

SUPPORTING STATEMENT
ALASKA REGION RECREATIONAL QUOTA ENTITY
OMB CONTROL NO. 0648-XXXX

This is a submission of a request, with a proposed rule, for a temporary new information collection due to an associated rule [RIN 0648-BG57]. Once approved, a portion of this information collection will be merged with 0272. The remaining form in this temporary new collection will be merged with OMB Control No. 0648-0727.

The International Pacific Halibut Commission (IPHC) and National Marine Fisheries Service (NMFS), Alaska Region manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the [Northern Pacific Halibut Act of 1982](#). 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.

The North Pacific Fisheries Management Council (Council), under the authority of the Halibut Act (with respect to Pacific halibut) and the [Magnuson-Stevens Conservation Act](#), 16 U.S.C. 1801 *et seq.*, as amended in 2006 (Magnuson-Stevens Act) (with respect to sablefish), manages the fixed gear Pacific halibut and sablefish Individual Fishing Quota Program. The IFQ Program provides a limited access system for Pacific halibut in Convention waters in and off Alaska and sablefish fisheries in waters of the Exclusive Economic Zone off Alaska. Regulations implementing the IFQ Program are set forth at [50 CFR part 679](#).

Sport fishing activities for Pacific halibut in different areas are subject to different regulations, depending on whether those activities are guided or unguided. Guided sport fishing for halibut is subject to charter restrictions under Federal regulations that can be more restrictive than the regulations for unguided anglers. Charter regulations apply if a charter vessel guide is providing assistance, for compensation, to a person who is sport fishing, to take or attempt to take fish during any part of a charter vessel fishing trip.

This analysis of management measures applies exclusively to the guided angler sport (charter) halibut fisheries and commercial halibut setline fisheries in International Pacific Halibut Commission (IPHC) Regulatory Areas 2C and 3A in the Gulf of Alaska (GOA). The measures under consideration seek to promote long-term planning, flexibility, and greater stability in the charter halibut fishery. The management measure under consideration would allow a recreational quota entity (RQE) be established to represent the common pool of charter anglers in each IPHC regulatory Area 2C and 3A for the potential compensated reallocation of commercial halibut QS. Any halibut QS purchased by an RQE would augment the apportioned pounds of halibut for the charter catch limit for that area in that year, which could be used to relax the annual charter management measures (e.g., bag limits and size restrictions) up to the allowance for the unguided recreational sector. Underlying allocations to the charter and commercial halibut sectors would not change.

This action would allow a recreational quota entity (RQE) to be established as an eligible entity to purchase commercial quota share (QS) in Area 2C and Area 3A, with limitations, for use by the halibut charter sector as a whole. Federal regulations would be amended to allow these entities to acquire QS, annually generating a designated poundage of IFQ. The additional IFQ pounds of halibut would be combined with the charter catch limit determined by the catch sharing plan, to determine an adjusted catch limit for the year by IPHC regulatory area.

A. JUSTIFICATION

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

Alaska's guided halibut anglers have seen recent increases in regulatory restrictions due to declining halibut stocks and guided recreational allocations. A market-based mechanism for the guided halibut recreational sector may be an effective means to supplement their annual allocations. Allowing an RQE (Recreational Quota Entity) to hold a limited amount of commercial halibut QS on behalf of guided recreational halibut anglers under a "willing seller and willing buyer" approach may result in less restrictive annual harvest measures for guided recreational anglers in times of low halibut abundance, while complying with total halibut removals under the guided halibut catch limits determined by the International Pacific Halibut Commission. The guided recreational halibut allocation under the Halibut Catch Sharing Plan would be combined with the halibut quota share held by the RQE to determine the annually adjusted total guided halibut allocation. The total allocation would be the basis for the determination of appropriate management measures for the guided halibut sector each year. The intent is to consider such a mechanism without undermining the goals of the halibut IFQ Program or significant adverse impacts to other halibut sectors.

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 for a Non-profit Corporation to be Designated as a Recreational Quota Entity (RQE) [NEW]

A non-profit corporation must apply to NMFS for recognition as an RQE. Upon approval by NMFS, the RQE may buy, sell, and hold halibut QS in Areas 2C and 3A. This application is due only once.

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

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

Block A—Identification of applicant

Name of nonprofit organization

Name of contact person

Permanent business mailing address

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

Block B – Required Information -- Checklist of required attachments

Block C – Notary Certification

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

Application to Become an RQE, Respondent- Annualized	
Estimated number of respondents	1
Total annual responses	1
Response per respondent = 1	
Total burden hours	67 hours
Time per response = 200 hr	
Total personnel cost (\$37/hr x 20)	\$7,400
Total miscellaneous costs (3.13)	\$3
Photocopy (50 pp x .05 = 0.83)	
Postage (0.90/3 = 0.30)	
Notary (\$6/3 = 2)	

Application to Become an RQE, Federal Government	
Total annual responses	1
Total burden hours = 4 hr	4 hours
Total personnel cost (\$37/hr x 4)	\$148
Total miscellaneous cost	

b. Application for Transfer of QS To or From a Recreational Quota Entity and another IFQ Holder [NEW]

A Recreational Quota Entity (RQE) is eligible to receive QS by transfer and to transfer QS. An RQE is limited to holding no more than 10 percent of the 2015 commercial QS pool in Area 2C and no more than 12 percent of the 2015 commercial QS pool in Area 3A. Additionally, an RQE may not annually transfer more than 1 percent of the commercial QS units in Area 2C or more than 1.2 percent of the commercial QS units in Area 3A based on the 2015 QS pool.

Additionally, an RQE may not purchase any D class QS in Area 3A and may not purchase more than 10 percent of the D class QS in Area 2C based on the D class QS pool in 2015. An RQE is also limited to purchasing no more than 10 percent of the B class QS in Area 2C based on the B class QS pool in 2015.

If an RQE transfers QS to another person, the quota class and block designation of the QS is retained. Any person that holds a Transfer Eligibility Certificate (TEC) is eligible to receive QS by transfer from the RQE. The IFQ Program does not permit transfer of QS subject to any conditions of repossession or resale to the transferor except by court order, operation of law, or security agreement

The information required by this application is necessary to ensure that QS are transferred in compliance with the regulations governing the buying and selling of QS.

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

Application for Transfer of QS To or From a Recreational Quota Entity

Indicate whether transferee has a TEC

Block A –Transferor Information (Seller)

Name and NMFS Person ID
Business mailing address (indicate whether permanent or temporary)
Business telephone number, Business fax number, and business e-mail address

Block B –Transferee Information (Buyer)

Name and NMFS Person ID
Business mailing address (indicate whether permanent or temporary)
Business telephone number, business fax number, and business e-mail address

Block C – Questions for Transferee

If QS is to be included in a sweep-up, list the identifier on the QS Group Number into which this new piece should be combined
If this is a transfer of Catcher vessel CDQ compensation QS and the vessel category has never been declared, designate the catcher vessel category in which QS should be issued

Block D – Identification of QS to be Transferred

Quota Share to be transferred
IFQ Regulatory Area
Vessel Category
Total QS units
Designation of QS, as shown on the QS Holder Report

Block E – Required Transferor Supplemental Information

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

Block F – Required Transferee Supplemental Information

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

Block G -- Certification of Transferor

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

Block H -- Certification of Transferee

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

Application for Transfer of QS To or From a Recreational Quota Entity and another IFQ holder, Respondent	
Estimated number of respondents	1
Total annual responses	20
Number of responses per year = 20	
Total Time burden	40 hr
Time per response = 2 hr	
Total personnel cost (\$37/hr x 40)	\$1,480
Total miscellaneous cost (133.80)	\$134
Postage (0.49 x 20 = 9.80)	
Photocopy (0.05 x 4 pp x 20 = 4)	
Notary (\$6 x 20 = 120)	

Application for Transfer of QS To or From a Recreational Quota Entity, Federal Government	
Total annual responses	20
Total Time burden	10 hr
Time per response = 30 min	
Total personnel cost (\$37/hr x 10)	\$370
Total miscellaneous cost	0

c. Recreational Quota Entity (RQE) Annual Report [NEW]

Reporting requirements for RQE annual reports include the following seven items:

- List of all purchases or sales of QS
- Any changes to the bylaws from the preceding year
- Any changes to Board of Directors or key personnel from the preceding year
- Number of charter halibut permits purchased or held
- Funds spent on conservation, research and promotion of the halibut resource and a summary of results
- Administrative expenses
- All other expenses

An RQE is not required to submit an annual report for any calendar year in which it did not purchase or hold any QS.

By January 31, the RQE must submit a complete annual report for the prior calendar year to
Regional Administrator, NMFS,
P.O. Box 21668,
Juneau, AK 99802,

Recreational Quota Entity (RQE) Program Annual Report

General report requirements:

Each RQE must report business operations and fishing activity for the RQE and must provide

- List of all purchases or sales of QS
- Any changes to the bylaws from the preceding year
- Any changes to the Board of Directors or key personnel from the preceding year
- Number of charter halibut permits purchased or held
- Funds spent on conservation, research, and promotion of the halibut resource and a summary of the results
- Administrative expenses
- All other expenses

RQE Annual Report, Respondent	
Estimated number of respondents	1
Total annual responses	1
Response per respondent = 1	
Total burden hours	40 hours
Time per response = 40 hr	
Total personnel cost (\$37/hr x 40)	\$1,480
Total miscellaneous costs (25.90)	\$26
Photocopy (5 pp x .05 x 35 = 8.75)	
Postage (0.49 x 35= 17.15)	

RQE Annual Report, Federal Government	
Total annual responses	1
Total burden hours = 4 hr	4 hours
Total personnel cost (\$37/hr x 4)	\$148
Total miscellaneous cost	0

d. IFQ Permit Holder Fee Submission Form (0727) [REVISED]

The IFQ cost recovery fee must be paid by a person who holds an IFQ permit against which an IFQ landing was made. Payment may be submitted online through eFISH at <https://alaskafisheries.noaa.gov/fisheries/cost-recovery-fee-payment, or by> mail or courier ONLY if paying with a check to: Fee Coordinator, NOAA Fisheries, PO Box 21668, Juneau, Alaska 99802-1668. Prior to December 1, 2019, payment must be made in U.S. dollars by personal check drawn on a U.S. bank account, money order, bank-certified check, or electronically by credit card. On or after December 1, 2019, payment must be made electronically in U.S. dollars by automated clearing house, credit card, or electronic check drawn on a U.S. bank account. An RQE will be responsible for paying cost recovery fees for any QS held by the RQE.

Deadline: no later than *January 31* following the calendar year in which any IFQ landing was made.

Changes include a minor change to the Fee Submission Form.

IFQ Cost Recovery Fee, respondents	
Total number of RQE respondents	1
Total number of responses	1
Response per participant = 1	
Total Time burden (1 minute)	1
Time per response = 1 minute for electronic submission	
Total personnel costs (\$37/hr x 1)	37
Total miscellaneous costs (0)	0
Submit online (0 x 1 = 0)	

IFQ Cost Recovery Fee, Federal Government	
Total annual responses	1
Total burden hours = 0 hr	0 hours
Total personnel cost (\$37/hr x 0)	\$0
Total miscellaneous cost	0

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Forms and applications are “fillable” on the computer screen at the NMFS Alaska Region Home Page at <https://alaskafisheries.noaa.gov/fisheries-applications>. These forms and applications may be completed on the computer screen by the participant, downloaded, printed, and faxed to NMFS.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

An RQE must be a non-profit entity, which is defined as a small business, for the purpose of this analysis. This collection of information does not impose a significant impact on small entities.

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

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

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

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 will be published in the Federal Register, coincident with this submission.

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.

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. Assurance of confidentiality under these authorities is stated on all forms.

A Privacy Act System of Records Notice, COMMERCE/NOAA System-19, Permits and Registrations for United States Federally Regulated Fisheries, was published in the [Federal Register](#) on April 17, 2008 (73 FR 20914); an amended SORN was published August 7, 2015 (80 FR 47457) and became effective September 15, 2015.

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: 1 RQE. Estimated total responses: 23. Estimated total burden hours: 148. Estimated total personnel costs: \$10,360. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$37 per hour.

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: \$163.

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

Estimated total responses: 23. Estimated total burden hours: 18 hr. Estimated total personnel costs: \$666. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$37 per hour.

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

Program changes

This action would allow a recreational quota entity (RQE) to be established as an eligible entity to purchase commercial quota share (QS) in Area 2C and Area 3A, with limitations, for use by the halibut charter sector as a whole. Federal regulations would be amended to allow these entities to acquire QS, annually generating a designated poundage of IFQ. The additional IFQ pounds of halibut would be combined with the charter catch limit determined by the CSP, to determine an adjusted catch limit for the year by IPHC regulatory area.

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.

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.