each CDQ group would, in collaboration with NMFS managers, decide the appropriate amount (if any) of halibut PSQ to transfer to the small catcher vessel halibut PSC limit based on the amount of groundfish CDQ it wanted to allocate to the small hook-and-line catcher vessel fishery and the expected use of halibut PSC in those fisheries.

The transfer is not effective until approved by NMFS. In reviewing a request to transfer remaining halibut from the small vessel halibut PSC limit back to the CDQ group's halibut PSQ, NMFS will consider the status of CDQ fisheries through the end of the year and anticipated

halibut PSC rates for any remaining groundfish CDQ fishing by vessels managed under the small vessel halibut PSC limit for the requesting CDQ group.

The completed transfer request may be submitted to NMFS via one of the following means:

By fax 907-586-7465

By mail Sustainable Fisheries Division  
NMFS Alaska Region  
PO Box 21668  
Juneau, AK 99802-1668

Online [eFISH](https://alaskafisheries.noaa.gov/webapps/efish/login)  
<https://alaskafisheries.noaa.gov/webapps/efish/login>

For questions or additional information, call NMFS Sustainable Fisheries at 907-586-7228.

**Groundfish/Halibut CDQ and PSQ transfer request**

Block A --Transferring CDQ group information

Group Name or initials  
CDQ group number.  
Business Telephone Number, Business Fax Number, and Business e-mail address  
Representative's name and signature

Block B -- Receiving CDQ group information

Group name or initials  
CDQ group number  
Business Telephone Number, Business Fax Number, and Business e-mail Address  
Representative's Name and signature

Block C -- CDQ amount transferred.

Species name or species category  
Area  
Amount  
Groundfish (to the nearest 0.001 mt)  
Halibut (lb net weight)

Block D -- PSQ amount transferred.

Species name or species category  
Crab Zone  
Amount (number of animals)

Block E -- Halibut PSQ to Halibut PSC Transfers

Specify whether the halibut PSQ amount entered should be converted to halibut PSC

Block F -- Transfer year

Block G -- Certification of transferor

Non-electronic submittal  
Transferor's representative printed name, signature, and date signed  
Electronic submittal  
Transferor's representative must log into the system and create a transfer request  
Transferor's NMFS ID, password, and Transfer Key

Certification of transferee

Non-electronic submittal

Transferee's representative printed name, signature, and date signed

Electronic submittal

Transferee's representative must log into the system and complete a transfer request

Transferee's NMFS ID, password, and Transfer Key

Changed personnel costs from \$25/hr to \$37/hr. Five minutes is added to the time-to-complete response; 35 minutes in place of 30 minutes.

<b>CDQ or PSQ transfer request, Respondent</b>	
<b>Number of respondents</b>	<b>12</b>
6 transferors	
6 transferees	
<b>Total annual responses</b>	<b>24</b>
Frequency of response = 2	
<b>Total burden hours</b> (35 minutes x 24)	<b>14 hrs</b>
<b>Total personnel cost</b> (\$37/hr x 14 hr)	<b>\$518</b>
<b>Total miscellaneous costs</b>	<b>\$0</b>
Online (0 x 12 = 0)	

<b>CDQ or PSQ transfer request, Federal Government</b>	
<b>Total annual responses</b>	<b>24</b>
<b>Total burden hours</b>	<b>8 hrs</b>
Time per response = 20 minutes	
<b>Total personnel cost</b> (\$37/hr x 8)	<b>\$296</b>
<b>Total miscellaneous cost</b>	<b>0</b>

### **c. Application for Approval of Use of Non-CDQ Harvest Regulations - (Changed Personnel Cost)**

NMFS interprets the statement “in a manner no more restrictive than for other participants in the applicable sector” from the Magnuson-Stevens Act to mean that the fishery management regulations associated with regulating the harvest of CDQ allocations should be no more costly, complex, or burdensome than those that apply to comparable non-CDQ sectors managed under IFQs or cooperative allocations. Vessels that are participating in a voluntary fishery cooperative in a non-CDQ sector are authorized to conduct groundfish CDQ fishing under the same regulations that apply while such vessels are used to directed fish in the non-CDQ fisheries and are not required to comply with the CDQ operational regulations at § 679.32(c)(3)(i).

A authorized representative of a CDQ group, an association representing CDQ groups, or a voluntary fishing cooperative may submit an application to use alternative CDQ harvest regulations. A completed application consists of an application form and a copy of the cooperative contract or an affidavit.

An application requesting approval for the use of non-CDQ harvest regulations may be submitted to NMFS at any time. The use of alternative CDQ harvest regulations is effective as

of the date of NMFS approval. The approval is effective until the requesting entity withdraws its application, or until there is a change in the membership of the voluntary cooperative, whichever occurs first.

The entity that received approval for use of non-CDQ harvest regulations must promptly notify NMFS of any changes in the voluntary fishing cooperative's membership. Amendments to an approved application to use alternative CDQ harvest regulations may be submitted to NMFS at any time.

The completed application may be submitted by one of the following methods:

By fax to: 907-586-7465

By mail to: Sustainable Fisheries Division  
NMFS Alaska Region  
PO Box 21668  
Juneau, AK 99802-1668

For questions or additional information, call NMFS Sustainable Fisheries at 907-586-7228.

**Application for Approval of Use of Non-CDQ Harvest Regulations**

Indicate type of application: new or amendment

**Block A – Voluntary Fishery Cooperative Information**

Name of Voluntary Cooperative  
Name of Cooperative's Representative  
Permanent Business Mailing Address  
Business Telephone Number, Business Fax Number, and Business E-mail Address

**Block B – Applicant Information**

Check here if applicant is the same as the entity/person identified in Block A

**If YES**, proceed to Block C

Name of Organization  
Name of Organization's Representative  
Permanent Business Mailing Address:  
Business Telephone Number, Business Fax Number, and Business E-mail Address

**Block C – Certification**

Printed Name and Signature of Representative and Date Signed

**Block D. Cooperative Vessel Information**

Vessel Name  
Federal Fisheries Permit No.  
License Limitation Program No.

**Attachment**

Voluntary fishing cooperative contract  
Name of the authorized representative  
Printed names and signatures of each vessel owner that is a party to the cooperative  
Vessel name, FFP number, and LLP license number for each vessel managed under the cooperative  
Target species, processing mode, gear types, and management area(s) associated with cooperative's Federal fishing operations



If voluntary fishing cooperative contract does not contain this information, the applicant also must submit a written affidavit that provides all of the information that is not included in the cooperative contract.

<b>Request to Use Non-CDQ Harvest Regulations, Respondent</b>	
<b>Number of respondents</b>	<b>1</b>
<b>Total annual responses</b>	<b>1</b>
Frequency of response = 1	
<b>Total burden hours</b> (5 hr x 1)	<b>5 hr</b>
<b>Total personnel cost</b> (\$37/hr x 5 hr)	<b>\$185</b>
<b>Total miscellaneous costs</b> (6.05)	<b>\$6</b>
Fax (\$6 x 1 = 6)	
Copy (0.05 x 1 = 0.05)	

<b>Request to Use Non-CDQ Harvest Regulations, Federal Government</b>	
<b>Total annual responses</b>	<b>1</b>
<b>Total burden hours</b>	<b>1 hr</b>
Time per response (1 hr x 1)	
<b>Total personnel cost</b> (\$37/hr x 1)	<b>\$37</b>
<b>Total miscellaneous cost</b>	<b>0</b>

#### d. Appeals

NMFS added an appeals process for issue of an initial administrative determination (IAD) (added 1 respondent and response, 4 hour burden and 148 personnel costs). The IAD describes NMFS' disapproval if the application is incomplete, the voluntary cooperative does not represent a majority of the vessels participating in the sector, or the CDQ harvest regulations are not more restrictive than the non-CDQ regulations for the applicable sector. An applicant who receives an IAD disapproving an application may appeal under the procedures set forth at § 679.43.

<b>Appeals, Respondent</b>	
<b>Number of respondents</b>	<b>1</b>
<b>Total annual responses</b>	<b>1</b>
Frequency of response = 1	
<b>Total burden hours</b> (4 hr x 1)	<b>4 hr</b>
<b>Total personnel cost</b> (\$37/hr x 4 hr)	<b>\$148</b>
<b>Total miscellaneous costs</b> (0.95)	<b>\$1</b>
Mail (\$0.90 x 1 = 0.90)	
Copy (0.05 x 1 = 0.05)	

<b>Appeals, Federal Government</b>	
<b>Total annual responses</b>	<b>1</b>
<b>Total burden hours</b>	<b>4 hr</b>
Time per response = 4 hr	
<b>Total personnel cost</b> (\$100/hr x 4)	<b>\$400</b>
<b>Total miscellaneous cost</b>	<b>0</b>

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 CDQ or PSQ transfer request and Application for Approval of Use of Non-CDQ Harvest Regulations are available in a fillable format on the NMFS Alaska Region website at <http://www.alaskafisheries.noaa.gov>. The Online Registration for Groundfish CDQ Fisheries for Exempted Vessels Using Hook & Line Gear must be submitted online.

**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.**

This action directly regulates two classes of small entities: 1) The six CDQ groups, which are non-profit corporations that represent the 65 western Alaska communities that are eligible to participate in the CDQ Program, and 2) the owners and operators of small hook-and-line catcher vessels that are authorized by a CDQ group to harvest groundfish or halibut CDQ allocations that are issued annually by NMFS to the CDQ groups.

The CDQ groups are considered small entities due to their status as non-profit corporations. The six CDQ groups are the Aleutian Pribilof Island Community Development Association, Bristol Bay Economic Development Corporation (BBEDC), Central Bering Sea Fishermen's Association, Coastal Villages Region Fund, Norton Sound Economic Development Corporation, and Yukon Delta Fisheries Development Association (YDFDA).

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

The purpose of the CDQ Program is to provide Western Alaska communities a method to support regionally based, commercial seafood or other fisheries-related businesses. Under the

CDQ Program, 65 eligible Western Alaska communities have organized into six separate CDQ groups. Without this program, these small communities would be economically devastated.

**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.**

A proposed rule (RIN 0648-BF05) will be published coincidentally with this submittal to solicit public comments.

**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.**

As stated on the forms and in the regulations, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a system of records No. 19 -- Permits and Registrations for United States Federally Regulated Fisheries -- published on August 7, 2015 (80 FR 47457).

**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.**

Information collected for the CDQ Program does not include information of a private or sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

Estimated total unique respondents: 13, up from 7. Estimated total responses: 32, up from 13. Estimated total burden: 25 hr, up from 11 hr. Estimated total personnel cost: \$925, up from \$275.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

Estimated total miscellaneous costs: \$7, down from \$16.

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

Estimated total responses: 26, up from 13. Estimated total burden: 13 hr, up from 5 hr. Estimated total personnel cost: \$733, up from \$125, based on \$37/hr the average wage equivalent to a GS-9 employee in Alaska, including COLA (except \$100/hr for appeals).

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

Program change is the additional exemptions from the LLP for 9 vessels, online registration of the 9 additional vessels, and printing and distribution of the LLP Exemption Letter to each participating vessel.

In addition, NMFS added an appeals process for issue of an initial administrative determination (IAD) (added 1 respondent and response, 4 hour burden and 148 personnel costs). The IAD describes NMFS' disapproval if the application is incomplete, the voluntary cooperative does not represent a majority of the vessels participating in the sector, or the CDQ harvest regulations are not more restrictive than the non-CDQ regulations for the applicable sector. An applicant who receives an IAD disapproving an application may appeal under the procedures set forth at § 679.43.

The CDQ or PSQ Transfer Request is revised to include a question whether the halibut PSQ amount entered should be converted to halibut PSC. This added 1hr burden and \$109 personnel cost.

Adjustments are a change in personnel cost for the Request to Use Non-CDQ Harvest Regulations; from \$25/hr to \$37/hr.

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

The information obtained from this collection is not expected to be published for statistical use.

**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.