

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Alaska Region Amendment 80 Program
OMB Control No. 0648-0565

SUPPORTING STATEMENT PART A

Abstract

The National Marine Fisheries Service (NMFS), Alaska Region, requests extension of this currently approved information collection.

This information collection contains applications for permits and transfers used by NMFS Alaska Region to manage the Amendment 80 Program. It also contains the appeals process for an application that is denied. NMFS uses this information to establish eligibility to receive Amendment 80 quota share, community quota, and permits; transfer and assign harvest quota; replace vessels used in the Amendment 80 Program; determine Amendment 80 species initial total allowable catch assignments; determine which vessels must be tracked for catch accounting; and review ownership and control information to ensure that quota share and community quota use caps are not exceeded.

Minor editorial changes have been made to the forms to increase clarity and to increase consistency with the region's other forms.

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.

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act), the Secretary of Commerce is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through the National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NMFS). NMFS Alaska Region manages the EEZ off Alaska under 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. The North Pacific Fishery Management Council (Council) prepared these fishery management plans under the authority of the Magnuson-Stevens Act. Regulations implementing the groundfish fishery management plans appear at 50 CFR parts [600](#) and [679](#).

The Council adopted Amendment 80 (A80) to the BSAI FMP in June 2006 ([72 FR 52668, September 14, 2007](#)). A80 allocates several Bering Sea and Aleutian Islands (BSAI) non-pollock trawl groundfish species among trawl fishery sectors, established a limited access privilege program (LAPP), and facilitated the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector. The BSAI groundfish species directly affected by A80 include Atka mackerel, Aleutian Islands Pacific ocean perch, flathead sole, Pacific cod, rock sole, and yellowfin sole. In addition, A80 modified the management of halibut and crab prohibited species catch limits.

The Amendment 80 Program (A80 Program) encourages the formation of cooperatives and cooperative fishing practices among all persons holding A80 quota share (QS) permits. Cooperatives, which receive allocations of cooperative quota (CQ), allow vessel operators to make operational choices to improve fishery returns, reduce prohibited species catch usage, and reduce fish discards. Two cooperatives have been established under this program; however, since 2018, all A80 vessels have been operating under one cooperative, the Alaska Seafood Cooperative.

The A80 Program is intended to meet the following broad goals:

- improve retention and utilization of fishery resources by the non-AFA trawl catcher/processor fleet by extending the groundfish retention standard (GRS) to non-AFA trawl catcher/processor vessels of all lengths;
- allocate fishery resources among BSAI trawl harvesters in consideration of historic and present harvest patterns and future harvest needs;
- authorize the allocation of groundfish species to harvesting cooperatives and establish a LAPP for the non-AFA trawl catcher/processors to reduce potential GRS compliance costs, encourage fishing practices with lower discard rates, and improve the opportunity for increasing the value of harvested species; and
- limit the ability of non-AFA trawl catcher/processors to expand their harvesting capacity into other fisheries not managed under a LAPP.

On January 5, 2016, NMFS published a final rule to implement cost recovery payments for the A80 Program (81 FR 150). A80 cooperatives are responsible for paying the annual fee for groundfish landed under the A80 Program. The cost recovery fee is approved under OMB Control Number 0648-0711.

This information collection is necessary for NMFS to manage the A80 Program.

NMFS uses this information to establish eligibility to receive A80 QS, CQ, and permits; transfer and assign harvest quota; replace vessels used in the A80 Program; determine A80 species initial total allowable catch assignments; determine which vessels must be tracked for catch accounting; and review ownership and control information to ensure that QS and CQ use caps are not exceeded.

Other information to management the A80 Program is collected under the following Office of Management and Budget (OMB) control numbers:

- 0648-0678: Alaska Council Cooperative Annual Reports

- 0648-0564: Groundfish Trawl Catcher/Processor Economic Data Report
- 0648-0711: Alaska Quota Cost Recovery Programs

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.

This information collection contains the following applications and appeals for the A80 Program.

	Regulation	Form? ¹	Submission Method ²	Frequency
Application for A80 Quota Share	50 CFR 679.4(o)(1) , 679.90(b)	Y	mail, delivery, or fax	One time only
Application for A80 Limited Access Permit	50 CFR 679.4(o)(3) , 679.91(b)	Y	mail, delivery, or fax	Annually
Application for A80 CQ Permit	50 CFR 679.4(o)(2) , 679.91(b)	Y	mail, delivery, or fax	Annually
Application to Transfer A80 QS	50 CFR 679.90(f)	Y	mail, delivery, or fax	As needed
Application for Inter-Cooperative Transfer of A80 CQ	50 CFR 679.91(g)	Y	eFISH, mail, delivery, or fax	As needed
Flatfish Exchange Application	50 CFR 679.4(p)	N	eFISH	As needed (limited to three exchanges per calendar year)
Application for A80 Vessel Replacement	50 CFR 679.4(o)(4)	Y	mail, delivery, or fax	As needed
Appeals	50 CFR 679.4(o)(5) ; 15 CFR 906	N	mail, delivery, or fax	As needed

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

² eFISH: <https://alaskafisheries.noaa.gov/webapps/efish/login>

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

Email: RAM.Alaska@noaa.gov

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

Dissemination of Information

This 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 some of the information collected will be disseminated to the public or used to support publicly disseminated information. 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 response to Question 10 of this supporting statement for more information on confidentiality and privacy. See Question 16 of this Supporting Statement for information from this collection that is posted on the NMFS Alaska Region website and the NMFS National Appeals Office website.

a. Application for Amendment 80 Quota Share (QS)

The Application for Amendment 80 QS is used by an individual or business entity to apply for an initial allocation of A80 QS and an A80 QS permit. An A80 QS permit authorizes the QS holder to participate in an A80 fishery.

NMFS uses information from a complete application to determine eligibility under § 679.90(a) (2) for the applicant to receive A80 QS. To receive A80 QS, the applicant must be either the owner of an A80 vessel or the holder of an A80 License Limitation Program (LLP) license originally assigned to an A80 vessel that is no longer able to be used in the A80 Program due to actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108. If the A80 vessel does not fit these requirements, the A80 QS derived from that vessel's catch must be applied for by the owner of the vessel.

A complete application for A80 QS must be received by NMFS no later than 1700 hours, Alaska local time (A.l.t.), on October 15 of the year prior to the fishing year for which the applicant is applying, or if sent by U.S. mail, postmarked by that time. Applications received or postmarked after the deadline are not eligible to receive an A80 QS permit for the upcoming fishing year.

An A80 QS permit is valid indefinitely. Once an applicant has been approved by NMFS, resubmission of the application is not required.

The information collected on this application includes applicant identification and contact information; taxpayer identification number; whether the applicant agrees with, does not agree with, or did not receive the A80 Official Record Summary from NMFS; A80 vessel names and identification information; and signature of the applicant or authorized representative. If completed by an authorized representative, authorization must be attached. An applicant claiming Amendment 80 QS as the owner of an Amendment 80 vessel, may be required to provide documentation, such as an abstract of title or U.S. Coast Guard (USCG) Certificate of Documentation, establishing their ownership of each A80 vessel for which they are applying for Amendment 80 QS.

The holder of an Amendment 80 LLP license may only receive an initial allocation of Amendment 80 QS if the A80 vessel originally assigned to the Amendment 80 LLP license is no longer able to participate in the A80 Program due to the actual total loss, constructive loss, or permanent ineligibility of the vessel. Documentation of the actual total loss, total constructive loss, or permanent ineligibility to receive a fishery endorsement must be attached. If the holder of the LLP license is not the same person who owns the A80 vessel, a copy of the terms of a written contract held by the applicant must be attached that indicates the owner of the A80 vessel that has suffered the actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement has transferred all rights and privileges to use A80 legal landings and any resulting A80 QS or exclusive harvest privilege from that A80 vessel to the person holding the A80 LLP license originally assigned to that A80 vessel.

As part of this extension request, minor editorial changes have been made to the application to increase clarity and improve consistency with other applications from the NMFS Alaska Region Restricted Access Management Division (NMFS RAM).

b. Application for A80 Limited Access Fishery Permit

The Application for A80 Limited Access Fishery Permit is used by an A80 QS holder to annually request an A80 limited access fishery permit. An A80 limited access fishery permit authorizes the QS holder to catch, process, and receive A80 species assigned to the A80 limited access fishery, or use halibut and crab prohibited species catch assigned to the A80 limited access fishery, for the specified fishing year. A legible copy of this permit must be carried on board an A80 vessel assigned to the A80 limited access fishery when fishing in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season.

NMFS uses information from a complete application to determine eligibility for the QS holder to receive an A80 limited access fishery permit and to assign the permit.

NMFS will issue an A80 limited access fishery permit to an A80 QS holder that has submitted an Application for A80 Limited Access Fishery Permit that has been approved by NMFS, and has submitted a complete and timely Annual Trawl Catcher/Processor Economic Data Report (EDR) (approved under OMB Control Number 0648-0564).

The A80 QS holder must submit an EDR for all A80 QS permits held during the previous calendar year. The EDR submission deadline is June 1 of the year following the year during which the A80 QS permit was held.

The Application for A80 Limited Access Fishery Permit must be submitted annually and received by NMFS no later than 1700 hours A.l.t. on November 1 of the year prior to the year for which the applicant wishes to participate in an A80 fishery. If sent by U.S. mail, the application must be postmarked by that time.

The information collected on this application includes applicant identification and contact information; taxpayer identification number; A80 vessel names and identification information; A80 LLP license information; A80 permit information and ownership documentation; whether a

timely and complete Annual Trawl Catcher/Processor Economic Data Report was submitted for each Amendment 80 QS permit held by the applicant; and signature of the applicant or authorized representative. If completed by an authorized representative, authorization must be attached.

As part of this extension request, minor editorial changes have been made to the application to increase clarity and improve consistency with other NMFS RAM applications.

c. Application for Cooperative Quota Permit

The Application for CQ Permit is used by an A80 cooperative to annually request an A80 CQ permit. An A80 CQ permit authorizes an A80 cooperative to participate in the A80 Program for the specified fishing year. A legible copy of the A80 CQ permit must be carried on board an A80 vessel assigned to an A80 cooperative when fishing in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season.

NMFS uses information from a complete application to determine eligibility for an A80 CQ permit, assign CQ to A80 cooperatives prior to the fishing year, determine the A80 species initial total allowable catch assignments to the A80 limited access fishery, determine which vessels must be tracked for catch accounting, and review ownership and control information for various QS holders to ensure that QS and CQ use caps are not exceeded.

NMFS will issue a CQ permit to an A80 cooperative that has submitted an Application for CQ Permit that has been approved by NMFS, and whose members have each submitted a complete and timely EDR (approved under OMB Control Number 0648-0564).

Each member of the A80 cooperative must submit an EDR for all A80 QS permits held by that person during the previous calendar year. The EDR submission deadline is June 1 of the year following the year during which the A80 QS permit was held.

An A80 cooperative must designate an authorized representative to be responsible for annually submitting the Application for CQ Permit on behalf of its members. The application must be received by NMFS no later than 5:00 p.m., A.l.t., on November 1 of the year prior to the year for which the applicant wishes to participate in an A80 fishery. If sent by U.S. mail, the application must be postmarked by that time.

The information collected on this application includes the cooperative's identification and contact information; A80 QS permit holder identification information and ownership documentation for each cooperative member; identification information of A80 cooperative member vessels and A80 LLP licenses; identification information of vessels on which the CQ issued to the cooperative will be used; whether each cooperative member submitted a timely and complete Annual Trawl Catcher/Processor Economic Data Report for each A80 QS permit they held; and signature of the cooperative authorized representative. Authorization must be attached. A copy of the cooperative membership agreement or contract must be provided with this application.

As part of this extension request, minor editorial changes have been made to the application to increase clarity and improve consistency with other NMFS RAM applications.

d. 1 Application to Transfer A80 QS

An A80 QS holder may choose to transfer his or her A80 QS permit to another person, to the LLP license originally assigned to the A80 vessel, or to a replacement vessel. A80 QS units are non-severable from the permit to which they are assigned; therefore, if transferred, the A80 QS permit must be transferred in its entirety to the transferee.

A80 QS holders use the Application to Transfer A80 QS to transfer their QS in one of three ways:

- Transfer the A80 vessel and the QS permit assigned to that A80 vessel to another person eligible to own a U.S. fishing vessel (i.e., document that A80 vessel under U.S. Department of Transportation, Maritime Administration regulations).
- Transfer the A80 QS permit to the LLP license originally issued for that A80 vessel on the actual loss, total constructive loss, or permanent ineligibility of the A80 vessel assigned QS. Clear and unambiguous written documentation must be attached from which NMFS can verify that the A80 vessel for which that A80 LLP license was originally assigned is no longer able to be used in the A80 Program.
- Transfer an A80 LLP license with QS assigned to it to another person through the existing LLP transfer provisions (see 50 CFR 679.4(k)(7)). All A80 QS units for all A80 species on that A80 QS permit must be transferred in their entirety. An A80 QS permit assigned to an A80 LLP license as an endorsement on that LLP license may not be transferred separately from that A80 LLP license.

NMFS uses information from a complete application to determine eligibility for the transfer, transfer the QS and permit, and track ownership and use cap accounting.

The information collected on this application includes identification and contact information for the transferor and transferee; identification of A80 QS permit being transferred; identification of A80 LLP license to which the A80 QS permit is transferring; replacement vessel identification if applicable; and signature of the transferor and transferee or their authorized representatives. If completed by an authorized representative, authorization must be attached.

Original A80 QS permits being transferred must be attached. If transferring A80 QS from an A80 QS permit to the A80 LLP license originally assigned to that A80 vessel, written documentation must be provided that can be verified by NMFS that the A80 vessel for which that A80 LLP license was originally issued is no longer able to be used in the A80 Program due to the actual loss, constructive total loss, or permanent ineligibility of that vessel to receive a fishery endorsement. If transferring an A80 QS permit to another person, the abstract of title or USCG documentation must be attached that indicates the transferee is named on the abstract of title or USCG documentation as the owner of the A80 vessel to which that A80 QS permit would be assigned.

As part of this extension request, minor editorial changes have been made to the application to increase clarity and improve consistency with other NMFS RAM applications.

e. Application for Inter-Cooperative Transfer of A80 CQ

The Application for Inter-Cooperative Transfer of A80 CQ is used for transfer of A80 CQ between cooperatives. An A80 cooperative may transfer all or part of its CQ to another A80 cooperative during a calendar year with the following restrictions:

- May only transfer CQ to another A80 cooperative;
- May only receive CQ from another A80 cooperative; and
- When receiving A80 species CQ by transfer, must assign that A80 species CQ to a member(s) of the A80 cooperative for the purposes of use caps calculation as established under § 679.92(a).

NMFS uses information from a complete application to determine eligibility for the transfer and transfer the A80 CQ.

For the transfer to be approved, both parties must be already established and recognized by NMFS as an A80 cooperative, and all parties to the proposed transfer (transferor, transferee, and the receiving qualifying member) have met all the requirements and conditions of the A80 Program.

These requirements include annual submission of a complete and timely EDR (approved under OMB Control Number 0648-0564). Each member of an A80 cooperative must submit an EDR for all A80 QS permits held during the previous calendar year. The EDR submission deadline is June 1 of the year following the year during which the A80 QS permit was held.

All intended transfers between the A80 cooperatives are included on one transfer application.

The Application for Inter-Cooperative Transfer of A80 CQ must be received by NMFS no later than 1700 hours, A.L.T., on November 1 of the year prior to the year for which the cooperatives intend the transfer to be effective. If sent by U.S. mail, the application must be postmarked by that time. In recent years, all have been submitted electronically through eFISH.

When submitting the application through eFISH, each respondent (transferor and transferee) must log in to the system and provide their NMFS Person ID, password, and transfer key to certify that all information is true, correct, and complete. This information is provided by NMFS after an applicant is approved for participation in the A80 Program.

NMFS will notify the transferor and transferee once the application has been received and approved.

The information collected on this application includes identification and contact information for the transferor and transferee; identification of the A80 CQ being transferred; identification information for the members of the receiving cooperative (transferee) to whom the CQ pounds being transferred will be attributed; and signature of the transferor and transferee or their

authorized representatives. If completed by an authorized representative, authorization must be attached.

As part of this extension request, minor editorial changes have been made to the application to increase clarity and improve consistency with other NMFS RAM applications.

f. Flatfish Exchange Application

A Western Alaska Community Development Quota (CDQ) group or A80 cooperative may exchange a portion of its flatfish (yellowfin sole, rock sole, flathead sole) harvest quota for an equal amount of another of these three flatfish species. Exchanging flatfish harvest quota increases the ability of these entities to more fully harvest their allocations. A CDQ group or A80 cooperative uses the Flatfish Exchange Application to exchange its flatfish harvest quota.

NMFS uses the information from a complete application to determine eligibility for the exchange and exchange the harvest quota. The entity requesting the exchange must have sufficient quota and acceptable biological catch (ABC) reserve available for exchange. NMFS approval of a Flatfish Exchange Application is required prior to an entity using the quota subject to the exchange.

No flatfish exchange may take effect until NMFS publishes notification in the *Federal Register* with a statement of the findings on which the apportionment or adjustment is based. This provision provides clear notification to the public and the affected CDQ group or A80 cooperative that the Flatfish Exchange Application has been approved, and displays the resulting adjustment in CDQ ABC reserve and CDQ allocation for that CDQ group, or the resulting adjustment in A80 ABC reserve and CQ for that A80 cooperative. An approved flatfish exchange is effective on the date of publication of the notice in the *Federal Register*.

Each CDQ group or A80 cooperative is limited to three exchanges per calendar year. The application is submitted during the calendar year that the flatfish exchange would be effective and is effective only for the remainder of the calendar year in which the exchange occurs.

The information collected on this application includes identification and contact information for the CDQ group or A80 cooperative and the amount of flatfish exchanged

g. Application for A80 Vessel Replacement

An A80 vessel owner uses the Application for A80 Vessel Replacement to replace an A80 vessel. The owner of an A80 vessel may replace a vessel for any purpose. The replacement vessel will be eligible to participate in the A80 fisheries in the same manner as the original vessel. The owner of the replacement vessel is responsible for all monitoring, enforcement, permitting, recordkeeping and reporting, prohibitions, and general sideboard measures that apply to A80 vessels in the Gulf of Alaska or BSAI.

NMFS uses information from a complete application to determine eligibility of the vessel to be replaced and of the replacement vessel. NMFS will approve a vessel as an A80 replacement

vessel following the submission and approval of a complete Application for A80 Vessel Replacement, provided that only one vessel is used as a replacement for any one replaced vessel at a given time and that the replacement vessel:

- Does not exceed 295 feet length overall;
- Was built in the United States and, if ever rebuilt, rebuilt in the United States;
- Is classed and loadlined or meets the requirements of the U.S. Coast Guard Alternative Compliance and Safety Agreement; and
- Is not listed at listed at section 208(e)(1) through (20) of the AFA or permitted under paragraph (l)(2)(i) of this section; is not an AFA replacement vessel designated on a listed AFA catcher/processor permit under paragraph (l)(2) of this section; and is not an AFA catcher vessel permitted under paragraph (l)(3) of this section.

The applicant must complete a separate application for each vessel to be replaced.

The information collected on this application includes the applicant identification and contact information; identification information for the A80 vessel that is being replaced; and signature of the applicant or authorized representative. If completed by an authorized representative, authorization must be attached. Persons holding QS for a vessel that has been deemed ineligible for use under 46 U.S.C. 12108 and are applying to replace that vessel must provide evidence to NMFS that ineligibility has been established through U.S. Coast Guard or MARAD documentation. Written documentation is needed to establish that an ineligible vessel cannot reenter the fishery and that a replacement vessel should be permitted to replace the ineligible vessel.

As part of this extension request, minor editorial changes have been made to the application to increase clarity and improve consistency with other NMFS RAM applications.

h. Appeals

NMFS will issue an Initial Administrative Determination (IAD) to an applicant whose application has been denied. The applicant may appeal that IAD under the appeals procedures at 15 CFR 906.

Administrative appeals of adverse decisions made by NMFS Alaska Region must be submitted to the NMFS National Appeals Office (NAO) in Silver Spring, Maryland. Instructions for submitting an appeal are provided on the NAO website at <https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>. The appeal may be submitted by fax (307-713-2384) or by mail or commercial carrier to NMFS National Appeals Office, 1315 East-West Highway, Silver Spring, MD 20910.

The appeal must be filed not later than 45 days after the date the IAD is issued unless a shorter or longer filing timeframe is explicitly specified in the regulations governing the initial administrative determination.

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.

Applicants must submit the Flatfish Exchange Application, and may submit the Application for Inter-cooperative Transfer of A80 CQ, online through eFISH at <https://alaskafisheries.noaa.gov/webapps/efish/login>. 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.

Persons have access to 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>.

All of the applications are available as fillable pdfs on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/permit/alaska-amendment-80-applications-and-forms>. Other than the Flatfish Exchange Application, all may be printed and submitted by mail or fax. eFISH must be used to enter and submit information for the Flatfish Exchange Application.

NMFS Alaska Region is working toward offering more online services. The current data entry and retrieval system is nearing the end of its life, and a new database is in development.

Administrative appeals cannot be submitted electronically because the National Appeals Office requires submission of documents by fax, mail, or delivery to provide the appropriate record for legal proceedings.

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

No duplication exists with other information collections.

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 by collecting only information necessary to manage the A80 Program. The A80 cooperative submitting information under this OMB collection is not a small business or small entity as defined under the Regulatory Flexibility Act. The CDQ groups are considered small entities under the Regulatory Flexibility Act because they are non-profit corporations.

The burden on all participants is minimized by providing for electronic submission of the applications when possible. Applications in this collection are available online as fillable pdfs. A toll-free phone number is available for participants to contact the NMFS Restricted Access Management Program for help or information on the elements in this information collection.

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.

Without this information collection, it would not be possible to effectively manage the A80 Program or fulfill the intent of the Magnuson-Stevens Act and other laws.

This collection describes a structure to allow the non-AFA trawl catcher/processors to form cooperatives, thus facilitating bycatch reduction and improved utilization. Without the specified permitting scheme described in this supporting statement, the A80 Program would be jeopardized. The lack of adequate information to manage the A80 Program would result in the fishery management decision-making process being less objective, more political, and potentially less equitable. This would decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system.

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

This collection will be 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 published on October 27, 2022 ([87 FR 65038](#)), that solicited public comments. No comments were received.

In addition to the *Federal Register* notice, NMFS contacted stakeholders 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, and on the data elements to be recorded, disclosed, or reported. One comment was received from the A80 cooperative that submits information under this collection. The comment and NMFS's response is provided below.

Comment 1: As requested, please find the Alaska Seafood Cooperative's (AKSC's) comments regarding the extension of currently approved information collections for the Amendment 80 (A80) program. The AKSC is comprised of five member companies who operate 18 trawl catcher-processor vessels and one catcher vessel in A80 fisheries. Since 2018, all vessels that can participate in A80 belong to the Alaska Seafood Cooperative.

Most of the proposed collection of information has practical utility and is necessary for the proper functions of the Department. The estimate of time and cost look to be accurate, however as noted above, there would currently not be an Application for A80 Limited Access Fishery nor an Application for Inter-cooperative Transfer of A80 Cooperative Quota, as all A80 vessels are within AKSC. Lastly, the ability to submit any of these applications either online thru eFish or electronic mail would minimize the time and cost burden of this information collection.

Response: Based on this comment, the table in Question #12 has been updated to show that no applications for the A80 limited access fishery or inter-cooperative transfer of A80 cooperative quota are expected during the 3-year renewal period of this collection. Currently, the Application for Inter-cooperative Transfer of A80 Cooperative Quota and the Flatfish Exchange Application may be submitted electronically through eFISH. NMFS Alaska Region is working towards submission of the other applications electronically. The region is currently developing an integrated system that will include permitting, in-season management, and cost recovery tracking. As this system is developed, NMFS Alaska Region Restricted Access Management Division will be transitioning to a new permitting system, which will allow permit and transfer applications to be submitted and processed electronically.

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.

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).

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

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

The hourly wage rates are based on U. S. Bureau of Labor Statistics (BLS) wage rates and rates reported by industry. The rates have been updated to use the most current BLS rates available (May 2021) and to improve consistency in the rates used for the same respondent types in NMFS Alaska Region information collections. The rate \$21.15 is the BLS mean hourly wage for Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations; https://www.bls.gov/oes/current/oes_ak.htm#:~:text=1.5%25,-45%2D0000,5.7%25,-45%2D1011) for Alaska. The rate \$45 is industry reported. Burden hour and wage rate estimates are updated when new rates are available and when public comment supports doing so.

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 for Amendment 80 Quota Share	Vessel owner	1	1	1 ¹	2 hrs	2	21.15	42
Application for Amendment 80 Limited Access Fishery Permit	QS holder	0	0	0 ²	2 hrs	0	21.15	0
Application for Cooperative Quota Permit	Cooperative representative	1	1	1	2 hrs	2	45	90
Application to Transfer A80 Quota Share	QS holder	2	1	1 ³	2 hrs	2	21.15	42
Application for Inter-Cooperative Transfer of A80 CQ	A80 cooperative representative	0	0	0 ⁴	2 hrs	0	45	0
Flatfish Exchange Application	CDQ group representative; A80 cooperative representative	7 ⁵	3	21	5 min	2	49.72 ⁶	90
Application for A80 Vessel Replacement	Vessel owner	1	1	1	2 hrs	2	21.15	42
Appeals	Vessel owner, QS holder, cooperative representative, or CDQ group representative	1	1	1 ⁷	4 hrs	4	40.19 ⁸	161
Totals				26		14 hours		\$467

¹ No applications for A80 quota share have been submitted in the last three years. For purposes of this analysis, one response is used.

² No A80 limited access fishery permits have been issued since 2010 and none are expected during the 3-year period of this renewal.

³ This application is completed by two respondents, the transferor and the transferee. NMFS estimates one application will be submitted annually, resulting in a total of two respondents.

⁴ All A80 vessels operate under one A80 cooperative. As no new cooperatives are expected during the 3-year renewal period, no inter-cooperative transfer applications are expected.

⁵ The respondents for the Flatfish Exchange Application are the one A80 cooperative and the six CDQ groups.

⁶ The rate \$49.72 is the average of \$45 (industry reported A80 cooperative) and \$54.43—the rate used for CDQ groups in other NMFS Alaska Region information collections (mean hourly wage for Occupation Sciences Code 11-9121 Alaska, Natural Managers; https://www.bls.gov/oes/current/oes_ak.htm#11-0000:~:text=11%2D9121,1.9%25). $\$45 + \$54.43 = \$99.43 / 2 = \49.72

⁷ No appeals have been filed. For purposes of this analysis, 1 response is used.

⁸ The hourly wage rate of \$40.19 is the average of \$21.15, \$45, and \$54.43. $\$21.15 + \$45 + \$54.43 = \$120.58 / 3 = \$40.19$

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).

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

The number of unique respondents is based on the number of separate participants who are expected to submit information during the 3-year renewal period for this information collection review (ICR). Unique respondents rather than a sum is used because the program participants may submit more than one type of information collection in this ICR.

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 Amendment 80 Quota Share	1	1	1	Operating costs - \$5	5
Application for Amendment 80 Limited Access Fishery Permit	0	0	0	Operating costs - \$5	0
Application for Cooperative Quota Permit	1	1	1	Operating costs - \$5	5
Application to Transfer A80 Quota Share	2	1	1	Operating costs - \$5	5
Application for Inter-Cooperative Transfer of A80 CQ	0	0	0	Operating costs - \$5	0
Flatfish Exchange Application	7	3	21	Operating costs - \$5	105
Application for A80 Vessel Replacement	1	1	1	Operating costs - \$5	5
Appeals	1	1	1	Operating costs - \$5 Attorney* - \$500	505
TOTALS	11 unique respondents		26		\$630

* 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.

A cost recovery program is in effect for the A80 Program (81 FR 150; January 5, 2016). Under this cost recovery program, NMFS is authorized to collect direct program costs from the permit holders. Therefore, the information collection requirements of the A80 Program do not impose a cost on the Federal Government. Direct program costs are the costs NMFS incurs to manage, collect data from, and enforce the A80 Program.

The direct program costs for the A80 Program in fiscal year 2022 were \$ 992,935.

The following are examples of the types of tasks that were included under the 2022 A80 direct program costs:

- Patrols, investigations, outreach, education, and compliance assistance
- Inseason operations, observer sampling station inspections, and data quality control
- Economic Data Reports
- Inseason management of sideboards and non-sideboards
- Reallocation of incidental catch allowance to directed fisheries
- At-sea scale and video equipment inspections
- Operation of the cost recovery program
- Application development and maintenance
- Maintenance of eLandings and the catch accounting system

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

The number of respondents and responses in this collection have been adjusted to reflect the most recent fishery participation levels. The hourly wage rates were adjusted to use the most current BLS wage rates available and to improve consistency in the rates used for the same respondent types in NMFS Alaska Region information collections.

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 Amendment 80 Quota Share	1	1	1	1	2	2	—
Application for Amendment 80 Limited Access Fishery Permit	0	1	0	1	0	2	No applications for A80 limited access fishery permits are expected during this 3-year renewal period.
Application for Cooperative Quota Permit	1	1	1	1	2	2	—
Application to Transfer A80 Quota Share	2	6	1	3	2	6	The number of respondents and responses have been adjusted based on the most recent available data.
Application for Inter-Cooperative Transfer of A80 CQ	0	1	0	1	0	0	—
Flatfish Exchange Application	7	7	21	21	2	2	—
Application for A80 Vessel Replacement	1	1	1	1	2	2	—
Appeals	1	1	1	1	4	4	—
Total for Collection	11*	25*	26	30	14	20	
Difference	- 14		- 4		- 6		

* Unique respondents. The program participants may submit more than one type of information collection in this ICR; therefore, the number of unique respondents is used to show the estimated annual number of separate participants who are expected to submit information during the 3-year renewal period.

Information Collection	Labor Costs	Miscellaneous Costs	Reason for change or adjustment
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	Current	Previous	Current	Previous	
Application for Amendment 80 Quota Share	42	74	5	5	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages, but this did not change the annual total miscellaneous costs.
Application for Amendment 80 Limited Access Fishery Permit	0	74	0	1	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Application for Cooperative Quota Permit	90	74	5	5	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages, but this did not change the annual total miscellaneous costs.
Application to Transfer A80 Quota Share	42	222	5	12	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Application for Inter-Cooperative Transfer of A80 CQ	0	0	0	0	—
Flatfish Exchange Application	90	74	105	0	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Application for A80 Vessel Replacement	42	74	5	1	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Appeals	161	148	505	501	Labor Costs: Updated hourly wage rate. Miscellaneous Costs: Revised amount to account for typical inclusive general office services packages.
Total for Collection	\$467	\$740	\$630	\$525	
Difference	-\$273		\$105		

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 posts lists of the A80 cooperatives, A80 QS holders, and A80 limited access permit holders for the current and previous years on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/commercial-fishing/permits-and-licenses-issued-alaska>. The list of A80 cooperatives provides the name and address of the cooperative and the A80 permit number, holder, LLP license number, and vessel name of the cooperative members. The list of A80 QS holders provides the following information for each permit holder: permit number, permit type, name of owner, NMFS ID, address, and QS units of each species held. The list of A80 limited access permit holders provides each permit holder's name, LLP number, and vessel name.

Final administrative appeal decisions with redactions are posted on the NMFS National Appeals Office website at <https://www.fisheries.noaa.gov/national/rules-and-regulations/appeals>. 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\(b\)\(3\)](#).