

JUSTIFICATION FOR CHANGE
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Individual Fishing Quotas for
Pacific Halibut and Sablefish in the Alaska Fisheries
OMB Control No. 0648-0272

RIN 0648-BK76

The National Marine Fisheries Service (NMFS), Alaska Region, requests to change this information collection due to the associated rule (RIN 0648-BK76) to remove pot gear tag requirements in the sablefish Individual Fishing Quota (IFQ) fishery in the Gulf of Alaska (GOA) and remove requirements to obtain and submit a notary certification on application forms submitted under the halibut and sablefish IFQ Program, Charter Halibut Limited Access Program, Community Quota Entity (CQE) Program, License Limitation Program (LLP), and the Crab Rationalization Program. This action removes recordkeeping and reporting requirements that are no longer necessary and is intended to reduce administrative burden on the regulated fishing industry and NMFS. NMFS proposes to remove the notary certification from five forms in this collection. In addition to the changes due to the rule, a minor technical correction is made to correct the supporting statement, which erroneously lists a notary cost for a report that does not have notary requirements. OMB/OIRA has authorized this change request.

The rule also affects information collection requirements approved under OMB Control Numbers 0648-0272 (Alaska Pacific Halibut and Sablefish Fisheries: IFQ); -0334 (Alaska LLP for Groundfish, Crab, and Scallops); -0353 (Alaska Region Gear Identification Requirements); -0514 (Alaska Region Crab Permits); -0575 (Alaska Pacific Halibut Fisheries: Charter); and -0665 (Alaska CQE Program). Concurrent with this request to change 0648-0272, NMFS is submitting separate requests for these collections.

This information collection contains the requirements for the Pacific Halibut and Sablefish Individual Fishing Quota Program (IFQ Program). This information collection is necessary to manage the IFQ Program and is required to manage commercial halibut and sablefish fishing under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (16 U.S.C. 1801 *et seq.*), the [Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c](#), and under regulations at 50 CFR parts [300](#) and [679](#). This information is used to identify and authorize participants in the halibut and sablefish fisheries, to track and transfer quota share, to limit transfers to authorized participants, and to monitor quota share balances and harvest in these fisheries.

Reason for Changing this Collection

In April 2021, the Council requested NMFS propose regulations to remove the requirement to obtain a notary certification on IFQ Program transfer applications, as well as to remove the requirements for sablefish IFQ fishermen using longline pot gear in the GOA to annually register their vessel to participate in this fishery and obtain and mark their gear with pot gear tags. This rule (RIN 0648-BK76) would modify recordkeeping and reporting requirements to remove pot gear tag requirements in the sablefish IFQ fishery in the GOA and remove requirements to obtain and submit a notary certification on application forms submitted under the halibut and sablefish

IFQ Program, Charter Halibut Limited Access Program, CQE Program, LLP, and the Crab Rationalization Program.

The primary purpose for requiring a notary certification was to prevent fraud and forgery by requiring the personal presence of the signer and satisfactorily identifying the signer. The Council determined, and NMFS agrees, that this requirement is unnecessary and administratively burdensome on the fleet and NMFS alike.

All application forms submitted to NMFS would continue to include a certification attesting to agreement with a statement that the information submitted on the application form is true, correct, and complete. This certification is sufficient to deter fraud and forgery, and to adequately enforce fraud and forgery should it occur. In addition, NMFS has identified that the requirement for notary certification is not consistently applied on all applications forms used by NMFS, and fraud and forgery have not been identified as significant concerns. This rule would remove a requirement that is not necessary to enforce or deter fraud and forgery and is consistent with other application forms that NMFS administers.

Removing the notary requirement would streamline the application process, reduce the cost of submitting application forms to NMFS, and reduce the handling time necessary for NMFS to process and approve application forms. Without the notary requirement, there would be additional flexibility for applicants to sign and then electronically submit their applications to NMFS.

Changes to the Applications in this Collection

The following table shows the forms and regulations that will be changed by this rule.

Form	Notary Certification on Form?	Notary Certification Required in Regulation at 50 CFR—
Application for Eligibility to Receive QS/IFQ	Yes	None
Application for Transfer of QS	Yes	679.41(c)(3)
Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)	Yes	679.41(c)(3) 679.41(m)(3)(v)
Application for Transfer of Quota Share To or From a Recreation Quota Entity (RQE)	Yes	679.41(c)(3)
Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity (RQE)	Yes	679.41(n)(2)(iii)(D)

The notary certification requirements will be removed from the regulations listed in this table.

The Application for Eligibility to Receive QS/IFQ requires an applicant to obtain and submit a notary certification. This requirement is not included in regulations and will be removed from the form.

The fields for the notary’s signature, date commission expires, and stamp or seal will be removed from the five forms. These forms may now be submitted to NMFS by fax, and instructions on

fax submittal have been added to the forms. Fax submittal was previously not accepted because of the notary requirements.

Removing the notary certification decreases the cost of submitting these applications to NMFS by removing the fee for a notary’s service. For the three transfer forms, a notary certification was required for both the transferor and transferee. NMFS had estimated the cost of a notary fee at \$10. Subject to public comment, no change is made to the estimated reporting burdens for these applications as the estimates allow for differences in the time needed to complete and submit the applications. The table below shows the change in total miscellaneous costs of these applications from the previous approval of this collection.

In addition to the changes due to the rule, one minor technical correction is made to the supporting statement. The supporting statement incorrectly shows a notary cost for the Annual Report for CDQ IFQ Transfers. There is no form for this collection instrument and no notary requirement. This error was included in the information collection under which this report was originally approved (OMB Control No. 0648-0764), and the error has been carried forward. This report is part of a voluntary program implemented only in times of low halibut abundance. To date, no reports have been submitted to NMFS. NMFS anticipates 0 respondents and responses at this time. However, in the long term, we expect an average 2 responses per year.

Information Collection	Miscellaneous Costs		Reason for Change or Adjustment
	Current	Previous	
Application for Eligibility to Receive QS/IFQ	540	1,620	Program change to remove notary requirement
Application for Transfer of QS	3,680	11,040	Program change to remove notary requirement
Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)	5,000	15,000	Program change to remove notary requirement
Application for Transfer of Quota Share To or From a Recreation Quota Entity (RQE)	105	315	Program change to remove notary requirement
Application for a Non-profit Corporation to be Designated as a Recreational Quota Entity (RQE)	0 ¹	0 ¹	Program change to remove notary requirement
Annual Report for CDQ IFQ Transfers	10	30	Correction to the supporting statement to remove the notary cost, which was erroneously included in the miscellaneous costs for this report
Total for Collection	\$28,225	\$46,895	
Difference	- \$18,670 [-\$18,650 change] [-\$20 adjustment]		

¹This application is not expected to be used during this renewal period because the RQE has been established and is not expected to change.

Submission with Proposed Rule and Solicitation of Comments

A proposed rule (RIN 0648-BK76) soliciting public comments will be published coincident with this submission.