

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Prohibited Species Donation (PSD) Program
OMB Control No. 0648-0316

Abstract

The National Marine Fisheries Service (NMFS), Alaska Regional Office, requests extension of this currently approved information collection for the Alaska PSD Program. The PSD Program was initiated in 1994 to reduce the amount of edible protein discarded under prohibited species catch regulatory requirements (50 CFR 679.21). Unless you are a PSD permit holder, all prohibited species catch must be avoided by vessels.

Salmon and Pacific halibut are considered prohibited species for vessels fishing in the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries. If a person is a participant in the PSD Program under 50 CFR 679.26, the incidentally caught salmon and Pacific halibut may be donated to the PSD Program. This Program allows permitted seafood processors to retain salmon and halibut bycatch for distribution to economically disadvantaged individuals through tax exempt hunger relief organizations.

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. Current participants in the PSD program administered by SeaShare include 12 shoreside processors and 136 catcher vessels delivering to these shoreside processors, 34 catcher/processors, and 3 motherships.

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.

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) is managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). These fishery management plans (FMPs) were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act, [16 U.S.C. 1801](#) *et seq.* Regulations governing the Alaska groundfish fisheries and implementing the FMPs appear at [50 CFR parts 600](#) and [679](#). An organization seeking to distribute salmon bycatch and halibut bycatch under the PSD Program must submit an

application to become a PSD distributor. [50 CFR 679.26](#) authorizes the voluntary distribution of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through an authorized distributor. The Administrator, Alaska Region, NMFS (Regional Administrator), may select one or more tax-exempt organizations to be authorized distributors, as defined by 50 CFR 679.2, based on the information collected and submitted by applicants under 50 CFR 679.26.

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.

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 50 CFR 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*. This is an ongoing information collection every 3 years, and the collection requirements have not changed over time.

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 application to become a PSD distributor is submitted to NMFS as an attachment to email. There is no form. 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.

The following information is submitted by an applicant to become a NMFS authorized distributor for the PSD Program:

- 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 final permits are publicly posted on the NMFS website. 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 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 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://www.fisheries.noaa.gov/permit/alaska-prohibited-species-donation-program-application>. The final permits posted on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/commercial-fishing/permits-and-licenses-issued-alaska#prohibited-species-donation-program>.

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.

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 impacts small businesses or other small entities, describe any 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.

NMFS attempts to minimize the burden of this information collection by collecting only information necessary to manage the PSD Program.

A distributor only needs to apply every 3 years since the PSD permit is valid for 3 years.

There is no form for this application. The application information may be emailed to NMFS, and NMFS works with the applicant to expedite the process to get the permit notice published in the Federal Register so that the permit is effective for 3 years from the publication date.

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.

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 would cause an information collection to be conducted in a manner:

This information collection is conducted in a manner consistent 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.

A *Federal Register* notice was published on June 24, 2020 (85 FR 37875), to solicit public comment. The comment period ended on August 24, 2020. No comments were received from the *Federal Register* notice.

In addition, NMFS reached out to SeaShare, the one PSD Program applicant, via email to ask whether the estimated burden hours and costs of working on an application were accurate. Seashare responded on August 10, 2020, to say our estimates were accurate and estimated their hourly rate at \$35. In response to this comment, NMFS has updated the hourly wage rate in the table in question #12 to \$35.

9. Explain any decision to provide any payment or gift 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 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.

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.

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

The Privacy Impact Assessment that covers this information collection is [NOAA NMFS Alaska Region Local Area Network \(NOAA4700\)](#).

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 involve information of a sensitive nature.

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

To date, only one participant, SeaShare, has applied for and retained a PSD permit. As the application is submitted once every 3 years, the total annual burden hours and total annual wage costs are annualized. SeaShare provided the hourly wage rate used in this table.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/ year (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)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Application to become a NMFS authorized distributor	Executive Director	1	1 response every 3 yrs	1 response every 3 yrs	50	50 hrs / 3 = 17 hrs	35	50 hrs x \$35 / 3 = \$583
Totals				1		17		\$583

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).

To date, only one participant, SeaShare, has applied for and retained a PSD permit. As the application is submitted once every 3 years, the total annual cost burden is annualized. Operating costs account for the typical inclusive general office services packages that include expenses for email, fax, copying, mailing, printing, and internet.

Information Collection	# of Respondents/year (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)
Application to become a NMFS authorized distributor	1	1 response every 3 yrs	1 response every 3 yrs	Operating Costs = \$5	\$5 / 3 = \$2
TOTALS	1		1		\$2

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.

As the application is submitted once every 3 years, the total cost to the Federal Government is annualized.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	11/6	\$126,940	15%		\$19,041 / 3 = \$6,347
Other Federal Positions					—
Contractor Cost					—
Travel					—
Other Costs:					—
TOTAL					\$6,347

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

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Application to become a NMFS authorized distributor	1	1	1	1	17	17	No Change
Total for Collection	1	1	1	1	17	17	
Difference	0		0		0		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Application to become a NMFS authorized distributor	583	629	2	0	Labor cost: The cost decreased due to the hourly wage rate estimate provided by SeaShare. Misc. Cost: The cost was revised to account for typical inclusive general office services packages.
Total for Collection	\$583	\$629	\$2	\$0	
Difference	- \$46		2		

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.

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 that display would be inappropriate.

The expiration date is on the pdf of the application instructions posted on our website at <https://www.fisheries.noaa.gov/permit/alaska-prohibited-species-donation-program-application>.

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

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).