

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Alaska License Limitation Program for Groundfish, Crab, and Scallops
OMB Control No. 0648-0334

Abstract

The National Marine Fisheries Service (NMFS) Alaska Region requests extension of this currently approved information collection, which supports transfer of License Limitation Program (LLP) licenses for the commercial groundfish, crab, and scallop fisheries. The intended effect of the LLP is to limit the number of participants and reduce fishing capacity in fisheries in the Exclusive Economic Zone (EEZ) off Alaska.

This information collection contains three elements: the application to transfer crab and groundfish LLP licenses, the application to transfer scallop LLP licenses, and the process for transfer appeals. The transfer applications are submitted on an as-needed basis to request transfer to an eligible receiver. A transfer appeal is submitted if the application is deficient or if the applicant fails to submit the specified information within a reasonable period. Since the application period and selection process for the LLP ended, no new licenses are issued—they may only be obtained through a transfer.

The information collection is required to manage commercial crab, groundfish, and scallop fishing under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C 1801 *et seq.*, and at 50 CFR parts 679 and 680. This information collection is necessary to determine whether a transfer is eligible and endorsements meet regulatory requirements for licensing and permits. An essential feature of the LLP is the ability for participants to transfer their LLP license. Without the ability to track the movement of LLP licenses, NMFS would be unable to effectively manage the LLP.

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 information collection is required to manage commercial crab, groundfish, and scallop fishing under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) 16 U.S.C 1801 *et seq.*, and at [50 CFR parts 679 and 680](#).

NMFS manages the fisheries in the EEZ off the coast of Alaska under the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP), the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP), and the Fishery Management Plan for the Scallop Fishery off Alaska (Scallop FMP). The North Pacific Fishery Management Council prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Act](#). These FMPs are implemented by regulations at [50 CFR parts 679 and 680](#).

The LLP originally collected basic information so that NMFS could determine which owners of vessels were issued licenses and which were not. As the application periods and selection process for the LLP have ended, no new licenses will be issued. An LLP license may only be obtained through transfer. This collection of information currently supports transfer of LLP licenses for groundfish, crabs, and scallops.

The transfer process for LLP licenses enables a license holder to request a transfer of an LLP license to a person who meets the eligibility requirements.

Background and Requirements of the LLP

In 1999, NMFS implemented the groundfish and crab LLP to limit the number, size, and specific operation of vessels that may be deployed in each fishery (with the exception of sablefish which was managed through the Individual Fishing Quota Program and demersal shelf rockfish east of 140° W. longitude) in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA). The LLP was established by Amendment 39 to the BSAI FMP, Amendment 41 to the GOA FMP, Amendment 5 to the Crab FMP, and to necessarily address concerns that the harvesting fleets expanded beyond the size needed to efficiently harvest the optimum yield (63 FR 52642, October 1, 1998). The groundfish and crab LLP replaced the Vessel Moratorium Program, which imposed a temporary moratorium on the entry of new vessels into the groundfish and crab federal fisheries. The Vessel Moratorium Program expired December 31, 1999. The application period and selection process for groundfish or crab LLP licenses was from September 13, 1999, through December 17, 1999 (64 FR 49104, September 10, 1999).

Under the groundfish and crab LLP, vessels participating in directed fishing for LLP groundfish species in the GOA or BSAI or those fishing in any BSAI LLP crab fisheries must be named on a valid copy of the LLP license that is on board the vessel, with some exceptions. An LLP groundfish or crab license authorizes the license holder to deploy the vessel in fisheries in accordance with the specific area and species endorsements, the vessel and gear designations, the maximum length overall (MLOA) specific on the license, and any exemption from the MLOA specific on the license.

In 2001, NMFS implemented the scallop LLP to limit the number of participants and reduce fishing capacity in the fishery. The scallop LLP was established by Amendment 4 to the Scallop FMP and to necessarily address concerns about excessive fishing capacity and exploitation in the scallop fishery, particularly if latent moratorium permits were activated (65 FR 78110, December 14, 2000). The scallop LLP replaced the federal moratorium program on the entry of new vessels to the scallop fishery, which expired June 30, 2000. The application period process for scallop LLP licenses was from January 16, 2001, to February 12, 2001.

Under the scallop LLP, an LLP license is required for vessels deployed in scallop fisheries in federal waters off Alaska, with the exception of some diving operations. The license authorizes the license holder to catch and retain scallops in compliance with State of Alaska regulations, subject to gear and MLOA restrictions. The scallop license is not vessel specific; however, a copy of a valid LLP license must be onboard the vessel.

For program definitions refer to 50 CFR 679.2, for permit and licensing requirements for scallop refer to 50 CFR 679.4(g), for permit and licensing requirements for groundfish and crab refer to 50 CFR 679.4(k), and for prohibitions refer to 50 CFR 679.7(i). Additional information on the LLP can be found on the [NMFS Alaska Region website](#).

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.

Respondents, Submission Method, and Frequency of Collection

Item #	Requirement	From whom will the information be collected?	Form? ¹	Submission Method ^{2, 3}	How frequently will the information be collected?
1	Application for the transfer of groundfish and crab LLP licenses	Transferee and Transferor of an LLP license	Application for Transfer License Limitation Program Groundfish/Crab License	Mail or delivery	As needed by the respondent
2	Application for the transfer of scallop LLP licenses	Transferee and Transferor of an LLP license	Application for Transfer of Scallop LLP License	Mail, delivery, fax	As needed by the respondent
3	Transfer appeal	Transfer Applicant	No	Mail, delivery, fax	As needed by the respondent

¹ The forms to transfer a [scallop LLP license](#) and a [groundfish or crab LLP license](#) are available as fillable pdfs on the NMFS Alaska Region website.

² Transfer applications—**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 Transfer appeal—**Mail or delivery:** National Appeals Office, 1315 East-West Highway, Silver Spring, MD 20910; **Fax:** (307) 713-2384.

All of the information collections are submitted to NMFS in accordance with regulations found at 50 CFR 679. 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.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. See Question 16 of this Supporting Statement for results of this information collection that are available to the public. 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](#).

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.

The following sections provide additional information on transfer applications and appeals.

Application for the transfer of LLP licenses

LLP license holders use the transfer applications to request transfer of an LLP license to an eligible receiver. Each transfer request must include a completed transfer application and a copy of the sale or transfer agreement. The information collected on the groundfish and crab transfer application includes the type of license to be transferred (crab license, groundfish license, Aleutian Islands less than 60-ft trawl endorsement); LLP number; identification of Rockfish QS, if applicable; identification of transferor and transferee (name, business contact information); vessel identification; ownership documentation; method and mode of payment, including financing; and certification of transferor and transferee. The information collected on the scallop transfer application includes license identification; identification of transferor and transferee (name, business contact information, NMFS Person ID); and certification of transferor and transferee.

The information collected is necessary for NMFS to determine the eligibility of the transfer to occur and transfer the license to the transferee. From the copy of the transfer contract or Bill of Sale for LLP licenses, NMFS can look up much of the same financial information if needed. The financial information requested on the applications is primarily used for research and program evaluation.

NMFS will approve transfer of a groundfish LLP license, an Aleutian Islands area endorsement, or crab LLP license if the transfer meets the provisions of 50 CFR 679.4(k)(7). NMFS will approve the transfer of a scallop LLP license if the transfer meets the provisions of 50 CFR 679.4(g)(5).

During the extension and revision of this collection that was approved in 2018, the groundfish and crab LLP license transfer application was changed to add the notary public certification requirement, which was inadvertently removed in 2016. Section 679.4(k)(7)(iii) requires a complete application to have notarized and dated signatures of the applicants. Blocks K and L on the application were revised to include fields for the notary public's signature, the notary stamp or seal, and the date the notary public's commission expires.

Transfer Appeal

If the Regional Administrator evaluates a transfer application and determines the application is incomplete or deficient, the application will be returned to the applicant. Any applicant who fails to submit the information specified in the application will be provided a reasonable opportunity to submit the information or a revised application. If the application is not revised appropriately, the Regional Administrator will prepare and send an Initial Administrative Decision (IAD) to the applicant. A person who receives an IAD may appeal pursuant to 50 CFR 679.43. To apply for a transfer appeal, the applicant must provide a written statement in support of the appeal and show why the IAD should be reversed. The information submitted in the transfer appeal is used by NMFS to assess information provided by the appellee in relation to an application denial.

Administrative appeals must be submitted to the National Appeals Office (NAO), which is a division of NMFS Office of Management and Budget within NOAA and operates out of NMFS headquarters in Silver Spring, MD. The NAO adjudicates appeals by providing due process and consistency to NMFS administrative decisions. The procedure for appealing an IAD through the NAO is at 15 CFR part 906.

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 transfer applications may be accessed on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, completed electronically, then downloaded, printed, and submitted. The transfer application for a scallop LLP license may be submitted by fax; however, the transfer application for a groundfish or crab LLP license cannot be submitted by fax because the application must be notarized. NMFS is working toward a method whereby all of the information will be entered online and submitted directly and automatically into a database.

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.

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

This information collection impacts some small entities. NMFS attempts to minimize the burden of this information collection on all respondents by collecting only information necessary to manage the LLP.

The transfer applications are available online as fillable pdfs. The scallop LLP license transfer application may be submitted by fax; this option is not available for the transfer application for a groundfish or crab LLP license due to the notary requirement. A toll-free phone number is available for participants to contact Restricted Access Management staff for help or information.

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.

This information collection is required to manage commercial crab, groundfish, and scallop fishing under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C 1801 *et seq.*, and under 50 CFR parts 679 and 680. The information collected is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*).

An essential feature of the LLP is the ability for participants to transfer their LLP license. License transfers are not mandated nor do they contain a cycle of completion. Transfers are done when the participants deem it necessary. Without the ability to track the movement of LLP licenses, NMFS would be unable to effectively manage the LLP.

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

This collection is conducted in a manner that is 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 published on September 3, 2020 ([85 FR 54999](#)), solicited public comments. No comments were received.

Additionally, a questionnaire was emailed to seven LLP license holders 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. One response was received with the statement, "no comments." No other responses or comments were received.

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

No payment or gift will be 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.

Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. Section 552a), to be shared within NMFS offices, in order to coordinate monitoring and management of sustainability of fisheries and protected resources, as well as with the applicable State or Regional Marine Fisheries Commissions and International Organizations. The System of Records Notice (SORN) that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). A notice 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 (PIA) 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.

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 ¹ (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Application for the transfer of groundfish and crab LLP licenses	License holder	102 ²	1	51	1 hour	51	23.46	1,197
Application for the transfer of scallop LLP licenses	License holder	2 ²	1	1	1 hour	1	23.46	23
Transfer appeal	License holder	1 ³	1	1	4 hours	4	23.46	94
Totals				53		56		\$1,314

¹ The mean hourly wage is for Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations), Sector 11 (Agriculture, Forestry, Fishing and Hunting). [May 2019 Occupational Employment Statistics Research Estimates, Alaska.](#)

² The number of respondents is calculated by using the average number of LLP license transfers over a 3-year period, then multiplying that by 2 because the application is completed by the transferor and transferee. For groundfish and crab, there were 45 in 2017, 55 in 2018, and 53 in 2019 for an average of 51 transfer applications submitted annually, which equals 102 respondents per year. For scallop, there was one transfer from 2017 through 2019. For purposes of this analysis, NMFS is assuming it may receive one scallop transfer application annually, which equals 2 respondents per year.

³ To date, no appeals have been filed. For purposes of this analysis, 1 response is used.

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/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 for the transfer of groundfish and crab LLP licenses	102	1	51	Operating costs ¹ - \$5 Notary - \$10	1,530
Application for the transfer of scallop LLP licenses	2	1	1	Operating costs ¹ - \$5	10
Transfer appeal	1	1	1	Operating costs ¹ - \$5 Attorney - \$500	505
TOTALS	105		53		\$2,045

¹ Operating costs account for the typical inclusive general office services packages that include expenses for email, fax, copying, mailing, printing, and internet.

² Attorney cost is included to reflect the assumption that most people would hire an attorney to prepare an appeal (\$125/hour x 4 hours).

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.

Cost Descriptions	Grade/Step	Loaded Salary / Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Permit Assistant	GS 8 step 10	\$109,024	1%		\$1,090
Appeals Attorney	GS 14 step 10	\$239,718	0.2%		\$459
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$1,549

GS 8 step 10 2020 salary (capped out ZS-4 in Juneau, AK) = \$71,726. For loaded salary, add 52% for benefits and other overhead costs ($\$71,726 * 1.52 = \$109,024$).

GS 14 step 10 2020 salary for Silver Spring = \$157,709. For loaded salary, add 52% for benefits and other overhead costs. ($\$157,709 * 1.52 = \$239,718$).

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 for the transfer of groundfish and crab LLP licenses	102	48	51	48	51	48	Respondents: Adjusted to reflect the transferor and transferee are both respondents.
Application for the transfer of scallop LLP licenses	2	0	1	0	1	0	Respondents: Adjusted to reflect the transferor and transferee are both respondents. IC added in ROCIS for increased granularity, previously included with groundfish and crab
Transfer appeal	1	1	1	1	4	4	No change
Total for Collection	105	49	53	49	56	52	
Difference	56		4		4		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Application for the transfer of groundfish and crab LLP licenses	1,197	1,739	1,530	501	Labor Costs: Adjusted amount to use the BLS wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Application for the transfer of scallop LLP licenses	23	0	10	0	Labor Costs: Adjusted amount to use the BLS wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages. IC added in ROCIS for increased granularity, previously included with groundfish and crab
Transfer appeal	94	148	505	503	Labor Costs: Adjusted amount to use the BLS wage rate Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Total for Collection	1,314	1,924	2,045	1,004	
Difference	- 610		1,041		

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 Alaska Region posts LLP license information on its website at [Permits and Licenses Issued in Alaska](#). Spreadsheets in .csv format are posted annually for crab LLP licenses, groundfish LLP licenses, and for scallop LLP licenses. Additionally a subset of LLP licenses with Pacific cod endorsements are posted.

Final administrative appeal decisions with redactions are posted on the [NMFS National Appeals Office website](#). Personally identifiable information and confidential business information submitted in an administrative appeal are not released to the public.

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 on all instruments.

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\(b\)\(3\)](#).