

**EMERGENCY CLEARANCE REQUEST
SUPPORTING STATEMENT PART A
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Revision to Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota
(IFQ) in 2020.
OMB Control No. 0648-XXXX**

Abstract

This request is for emergency clearance of a new information collection (OMB Control No. 0648-XXXX): Revision to Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) in 2020.

National Marine Fisheries Service (NMFS) Alaska Region is submitting this emergency request for a new information collection due to an associated emergency rule (RIN 0648-BJ88) that will modify the temporary transfer provision of the IFQ Program for the fixed-gear commercial Pacific halibut and sablefish fisheries for the 2020 IFQ fishing year. Travel restrictions and health mandates due to the COVID-19 pandemic have severely impacted Individual Fishing Quota (IFQ) fishing operations and resulted in substantial logistical challenges and costs for fishery participants and coastal communities. This action makes a minor revision to the Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) and will increase the number of estimated total respondents, responses, burden hours, and costs for this form, which is approved under OMB control number 0648-0272. Because 0648-0272 is currently being revised by a rule (RIN 0648-BJ34) that overlaps with this emergency rule, the urgent need to implement the emergency rule, and the fact that this change will only be needed through the end of the 2020 fishing year, a new temporary information collection is being used for the change to the application. This new control number will cover only the additional respondents, responses, burden hours, and costs for this form that result from this emergency rule. The new information collection will be discontinued after the end of the 2020 IFQ fishing year.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The International Pacific Halibut Commission (IPHC) and 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 (Convention). Regulations pursuant to the Convention are set forth at 50 CFR Subpart E.

The North Pacific Fishery Management Council (Council), under the authority of the Halibut Act (with respect to Pacific halibut) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*; Magnuson-Stevens Act) (with respect to sablefish), manages the fixed gear Pacific halibut and sablefish Individual Fishing Quota (IFQ) 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.

NMFS and the Council developed the IFQ Program to reduce fishing capacity that had increased during years of management as an open-access fishery. The IFQ Program provides coastal Alaska communities a source of revenue, while maintaining the social and economic character of the fixed-gear sablefish and halibut fisheries. The IFQ Program provides economic stability for these fisheries while reducing many of the conservation and management problems commonly associated with open-access fisheries. The IFQ Program includes several provisions, such as ownership caps and vessel use caps that protect small producers, part-time participants, and entry-level participants that otherwise could be adversely affected by excessive consolidation.

On April 7, 2020, NMFS received a request to consider emergency action under section 305(c) of the Magnuson-Stevens Act to revise the IFQ transfer provisions to provide greater flexibility to transfer IFQ to alleviate constraints imposed by ongoing health mandates and travel restrictions due to the COVID-19 pandemic. On April 16, 2020, NMFS notified the Council of the request to provide an opportunity for the Council to consider the request. The Council held a special meeting on May 15, 2020, to consider this request, among other matters. The Council recommended that NMFS implement an emergency rule to provide greater flexibility to transfer IFQ.

IFQ is eligible to be temporarily transferred in limited exceptions. The emergency rule (RIN 0648-BJ88) will implement a temporary IFQ transfer that is applicable only during the 2020 IFQ fishing year and allows all QS holders to transfer their IFQ for the remainder of the 2020 fishing year. This emergency rule will allow the Regional Administrator to approve a completed application for temporary transfer of halibut or sablefish IFQ, derived from categories B, C, or D QS.

This emergency rule is in response to an unforeseen and recently discovered circumstance that has prompted increased restrictions in travel and health mandates. Government health mandates and travel restrictions in response to the COVID-19 pandemic during the 2020 IFQ season (March 14, 2020 through November 15, 2020) may limit the ability of some fishery participants to travel to various ports in Alaska, and may constrain fishing operations while these provisions are in place. These restrictions present serious problems in managing the IFQ Program. Without the timely implementation of increased flexibility to temporarily transfer IFQ, it is likely that a significant portion of the harvest will be foregone. The associated loss in harvesting and processing revenues would likely impact the harvesters, crew, and communities that are active in the IFQ Program.

Existing regulatory limitations on the transfer of IFQ, the annual harvesting privilege issued under the IFQ Program, constrain the transfer of allocations to other fishery participants. This emergency rule is intended to provide flexibility to quota share (QS) holders in 2020 while preserving the long-standing objective of maintaining an owner-operated IFQ fishery in future years. This information collection is necessary for individual IFQ holders to obtain the benefits and additional flexibility allowed under this emergency rule.

This emergency rule will temporarily modify regulations at 50 CFR 679.41 and will be effective for a period of 180 days after the date of publication.

This emergency rule revises § 679.41(h)(2) to modify the conditions under which IFQ may be transferred. This emergency rule adds a new regulatory paragraph at § 679.41(p) that describes the process for applying for, and completing a temporary IFQ transfer for the 2020 IFQ fishing year.

The temporary IFQ transfer process described at § 679.41(p) is separate and distinct from other transfer provisions under the IFQ Program, but it uses the same administrative process and requires the same information to be submitted to the Agency as other temporary transfer provisions approved under OMB control number 0648-0272.

Rationale for Using a New Control Number and Not a Change Request or Revision to OMB Control Number 0648-0272

The Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) is approved under OMB Control Number 0648-0272. OMB Control No. 0648-0272 is currently being revised by a rule (RIN 0648-BJ34) that overlaps and is slightly behind this emergency rule. A revision for -0272 was submitted with BJ34 at the proposed rule stage. BJ34 is currently at the final rule stage and expected to publish after the emergency rule.

BJ34 will revise regulations governing temporary military transfers of IFQ. This will result in removing a redundant form, centralizing all non-medical temporary transfers into a single form (the Application for Temporary Transfer of Halibut/Sablefish IFQ), and simplifying the temporary IFQ transfer process for the public and for agency administrators.

Because 0648-0272 is being revised by BJ34, and due to the urgent need to implement the emergency rule and that this change will only be needed through the end of the 2020 fishing year, a new temporary information collection is being used for the change to the application. The new information collection will cover only the additional respondents, responses, burden hours, and costs for this form that result from this emergency rule. The new information collection will be discontinued after the end of the 2020 IFQ fishing year.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

QS holders wishing to transfer their IFQ under this emergency rule need to complete an Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ). A temporary IFQ transfer, like this emergency action, is valid only for the calendar year in which it is approved. All individual QS holders who hold catcher vessel IFQ will be eligible to use this temporary provision.

The Application for Temporary Transfer of Halibut/Sablefish IFQ, which is approved under OMB control number 0648-0272, currently can be used for several temporary transfers, including Category A IFQ transfer, surviving beneficiary transfer, military service transfer, and transfers to CDQ groups in Areas BCD in times of low halibut abundance. Specific regulatory criteria must be met before any of these transfers are approved. A temporary IFQ transfer is valid only for the calendar year in which it is approved. The information required by this application is necessary to ensure that IFQ are transferred in compliance with the regulations governing the buying, selling, or gifting of IFQ.

This application is revised to add a check box to Block A with the text “Temporary Transfer for the 2020 fishing year only.” QS holders will check this box to request the temporary transfer allowed under this emergency rule. The instructions for the form are revised to include a note that states for the 2020

IFQ fishing year only, all QS holders may request a temporary IFQ transfer.

The new information collection will cover only the additional respondents, responses, burden hours, and costs for this form that result from this emergency rule. NMFS estimates up to 40 percent of the QS holders may request this temporary transfer. As there are currently 2,303 QS holders, this could result in up to 921 QS holders, or 1,842 respondents as the transferee and transferor both complete the application. To avoid the possibility of double counting, the 742 respondents that are estimated for this application under OMB Control Number 0648-0272 are subtracted, resulting in an estimated 1,100 respondents for this new collection.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ), is posted as a fillable pdf on the NMFS Alaska Region website at www.alaskafisheries.noaa.gov and may be downloaded, printed, and submitted to NMFS by mail, delivery, or fax.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

This information collection uses the Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ), which is approved under OMB control number 0648-0272. Because 0648-0272 is currently being revised by a rule that overlaps this emergency rule (RIN 0648-BJ34), and due to the need for timely implementation of the emergency rule and that this new collection will only be needed through the end of the 2020 fishing year, a new temporary information collection is being used for the change. To avoid double counting and duplication, the respondents, responses, burden hours, and costs reported under this new control number account for only the additional catcher vessel QS holders who NMFS anticipates will apply for this new temporary transfer.

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

NMFS attempts to minimize the burden of this collection on all respondents. The methods include 1) adding a checkbox to an existing form, which will not require additional recordkeeping costs; 2) collecting only information necessary to manage the IFQ Program, and 3) a toll-free phone number for participants to contact NMFS Restricted Access Management for help with the collection. Additionally, respondents are only required to submit this collection of information if they wish to receive the benefit to those applying for a transfer.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Specific regulatory criteria must be met before NMFS approves a temporary transfer. The information required by the Application for Temporary Transfer of Halibut/Sablefish IFQ, is necessary to ensure that

IFQ are transferred in compliance with the regulations governing the buying, selling, or gifting of IFQ.

This emergency rule is in response to government health mandates and travel restrictions during the 2020 IFQ season (March 14, 2020 through November 15, 2020) that may limit the ability of some fishery participants to travel to various ports in Alaska, and may constrain fishing operations while these provisions are in place. These restrictions present serious problems in managing the IFQ Program. If the collection the information that is sought through this emergency ICR were not conducted or conducted without timely implementation, , it is likely that a significant portion of the IFQ harvest will be foregone. The associated loss in harvesting and processing revenues would likely impact the harvesters, crew, and communities that are active in the IFQ Program.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Because this is a request for an emergency approval, NMFS asks that the comment period be waived. NMFS will publish an emergency rule (RIN 0648-BJ88) in the *Federal Register* announcing the emergency ICR.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees

No payment or gift is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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 or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the

specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not include questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Revision to Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) in 2020	IFQ holders; CDQ group representatives	1,100 ^{1/}	1	550	2 hrs	1,100	\$23.46 ^{2/}	\$25,806

^{1/} The application is completed by two respondents: the transferor and the transferee.

^{2/} Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations), Sector 11 (Agriculture, Forestry, Fishing and Hunting). [May 2019 Occupational Employment Statistics Research Estimates, Alaska](#)

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent* (h)	Total Annual Cost Burden (i)= (c) x (h)
Revision to Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) in 2020	1,100 ^{1/}	1	550	\$11 (postage, photocopy, fax, notary)	12,100

^{1/} The application is completed by two respondents: the transferor and the transferee.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

A cost recovery program is in effect for the IFQ Program. Under this cost recovery program, NMFS is authorized to collect direct program costs from the permit holders. Therefore, the information collection requirements of the IFQ Program do not impose a cost on the Federal Government.

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

This is a new collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

NMFS publishes some information from this collection on the NMFS Alaska Region website. A list of QS holders is posted that includes the business name and address, species, regulatory area, and number of QS units.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.