

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Pacific Halibut Fisheries: Charter Permits
OMB Control No. 0648-0592

This is a resubmission, with the final rule, of a request for revision of an existing information collection. The associated rule adds a requirement for annual registration of a charter halibut permit (CHP) (RIN 0648–BH94).

Minor changes were made to this collection from the proposed to final rule that did not result in any changes to the numbers or costs for this collection. The new Application for Annual Registration of Charter Halibut Permits was changed by adding a “yes” or “no” question to make it more clear that affiliation information did not need to be supplied if the applicant is not affiliated with anyone, along with minor clarifications to the instructions. A note was added to the first page of the Application for Transfer of Charter Halibut Permit to remind transferees that they must register their CHPs each year.

INTRODUCTION

Management of and regulations for Pacific halibut (*Hippoglossus stenolepis*) in Alaska are developed on the international, Federal, and state levels by the International Pacific Halibut Commission (IPHC), the North Pacific Fishery Management Council (Council), the National Marine Fisheries Service (NMFS) Alaska Region, and the State of Alaska Department of Fish and Game (ADF&G). The IPHC and NMFS manage fishing for Pacific halibut through regulations established under authority of the Convention between the United States Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention), the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c (Halibut Act), and Section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*).

Regulations for the guided sport fishery for Pacific halibut (charter halibut fishery) in Alaska are determined annually by the Council and the IPHC. NMFS publishes these regulations each year as part of the [IPHC annual management measures](#). Regulations for the Pacific halibut fisheries are at 50 CFR 300 subpart E.

In 2010, NMFS implemented the Charter Halibut Limited Access Program (CHLAP) to meet allocation objectives in the charter halibut fishery and provide stability in this fishery by limiting the number of charter vessels that operate in IPHC regulatory areas 2C (Southeast Alaska; Area 2C) and 3A (Central Gulf of Alaska; Area 3A) (75 FR 554, January 5, 2010). The CHLAP established new Federal charter halibut permits (CHPs) for operators in the charter halibut fishery in Areas 2C and 3A.

Since February 1, 2011, all vessel operators in these areas with charter anglers catching and retaining halibut must have an original, valid CHP on board during every charter halibut vessel fishing trip. CHPs are endorsed for the appropriate regulatory area and, except for Military CHPs, the number of anglers catching and retaining halibut on a trip. To receive a CHP (other

than a Military CHP or a Community CHP), an eligible applicant needed to apply during the application period, which ran from February 4 through April 5, 2010 (75 FR 1595, January 12, 2010). Eligible applicants may apply for military or Community CHPs at any time.

In January 2014, NMFS implemented the Pacific Halibut Catch Sharing Plan (CSP) for the commercial and charter halibut fisheries in Areas 2C and 3A to maintain stability, economic viability, and diversity of halibut user groups by addressing allocation conflicts between participants in the commercial and charter halibut fisheries (78 FR 75844, December 12, 2013). The CSP defines an annual process for allocating halibut between the commercial and charter halibut fisheries in Areas 2C and 3A. It establishes sector allocations that vary in proportion with levels of annual halibut abundance and that balance the needs of the charter and commercial halibut fisheries over a wide range of halibut abundance in each area. Under the CSP, the Council develops recommendations to the IPHC for charter angler harvest restrictions that are intended to limit harvest to the annual charter halibut fishery catch limit in each area. The CSP replaced the Guideline Harvest Level Program for the charter halibut fishery in Areas 2C and 3A that specified predetermined harvest targets that changed in relation to changes in Pacific halibut abundance.

The CSP includes the Guided Angler Fish (GAF) Program, which authorizes limited annual transfers of commercial halibut individual fishing quota (IFQ) as GAF to qualified CHP holders for harvest by charter vessel anglers in Areas 2C or 3A. GAF and GAF permits enable CHP holders to lease a limited amount of IFQ from commercial quota share holders to allow charter vessel anglers to harvest halibut in addition to, or instead of, the halibut harvested under the daily bag limit for charter anglers. GAF harvested in the charter halibut fishery is accounted for as commercial halibut IFQ harvest.

More information on the CHLAP, the CSP, and the GAF Program is on the [NMFS Alaska Region website](#)¹ and at 50 CFR 300.65 and 300.67.

This information collection contains the applications and transfer requirements associated with CHPs and GAF permits. Associated information collections for CHP and GAF permit holders are approved under OMB control numbers 0648-0575 (Charter Recordkeeping) and 0648-0665 (Alaska Community Quota Entity [CQE] Program).

OMB Control Number 0648-0575 contains the charter halibut fishery recordkeeping requirements: the ADF&G Saltwater Sport Fishing Charter Trip Logbook, the GAF landing report, and the GAF permit log. The logbook is the primary reporting requirement for charter vessel operators, and collects information including where and when charter fishing occurs and the species and numbers of fish kept and released by the individual charter anglers. The GAF landing report collects information on each GAF halibut retained by an angler on a charter vessel fishing trip in Area 2C or 3A. GAF permit holders submit the GAF landing report through eFISH, the NMFS-approved electronic reporting system, or submit a manual GAF landing report if unable to submit electronically. A GAF permit log is printed on the back of each GAF permit and must be used by the GAF permit holder to record the confirmation number issued by eFISH and information on GAF halibut after a trip in which GAF halibut were retained.

¹ <https://alaskafisheries.noaa.gov/>

OMB Control Number 0648-0665 includes three collections that apply to CQEs representing communities that participate in the charter halibut fishery in Area 2C or 3A: the application for a Community CHP; the CQE Annual Report; and the application for transfer between IFQ and GAF for CQEs. The Community CHP application is used by CQEs that represent eligible communities to apply for a Community CHP. A CQE holding one or more Community CHPs in a calendar year must submit to NMFS an annual report that provides information on business operations and fishing activity associated with the Community CHP for each eligible community represented by the CQE. The transfer application is used when a CQE is either the transferor or transferee in a transfer between Area 2C or 3A commercial halibut IFQ and GAF.

A. JUSTIFICATION

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

Under the CHLAP, CHPs and Military CHPs are required at 50 CFR 300.67 for charter vessels operating in Areas 2C and 3A. As the application period and selection process for initial issuance of CHPs has ended, no new CHPs (other than Military CHPs and Community CHPs) will be issued, and CHPs may only be obtained through transfer. This information collection currently supports transfer of CHPs and the application for a Military CHP.

This information collection also supports transfers between commercial halibut IFQ and GAF, the issuance of GAF permits, and appeals for disapproval of transfer between IFQ and GAF. Under the CSP, regulations at 50 CFR 300.65 enable CHP holders to receive by transfer commercial halibut IFQ as GAF to provide charter vessel anglers an opportunity to harvest a number or size of halibut over and above the CSP restriction in place for Area 2C or 3A. Use of GAF and the associated GAF permit are voluntary, but the regulations require submittal and approval of a complete application for transfer in order to transfer between IFQ and GAF and for the CHP holder to receive a GAF permit.

This information collection is revised to add the annual registration requirement for CHP holders in Areas 2C and 3A, due to the associated rule that implements a requirement for these CHP holders to annually register their transferrable and non-transferrable CHPs (RIN 0648–BH94). Prior to this action, a CHP remained valid until amended, revoked, suspended, or superseded by a more recent version issued by NMFS. The annual registration requirement will not apply to Military CHPs or Community CHPs. However, a CQE may obtain and hold transferable CHPs, and these CHPs will be subject to the annual registration requirement. Annual registration is necessary because the charter halibut fishery currently lacks this process, which has limited the information available to NMFS and the Council for tracking changes in CHP ownership, participation, and latency, as well as made enforcement of CHP use difficult.

The application to be used for the annual registration of CHPs is added to this information collection.

Component	Requirement 50 CFR part 300	Form? ¹	Submission Method ²
Application for Annual Registration of Charter Halibut Permits (CHPs) [NEW]	§ 300.67(a)(4)	Yes	Mail, delivery, fax, or eFISH ³
Application for Transfer of CHP	§ 300.67(i)	Yes	mail or delivery ⁴
Application for Military CHP	§ 300.67(l)	Yes	mail, delivery, or fax ⁵
Application for Transfer Between IFQ and GAF and issuance of GAF Permit	§§ 300.65(c)(5)(ii) and (c)(5)(iii)	Yes	mail, delivery, or fax ⁵
Appeals	§§ 300.65(c)(5)(ii)(B)(4)(iii), 300.67(a)(4)(iii), and 300.67(h)(6)	No	mail, delivery, or fax ⁶

¹ Forms are available as fillable pdfs on the [NMFS Alaska Region website](#).

² **Mail:** NMFS Alaska Region, Restricted Access Management, P.O. Box 21668, Juneau, AK 99802-1668

Delivery: 709 West 9th Street, Room 713, Juneau, AK, 99801

Fax: (907) 586-7354

³ NMFS will be developing online submission of the CHP registration application through eFISH. eFISH is the NMFS Alaska Region's online Fisheries Information System.

⁴ Electronic or fax submittal is not accepted because the application requires return of the original CHPs and notarized signatures of the transferor and the transferee.

⁵ Electronic submittal other than fax is not accepted because the application requires original signatures.

⁶ **Mail or delivery:** National Appeals Office, 1315 East-West Highway, Silver Spring, MD 20910; **Fax:** (307) 713-2384

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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 Annual Registration of Charter Halibut Permit (CHP) [NEW]

The rule associated with this revision requires CHP holders in Areas 2C and 3A to annually register their CHPs. This action does not include Military CHPs (described below in section 2c) or Community CHPs (approved under OMB Control No. 0648-0665), but does include transferrable CHPs held by CQEs.

The registration process provides a systematic way to update information on holders of transferrable CHPs, improve enforcement of CHP usage on the water, and facilitate the retirement of non-transferrable CHPs. NMFS and the Council will use the information collected during the registration process to obtain updated information on CHP-holder owner information, track CHP usage and latent capacity, decrease the number of invalid versions of CHPs used, help enforce the caps on CHP ownership, and provide better understanding of CHP use and leasing behavior.

Currently, CHPs do not expire. Following implementation of this annual registration process, a CHP will only be valid for the calendar year for which it is registered. To be valid, a CHP must be registered with NMFS for the calendar year when it will be used. CHP holders may register their permits for the season any time after January 1 of that year.

There is no deadline for registration of a CHP; however, vessel operators in Areas 2C and 3A must have an original, valid CHP on board during every charter vessel fishing trip on which Pacific halibut are caught and retained. A halibut charter operator will need to ensure that a registered, valid CHP is in his or her possession before conducting a charter halibut fishing trip.

The application collects the following information:

Block A - Attachments

Check each applicable box to ensure that application is complete

- Completed Application
- Ownership and affiliation
- Power of Attorney (if applicable)

Block B – Permit Holder Information

Name of permit holder (as it appears on the CHP(s))

NMFS person ID(s)

Business name (as it appears on the CHP(s))

Permanent business mailing address and temporary mailing address (if applicable). Include city, state, and zip code.

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

Block C – Identification of Charter Halibut Permits to be Registered

Charter halibut permit number for the CHP(s) being registered

For each permit, answer yes or no to the following question: During the previous fishing year, was financial compensation received for allowing another person to use the permit?

Block D – Ownership Documentation

List the names and the percentage ownership for each person or entity that holds the CHP(s) identified in Block C. List the “first level Owners” and, if any of those are businesses, list each business and all its owner, and so on down each “level” until all individuals in the ownership chain are identified.

Block E – Identification of Affiliation

Indicate if the CHP holder is affiliated with another individual or entity.

If yes, list the names of the person with whom the applicant is affiliated at a 10 percent or greater level of ownership or control and their percentage of interest. Owner names provided in Block C do not need to be repeated here.

If no, leave the remainder of Block E blank.

Block F – Signature and Declaration of Permit Holder

Signature, date signed, and printed name of permit holder or authorized representative. If completed by representative, attach authorization.

A CHP holder will be required to submit a separate registration form for each CHP with a unique ownership structure. CHPs with the identical ownership and affiliation information may be registered on the same form. The current number of CHP holders is 558, and NMFS expects that not all CHP holders will register their permits every year. The number of respondents in the table at Question 12 is an annual maximum and consists of the 558 current holders plus 37 transfers expected to occur each year that would then need to be registered. Annually, the NMFS Restricted Access Management Program (RAM) expects to process approximately 1,000 registration applications, which equals roughly 1,000 CHPs that RAM would print and mail each year.

Start-up costs to the Federal Government are estimated at \$100,000 for an IT Specialist to develop a data entry and database to process applications and store information. In Table 14 below, this estimate has been annualized over the next two years (\$50,000 per year), as this collection will be renewed in 2021.

b. Application for Transfer of Charter Halibut Permit (CHP) [adjusted labor, postage, and photocopy costs; added note to application]

This revision adds a note to the first page of the application to remind the transferee that they must complete the separate Application for Annual Registration of Charter Halibut Permit each year before the CHP is used. This did not result in any changes to the numbers or costs associated with this instrument.

CHP holders use this application to transfer a transferrable CHP to an individual or non-individual entity that meets the eligibility requirements. Both the transferor and the transferee are required to complete and sign the application. The information collected on this application is necessary for NMFS to determine whether the transfer meets all regulatory requirements.

This application is not used by holders of Military CHPs or Community CHPs. Military CHPs are non-transferrable, and transferors of Community CHPs use a separate application approved under OMB Control No. 0648-0665.

The application period and initial issuance of CHPs ended in 2010 (other than for Military CHPs, see below, and Community CHPs, see OMB Control No. 0648-0665); therefore, a CHP may be obtained only through transfer. The CHPs were issued as either transferrable or non-transferrable, based on certain minimum participation criteria. Non-transferrable CHPs are invalid once the permit holder dies or the holding entity dissolves, or new shareholders or partners are added to the business.

The application requires return of the original CHPs.

The application collects the following information:

Attachments

Check each applicable box to ensure that application is complete

- Completed Application
- Current original CHP(s) enclosed
- Transferee ownership and affiliation
- Power of Attorney (if applicable)

Block A – Required documentation

Checklist to help participant ensure application is complete

Block B – Identification of CHP(s) to be transferred

List permit number(s)

Indicate if this transfer is a single group of “grandfathered” CHPs

If YES, indicate whether the transfer of these permits includes the sale or purchase of the transferor’s entire charter halibut business.

If NO, your transfer will not be approved as submitted.

Block C – Transferor (seller) information

Name of Transferor (as it appears on the permits)

NMFS Person ID(s)

Business name

Permanent business mailing address and temporary mailing address (if applicable)

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

Block D – Transferee (receiver) information

Indicate whether the person applying to receive the permit(s) is a U.S. Citizen or a U.S. Business with 75% U.S. ownership (individual, corporation, partnership, or other association).

If NO, STOP HERE. This person is not eligible to receive a permit.

Name of Receiver(s) (as it will appear on the permit)

Business mailing address and temporary mailing address (if applicable)

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

Block E¹ – Ownership documentation (to be completed by transferee)

Names of each person, to the individual level, holding an ownership or control interest of 10% or more in the CHP(s) being transferred

Percentage ownership each person and individual will hold in the CHP(s)

If the Transferee is a non-individual (i.e., a corporation, partnership or other entity), provide the names of and the percentage of ownership held by, all of its owners to the individual level.

Block E² – Identification of affiliation (to be completed by transferee)

Provide the names of the persons with whom the applicant is affiliated at 10% or greater level of ownership or control.

Enter percentage of interest. Do not repeat owner names provided in Block E¹.

Block F – To be completed by the transferor

Total amount being paid for the permit(s) in this transaction, including all fees

Whether this amount includes the price of the charter halibut business

Reason(s) for transferring the permit(s) (check all that apply)

Block G – To be completed by the transferee

If CHP is being used as collateral for a loan, enter name of party holding security interest or lien.

If the transfer of this CHP includes the sale of the charter halibut business, enter name of business.

If transferee currently holds other CHPs, transfer of “grandfathered” CHPs cannot be approved.

If there is an agreement to return the permit to the transferor (seller) or to transfer it to any other person, explain (use attachment if necessary).

If there is any condition requiring the resale or conveyance of the permit, explain (use attachment if necessary).

Block H – Certification of transferor

Signature, date signed, and printed name of transferor. If signed by agent, attach authorization.

Notary Public Signature, Notary Stamp or Seal, and date commission expires

Block I – Certification of Transferee

Signature, date signed, and printed name of transferee. If signed by agent, attach authorization.

Notary Public Signature, Notary Stamp or Seal, and date commission expires

The application is completed by two respondents, the transferor and the transferee.

c. Application for Military Charter Halibut Permit [adjusted labor, postage, and photocopy costs]

The Application for Military CHP is used by a Morale, Welfare, and Recreation (MWR) Program of the U.S. Armed Services to apply for a Military CHP. The information collected is necessary for NMFS to determine the applicant’s authority to apply for a CHP on behalf of the MWR Program and the eligibility of the program to receive a Military CHP.

A Military CHP is available at no cost and is required for an MWR Program to operate a charter halibut vessel in Areas 2C and 3A. A Military CHP is non-transferable, issued without angler endorsements, and is valid only in the regulatory area designated on the permit. An MWR Program may hold multiple Military CHPs; however, NMFS reserves the right to limit the number of permits.

An MWR Program may apply for a Military CHP at any time. Military CHPs do not require annual registration and do not expire.

The application collects the following information:

Attachment

Attach official documentation showing the individual completing the application has the authority to apply for a Military CHP on behalf of the MWR Program.

Block A – Military information

Enter the branch of the United States Armed Services represented.

Block B – Applicant information

Applicant's name

Business mailing address (street or P.O. Box, city, state, zip code)

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

Block C – Military charter halibut permit(s) request

List the number of MWR permits requested for each area, 2C and 3A.

Block D – MWR Program applicant signature

Signature, printed name, and rank in service of individual completing this application

Date signed

Three entities hold Military CHPs: Eielson Air Force Base MWR Program, Seward Army Resort, and the U.S. Army MWR (Ft. Greely). NMFS has issued seven Military CHPs, but none have been issued since 2012. For purposes of this analysis, one response is used.

d. Application for Transfer Between IFQ and GAF and issuance of GAF permit [adjusted labor, postage, fax, and photocopy costs]

A CHP or Military CHP holder may voluntarily participate in the GAF Program, which allows transfer of commercial halibut IFQ for use as GAF by charter vessel anglers. This application is used to transfer Area 2C or 3A commercial halibut IFQ for use as GAF or to return unused GAF to the IFQ permit holder from which it was obtained. Both the transferor and the transferee must complete and sign the application. The information collected is necessary for NMFS to determine the eligibility of the transfer to occur, to transfer GAF to the CHP holder or return unused GAF to the IFQ permit holder, and to issue a GAF permit.

On approval of the application, NMFS issues a GAF permit to the CHP holder receiving GAF. A GAF permit authorizes the CHP holder designated on that GAF permit to allow charter vessel anglers to retain halibut in excess of the effective CSP restriction, up to the limits on GAF use at § 300.65(c)(5)(iv).

CHP holders requesting GAF must specify the CHP to which the GAF permit will be linked. Each GAF permit is linked to only one CHP or Military CHP in Area 2C or Area 3A, and the link may not be changed during that year. NMFS will issue a revised GAF permit to the GAF permit holder each time during the year that it approves a transfer between IFQ and GAF for that GAF permit.

CQEs that hold Community CHPs are also eligible to receive IFQ as GAF. The application for transfer between IFQ and GAF by a CQE is approved under OMB Control No. 0648-0665.

GAF permits expire at 11:59 pm on the day prior to the automatic GAF return date. NMFS returns unused GAF to the IFQ permit from which it originated 15 days before the end of the commercial halibut fishing season for that year. GAF may not be retained by charter vessel anglers on or after this return date. No application is required for the automatic return of unused GAF.

GAF permit holders who wish to return unused GAF prior to the automatic GAF return date may use this application to transfer the GAF back to the IFQ permit holder from which it was obtained. Applications to return unused GAF are accepted only from August 1 through August 31.

NMFS will not approve an application to transfer IFQ to GAF before annual IFQ is issued for each year or after one month prior to the closing of the commercial halibut fishing season for that year. Applications to transfer IFQ to GAF will not be accepted during the one month prior to the automatic GAF return date to ensure that all GAF transactions are completed before the automatic return date.

Persons who submit an Application for Transfer Between IFQ and GAF will receive notification of NMFS's decision to approve or disapprove the transfer.

NMFS issues GAF in numbers of fish, basing the conversion between annual IFQ and GAF on average weight of halibut landed in each region's charter halibut fishery (Area 2C or 3A) during the previous year, as determined by the State of Alaska Department of Fish and Game. The number of GAF requested is deducted from or added to the annual IFQ permit in round weight equivalent pounds.

The IFQ permit holder is responsible for all IFQ cost recovery fees resulting from the transferred GAF. No fees will be assessed for any unused GAF unless it is later harvested by the IFQ permit holder. IFQ cost recovery fees are authorized under OMB Control No. 0648-0711.

To report GAF landings, the GAF permit holder must submit a GAF landing report using [eFISH](#), the NMFS-approved electronic reporting system on the NMFS Alaska Region website. The GAF landing report is authorized under OMB Control No. 0648-0575.

As the GAF program is voluntary, CHP holders can weigh their own costs and benefits of participating in the program.

The application collects the following information:

Attachments

Check each applicable box to ensure that application is complete.

- Completed application
- Copy of IFQ permit(s) enclosed
- Copy of CHP (Transferee receiving GAF must have a valid CHP)
- Power of Attorney (if applicable)

Block A – Identification of transferor (lessor)

- Name and NMFS Person ID of Transferor
- Permanent Business Mailing Address and temporary Business Mailing Address (if applicable)
- Business Telephone Number and Business Fax Number
- Business E-mail Address

Block B – Identification of transferee (lessee)

- Name and NMFS Person ID of Transferee
- Permanent Business Mailing Address and Temporary Business Mailing Address (if applicable)
- Business Telephone Number and Business Fax Number
- Business E-mail Address

Block C – Identification of IFQ and/or GAF to be transferred

- IFQ Permit Number

IPHC Area
CHP Number
GAF Permit Number (only when GAF is returning to the IFQ permit holder)
Number of GAF

Block D – Transferor supplemental information

Indicate if this was a gift.
If NO, add total amount paid for the IFQ, including fees.
Add price per pound of IFQ.
Indicate if a broker was used to facilitate the transfer.
If YES, indicate amount paid in brokerage fees.

Block E – Certification of transferor

Signature and printed name of Transferor and date signed
If authorized representative, attach authorization.

Block F – Certification of transferee

Signature and printed name of Transferee and date signed
If authorized representative, attach authorization.

The application is completed by two respondents, the transferor and the transferee. NMFS estimates that 320 applications will be received annually, which equals 640 respondents.

e. Appeals [changed title from Appeals of Disapproval of an Application for Transfer Between IFQ and GAF; adjusted labor and postage costs; and revised text]

If NMFS disapproves an Application for Transfer Between IFQ and GAF or an Application for Annual Registration of CHP, NMFS will provide the reason in writing by mail, posted on the date of that decision, and provide the applicant with a 30-day evidentiary period to correct deficiencies in the application. NMFS will send an Initial Administrative Determination (IAD) to the applicant following the expiration of the 30-day evidentiary period if NMFS determines there is sufficient reason to deny the application. An applicant that receives an IAD may appeal the decision pursuant to 15 CFR part 906.

No appeals have been made. For purposes of this analysis, one response is 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

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 (the Information Quality Act), which requires NMFS to ensure the quality, objectivity, utility, and integrity of information it publicly disseminates. Public dissemination of data collected by this information collection is governed by NOAA's information quality guidelines, which were issued on October 30, 2014.²

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. CHP holders, GAF permit holders, CHP transfers,

² http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html

and GAF transfers are posted on the NMFS Alaska Region website. Personally identifiable information and confidential business information submitted in an administrative appeal are not released to the public. Final administrative appeal decisions with redactions are posted on the NMFS National Appeals Office website.³

NMFS and the National Appeals Office 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 Question 10 of this Supporting Statement for more information on confidentiality and privacy.

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.

NMFS Alaska Region is working toward offering more on-line services.

The applications are available on the [NMFS Alaska Region website](#) as fillable pdfs for participants to download, print, and mail or deliver to NMFS. Electronic or fax submittal of the CHP transfer application is not accepted because the application requires return of the original CHPs and notarized signatures of the transferors and the transferees or their authorized representatives. The Military CHP application and the application for transfer between IFQ and GAF may be submitted by fax. Electronic submittal other than fax is not accepted for these applications because they require original signatures.

The CHP annual registration application may be submitted by fax. NMFS will be developing online submission of this application through eFISH. eFISH is NMFS Alaska Region's online Fisheries Information System.

In addition to providing a method to submit applications, eFISH provides online access to participants' NMFS permit accounts. eFISH allows participants to check account balances, vessel balances, and landing ledger reports; quota share holdings reports, processor quota share holding reports from various fisheries; report landings; conduct quota transfers; renew certain fishery permits; report a GAF landing; and check a GAF permit balance.

Permit holders access eFISH through a User ID and password issued by NMFS. Instructions for using eFISH are posted on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/node/30749>.

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.

³ <https://www.fisheries.noaa.gov/about/office-management-budget>

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

This information collection impacts small entities but does not impose a significant effect on them. NMFS has attempted to minimize the burden of this collection on small entities.

The addition of the annual registration requirement for CHPs is not expected to have a significant economic impact on a substantial number of the small entities directly regulated by this action. The information requested in the registration application should be readily available to the CHP holder and does not require specific port, vessel, or user information that could unduly constrain charter operators in unpredictable circumstances.

Military CHPs and Community CHPs do not expire and are not required to be registered annually, which saves these permit holders the time burden and expense of registration. As Military CHPs and Community CHPs were issued to provide access opportunities for military personnel and economic benefits to small rural communities, an annual registration process that could result in limiting the use of these permits would be inconsistent with the purpose of these special permits. Additionally, Community CHPs have an existing annual reporting requirement.

CHP transfers and transfers between IFQ and GAF are voluntary and done only when the permit holder deems necessary.

A toll-free phone number is available for participants to contact NMFS Restricted Access Management staff for help or information.

All of the applications in this information collection are available online as fillable pdfs. The Military CHP application and the application to transfer between IFQ and GAF may be submitted by fax. The application for annual registration of a CHP may be submitted by fax. By 2021, NMFS expects respondents will be able to submit the CHP registration application by eFISH, the NMFS-approved electronic reporting system. eFISH may also be used to check a GAF permit balance, enter GAF landings, and report a GAF landing.

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

It would not be possible to effectively manage the CHLAP, the CSP, or carry out the mandates of the Halibut Act and the Magnuson-Stevens Act if this collection were not conducted or conducted less frequently. This information collection is required to manage commercial and charter halibut fishing under the Halibut Act, the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*), and under 50 CFR parts 300 and 679. It provides the Council and NMFS with information about the organization and fishing activity of charter halibut businesses, and provides a process to track and limit the number of CHPs and to transfer halibut between the commercial and charter halibut sectors. This information and process are necessary to reduce overcrowding of productive halibut grounds and address allocation conflicts between commercial and charter halibut fisheries participants, while balancing the needs of all who depend on halibut for food, sport, or livelihood.

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

1 This collection will be conducted in a manner consistent with OMB guidelines.

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-BH94) was published in the *Federal Register* on August 8, 2019 (84 FR 38912), soliciting public comment. The comment period ended on September 9, 2019. Nine comments were received on the information collection requirements in this request, and NMFS identified and considered ten unique, relevant comments. The comments are summarized and responded to below. No changes were made to the information collection as a result.

Comment 1: We support the CHP annual registration requirement because it will allow for more effective enforcement of transfer provisions, ownership caps, non-transferable permit retirement, and provide a more accurate picture of CHP ownership and leasing. We urge the Agency to have the annual registration in effect for the 2020 charter season.

Response: NMFS acknowledges this comment.

Comment 2: An additional benefit of an annual registration requirement is that in the event a CHP holder passes away, this requirement will serve as a notification of the existence of the CHP and may prompt a transfer in ownership that could keep the permit active rather than remaining latent and unused.

Response: NMFS acknowledges this comment.

Comment 3: We encourage all steps directed at reforming charter halibut management toward a more stable, transparent environment for invested operators.

Response: NMFS acknowledges this comment.

Comment 4: All legal halibut charter operators have to have a CHP on board when they retain halibut on a charter trip, and they are all required to fill out and file Alaska Department of Fish & Game (ADF&G) Logbook Reports for each trip. ADF&G collects and tabulates the CHP catch data weekly and annually by owner, operator, and CHP number. NOAA, NMFS, and the Council have access to this same data, making this collection unnecessary.

Response: NMFS disagrees. The Alaska Department of Fish & Game Saltwater Charter Logbook contains the CHP number and holder name used for each trip, but it does not contain any additional information about the CHP holder, such as whether the CHP has been leased in the previous year, or information about the ownership and affiliation structure related to the permit.

The CHP annual registration requirement is intended to facilitate retirement of non-transferable permits when ownership changes, improve the ability of enforcement agents to ensure valid permits are being used on the water, and improve understanding of temporary leasing behavior.

Comment 5: Transferable CHP owners are required to file a nine-page NOAA Application for Transfer of CHP when they permanently transfer their CHP. Therefore, NOAA already gets updated ownership information for CHP holders.

Response: NMFS acknowledges that updated CHP holder information is supplied when a CHP is transferred but disagrees that transfers alone are sufficient to provide information for all fishery participants. On average, only about 5 percent of CHPs are transferred each year, which leaves an information gap for the overwhelming majority of CHP holders, particularly as some CHPs may never be transferred. This action provides regularly updated information, which is not currently collected, from all active CHP holders.

Comment 6: CHP holders already have a large list of licenses, permits, registrations, and contracts to complete each year. Adding an annual registration requirement adds additional paperwork burden, which is not worth it. If registration must be required, it should only occur every 10 years, at the most frequent.

Response: The annual registration requirement is designed to efficiently address the Council's management objectives. The annual registration requirement regularly documents and updates ownership information, facilitates the retirement of nontransferable permits, and identifies whether the CHP holder received financial compensation for leasing their permit(s). Longer registration intervals would allow active CHP information to fall out of date, which would fail to meet the Council's management objectives. The burden and costs of compliance to accomplish these objectives will be minimal. Annual registration is expected to take an average of 15 minutes per application and estimated to impose less than \$20 in labor costs and other expenses related to submittal. There is no fee from the agency for the annual registration process. Additionally, the CHP holder is not required to submit the CHP annual registration on a specific date, and may submit the annual application shortly before starting charter operations, further reducing the potential burden for applicants.

Comment 7: Whether financial compensation was received for use of a CHP should not matter.

Response: NMFS disagrees. The Council requested this information to inform potential future management action related to CHP leasing that occurs. Currently, no information about CHP leasing is collected or available. Furthermore, by gathering this information as a simple "yes" or "no" question, the reporting burden on the CHP holder is minimized.

Comment 8: Financial compensation for use of a CHP needs to be defined.

Response: NMFS agrees, financial compensation refers to CHP leasing or "leasing-like" behavior where some type of payment is received for allowing another to use the CHP. Clear instructions are provided on the CHP annual registration form to guide CHP holders in responding to this question.

Comment 9: There should not be a fee associated with completing the annual registration form.

Response: There is no agency fee charged to complete or submit the CHP annual registration.

Comment 10: Please specify who is responsible for completing and submitting the CHP annual registration. What if a CHP is being leased or a lienholder is retaining ownership of the CHP prior to pay off while another person uses it? Would the inactive CHP owner of record, or the active purchaser/user of the CHP, or both, be responsible for registration? Also, leasing should be prohibited for nontransferable CHPs.

Response: NMFS acknowledges this comment. The current CHP holder (owner of record) is responsible for annual registration of the CHP. Once the CHP transfer is completed and approved, the new CHP holder will be responsible for completing the annual registration prior to being issued a valid CHP. Modifications to the CHP transfer process and CHP leasing provisions are not addressed and are outside the scope of this rule.

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.

All information collections by NMFS Alaska Region are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, *et seq.*) and under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

The System of Records Notice that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). An amended Privacy Act system of records notice was published in the *Federal Register* on August 7, 2015 (80 FR 47457), and became effective September 15, 2015 (80 FR 55327).

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.

Information Collection	Type of Respondent (e.g., Profession)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Application for Annual Registration of CHP	Fisherman	595	1.68067	1000	15 min	250	\$23.84 [†]	\$5,960
Application for Transfer of CHP	Fisherman	74	1*	37	2 hr	74	\$23.84 [†]	\$1,764
Application for Military CHP	Military Personnel	1	1	1	0.5 hr	1	\$24.87 [‡]	\$25
Application for Transfer Between IFQ and GAF and Issuance of GAF Permit	Fisherman	640	1*	320	1.5 hr	480	\$23.84 [†]	\$11,443
Appeals	Fisherman	1	1	1	4 hr	4	\$23.84 [†]	\$95
Totals				1359		809		\$19,287

* The application is completed by two respondents, the transferor and the transferee.

[†]Mean hourly wage. Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations), Sector 11 (Agriculture, Forestry, Fishing and Hunting). [May 2018 Occupational Employment Statistics Research Estimates, Alaska](#).

[‡] Mean hourly wage. Occupation Code 39-9032 (Recreation Workers), Sector 99 (Federal, State, and Local Government, excluding state and local schools and hospitals and the U.S. Postal Service [OES Designation]). [May 2018 Occupational Employment Statistics Research Estimates, Alaska](#).

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 #12 above).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Response	Total Annual Cost Burden
Application for Annual Registration of CHP	595	1.68067	1000	\$1.30	\$ 1,300
Application for Transfer of CHP	74	1*	37	\$22.06	\$ 816
Application for Military CHP	1	1	1	\$0.85	\$ 1
Application for Transfer Between IFQ and GAF and Issuance of GAF Permit	640	1*	320	\$2.18†	\$ 698
Appeals	1	1	1	\$501.00	\$ 501.00
TOTALS			1,359		\$ 3,316

* The application is completed by two respondents, the transferor and the transferee.

† An average was used because some respondents submit their applications by mail and some by fax.

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

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZS 4/4	105,619	33%		\$34,855
Contractor Cost					0
Travel					0
Other Costs					
Mailing costs and supplies					\$1,386
Special permit paper					\$4,000
Start-up costs for CHP annual registration (develop data entry, database to process applications, store information)					\$50,000
TOTAL					\$90,241

* Start-up costs for the new CHP registration application are estimated at \$100,000. This estimate has been annualized over the next two years (\$50,000 per year), as this collection will be renewed in 2021.

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

Program Change

This revision adds a new information collection, the Application for Annual Registration of CHP, due to a new requirement for CHP holders in Areas 2C and 3A to annually register their CHPs (RIN 0648–BH94). Military CHPs and Community CHPs are not subject to this requirement. Community CHPs are approved under OMB Control Number 0648-0665.

Adjustments

Postage, photocopy, and fax costs were increased based on the most recent data for these costs. Labor costs were updated based on the most recently available Bureau of Labor Statistics data for Alaska (May 2018).

Summary of Current and Previous Time and Cost Burden Estimates to the Public

	Respondents		Responses		Burden Hours		Labor Costs		Miscellaneous Costs	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
Application for Annual Registration of CHP [new]	595	-	1,000	-	250	-	\$5,960	-	\$1,300	-
Application for Transfer of CHP [adjusted]	74	74	37	37	74	74	\$1,764	\$2,738	\$816	\$777
Application for Military CHP [adjusted]	1	1	1	1	1	1	\$25	\$37	\$1	\$1
Application for Transfer Between IFQ and GAF and Issuance of GAF Permit [adjusted]	640	160 [†]	320	320	480	480	\$11,443	\$17,760	\$698	\$505
Appeals [adjusted]	1	1	1	1	4	4	\$95	\$148	\$501	\$500
Total for Collection (Public)	639*	236	1,359	359	809	559	\$19,287	\$20,683	\$3,316	\$1,783

* Unique respondents. Some participants in the CHLAP and CHP programs submit more than one component of this information collection. Therefore, the number of unique respondents is used to show the estimated number of separate participants who are expected to annually submit information during the renewal period for this information collection. Most of the 639 unique respondents are CHP holders, with about 80 being IFQ permit holders.

[†] The previous supporting statement incorrectly reported the number of respondents as 160.

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

Results of this information collection are available to the public on the NMFS Alaska Region website. Lists of the current year's CHP holders and GAF permit holders are posted. Also posted are spreadsheets of CHP transfer data since 2012 that summarize transaction counts and prices, and spreadsheets of GAF transfer data since 2014 that summarize average price per pound and transaction counts and prices.

Final administrative appeal decisions with redactions are posted on the [NMFS National Appeals Office website](#).

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 will be displayed on all forms.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.