

SUPPORTING STATEMENT
ALASKA PROHIBITED SPECIES DONATION (PSD) PROGRAM
OMB NUMBER 0648-0316

This action requests extension of the Alaska Prohibited Species Donation Program collection of information.

INTRODUCTION

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) manages the groundfish fishery in the Exclusive Economic Zone of the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for the Groundfish of the Gulf of Alaska (FMPs), respectively. The North Pacific Fishery Management Council prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Act](#) (16 U.S.C. 1801 *et seq.*). Regulations implementing the FMPs appear at [50 CFR part 679](#).

BACKGROUND

The Prohibited Species Donation Program (PSD Program) began as a pilot project in 1994. The PSD Program applies only to the following species:

- ◆ Salmon
- ◆ Halibut delivered by catcher vessels using trawl gear to shoreside processors and stationary floating processors.

The salmon and halibut resources are of value to many stakeholders, including but not limited to commercial, recreational, subsistence, and cultural user groups. The PSD Program was initiated to reduce the amount of edible protein discarded under prohibited species catch regulatory requirements (§ 679.21). If a person is a participant in the PSD Program under § 679.26, the incidentally caught salmon and Pacific halibut may be donated to the PSD Program. The PSD Program allows permitted seafood processors to retain salmon and halibut bycatch for distribution to economically disadvantaged individuals through tax exempt hunger relief organizations.

A PSD permit authorizes tax-exempt organizations to distribute salmon and halibut to hunger relief agencies, food bank networks, or food bank distributors. Salmon and Pacific halibut are considered prohibited species for vessels fishing in the BSAI and GOA groundfish fisheries. Unless you are a PSD permit holder, all prohibited species catch is to be avoided by vessels. If caught while fishing for groundfish, prohibited species must be returned to the sea with a minimum of injury.

One participant, SeaShare, located at Bainbridge Island, Washington, (<https://www.seashare.org/>) has applied for and retained a PSD permit since the program's inception. SeaShare is a non-profit organization and to date has been the only company licensed to participate in the PSD Program. To date, according to SeaShare, it has provided over 200 million servings of seafood to men, women, and children in America. In 2015, according to

SeaShare, the program included 138 fishing boats, 34 at-sea processors, 15 shore plants, 42 financial donors, 8 Alaska receiving agencies, and more than 22 other companies that assisted with storage, freight, and other components of the program.

A. JUSTIFICATION

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

An organization seeking to distribute salmon bycatch and halibut bycatch under the PSD Program must submit an application to become a PSD distributor. Applicants must be tax-exempt organizations that have received a determination letter from the Internal Revenue Service recognizing tax exemption under 26 CFR part 1 (§§ 1.501 to 1.640).

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 become a NMFS Authorized Distributor [adjusted]

The Regional Administrator may select one or more tax-exempt organizations to be authorized distributors under the PSD Program based on the information submitted by applicants under § 679.26. The number of authorized distributors selected by the Regional Administrator is based on the following criteria:

- ◆ Number and qualifications of applicants for PSD permits.
- ◆ Number of harvesters and the quantity of fish that applicants can effectively administer.
- ◆ Anticipated level of bycatch of salmon and Pacific halibut.
- ◆ Potential number of vessels and processors participating in the PSD Program.

The authorized distributor and a processor retaining or receiving fish under the PSD Program annually must keep on file and make available for inspection by an authorized officer all documentation, including receipt and cargo manifests setting forth the origin, weight, and destination of all prohibited species catch. Receipts and cargo manifests are necessary to track salmon and halibut and to help ensure that the distribution of salmon and halibut is as intended and authorized by the PSD Program. Such documentation must be retained until 3 years after the effective period of the PSD permit.

A PSD permit is valid for a 3-year period after NMFS publishes the selection notice in the *Federal Register*.

Prohibited species retained under the PSD Program must be packaged, and all packages must be labeled with the following:

- ◆ Date of processing;
- ◆ Name of the processing facility;
- ◆ Contents;

- ◆ Weight of the fish contained in the package; and
- ◆ the words—
*NMFS PROHIBITED SPECIES DONATION PROGRAM –
 NOT FOR SALE –
 PERISHABLE PRODUCT –
 KEEP FROZEN.*

All processors enrolled in the PSD Program donate the processing and packaging of the fish.

NMFS uses the information on the PSD distributor application to determine an organization's nonprofit status. In addition, the application provides information about the ability of the organization to arrange for and distribute donated salmon and halibut as a high quality food product. A separate application must be submitted for each species. One of the comments received for the 2014 renewal of this collection was to have one application for both species. While NMFS considered making this change, it determined that it is still best to have separate applications for each species, including separate lists of participating boats and processors, so that it is clear who participates in the donation and processing of which species. Further, having separate applications does not add any appreciable time to the application process. The current distributor holds both licenses.

The application to become a PSD distributor is submitted to NMFS as an attachment to email. Any changes and updates may be submitted to NMFS as an attachment to email.

An applicant seeking to become an authorized distributor must provide the NMFS Regional Administrator with the following information.

Application to be a NMFS Authorized Distributor

- Proof of the applicant's tax-exempt status
- Proof of the applicant's ability to obtain and maintain adequate funding for the distribution of PSD fish
- Proof of the applicant's ability to take full responsibility for the documentation and disposition of PSD fish, including sufficient liability insurance to cover public interests relating to the quality of fish distributed for human consumption
- Describe arrangements for processing, shipping, storing, and transporting donated fish and an estimate of the associated costs
- Describe the applicant's expertise in providing for the distribution of food product from remote Alaskan locations to hunger relief agencies, food bank networks, or food bank distributors, including arrangements for transportation, distribution costs, and product quality control
- Operating budget that is adequate to ensure that PSD fish are distributed to hunger relief agencies, food bank networks, or food bank distributors, and that the fish will be maintained in a manner fit for human consumption
- Quality control criteria for vessels, processors, hunger relief agencies, food bank networks, and food bank distributors
- Number of vessels and processors that the applicant is capable of administering effectively
- Documentation of support from cold storage and transportation facilities
- List of all vessels and processors, food bank networks, and food bank distributors in the PSD Program.
 - The list of vessels and processors must include—
 - Vessel's Federal fisheries permit number or the processor's Federal processor permit number;
 - Name of the vessel owner or responsible operator or the name of the processor owner or plant manager;
 - Business telephone number and business fax number of the vessel or processor;
 - Signature of the vessel owner or responsible operator, or owner or plant manager of the processor.
- A list of locations where fish must be delivered by participating vessels and processors
- Copy of the applicant's articles of incorporation and bylaws. The purpose of the applicant must include providing food resources to hunger relief agencies, food bank networks, or food bank distributors

A signed statement from the applicant and all persons listed, who would conduct activities pursuant to the PSD permit waiving any and all claims against the United States and its agents and employees for any liability for personal injury, death, sickness, damage to property directly or indirectly due to activities conducted under the PSD Program

The estimated burden hours were changed from 70 hours to 50 hours per three-year application, based on a comment from SeaShare (see survey results under #8). The actual currently approved hours are 39. Therefore the total hours are revised to 50, annualized to 17.

Application to become a NMFS Authorized Distributor, Respondent	
Number of respondents	1
Total annual responses	1
Responses per respondent = 1	
Total burden hours (16.66)	17 hr
Hours per response = 50/3 hr	
Total personnel cost (\$37 x 17)	\$629
Total miscellaneous cost	0

Application to become a NMFS Authorized Distributor, Federal Government	
Total annual responses	1
Total burden hours (13.33)	13 hr
Hours per response = 40/3	
Total personnel cost (\$37 x 13)	\$481

It is anticipated that the information collected will 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 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 to become a PSD distributor is submitted to NMFS by email (with attachments). The printable application requirements and instructions are available as a pdf on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/sites/default/files/psdapplication.pdf>. The final permits are publicly available on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/fisheries/prohibited-species-donation-permits>.

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.

This collection of information does not impose a significant impact on small entities. Currently, only one distributor, SeaShare, holds a PSD permit. SeaShare was founded in 1994, the same year the PSD Program was established.

SeaShare manages numerous programs that combine several donations into nutritious seafood meals for the men, women, and children who rely on America's food bank network. SeaShare receives donations of seafood products, processing services, transportation, and packaging, as well as direct cash contributions. The organization combines those donations to create seafood products that are readily usable by food banks, soup kitchens, and food pantries. Nutrient rich, low-cholesterol protein is in short supply for people in need. SeaShare works to ensure that hungry families have access to the superior health benefits that seafood provides.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Prohibited species catch is taken incidentally in groundfish fisheries, and it cannot be sold. Without the PSD Program, fishermen would be required to discard their salmon and halibut bycatch at sea. Without the specified permitting scheme and accompanying information collection, the PSD Program would be unable to proceed and many thousands of pounds of salmon and Pacific halibut would go to waste. Collecting information less frequently would result in a less efficient program.

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

No special circumstances exist.

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 Federal Register notice was published on June 27, 2017 (82 FR 29038) to solicit public comment. The comment period ended on August 28, 2017.

NMFS also solicited comments through a survey sent to processors and the permit holder, SeaShare.

Five comments were received.

Summary of Survey Comments

This PSD Program collection of information has only one official, permitted respondent, SeaShare. However, NMFS considered it important to explore what the other participants felt about the Program. These participants deal directly with SeaShare and are not involved with NMFS. These participants are listed on the latest PSD permit issued to SeaShare at <https://alaskafisheries.noaa.gov/sites/default/files/reports/halibut.pdf> and at <https://alaskafisheries.noaa.gov/sites/default/files/reports/salmon.pdf>.

The survey was sent to eight participants: SeaShare, three shoreside processors, three catcher/processors, and one mothership. The deadline to return the survey was August 4, 2017. SeaShare, two shoreside processors, one catcher/processor, and one mothership returned comments. The survey results are provided below. The processors' comments generally were favorable of the PSD Program and of SeaShare.

SeaShare commented that it takes closer to 50 hours to complete the application rather than NMFS's estimate of 70 hours. In response to this comment, NMFS has changed the estimate to 50 hours.

Application to Become a NMFS Authorized PSD Program Distributor

OMB 0648-0316 – Expiration Date 12/31/2017				
Application to Become a NMFS Authorized PSD Program Distributor Check if N/A []	YES (X)	NO (X)	COMMENTS	No Comment (X)
1. Is the data requested easily available? Is this process easy to understand and to apply for? If NO, explain.	x		—	
2. We estimate it takes 70 hours* for your office personnel to complete this application. Is this time accurate and reasonable? If NO, explain.		x	closer to 50	
3. We estimate that personnel costs to complete and submit the application are \$37/hour. Is this cost accurate and reasonable? If NO, explain.	x		—	
4. Does someone other than your office personnel complete the application? If YES, explain and provide actual costs.		x	—	
5. Do you agree with the frequency of collection, which is every 3 years? If NO, explain.	x		—	
6. Are the instructions for completion of the application clear? If NO, explain.	x		—	
7. Do you agree with the reporting format, which is narrative form rather than completion of a form? If NO, explain.	x		—	
8. Are the requested data elements to be recorded and disclosed reasonable and necessary? If NO, explain.	x		—	
9. Do you believe that this application has practical utility? If NO, explain.	x		—	
10. Can you tell us ways to enhance the quality and clarity of the information to be collected? If YES, explain.		x	—	
11. Can you suggest ways to minimize the burden of completing this application through use of automated collection techniques or other forms of information technology? If YES, explain.		x	—	
12. What else would you care to tell us? Provide any additional comments on any aspect of the PSD Program.			—	x

*This estimate was based on a 2014 comment, but at that time, the estimate was not officially revised.

Shoreside Processor or Stationary Floating Processor Participating in Halibut PSD Program

OMB 0648-0316 – Expiration Date 12/31/2017

Shoreside Processor or Stationary Floating Processor Participating in Halibut PSD Program Check if N/A []	YES (X)	NO (X)	COMMENTS	No Comment (X)
1. Is the data requested by SeaShare easily available? Is this process easy to understand and to apply for? If NO, explain.	2		—	
2. How much time does it take for your office personnel to provide information to SeaShare? Is this time reasonable? Explain.	2		minutes	
3. What are the personnel costs to complete and submit the information to SeaShare?			none	1
4. Does someone other than your office personnel complete the application? IF YES, explain and provide actual costs.		2	—	
5. What are the miscellaneous costs to complete and submit information to SeaShare?		1	none	
6. How often do you provide information to SeaShare? Explain.			One respondent answered “upon request” and the second “upon request or end of season.”	
7. Can you suggest ways to enhance the quality and clarity of the information to be collected? If YES, explain.		1	—	1
8. Can you suggest ways to minimize the burden of providing information through use of automated collection techniques or other forms of information technology? If YES, explain.		1	—	1
9. What else would you care to tell us? Provide any additional comments on any aspect of the PSD Program.			It's all good. No issues.	1

Catcher/processor Participating in Salmon PSD Program

OMB 0648-0316 – Expiration Date 12/31/2017

Catcher/processor Participating in Salmon PSD Program Check if N/A []	YES (X)	NO (X)	COMMENTS	No Comment (X)
1. Is the data requested by SeaShare easily available? Is this process easy to understand and to apply for? If NO, explain.	X		—	
2. How much time does it take for your office personnel to provide information to SeaShare? Is this time reasonable? Explain.	X		15 minutes, very reasonable	
3. What are the personnel costs to complete and submit the information to SeaShare?			negligible	
4. Does someone other than your office personnel complete the application? IF YES, explain and provide actual costs.		X	—	
5. What are the miscellaneous costs to complete and submit information to SeaShare?			none	
6. How often do you provide information to SeaShare? Explain.			Only for permit renewal, once every 3 years	
7. Can you suggest ways to enhance the quality and clarity of the information to be collected? If YES, explain.		X	—	
8. Can you suggest ways to minimize the burden of providing information through use of automated collection techniques or other forms of information technology? If YES, explain.		X	—	
9. What else would you care to tell us? Provide any additional comments on any aspect of the PSD Program.			The PSD program and SeaShare are very well run and provide significant	

			benefits. Don't change it.	
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Mothership Participating in Salmon PSD Program

OMB 0648-0316 – Expiration Date 12/31/2017				
Mothership Participating in Salmon PSD Program Check if N/A []	YES (X)	NO (X)	COMMENTS	No Comment (X)
1. Is the data requested by SeaShare easily available? Is this process easy to understand and to apply for? If NO, explain.	X		—	
2. How much time does it take for your office personnel to provide information to SeaShare? Is this time reasonable? Explain.	X		Application to participate in PSD Program takes approximately 15 minutes every three years. Shipment info submitted with shipments, comparable to all other shipments.	
3. What are the personnel costs to complete and submit the information to SeaShare?			Negligible. Approximately \$25 every three years.	
4. Does someone other than your office personnel complete the application? If YES, explain and provide actual costs.		X	—	
5. What are the miscellaneous costs to complete and submit information to SeaShare?			Negligible. Applications submitted by email, shipment information submitted with shipments.	
6. How often do you provide information to SeaShare? Explain.			Applications every three years, shipment information submitted with shipments.	
7. Can you suggest ways to enhance the quality and clarity of the information to be collected? If YES, explain.		X	—	
8. Can you suggest ways to minimize the burden of providing information through use of automated collection techniques or other forms of information technology? If YES, explain.		X	—	
9. What else would you care to tell us? Provide any additional comments on any aspect of the PSD Program.			PSD Program is a good program to minimize waste from regulatory discards and to provide valuable protein to needy families. SeaShare is remarkable in the efficiencies that they bring to this noble cause, and the paperwork burden is nothing compared to the good that they do in this world. I wish I could say the same about other OMB reviews that I have been asked to provide input upon. We need more good programs like what SeaShare provides. Not often we get to see so much good being done with so little burden on the regulated public. If SeaShare has any ideas on ways to reduce the burden on their side, I support their efforts as they know their business well and we appreciate the work that they do.	

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift to respondents is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information collected on the application for a PSD distributor is not considered confidential and will be released to the public upon request. Other information that may be collected from commercial operations may be considered confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) and also 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: 1. Estimated total responses: 1. Estimated total annualized burden hours increased slightly from 13 hr to 17 hr. Estimated total personnel costs increased from \$481 to \$629.

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 decreased from \$2 to \$0.

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

Estimated total responses: 1. Estimated total burden hours: 13 hr. Estimated total personnel costs: \$481.

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

The estimated burden hours were changed based on a comment from SeaShare.

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

No plans exist for publishing the results of this information collection.

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.

The expiration date is on the pdf of the application instructions posted on our website at <https://alaskafisheries.noaa.gov/sites/default/files/psdapplication.pdf>.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

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GAberle 7/26/2017, 9/2/2017

MMackey 8/02/2017, 8/31/2017, 9/5/2017