

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Application for Annual Crab IFQ Permit
OMB Control No. 0648-0820

SUPPORTING STATEMENT PART A

Abstract

This is a resubmission, with the final rule, of a request by the National Marine Fisheries Service (NMFS), Alaska Regional Office, for a new temporary collection. This request is due to a final rule to implement Amendments 54 and 55 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (RIN 0648-BM81). These actions are intended to provide operators and crew greater flexibility in meeting CR Program participation requirements and to improve CR Program processor efficiency. This rule necessitates revision to an existing information collection, OMB Control Number 0648-0514. Due to a concurrent action for -0514, NMFS is submitting this request to create a temporary collection for this revision to -0514. After completion of the concurrent action, NMFS will submit a request to merge this temporary collection with -0514.

Due to the rule, the Application for Annual Crab Individual Fishing Quota Permit (approved under OMB Control Number 0648-0514) is revised to add an option for holders of catcher vessel crew quota share or catcher/processor crew quota share to request reissuance of previously revoked catcher vessel crew quota share or catcher/processor crew quota share. This rule does not change the respondents, responses, burden hours, or burden cost for this application.

One change was made to this supporting statement from the proposed rule. The hourly wage rate in the response to question #12 was updated to use the most current rate available from the U.S. Bureau of Labor Statistics.

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 king and Tanner crab fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands are managed under the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs (FMP). The North Pacific Fishery Management Council prepared the FMP under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) as amended in 2006. NMFS manages the crab fisheries in the waters off the coast of Alaska under the FMP. NMFS implemented the Crab Rationalization Program (CR Program) as a catch share program for nine crab fisheries in the Bering Sea and Aleutian Islands management area (BSAI) on March 2, 2005 ([70 FR 10174](#)). The CR Program allocates BSAI crab resources among harvesters, processors, and coastal communities and balances the interests of stakeholders who depend on these fisheries. The CR Program

addresses conservation and management issues associated with the previous derby fishery, reduces bycatch and associated discard mortality, and increases the safety of crab fishermen by ending the race for fish.

Regulations implementing the FMP and the CR Program are primarily located at [50 CFR part 680](#). Information on the CR Program is posted on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-and-aleutian-islands-crab-rationalization-program>.

Under the CR Program, NMFS originally issued quota share (QS) to eligible harvesters as determined for a fishery based on the landings made by their vessel in that fishery during a specific qualifying period. NMFS issued four types of QS: Catcher vessel owner QS was assigned to holders of license limitation program licenses who delivered their catch onshore or to stationary floating crab processors; catcher/processor vessel owner QS was assigned to holders of license limitation program licenses that harvested and processed their catch at sea; captains and crew onboard catcher/processor vessels were issued catcher/processor crew (CPC) QS; and captains and crew onboard catcher vessels were issued catcher vessel crew (CVC) QS. CVC and CPC QS are also known as “crew shares” or “C shares.”

Under the CR Program, the amount of crab that can be harvested or processed by an entity is allocated before the fishing season begins. Each year, a person who holds QS may apply to receive an exclusive harvest privilege for a portion of the annual total allowable catch, called individual fishing quota (IFQ) or individual processing quota (IPQ). For crab harvesters, IFQ is the pounds of crab that QS yields each year. For crab processors, IPQ is the pounds of crab that processor quota share yields each year and is needed to receive any amount of crab harvested under a Class A IFQ permit.

NMFS is implementing Amendments 54 and 55 to the FMP. The final rule (RIN 0648-BM81) revises two provisions of the CR Program: 1) it changes active participation requirements for QS established for CR Program vessel operators and crew, and 2) it expands exemptions for custom processing from processor use caps and removes the processor facility use caps. Amendment 54 is intended to provide C share holders greater flexibility in maintaining and meeting active participation requirements for the annual issuance of IFQ and the retention of QS due to low crab abundance and reduced crew opportunities. Amendment 55 is intended to provide additional flexibility for IPQ holders, processing facilities, and harvesters that participate in the affected crab fisheries by exempting custom processing activity for the remaining three crab fisheries from processor use caps, and removing the facility use cap.

This rule adds a regulation at 50 CFR 680.40(m)(6) to allow a CVC QS or CPC QS holder to request NMFS reissue any QS that had been revoked by NMFS from July 1, 2019, through the effective date of the final rule implementing Amendment 54. QS holders may request to have their QS reissued when they submit their annual application for a crab IFQ permit. This new regulation provides QS holders approximately one year, which encompasses two application cycles (due June 15 each year), to request reissuance of their revoked CVC QS or CPC QS.

The Application for Annual Crab IFQ Permit, which is approved under OMB Control Number 0648-0514, is revised to add an option for CVC QS and CPC QS holders to request reissuance of previously revoked CVC QS or CPC QS. This rule does not change the respondents, responses, burden hours, or

burden cost for this application. This revision to the Application for Annual Crab IFQ Permit is added in this new temporary collection.

This new temporary information collection is needed because the rule necessitates revising OMB Control Number 0648-0514 (Alaska Region Crab Permits). Concurrent with this rule (RIN 0648-BM81), a separate information collection request has been submitted to extend -0514 for three years. After OMB has approved the extension request for -0514 and this request for the final rule for RIN 0648-BM81, this temporary collection will be merged into -0514 and discontinued.

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.

Application for Annual Crab IFQ Permit

The Application for Annual Crab IFQ Permit is used by crab QS holders to apply for their annual crab IFQ permits ([50 CFR 680.4\(d\)\(3\)](#)). NMFS issues annual crab IFQ permits to eligible persons who hold QS. IFQ permits are issued for a combination of fishery harvesting sector, region, and class and may bear multiple fisheries. An IFQ permit authorizes the holders to harvest a specific amount of a crab, under the terms and conditions set out on the permit.

An IFQ permit is valid only during the crab year for which it is issued. Because issuance of the correct amount and type of IFQ is entirely dependent on information provided by QS holders on their annual application, an application must be received by NMFS no later than June 15. Applications may be submitted to NMFS by mail, delivery, or fax.

NMFS will issue an annual crab IFQ permit only if a person has applied by June 15 and paid any fees owed, including Capacity Reduction (Buyback) and Cost Recovery fees (see OMB Control Number 0648-0711), and if there are no other impediments to issuing the permits.

Section [680.4\(f\)](#) lists the contents of a complete application. A complete application includes applicant information, IFQ type, cooperative agreement, statement of fishery participation with evidence, QS ownership and affiliation information, and applicant's signature. NMFS uses the information to determine compliance with program requirements and issue a crab IFQ permit if approved.

Due to this rule (RIN 0648-BM81), the Application for Annual Crab IFQ Permit is revised for CVC QS and CPC QS holders to request reissuance of previously revoked CVC QS or CPC QS. The text of Block D of the application is updated for the new participation requirements. One new question is added to Block D for the QS holder to provide the most recent crab fishing year that they last met the participation requirements as specified at 50 CFR 680.40(g) or (m). A new block (Block E) is added for the QS holder to mark to request reissuance of previously revoked CVC QS or CPC QS.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the

decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The Application for Annual Crab IFQ Permit may be submitted by fax. The application form is available as a fillable pdf on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/permit/bering-sea-and-aleutian-islands-crab-rationalization-applications-and-reporting-forms>.

Due to current staffing limitations and ongoing large scale IT infrastructure projects, modifications to allow for electronic submission of this application are unlikely to be a high priority for NMFS in the near future. However, 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 integrated system is in development. As this system is developed, we will be transitioning to the new system that will allow permit applications to be submitted and processed electronically.

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

The Application for Annual Crab IFQ Permit is approved under existing OMB Control Number 0648-0514. This temporary collection will be merged into it and discontinued following completion of the three-year extension request for -0514 and issuance of the final rule for RIN 0648-BM81.

In general, Alaska Region information collections are prepared and reviewed by staff familiar with all of the information collection requirements for the region. Staff work together to develop information collection requirements for new programs. In addition, NMFS staff work closely with the staff of the Alaska Department of Fish and Game and the International Pacific Halibut Commission to reduce duplication in information collection requirements to the extent possible given overlapping jurisdictions and complex fisheries. Senior staff at the Alaska Region, NMFS headquarters, and the Department of Commerce General Counsel review all new and revised information collection requirements that are associated with rulemakings. This process minimizes the potential for duplication of information collection requirements for participants in the Federal fisheries off Alaska.

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, including small businesses or other small entities by collecting only information necessary to manage the fisheries. The revision to the Application for Annual Crab IFQ Permit due to this rule (RIN 0648-BM81) does not impose a significant impact on small entities, as it involves adding an option to an application that the QS holder already submits annually. This action is intended to provide more flexibility (relative to status quo) for CVC QS and CPC QS holders when there are diminished opportunities for crew positions on crab fishery vessels. This action is expected to benefit CVC QS and CPC QS holders relative to the no action alternative.

To aid QS and PQS holders in meeting the June 15 application deadline, NMFS provides the application form on its website, highlights the application deadline on the website, and sends notices to QS and PQS

holders near the end of the crab fishing year reminding them to apply for IFQ or IPQ for the next crab fishing year.

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.

NMFS manages CR Program fisheries on an annual basis, which requires regular contact with fishery stakeholders. This information collection allows NMFS to ensure that CR Program participants are adhering to CR Program regulations in order to achieve sustainable and economically rational crab fisheries, and use crab harvest and processing flexibilities to optimize benefits to themselves and the nation while still protecting historically dependent communities. If this collection was conducted less frequently, or not at all, crab harvesters and processors would be delayed or prevented from receiving or transferring their fishery allocations. This would cause severe economic harm to CR Program participants and dependent communities. Additionally, NMFS would be substantially less able to ensure compliance with CR Program regulations that ensure sustainability and fairness in the fishery.

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

This collection does not require respondents to report information to the agency more often than quarterly.

This collection does not require respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

This collection does not require respondents to submit more than an original and two copies of any document.

This collection does not require respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

This collection is not in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

This collection does not require the use of a statistical data classification that has not been reviewed and approved by OMB.

This collection does not include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

This collection does not require respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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 proposed rule ([89 FR 16510](#)) soliciting public comments published on March 7, 2024. The comment period ended on April 8, 2024. No comments were received on the requirements in this information collection.

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 are provided.

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 information collection does not involve information of a sensitive nature.

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

The final rule (RIN 0648-BM81) revises the Application for Annual Crab IFQ Permit (approved under OMB Control # 0648-0514) to add an option for CVC QS holders and CPC QS holders to request reissuance of previously revoked CVC QS or CPC QS. This rule does not change the respondents, responses, burden, or costs for this application. This revision could affect approximately 160 CVC QS and CPC QS holders, but these QS holders are already included in OMB Control Number 0648-0514 as respondents that submit this application annually; therefore, no additional respondents or responses are added due to the rule. The rule does not change the burden for this application because the burden estimate allows for differences in the time and cost needed to complete and submit the application.

The table below shows the respondents, responses, and burden hours reported for this application in the response to question #12 of the supporting statement submitted for the three-year extension of OMB Control Number 0648-0514. The extension of -0514 is pending review and approval by OMB.

The hourly wage rate has been updated from the rate submitted in the supporting statements for the three-year extension and the proposed rule because updated rates from the U. S. Bureau of Labor Statistics (BLS) are now available. The wage rate estimate of \$24.21 is the most current rate available (May 2023) from the BLS for the Alaska 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\).](https://www.bls.gov/oes/current/oes_ak.htm#:~:text=1.5%25-,45%2D0000,5.7%25-,45%2D1011).)

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 Annual Crab Individual Fishing Quota (IFQ) permit	QS holder	455	1	455	2.5 hr	1,138	\$24.21	\$27,551

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).

As stated in the response to question #12, this rule does not change the burden for this application. The table below shows the costs reported for this application in the response to question #13 of the supporting statement submitted for the three-year extension of OMB Control Number 0648-0514. The extension of -0514 is pending review and approval by OMB.

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

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) = (a) x (h)
Application for Annual Crab Individual Fishing Quota (IFQ) permit	455	1	455	Operating costs: \$5	\$2,275

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 CR Program. Under this cost recovery program, NMFS is authorized to collect direct program costs from the permit holders. Therefore, the information collection requirements of the CR 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 CR Program. The direct program costs for the CR Program in 2021/2022 were \$2,594,226.

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

This request is for a new temporary information collection because of the timing of this rule (RIN 0648-BM81) and the three-year extension of OMB Control Number 0648-0514. The final rule (RIN 0648-BM81) revises the Application for Annual Crab IFQ Permit, which is approved under OMB Control Number 0648-0514. This rule does not change the respondents, responses, burden, or costs for this application. However, the labor costs were adjusted because the most current BLS hourly wage rate was used to calculate the costs. The table below shows how the labor costs for this application will be adjusted once this temporary collection is merged into -0213.

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Application for Annual Crab Individual Fishing Quota (IFQ) permit	\$27,551	\$25,628	\$2,275	\$2,275	Labor costs: Adjusted to use the most current BLS hourly wage rate.
Difference	\$1,928 (Adjustment)		\$0		

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.

Summary information on crab QS/PQS allocations and holders, IFQ/IPQ allocations and holders, program cooperatives, and permit holders are published in reports on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/commercial-fishing/permits-and-licenses-issued-alaska>.

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 the collection instrument.

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