

JUSTIFICATION FOR CHANGE
ALASKA PACIFIC HALIBUT & SABLEFISH FISHERIES:
INDIVIDUAL FISHING QUOTA (IFQ)
OMB CONTROL NO. 0648-0272

The National Marine Fisheries Service (NMFS) Alaska Region (AKR) requests to merge the following related information collections into [OMB Control No. 0648-0272](#):

- [OMB Control No. 0648-0758](#) (Alaska Region Recreational Quota Entity); and
- [OMB Control No. 0648-0764](#) (Alaska Pacific Halibut and Sablefish Fisheries: Temporary IFQ Transfer)

These collections also have elements that are being merged into OMB Control No. 0648-0711 (Alaska Quota Cost Recovery Programs) as part of its 3-year renewal. The collections for 0758 and 0764 will be discontinued once the renewal for 0711 and this change request are approved.

The collections for 0272, 0758, and 0764 collect information necessary for management of the fixed gear Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program.

The International Pacific Halibut Commission (IPHC) and NMFS AKR 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 (Convention). NMFS manages the sablefish fisheries off Alaska under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (16 U.S.C. 1801 *et seq.*).

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. Under this program, IFQ is issued annually to persons holding fishable Pacific halibut and sablefish quota share (QS) that can be used any time during the open season to allow each fisherman to set his or her own pace and fishing effort. NMFS initially issued QS to persons who owned or leased vessels that made legal commercial fixed-gear landings of Pacific halibut or sablefish during 1988, 1989, or 1990 off Alaska. Currently, QS may only be obtained through transfer.

The charter halibut fisheries in IFQ regulatory areas 2C and 3A are managed under the Charter Halibut Limited Access Program (CHLAP) and the Pacific Halibut Catch Sharing Plan (CSP). The CHLAP limits the number of operators in the charter halibut fishery, while the CSP establishes annual allocations to the charter and commercial halibut fisheries and describes a process for determining annual management measures to limit charter harvest to the allocations in each management area.

More information on the IFQ Program, the CHLAP, and the CSP is available on the [NMFS Alaska Region website](#).

The following elements from 0758 and 0764 will be merged into 0272:

- **0648-0758**
 - Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity
 - Application for Transfer of Quota Share To or From a Recreational Quota Entity
 - Recreational Quota Entity Annual Report
- **0648-0764**
 - Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota
 - Annual Report for CDQ IFQ Transfers

Due to merging 0764, this change request removes the form “Application for Transfer of QS/IFQ” and adds the form “Application for Transfer of QS,” which will collect information that is currently collected the form being removed. See the explanation below under the heading “0648-0764.”

0648-0758

On September 21, 2018, OMB approved 0758, which is a new temporary collection associated with a rule (RIN 0648-BG57) that modified regulations governing the IFQ Program (83 FR 47819, September 21, 2018). This rule allows establishment of a Recreational Quota Entity (RQE) that can hold commercial halibut QS to supplement the annual charter halibut fishery limit in Areas 2C and 3A under the CSP. The regulatory changes implemented by this rule necessitated the addition of two new application forms and a new annual report.

Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity

The Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity is used by a non-profit corporation to apply for recognition as an RQE. Designation as an RQE authorizes the RQE to buy, sell, and hold commercial halibut QS in Areas 2C and 3A. This application collects information necessary for NMFS to determine eligibility of the entity to be designated an RQE.

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

The Application for Transfer of Quota Share To or From a Recreational Quota Entity is used by an RQE to permanently receive or transfer QS. This application collects information necessary for NMFS to ensure that QS are transferred in compliance with the buying and selling of QS.

Recreational Quota Entity Annual Report

The RQE annual report must be submitted by an RQE for any year that it held commercial QS. This report contains a list of all QS purchased or sold; the number of charter halibut permits purchased or sold; changes to the RQE’s bylaws, Board of Directors, or key personnel; funds spent on conservation, research, and promotion of the halibut resource and a summary of results; and administrative and all other expenses. There is no form for this annual report.

Comments

Notice of these changes was given in the proposed rule for BG57 ([82 FR 46016, October 3, 2017](#)). The responses to comments received were published in the final rule ([83 FR 47819, September 21, 2018](#)). No comments were received on the information requirements, and this was noted in the [information collection review for 0648-0758](#).

0648-0764

On October 18, 2018, OMB approved 0764, which is a new temporary collection associated with a rule (RIN 0648-BG94) that modified regulations governing the IFQ Program (83 FR 52760, October 18, 2018). This rule allows Western Alaska Community Development Quota (CDQ) groups to receive by transfer halibut IFQ in IFQ regulatory areas 4B, 4C, and 4D in years of low halibut catch limits. The regulatory changes implemented by this rule necessitated addition of a new application form and a new annual report.

Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota

To facilitate the rule's recordkeeping and reporting requirements, 0764 split the existing form "Application for Transfer of QS/IFQ" (approved under 0272) into two forms because this form did not collect the information needed to monitor the IFQ transfers created under the rule. The changes due to the rule were incorporated into a separate new form titled "Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)," which designates a temporary transfer valid only for the calendar year in which it is approved. Most of the information it collects had been collected by the existing form. The new transfer form is not specific to the CDQ exception under the rule and is used by IFQ holders for any temporary IFQ transfer listed on the form.

Annual Report for CDQ IFQ Transfers

This new annual report must be submitted by a CDQ group for any year that it receives halibut IFQ by transfer. This report contains the criteria the CDQ group used to select IFQ holders to receive IFQ transfers from, the criteria used to determine who can receive transferred IFQ, and the amount and type of IFQ transferred. There is no form for this annual report.

Application for Transfer of QS

In addition to merging elements of 0764, this change request adds a new form titled "Application for Transfer of QS" to 0272. This is necessary due to the split of the Application for Transfer of QS/IFQ under 0764. Only the separate form for temporary transfer of IFQ was created in 0764, as the QS transfer form was not related to the rule. NMFS AKR expected that BG94, the rule associated with 0764, would have cleared before the recent extension for 0272 was submitted, and the separate QS transfer form would have been included in the extension. However, BG94 was delayed and the separate QS transfer form was not included in the extension.

The Application for Transfer of QS is used to permanently transfer QS. No changes have been made for the transfer of QS; therefore, this form collects no new information and contains the relevant information from the Application for Transfer of QS/IFQ, which is being removed.

Application for Transfer of QS/IFQ

This change request removes the Application for Transfer of QS/IFQ (approved under 0272) because the information it collects will be collected by separate forms, the Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota and the Application for Transfer of QS.

Comments

Notice of these changes was given in the proposed rule for BG94 ([83 FR 8028, February 23, 2018](#)). The responses to comments received were published in the final rule ([83 FR 52760, October 18, 2018](#)). No comments were received on the information requirements, and this was noted in the [information collection review for 0764](#).

Changes to 0648-0272

On approval of this change request, 0272 will contain the elements listed below.

Name of Form or Report	Regulations 50 CFR part 679
Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity <i>[merged from 0758]</i>	§ 679.41(n)(2)
Application for Transfer of Quota Share To or From a Recreational Quota Entity <i>[merged from 0758]</i>	§ 679.41(b)
Recreational Quota Entity Annual Report <i>[merged from 0758]</i>	§§ 679.5(v)
Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota <i>[merged from 0764]</i>	§ 679.41(b)and (c)
Annual Report for CDQ IFQ Transfers <i>[merged from 0764]</i>	§ 679.5(l)(10) and (w)
Application for Transfer of QS <i>[added due to merge of 0764]</i>	§ 679.41(b)and (c)
Application for Eligibility to Receive QS/IFQ by Transfer	§ 679.41(d)
Quota Share (QS) Holder: Identification of Ownership Interest	§ 679.42
Application for IFQ/CDQ Hired Master Permit	679.4(d)(2) and (e)
Application for IFQ/CDQ Registered Buyer Permit	§ 679.4(d)(3)
QS/IFQ Beneficiary Designation Form	§ 679.41(k)
Application for Transfer of QS/IFQ by Self Sweep-up	§ 679.41(b)and (c)
Application for Temporary Military Transfer of IFQ	§ 679.41(m)
Application for Medical Transfer	§ 679.42(d)(2)
Application for Replacement of Certificates or Permits	§ 679.4
Registered Buyer Landing Report	§ 679.5(e)(7)
IFQ Administrative Waiver	§ 679.5
Prior Notice of Landing	§ 679.5(l)(1)
IFQ Departure Report	§ 679.5(l)(4)
Transshipment Authorization	§ 679.5(l)(3)
Dockside sales	§ 679.5(g)(2)(iv)

The table below shows the estimates for the Application for Transfer of QS and the elements from 0758 and 0764 that will be merged into 0272. It also includes the Application for Transfer of QS/IFQ by Self Sweep-up. No changes have been made to the sweep-up application, but in previous reviews of 0272 its estimates were combined with those of the Application for Transfer of QS/IFQ, which is being removed. Therefore, after approval of this change request, it will be reported individually.

	Respondents	Responses	Burden Hours	Labor Costs	Recordkeeping and Reporting Costs
Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity <i>[merged from 0758]</i>	1	1	67	\$7,400	\$3
Application for Transfer of Quota Share To or From a Recreational Quota Entity <i>[merged from 0758]</i>	1	20	40	\$1,480	\$134
Recreational Quota Entity Annual Report <i>[merged from 0758]</i>	1	1	40	\$1,480	\$1
Application for Temporary Transfer of Halibut/Sablefish IFQ <i>[merged from 0764]</i>	742	371	742	\$27,454	\$2,167
Annual Report for CDQ IFQ Transfers <i>[merged from 0764]</i>	2	2	80	\$2,960	\$10
Application for Transfer of QS <i>[added due to merge of 0764]</i>	880	440	880	\$32,560	\$4,836
Application for Transfer of QS/IFQ by Self Sweep- <i>was summarized with Application for Transfer of QS/IFQ]</i>	58	58	116	\$4,292	\$327
Application for Transfer of QS/IFQ <i>[removed]</i>	- 1,204	- 602	- 1,204	- \$44,548	- \$6,496

Because the respondents for 0764 and 0272 are the same, merging these collections does not change the number of respondents. Merging 0758 with 0272 adds one new respondent, the RQE. After OMB approval, 0272 will have 2,794 unique respondents.

Merging 0758 and 0764 with 0272 adds 291 responses; 761 burden hours; \$33,078 labor costs; and \$982 recordkeeping and reporting costs.

After approval the response and burden estimates for 0272 will be 14,697 responses; 5,741 burden hours; \$217,486 labor costs; and \$9,064 recordkeeping and reporting costs.

A cost recovery program is in effect for the IFQ Program; therefore the information collection requirements of the IFQ Program do not impose a cost on the Federal Government. Under this cost recovery program, NMFS is authorized to collect direct program costs from the permit holders. Direct program costs are the costs NMFS incurs to manage, collect data from, and enforce the IFQ Program.