

SUPPORTING STATEMENT

ALASKA ROCKFISH PROGRAM: PERMITS & REPORTS

OMB CONTROL NO. 0648-0545

INTRODUCTION

This action is a resubmission with the final rule, of a revision of the information collection due to an associated proposed rule, RIN 0648-BA97. There were changes due to public comments.

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) off the coast of Alaska under the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area and the FMP for Groundfish of the Gulf of Alaska. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) as amended in 2006, became public law on January 12, 2007 (Public Law 109-479). Regulations implementing these procedures are located at [50 CFR part 679](#).

Previous to the Rockfish Pilot Program, NMFS managed rockfish fisheries under the License Limitation Program (LLP) (see OMB 0648-0334). Harvesters with LLP licenses competed with each other for the total allowable catch (TAC) assigned to the fishery. Harvesters increased the fishing capacity of their vessels to outcompete other vessels, resulting in an accelerated rate of fishing as fishermen raced to harvest more fish than their competitors. Similarly, processors increased their processing capacity to outcompete other processors. This reduced the ability of harvesters and processors to extract additional value from the fishery products because the TAC was harvested and processed quickly.

Under the LLP, participants of the Central Gulf of Alaska (CGOA) rockfish fisheries fished almost exclusively trawl gear. Participation in the fisheries required an LLP license with the requisite gear, area, and operating mode (catcher vessel or catcher/processor) endorsements, and designations. In addition, the LLP limits participation, based on length of the qualifying vessel.

In Section 802 of the [Consolidated Appropriations Act of 2004](#) (Pub. L. 108-199; Section 802), the U.S. Congress directed the Secretary of Commerce to establish, in consultation with the Council, a pilot program for management of the rockfish fisheries in the CGOA. ¹The CGOA Rockfish Pilot Program (Pilot Program) provided exclusive harvesting and processing privileges for a specific set of rockfish species, associated species, and Pacific halibut harvested incidentally to those CGOA rockfish in an area from 140° W long. to 168° W. long. Section 802 authorized the Pilot Program for two years, from January 1, 2007, through December 31, 2008.

In 2007, the Pilot Program was implemented. The Pilot Program intended to enhance resource conservation and improve economic efficiency for harvesters and processors who participate in the program. Allocations of the primary rockfish (Pacific Ocean perch, Northern Rockfish, and Pelagic rockfish) and important incidental catch species (i.e., sablefish, Pacific cod, shortraker and roughey rockfish, and thornyhead rockfish) are divided between the catcher vessel sector and the catcher/processor sector. In addition, each sector is allocated halibut prohibited species

catch (PSC) based on historic catch of halibut in the target rockfish fisheries. Participants in each sector can either fish as part of a cooperative or in a competitive, open-access fishery.

The Magnuson-Stevens Act, in Section 303a, extended the Pilot Program for another three years, until December 31, 2011. The Pilot Program provided benefits to shoreside processors, catcher/processors, CGOA fishermen, and communities by allowing more rockfish and non-rockfish shoreside deliveries over an extended period of time, which, in turn, allowed for a more stable workforce and slower processing. Product quality and diversity increased. CGOA fishermen and processors noted fewer conflicts with other fisheries, especially salmon which traditionally overlapped with rockfish efforts. Catcher/processors noted greater spatial and temporal flexibility that resulted in lower bycatch numbers, more stable markets, and a rational distribution of efforts.

Amendment 88 to the GOA FMP will implement the Rockfish Program as recommended by the Council to replace the existing Pilot Program. The new Rockfish Program would be authorized for ten years: from January 1, 2012, until December 31, 2021. All Rockfish Program permits would expire ten years after the implementation of the Rockfish Program and would need to be renewed before expiration. The principal target rockfish species for this action are Pacific Ocean perch, Northern rockfish, and the pelagic shelf rockfish assemblage.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Rockfish Program is a limited access privilege program that applies use caps to limit the amount of rockfish quota share (QS) and cooperative quota (CQ) that may be utilized by harvesters and processors. The intent of the use caps under the Rockfish Program is to limit the degree of consolidation that could occur in the CGOA rockfish fisheries. These use caps would balance the goals of improving economic efficiency, maintaining employment opportunities for vessel crew, and providing financially affordable access opportunities for new participants.

NMFS would require eligible rockfish harvesters, cooperatives, processors, and catcher/processor operators to submit information through the annual applications, cooperative transfers, and annual reports. NMFS would use the information to enforce the use cap provisions, to track primary rockfish species QS use, and dissuade eligible rockfish harvesters from forming corporate arrangements that would frustrate the goal of the use caps.

Consolidation of the fleet may occur as a result of the cooperative structure and transferability of shares between and within cooperatives. Reducing the number of vessels in the fleet may improve the overall economic efficiency of the sector. Production efficiency may improve as the most efficient rockfish vessels harvest more of the sector's allocation. The owners of these vessels may lease (or otherwise contract) the harvest privileges assigned to other vessels to achieve these efficiencies. Since most sector vessels participate in several fisheries, consolidation in the rockfish fishery is not likely to affect the number of jobs on participating vessels.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The Rockfish Program includes the following fisheries:

- ◆ A rockfish cooperative in the catcher/processor sector;
- ◆ A rockfish cooperative in the catcher vessel sector; and
- ◆ The rockfish entry-level longline fishery.

Application forms described in this document are available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov> or by contacting NMFS at 800-304-4846, Option 2.

Upon completion, the applications may be submitted to NMFS by one of the following methods, as appropriate: online, by mail, by delivery/courier, or by fax. A completed application must be received by NMFS by the deadline for each permit. For those applications submitted by mail, fax, or hand delivery, NMFS will not consider an application as “received by the deadline” if the applicant cannot provide objective written evidence that NMFS Alaska Region received it. Proof of a timely application is:

- ◆ Application delivered by hand delivery or carrier -- is timely based on the receiving date of signature by NMFS staff
- ◆ Application submitted by mail or fax – is timely based on the postmark or date stamped received by NMFS.

a. Application for Rockfish Quota Share (QS)

The procedures for the Application for Rockfish Quota Share (QS) were established under the Pilot Program to identify participants, and then the application was removed from the collection,

The term “quota share” is used to describe the Rockfish Program’s multi-year exclusive harvest privileges based on historic harvest activities, consistent with similar North Pacific programs. Rockfish QS would be an attribute of the LLP license. Once NMFS calculates the amount QS to allocate to an LLP license, NMFS would modify that LLP license and designate that amount on the license. QS assigned to an LLP license could not be transferred independent from that LLP license, except to comply with the use caps. Rockfish QS assigned to an LLP license provides a harvest privilege, not a right, to its holder and would not confer a guaranteed harvest to the holder of that QS.

QS would be the basis for the annual calculation of the amount of fish that may be harvested or used if the QS were assigned to a rockfish cooperative. Once QS is assigned to an LLP license, it would authorize that LLP license holder to participate in the Rockfish Program. If an LLP license holder assigned that LLP license, and its associated QS, to a cooperative with other LLP license holders, the sum of the QS of all of the eligible harvesters would yield CQ – an exclusive

annual catch limit of rockfish primary species, secondary species, and halibut PSC that could be harvested by the members of the rockfish cooperative. Cooperatives would be formed by eligible harvesters holding LLP licenses in the same sector, either the catcher/processor sector or the catcher vessel sector.

A person who wishes to receive rockfish QS to participate in the Rockfish Program as a rockfish eligible harvester must submit a timely and complete Application for Rockfish Quota Share. Eligibility to receive QS is based on the official record of legal landings of CGOA primary rockfish species associated with an LLP license. A person is eligible to receive Rockfish QS if:

- ◆ that person held an permanent, fully transferable LLP license endorsed for CGOA groundfish with a trawl designation at the time of application;
- ◆ a vessel made legal landings of primary rockfish species under the authority of that LLP license during a specific time period; and
- ◆ that person submitted a timely application that is subsequently approved by NMFS.

NMFS will mail a Rockfish QS application package to all potentially eligible processor and harvester LLP license holders based on the address on record at the time the application period opens. An eligible rockfish harvester may apply to participate in only one fishery per year with an LLP license and its associated QS. The application would be valid for one year.

The Application for Rockfish QS may be submitted by mail, fax, or hand delivery or carrier. An eligible LLP license holder must submit to NMFS a timely and complete rockfish QS application. The application must be received by NMFS no later than 5:00 p.m. (1700 hours) Alaska local time (A.l.t.) on January 17, 2012, or if sent by U.S. mail, postmarked by that time. For applications delivered by hand delivery or carrier only, the receiving date of signature by NMFS staff is the date the application was received. If the application is submitted by facsimile, the receiving date of the application is the date stamped received by NMFS. Objective written evidence of timely application will be considered proof of a timely application.

Rockfish QS cannot be transferred separate from the LLP license. See OMB Control No. 0648-0334 for more information on the transfer of an LLP with rockfish QS for the very limited exception that allows a person issued over the Rockfish QS use cap to transfer a portion of the Rockfish QS over the cap to another LLP license.

A completed application must contain the following information.

Application for Rockfish Quota Share (QS)

Eligibility type (check one)

Indicate whether applying to receive Rockfish QS
in the catcher/processor sector or
in the catcher vessel sector

Indicate whether participant holds an LLP license in the entry level trawl fishery

Block A -- Applicant identification.

Applicant's name and NMFS person ID
Taxpayer ID number (EIN or SSN)
Permanent business mailing address
Business telephone number, business fax number, and business e-mail (if available)

If applicant is a U.S. citizen, enter date of birth
 If applicant is a U.S. corporation, partnership, association, or other non-individual business entity
 enter date of incorporation
 If applicant is a successor-in-interest to a deceased individual or to a non-individual
 no longer in existence, **attach** death certificate or evidence of dissolution

Block B -- Agreement With Rockfish Program Official Record (check one)

Indicate if you agree with the Rockfish Program Official Record Summary
If you do not agree with the Rockfish Program Official Record Summary, **attach** a separate page explaining your disagreement
If you did not receive a Rockfish Program Official Record Summary, **attach** a separate page explaining the basis for your eligibility

Block C – Rockfish Entry Level Trawl Fishery (check one)

If applying to participate in the Rockfish Program, indicate whether you hold an LLP license that made rockfish legal landings during the fishery seasons listed in Table 28a or Table 28b
If YES, indicate whether you wish to receive Rockfish QS based on rockfish legal landings listed in Table 28a or Table 28b

Indicate if applying not to receive rockfish QS (entry level trawl fishery only)

Block D – Claimed LLP licenses and vessel legal rockfish landings

LLP license number
 Original qualifying vessel (OQV)
 Name of the vessel that gave rise to the LLP license
 Alaska Department of Fish and Game (ADF&G) vessel registration number
 United States Coast Guard (USCG) documentation number
 Dates when landings were made under this LLP license in 2000 and 2001
 Other vessels used under the authority of this LLP license
 Name of vessel
 ADF&G vessel registration number
 USCG documentation numbers of all other vessels
 Dates when landings were made under this LLP license in 2000 and 2001

Block E – Applicant certification.

Print the applicant’s name, signature, and date signed
 If a representative, **attach** authorization

Application for Rockfish QS, Respondent	
Number of respondents	68
48 catcher vessels	
12 catcher/processors	
8 shoreside processors and SFPs	
Total annual responses	68
Number responses per respondent = 1	
Total burden hours	136 hr
Time per response = 2 hr	
Total personnel cost (136 x 25)	\$3,400
Total miscellaneous costs (77.30)	\$77
Postage cost (0.44 x 50 = 22)	
FAX cost (\$6 x 8 = 48)	
Online cost (0.05 x 10 = 0.50)	
Photocopy cost (0.05 x 2 x 68 = 6.80)	

Application for Rockfish QS, Federal Government	
Total annual responses	68
Total burden hours	34 hr
Time per response = 30 min	
Total personnel cost (34 x \$25)	\$850
Total miscellaneous cost	0

b. Application for Rockfish Cooperative Fishing Quota (CQ).

The procedures for the Application for Rockfish CQ were established under the Pilot Program (see <http://www.alaskafisheries.noaa.gov/ram/rockfish/cqapp.pdf>), and NMFS would continue them under the Rockfish Program.

A Rockfish CQ permit authorizes a rockfish cooperative to participate in the Rockfish Program. NMFS will issue a CQ permit annually to a rockfish cooperative when the members of the cooperative

- ◆ submit a complete and timely application for CQ that is subsequently approved by the Regional Administrator.
- ◆ specify how much CQ the cooperative could harvest. The amount is based on the sum of the QS of the cooperative members and any CQ that the rockfish cooperative subsequently receives by transfer from another rockfish cooperative.

Cooperative quota (CQ) means for purposes of the Rockfish Program:

- ◆ The annual catch limit of a rockfish primary species or rockfish secondary species that may be harvested by a rockfish cooperative while fishing under a CQ permit;
- ◆ The amount of annual halibut PSC that may be used by a rockfish cooperative in the CGOA while fishing under a CQ permit.

Eligible harvesters holding LLP licenses in the same sector, either the catcher/processor sector or the catcher vessel sector, may form a cooperative and obtain a Rockfish CQ permit. Eligible license holders that do not join a cooperative are restricted from participating in that year's CGOA rockfish fishery. A cooperative is required to accept membership of any LLP license holder eligible for the cooperative subject to the same terms and conditions as governing other members. No minimum number of LLP licenses is required to form a cooperative. 1Once NMFS issues an annual catch amount to a cooperative, it may be fished by members of the cooperative or transferred to another cooperative.

Membership in a rockfish cooperative is voluntary. No person may be required to join a rockfish cooperative. Members may leave a rockfish cooperative, but any CQ contributed by the rockfish QS held by that member remains assigned to that rockfish cooperative for the remainder of the calendar year.

An LLP license holder who receives Rockfish QS is required to assign all the QS associated with the LLP license to a specific rockfish cooperative (or to the opt-out fishery if that LLP license is assigned Rockfish QS designated for the catcher/processor sector). The LLP license holder could not assign portions of Rockfish QS to different rockfish cooperatives within the same sector or apportion the QS otherwise. Once an LLP license and its associated QS are assigned for a year, the LLP license holder could not reassign the LLP license or QS to a different cooperative during that year.

Each catcher vessel in the Rockfish Program is eligible for membership in a single cooperative. A catcher vessel cooperative must form an association with a qualified shoreside processor with a Federal processor permit (OMB 0648-0206). In order to receive Rockfish CQ, the shoreside processor must be located within the boundaries of the City of Kodiak, Alaska, and have an approved catch monitoring and control plan (OMB 0648-0330). This requirement is intended to encourage harvesters and processors to discuss and possibly coordinate fishing plans as part of the application process to form a rockfish cooperative.

The cooperative/processor associations are intended to ensure that a cooperative lands a substantial portion of its catch with its members' historical processor. The exact terms of the association are subject to negotiation and are confidential to the parties. Because the cooperative agreement requires the approval of the associated processor, these agreements may contain terms defining cooperative landings requirements.

Upon NMFS' approval of a CQ permit, the cooperative will receive a rockfish allocation. This allocation will establish an annual catch limit of primary and secondary species based on the collective catch history holdings of the LLPs held and contributed by the members of the rockfish cooperative. In addition, the cooperative will receive allocated CQ for halibut prohibited species catch (PSC) to be used while fishing for primary rockfish species or secondary species. A CQ permit will list:

- ◆ the amount of rockfish primary species and rockfish secondary species that may be harvested and the amount of rockfish halibut PSC that may be used by the cooperative;
- ◆ the members of the rockfish cooperative;
- ◆ names of vessels which are authorized to fish under the CQ permit; and
- ◆ the rockfish eligible processor with whom that rockfish cooperative is associated, if applicable.

A vessel named on a CQ permit is considered to be actively engaged in fishing the CQ for that rockfish cooperative and would be subject to all observer, permitting, and reporting requirements applicable to vessels fishing CQ. A person fishing CQ assigned to a rockfish cooperative must maintain a legible copy of a current CQ permit onboard any vessel used to harvest any rockfish primary species, or rockfish secondary species, or that uses any rockfish CQ halibut.

A rockfish cooperative must meet the following legal and organizational requirements before it is eligible to receive CQ:

- ◆ Must be formed as a partnership, corporation, or other legal business entity that is registered under the laws of one of the 50 states or the District of Columbia.
- ◆ Must appoint an individual as designated representative to act on the rockfish cooperative's behalf and serve as contact

Cooperatives are intended to conduct and coordinate fishing of their member's allocations, and may not be formed under the Fishermen's Collective Marketing Act and therefore may not

negotiate prices. Cooperative members are jointly and severally liable for the harvest of the cooperative's allocation.

A rockfish cooperative must submit to NMFS for approval a completed application for Rockfish CQ, including all amendments, previously was set by NMFS to be no later than March 1. Due to a public comment on the proposed rule, the Application for Rockfish Cooperative Fishing Quota submittal deadline was extended to April 1, 2012, for the first year, and then March 1 for all subsequent years to allow participants more time to organize under the new program. A complete application includes prior payment of any rockfish cost recovery fees due as required under § 679.85.

The cooperative is required to attach a Cooperative Agreement with the Application for Rockfish CQ. A Cooperative Agreement has a one-year term and must include a fishing plan, a monitoring plan for the harvest of the cooperative's allocation, and a plan for payment of cost recovery fees. A cooperative may include fishing practice codes of conduct in its membership agreement.

If an eligible vessel is added or removed from a rockfish cooperative, the representative must submit to NMFS for approval an amended application for CQ

The Application for Rockfish CQ may be submitted by mail, fax, or hand delivery/carrier.

Application for Rockfish Cooperative Fishing Quota (CQ)

Attachments

This is a checklist of documents to attach to the application

Block A – Rockfish Cooperative Identification

Rockfish cooperative's legal name and NMFS Person ID
Type of business entity under which cooperative is organized
State in which legally registered as a business entity
Date of incorporation
Name authorized representative
Permanent business address
Business telephone number and business fax number
Business e-mail address (if available)

Block B – Members of the Rockfish Cooperative (*LLP holder and ownership documentation*)

Full name and NMFS Person ID
LLP license number(s),
Names of all persons, to the individual level, holding an ownership interest in the LLP license(s)
assigned to the rockfish cooperative
Percentage ownership each person and individual holds in the LLP license(s)

Block C – Identification of rockfish cooperative member vessels

Vessel name
ADF&G number of vessel
USCG number of vessel

Block D – Shoreside Processor associates of the rockfish cooperative.

Processor name and NMFS Person ID
Facility name
ADF&G processor code

Block E – Certification of cooperative authorized representative

Printed name and signature of authorized representative and date signed
Attach authorization

Block F – Certification of processor associate’s authorized representative
 Printed name and signature of authorized representative and date signed
 Attach authorization

Application for Rockfish CQ, Respondent	
Number of respondents	6
Total annual responses (1 response per respondent)	6
Total burden hours	12 hr
Time per response = 2 hr	
Total personnel cost (\$25 x 12)	\$300
Total miscellaneous costs (222.24)	\$222
Postage cost (0.88 x 3 = 2.64)	
Fax cost (\$6 x 12 pages x 3 = 216)	
Photocopy cost (0.05 x 12 pages x 6 = 3.60)	

Application for Rockfish CQ, Federal Government	
Total responses	6
Total burden hours (0.5 x 6 = 3)	3 hr
Time per response = 30 min	
Total personnel cost (\$25 x 3)	\$75
Total miscellaneous cost	0

c. Application for Inter-Cooperative Transfer of CQ.

The procedures for the Application for Inter-Cooperative Transfer of Rockfish CQ were established under the Pilot Program (see <http://www.alaskafisheries.noaa.gov/ram/rockfish/coopcqtransferapp.pdf>), and NMFS would continue them under the Rockfish Program.

If a cooperative seeks to receive CQ by transfer, the cooperative must have a minimum of two assigned LLP licenses. This limitation would encourage cooperative formation among LLP license holders by providing them greater flexibility to transfer CQ to meet operational demands. A cooperative may only transfer or receive by transfer an annual catch amount if the cooperative submits an Application for Inter-Cooperative Transfer of CQ to NMFS. Transfer of CQ would be valid only during the calendar year of the transfer.

Once NMFS issues CQ to a rockfish cooperative, the CQ may be fished by members of the rockfish cooperative or transferred to another rockfish cooperative. A rockfish cooperative in the catcher vessel sector, however, could not transfer CQ to a rockfish cooperative in the catcher/processor sector. Similarly, a rockfish cooperative in the catcher/processor sector could not transfer roughey or shortraker CQ to a rockfish cooperative in the catcher vessel sector. A rockfish cooperative may transfer all or part of its CQ to another rockfish cooperative.

In order for an inter-cooperative transfer to be approved, both parties must be already established and recognized by NMFS as a cooperative prior to the transfer. A rockfish cooperative could only transfer CQ if the transfer would not cause the receiving rockfish cooperative to exceed its use cap limitations.

The Application for Inter-Cooperative Transfer of CQ must be submitted to NMFS online using an electronic online transfer application available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>. When using the online submittal method, the NMFS Person ID and transfer key take the place of a signature and certify that all information is true, correct, and complete.

In response to a public comment on the proposed rule, NMFS clarified that a rockfish cooperative may not transfer or receive halibut PSC CQ after November 15, or after NMFS has approved a rockfish cooperative termination of fishing declaration for that rockfish cooperative.

Application for Inter-Cooperative Transfer of CQ (ONLINE ONLY)

Block A -- Identification of transferor

- Name and NMFS Person ID of cooperative
- Name of designated representative
- Permanent business mailing address; a temporary mailing address may be included, if appropriate
- Business telephone number and business fax number
- Business e-mail address

Block B -- Identification of transferee

- Name and NMFS Person ID
- Name of designated representative
- Permanent business mailing address; a temporary mailing address may be included, if appropriate
- Business telephone number and business fax number
- Business e-mail address

Block C -- Identification of Rockfish Cooperative member

- Name and NMFS person ID of member to whose use cap the rockfish cooperative CQ will be applied
- Amount of CQ applied (in mt)

Block D – CQ to be transferred

- Identify the type and amount to be transferred
 - primary species
 - secondary species
 - rockfish halibut PSC CQ

Block E -- Certification of transferor

- Signature of transferor and date signed
- Printed name of transferor (or authorized representative); if representative, attach authorization

Block F -- Certification of transferee

- Signature of transferee and date signed
- Signature of eligible rockfish processor and date signed
- Printed name of transferee (or authorized representative); if representative, attach authorization

Application for Inter-Cooperative Transfer of Rockfish CQ, Respondent	
Number of respondents	6
Total annual responses (3 x 6) 3 transfers per coop per season	18
Total annual time burden hours Time per response = 1 hr	18 hr
Total personnel cost (18 x \$25)	\$450
Total miscellaneous cost (2.70) Online (0.05 x 18 = 0.90) Photocopy cost (0.05 x 2 pp x 18 =1.80)	\$3

Application for Inter-Cooperative Transfer of Rockfish CQ, Federal Government	
Total responses	18
Total burden hours	9
Time per response = 30 min	
Total personnel cost (\$25 x 9)	\$225
Total miscellaneous cost	0

d. Application for rockfish limited access fishery [REMOVED]

Under the Pilot Program structure, catcher/processors that chose not to join a cooperative were permitted to fish in a limited access fishery or opt-out of the fishery for the season. The Council eliminated the limited access fishery, because the fishery created unintended incentives for the catcher/processor sector to avoid joining a cooperative.

e. Application for rockfish entry-level fishery [REMOVED]

An application for the rockfish entry-level fishery is removed. A new procedure, entitled the rockfish entry-level longline fishery, replaces the application process,. No form exists for this application.

f. Rockfish entry-level longline fishery [NO FORM]

Harvesters and processors not eligible to receive rockfish QS under the Pilot Program, but hold an LLP license, may participate in a small entry-level longline-gear fishery for Central GOA rockfish. QS assigned to the entry level longline fishery would not result in an annual exclusive allocation.

The entry level longline fishery will be conducted as a competitive, limited-access fishery that will open on January 1 of each year. NMFS will manage this fishery similarly to other competitive fisheries in the GOA, except that participants would not be required to submit an annual application in order to take part in the fishery. Participants in this longline-gear-only entry level fishery would not be required to submit an annual application in order to take part in the fishery. . This may improve entry into these fisheries by removing an application deadline that would prevent a vessel from opportunistically deciding to enter the fishery mid-season.

If a longline gear participant targets rockfish primary species in the Central GOA, then the catch would be deducted from the entry level longline TAC. If the longline participant is not directed fishing for rockfish primary species, and instead targets a different species such as Pacific cod, then the catch would be deducted from the ICA. NMFS will use existing recordingkeeping and reporting (mostly eLandings) to monitor this fishery. Monitoring provisions are necessary for accurate catch accounting and to monitor compliance with the Rockfish Program.

Unlike catcher vessels fishing in cooperatives, participants in the entry-level longline gear fishery may deliver to any shorebased processing facility in any community and are not restricted to delivery to a Kodiak processor. The longline gear sector typically consists of relatively small vessels. The CGOA extends to areas that are distant from Kodiak, but close to other ports such as Homer and Seward. Requiring entry-level participants to comply with a landing requirement

within the boundaries of Kodiak might pose too great of an expense for the participants and expose participants to unacceptable risks.

g. Application to Opt-out of Rockfish Fishery [REMOVED]

The procedures for the Application to Opt-out of the Rockfish Fishery CQ were established under the Pilot Program (see <http://www.alaskafisheries.noaa.gov/ram/rockfish/optoutapp.pdf>). NMFS would not continue them under the Rockfish Program. NMFS removed the requirement for catcher/processors who wish to opt-out of a cooperative to submit an Application to Opt-out of Rockfish Cooperative. NMFS will presume a rockfish eligible harvester has opted-out of participating in a rockfish cooperative if their LLP license with assigned rockfish QS is not named on an Annual Application for Cooperative Fishing Quota.

h. 1 Rockfish Cooperative Termination of Fishing Declaration [REMOVED]

The procedures for the Rockfish Cooperative Termination of Fishing Declaration were established under the Pilot Program. NMFS would continue these procedures under the Rockfish Program, except that this form and the check-in/check-out report would be combined into one form.

i. Rockfish Cooperative Vessel Check-in Report, Check-out Report, or Termination of Fishing Declaration

The procedures for the Rockfish Cooperative Vessel Check-in/Check-out Report were established under the Pilot Program (see http://www.alaskafisheries.noaa.gov/rr/forms/rockfish_checkin.pdf) and NMFS would continue them under the Rockfish Program.

NMFS requires a Rockfish Program cooperative to designate a vessel fishing under the authority of a CQ permit. This procedure is necessary because vessels fish in both Rockfish Program fisheries and non-Rockfish Program fisheries (e.g., pollock, Pacific cod, and various flatfish fisheries) that do not require the same catch monitoring provisions. NMFS will no longer limit the number of check-in or check-out reports for a vessel in a season, because the electronic submission of the check-in and check-out report makes tracking of vessel status more efficient.

Each check-in report, check-out report, and termination of fishing declaration must be submitted online. The designated representative must log into the system and create a vessel check-in request, vessel check-out request, or termination of fishing declaration as indicated on the computer screen. By using the transferor's NMFS ID, password, and submitting the request, the designated representative certifies that all information is true, correct, and complete.

According to a comment received on the proposed rule, the 48-hour check-in requirement, as specified in the proposed rule is operationally very difficult for catcher/processors when a vessel is changing areas from the Rockfish Program to Central GOA fishing, or vice versa and back again. Since the catcher/processor sector submits the check-ins electronically, the 48-hour delay seems unnecessary and does not seem worth the operational cost. The commenter recommended eliminating this requirement altogether, or at least reducing the lead time from 48 hours. NMFS agreed and reduced the 48-hour check-in requirement for catcher/processor cooperatives, to a one

hour check-in requirement. This one hour check-in requirement would still provide adequate time for NMFS to properly track and account for catch against a cooperative CQ permit.

The 48-hour check-in requirement is a good management tool for the catcher vessel sector. Catcher vessel cooperatives are still subject to the 48-hour check-in requirement.

Check-in Report

The designated representative of a rockfish cooperative must designate any vessel that is fishing under the rockfish cooperative's CQ permit before that vessel may fish under that CQ permit. This check-in provides adequate time for NMFS to properly track and account for catch against a Rockfish cooperative CQ permit. A check-in designation for a vessel is effective at the beginning of the first fishing trip after the designation is submitted.

In § 679.5, due to receipt of a public comment on the proposed rule, NMFS changed the 48 hour check-in requirement to be specific to the catcher vessel sector only, and added a one hour check-in requirement for the catcher/processor sector. NMFS also changed the check-out designation effective date of for the catcher/processor sector to be effective upon the submission of the designation to NMFS.

Check-out Report

The designated representative of a rockfish cooperative must specify any vessel that is no longer fishing under a CQ permit for that rockfish cooperative. A check-out report must be submitted within 6 hours after the effective date and time the rockfish cooperative wishes to end the vessel's authority to fish under the CQ permit.

- ◆ If fishing under a CQ permit for a catcher vessel cooperative, a check-out designation is effective at the end of a complete offload.
- ◆ If fishing under a CQ permit for a catcher/processor cooperative, a check-out designation is effective at the end of the week-ending date as reported in a production report, or the end of a complete offload, whichever occurs first.

Rockfish Cooperative Termination of Fishing Declaration

The procedures for the Rockfish Cooperative Termination of Fishing Declaration were established under the Pilot Program. This declaration is incorporated into the check-in/check-out report rather than being a separate form.

A Rockfish cooperative may choose to terminate its CQ permit prior to the end of the fishing season through a declaration submitted to NMFS. NMFS will review the declaration and notify the rockfish cooperative's designated representative once the declaration has been approved. In response to a comment to the proposed rule, accounts would not be set to zero for rockfish primary or secondary species after a cooperative submits a Declaration of Termination of fishing to NMFS as suggested in the preamble text of the proposed rule. CQ would be available for transfer until the end of the calendar year.

The cooperative accounts for rockfish primary and secondary species will not be set to zero. A cooperative may use rockfish primary species and rockfish secondary species CQ for transfer until the end of the calendar year. However, halibut PSC CQ may not be used for transfer after a termination of fishing declaration is submitted to NMFS.

Rockfish Cooperative Vessel Check-in/Check-out/Termination Report

Block A – Cooperative Information

- Name of cooperative, CQ permit number (group ID), and NMFS Person ID
- Name and signature of cooperative representative
- Permanent business address
- Business telephone number, business fax number, and business e-mail address

Block B – Vessel Information

- Name of vessel
- Federal Fisheries Permit number
- ADF&G vessel registration number
- USCG documentation number

Block C -- Vessel Check-IN or Vessel Check-OUT (indicate which)

- Date effective
- Time effective

Block D -- Termination of Fishing Declaration.

- Date the declaration is submitted

Rockfish Cooperative Check-in/Check-out/Termination Report, Respondent	
Number of respondents	6
Total annual responses	408
Check-in/out responses = 66 x 6 = 396	
Termination responses = 2 x 6 = 12	
Total annual time burden hours (68)	68 hr
Time per response = 10 min	
Total personnel cost (68 x \$25)	\$1,700
Total miscellaneous cost (40.80)	\$41
Online cost (0.05 x 408 = 20.40)	
Photocopy cost (0.05 x 1 pp x 408 = 20.40)	

Rockfish Cooperative Check-in/Check-out/Termination Report, Federal Government	
Total annual responses	408
Total annual time burden hours	102 hr
Time per response = 15 min	
Total personnel cost (102 x \$25)	\$2,550
Total miscellaneous cost	0

j. 1Rockfish Cooperative Report.

The procedures for the Rockfish Cooperative Report were established under the Pilot Program, and NMFS would continue them under the Rockfish Program.

A rockfish cooperative permitted in the Rockfish Program (see § 679.4(n)(1)) annually must submit to the Regional Administrator an annual rockfish cooperative report detailing the use of the cooperative's CQ by December 15 of each year. No form exists for this information.

The annual rockfish cooperative report may be submitted by mail, fax, or delivery.

Annual Rockfish Cooperative Report

Cooperative's CQ

Sideboard limit (if applicable)

Any rockfish sideboard fishery harvests made by the rockfish cooperative vessels on a vessel-by-vessel basis

The cooperative's actual retained and discarded catch of CQ and sideboard limit on an area-by-area and vessel-by-vessel basis

Describe method used to monitor fisheries in which cooperative vessels participated

Describe private, civil actions taken by the cooperative in response to any members that exceeded their allowed catch

Annual Rockfish Cooperative Report, Respondent	
Number of respondents	6
Total annual responses	6
Total annual time burden hours	240 hr
Time per response = 40 hr	
Total personnel cost (240 x \$25)	\$6,000
Total miscellaneous cost (7.55)	\$8
Online cost (0.05 x 1 = 0.05)	
Photocopy cost (0.05 x 25 pages x 6 = 7.50)	

Annual Rockfish Cooperative Report, Federal Government	
Total annual responses	6
Total annual time burden hours	12 hr
Time per response = 2 hr	
Total personnel cost (12 x \$25)	\$300
Total miscellaneous cost	0

k. 1Rockfish Cooperative Catch Report [REMOVED]

The procedures for the Rockfish Cooperative Catch Report were established under the Pilot Program. Operators of catcher/processors and managers of shoreside processors or stationary floating processors authorized to receive fish harvested under a CQ permit in the Rockfish Program were required to submit Rockfish Cooperative Catch Report detailing each cooperative's delivery and discard of fish.

The Rockfish Coop Catch Report is no longer included in the Rockfish Program, because the information formerly obtained in the Coop Catch Report is now provided through other reporting systems, namely eLandings (see OMB 0648-0515).

Rockfish Cost Recovery

The Rockfish Program is established under the provisions of section 303A of the Magnuson-Stevens Act which requires that NMFS collect fees for the limited access programs equal to the actual costs directly related to the management, enforcement and data collection (management costs). Section 304(d)(2) of the Magnuson-Stevens Act also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program. Fees will be assessed on the ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by that vessel is deducted

from the Federal TAC. Halibut PSC CQ would not be subject to a cost recovery fee because that halibut cannot be retained for sale and, therefore, does not have an ex-vessel value. The entry level longline fishery and opt-out vessels are not subject to cost recovery fees.

Ex-vessel prices will fluctuate with market conditions, so the fee percentage may change throughout the season. NMFS will establish the fee percentage for rockfish based on the prior year's costs and ex-vessel values. A fee, not to exceed 3 percent of ex vessel value, will be charged on all program landings, to cover the costs of administration of the program.

The primary components of the Rockfish Cost Recovery are:

- ◆ Rockfish Ex-vessel Volume and Value Report from each Shoreside Processor.
The Rockfish Program would collect data from shoreside processors using an annual Rockfish Ex-vessel Volume and Value Report on rockfish primary species and rockfish secondary species CQ ex-vessel value.
- ◆ Rockfish Fee from each Cooperative
NMFS will assess a fee against rockfish primary species and rockfish secondary species cooperative quota (CQ) caught by rockfish cooperatives. Pacific halibut prohibited species catch (PSC) CQ will not be subject to a cost recovery fee, because halibut is not retained for sale and, therefore, does not have an ex-vessel value. NMFS will assess management costs and assign the appropriate fee to each rockfish cooperative. Full payment of a cost recovery fee liability is required from each rockfish CQ holder.

Rockfish Quota Share (QS) holders may join a cooperative and receive an exclusive harvest privilege, even if those participants choose not to fish in a cooperative. Participants fishing in either the limited access fishery or under a cooperative will be subject to cost recovery fees based on their catch. Those participants that do not fish, (e.g., those participants that opt-out) will not be subject to cost recovery fees, because they do not harvest species that are managed under the Rockfish Program. Only eligible harvesters holding LLP licenses designated for the catcher/processor sector could choose to participate in the opt-out fishery. Entry-level longline participants who do not hold a limited access privilege will not be responsible for cost recovery fees.

The Rockfish Pilot Program did not include a cost recovery program because it was originally conceived as an experimental, two-year program. The new Rockfish Program will be authorized for ten years.

I. Rockfish Ex-vessel Volume and Value Report

Shoreside processors that receive rockfish CQ must submit to NMFS an annual Rockfish Ex-vessel Volume and Value Report that details the ex-vessel value of harvests and the price paid for rockfish primary and secondary species summarized by month for five months (May through September). Each shoreside processor receiving fish harvested under a rockfish CQ permit would be required to submit this report no later than December 1 of each year.

NMFS would generate the average price paid per pound for all shoreside processors receiving

rockfish primary and secondary species CQ. NMFS would scale the average price in proportion to the amount of landings receiving that price during the month.

Shoreside processors must submit the Rockfish Ex-vessel Volume and Value Report online such that it is received by the NMFS Regional Administrator no later than December 1 of the year in which the rockfish processor received the rockfish CQ groundfish.

This report must be submitted online, the rockfish processor must log in to <http://alaskafisheries.noaa.gov> using the Rockfish Processor's password and NMFS person ID. Instead of a signature, the rockfish processor enters the NMFS ID and password. By submitting the report, the processor certifies that all information is true, correct, and complete to the best of his or her knowledge and belief.

Rockfish Ex-vessel Volume and Value Report

Rockfish processor identification

- Name and NMFS Person ID of shoreside processor
- Rockfish CQ permit number
- Business mailing address; indicate whether permanent or temporary
- Port location
- Business telephone number, business fax number, and business e-mail address (if available)

Certification

Printed name, signature, and date signed

Rockfish Program Pounds Purchased and Ex-vessel Value

- For each primary and secondary species by landing period, enter
- Pounds (round weight)
- Total gross ex-vessel value paid

Rockfish Ex-vessel Volume and Value Report, Respondent	
Number of respondents	6
Total annual responses	6
Response per year = 1	
Total burden hours	12 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$300
Total miscellaneous costs (0.60)	\$1
Online cost (0.05 x 6 = 0.30)	
Photocopy cost (0.05 x 6 = 0.30)	

Rockfish Ex-vessel Volume and Value Report, Federal Government	
Total responses	6
Total burden hours (0.5 hr)	\$1
Time per response = 5min	
Total personnel cost (\$25/hr)	\$25
Total miscellaneous cost	0

m. Rockfish Fee Submittal

All participants fishing under a rockfish cooperative are subject to rockfish cost recovery fees based on their catch. NMFS will require each rockfish CQ holder (effectively each rockfish cooperative) to submit a rockfish fee payment for all Rockfish CQ landings made under the authority of a Rockfish CQ permit.

Each year, NMFS would determine the total value of the rockfish fisheries subject to fee collection by summing the total value for all rockfish primary and rockfish secondary species harvested by all rockfish cooperatives during the previous year using the standard ex-vessel prices.

NMFS would apply standard ex-vessel prices to the catcher/processor rockfish cooperatives. Catcher/processors process catch at sea and do not use ex-vessel pricing to establish the value of catch, because there is no processor receiving the catch and paying the harvester. After receiving the annual Rockfish Value and Volume Report from each shoreside processor, NMFS will inform each rockfish cooperative of the fee percentage applied to the previous year's landings and the total amount due (fee liability). NMFS will provide a summary to all rockfish CQ permit holders during the first quarter of the year following the calendar year in which the rockfish CQ landings were made. The summary will explain the fee liability determination -- including the current fee percentage, details of rockfish primary species, rockfish secondary species, and CQ pounds debited from rockfish CQ allocations by permit, species, date, and price. NMFS will provide the fee liability summary before fees are due on February 15 of each year.

This standard ex-vessel price would apply to all rockfish primary and secondary CQ landings made, starting in 2012. NMFS would use a standard ex-vessel price rather than specific actual price data provided by each rockfish CQ holder. The use of an actual ex-vessel price would require that the rockfish CQ holder document all landings and prices. Based on NMFS' experience with the halibut and sablefish IFQ program, very few IFQ holders subject to fee collection have used actual prices.

NMFS will return any amount submitted in excess of the rockfish cost recovery fee to the rockfish CQ permit holder, unless the permit holder requests the agency to credit the excess amount against the permit holder's future rockfish cost recovery fee liability.

A Rockfish CQ permit holder must submit any rockfish cost recovery fee payment(s) to NMFS no later than February 15 of the year following the calendar year in which the Rockfish CQ landings were made. NMFS cannot assess penalties until at least 30 days after a payment is due; however any debit or credit to the fee collection account must be carried forward and applied toward the fee percentage calculations for future years.

Failure to pay on time will result in the permit holder's QS becoming non-transferable and the person being ineligible to receive any additional QS by transfer. No rockfish QS holder will receive any rockfish QS until the rockfish CQ holder submits full payment of the rockfish cost recovery fee. If a rockfish CQ holder fails to submit full payment by the deadline, NMFS will disapprove any transfer of rockfish CQ to or from the rockfish CQ permit holder. In addition, no rockfish CQ permit will be issued to that rockfish CQ holder for that calendar year. And, no rockfish CQ will be issued based on the rockfish QS held by the members of that rockfish cooperative to any other rockfish CQ permit for that calendar year. If NMFS does not receive payment by the 30th day after the final agency action, NMFS will refer the matter to the appropriate authorities for purposes of collection.

Communication with NMFS will provide ample opportunity for each Rockfish permit holder to reconcile his or her account. However, if the individual continues not to pay, NMFS will produce

a formal determination and state the amount due. Any such formal determination may be appealed. If the formal determination is not appealed and the account remains unpaid or underpaid, the matter will be referred for collection.

NMFS would require that the fee be submitted online. Electronic payment would reduce administrative costs borne by industry. All of the rockfish cooperatives operating under the Pilot Program are familiar with, and regularly use, electronic submissions of various forms under the Pilot Program. NMFS would extend this common practice to fee submission for the Rockfish Program. Instructions for electronic payment would be made available on both the payment website and a fee liability summary letter mailed to the rockfish CQ permit holder

The rockfish fee payments must be made electronically through the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>. Payment must be made in U.S. dollars by personal check drawn on a U.S. bank account, money order, bank certified check, credit card, automated clearing house, or electronic check drawn on a U.S. bank account. Instructions for electronic payment are available on both the payment website and in a fee liability summary letter mailed to each rockfish CQ permit holder.

No costs or burden for the six cooperatives are anticipated for this fee payment, other than a few minutes to complete the fee submittal process online.

m. Appeals for denials of QS or CQ applications.

There is no change to this information collection: 1 respondent and response, 4 hours, \$100 personnel costs and \$1 miscellaneous costs.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Applications are “fillable” on the computer screen by participant at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, then must be downloaded, printed, and mailed, faxed, or delivered to NMFS. Check-in/check-out reports, Termination of fishing declarations, and application for inter-cooperative transfer must be filed online. The Rockfish cooperative reports must be mailed or faxed. Future plans include additional interactive permit applications completed through the Internet.

4. Describe efforts to identify duplication.

This information collection is part of a specialized and technical program that is not like any other.

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

Twelve catcher/processors are eligible for the Rockfish Program regulated by this action; none are small entities, as defined by the RFA. Thirty-two catcher vessels eligible for the rockfish program are either members of a cooperative and, as such, are not considered small entities for the purpose of the RFA, or had annual gross revenues of at least \$4 million. The remaining 14 eligible catcher vessels are all considered small entities. It is likely that some of these eligible 14 catcher vessels are affiliated through partnerships with other entities, and would be considered large entities for the purpose of this action. In the absence of complete ownership information, these affiliations cannot be definitively determined.

The reporting and recordkeeping mandates will not increase the burden on small entities, because, by entering into contractual relationships, cooperatives are affiliations, and as such, are subject to evaluation on the basis of the aggregate gross receipts of all members, worldwide. It is highly unlikely that any cooperative will form in these fisheries which will qualify as a small entity under RFA criteria. Any operators not joining a cooperative are already required to record and report catch data. These reporting burdens will not change under the proposed action.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The existing Pilot Program will sunset after 2011. Consequently, the Pilot Program management, economic, safety, and conservation gains would disappear without the implementation of the new Rockfish Program.

If the Rockfish Program is not conducted or is conducted less frequently, the benefits of the program would be lost. The Rockfish Program would retain the Pilot Program gains, while also considering the goals and limitations of the Magnuson-Stevens Act Limited Access Privilege Program provisions. Some of the improvement seen under the Pilot Program are:

- ◆ improved safety at sea
- ◆ controlled capacity of the fleets
- ◆ improved NMFS' ability to conserve and manage the species in the program
- ◆ increased vessel accountability
- ◆ reduced sea floor contact
- ◆ allowed full retention of allocated species
- ◆ reduced halibut bycatch

In addition, the rockfish fishery dependent community in the CGOA and the shorebased processing sector have benefited from

- ◆ stabilization of the work force
- ◆ more shoreside deliveries of rockfish
- ◆ additional non-rockfish deliveries with the Pilot Program halibut savings

- ◆ increased rockfish quality and diversity of rockfish products

Moreover, the CGOA fishermen and the shorebased processing sector have benefited from the removal of processing conflicts with GOA salmon production. The portion of the catcher/processor sector currently participating in the rockfish cooperatives has also benefitted from the Pilot Program, including greater spatial and temporal flexibility in prosecuting the fishery, which result in

- ◆ lower bycatch
- ◆ a more rational distribution of effort
- ◆ more stable markets

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

1) No inconsistencies occur in this collection.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons 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 (if any), and on the data elements to be recorded, disclosed, or reported.

The Council adopted the proposed Central GOA Rockfish Program on June 14, 2010 to replace the existing Pilot Program that is scheduled to expire December 31, 2011. NMFS published a notice of availability for Amendment 88 on July 28, 2011 (76 FR 45217). On August 19, 2011, NMFS published a proposed rule to implement the Rockfish Program (76 FR 521488) requesting comments from the public. The public comment period ended on September 19, 2011.

NMFS received 13 comment letters from 11 unique individuals regarding the FMP amendment and the proposed rule. The Secretary approved Amendment 88 on October 26, 2011. Three of the public comments resulted in actions taken by NMFS.

1) NMFS removed the opt-out application.

Comment 1. It is unclear why an Application to Opt-out of Rockfish Cooperative described at 679.81(e)(2) is needed in the new Rockfish Program. If no Application for Rockfish Cooperative Fishing Quota is received by NMFS, then the default appears to be the same as opting out. Are the observer coverage and monitoring requirements identical for both the opt-out vessels and participants that do not submit a timely application? If there is no difference then the opt-out application seems unnecessary.

Response 1. NMFS removed the requirement for catcher/processers who wish to opt-out of a cooperative to submit an Application to Opt-out of Rockfish Cooperative. NMFS will presume a rockfish eligible harvester has opted-out of participating in a rockfish cooperative if their LLP license with assigned rockfish QS is not named on an Annual Application for Cooperative Fishing Quota.

2) NMFS changed the deadline for CQ application.

Comment 2: The Application for Rockfish Cooperative Fishing Quota deadline, as specified at § 679.81(f)(3), should be extended to April 1, 2012, for the first year, and then March 1 for all subsequent years to allow participants more time to organize under the new Rockfish Program. After the January 3, 2012 deadline for the initial Application for Rockfish QS, actual allocations will not be known for some time. The organization of cooperatives will not be fully understood until a list of LLP licenses with QS is released by NMFS. The processing and harvesting sectors will need to define their associations under the new program, which will take some negotiation.

Response 2: NMFS disagrees. The March 1 deadline for the Application for Rockfish Cooperative Fishing Quota in the first year of the Rockfish Program is consistent with requirements in the first year under the Pilot Program, when participants were in similar circumstances. However, as indicated in Additional Changes from the Proposed Rule, NMFS changed the deadline for the Application for Rockfish QS to January 17, 2012. This change will provide potential participants additional time to prepare their applications after the effective date of this rule. To ensure rockfish cooperatives are allotted the same amount of time to apply for CQ as indicated in the proposed rule, NMFS changed the deadline for the Application for Rockfish Cooperative Fishing Quota, as specified at § 679.81(f)(3), to March 15, 2012 for the first year and then March 1 for all subsequent years to ensure applicants. This change will allow 30 days for Rockfish Program participants to prepare for the fishing season, join rockfish cooperatives, and apply for CQ after NMFS revises and distributes LLP licenses.

3) NMFS clarified transfer details.

Comment 3: Accounts should not be set to zero for rockfish primary or secondary species after a cooperative submits a Declaration of Termination of fishing to NMFS. CQ should be available for transfer until the end of the calendar year. Additionally, halibut PSC CQ may need to be available for transfer to cover cooperative overages. Observer data can change after debriefing and a halibut CQ overage could occur if no halibut PSC is available for transfer.

Response 3: NMFS agrees. The cooperative accounts for rockfish primary and secondary species will not be set to zero. A cooperative may use rockfish primary species and rockfish secondary species CQ for transfer until the end of the calendar year. However, halibut PSC CQ may not be used for transfer after a termination of fishing declaration is submitted to NMFS.

4) NMFS changed the check-in requirement.

Comment 4: The 48-hour check-in requirement, as specified in the proposed rule, is operationally very difficult for catcher/processors when a vessel is changing areas from the Rockfish Program to Central GOA fishing, or vice versa and back again. Perhaps the 48-hour requirement is a good management tool for the catcher vessel sector, but since the catcher/processor sector submits the check-ins electronically, the 48-hour delay seems unnecessary and does not seem worth the operational cost. We recommend eliminating this requirement altogether, or at least reducing the lead time from 48 hours to 12 hours.

Response 4: NMFS agrees. NMFS reduced the 48-hour check-in requirement for catcher/processor cooperatives, to a one hour check-in requirement. This one hour check-in

requirement would still provide adequate time for NMFS to properly track and account for catch against a cooperative CQ permit.

Catcher vessel cooperatives are still subject to the 48-hour check-in requirement, as specified in 679.5(8)(i)(A)(1).

9. Explain any decisions to provide payments or gifts 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 assurance in statute, regulation, or agency policy.

1As stated on the forms and in the regulations, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act(16 U.S.C. 1801 *et seq.*); and also under [NOAA Administrative Order \(AO\) 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics. All information collected is part of a system of records: NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Estimated total unique respondents, 74 (68 QS holders, 6 cooperatives), increased from 55. Estimated total responses, 513, increased from 496. Estimated total burden, 490 hr, increased from 408 hr. Estimated total personnel cost, \$12,250 increased from \$10,200.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Estimated total miscellaneous costs \$353, decreased from \$681.

14. Provide estimates of annualized cost to the Federal government.

NMFS estimates that the current annual costs for managing and enforcing the existing Pilot Program at approximately \$620,000 per year. This estimate includes regulatory development, inseason management, permitting, database management, and enforcement. However, management costs may be slightly lower because NMFS removed the limited access fishery. Management of the limited access fishery, and the inseason management actions necessary to manage that fishery, require substantially more time than oversight of cooperative allocations. Estimated total burden, 186 hr, increased from 181 hr. Estimated total personnel cost, \$6,525, decreased from \$7,033.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Program changes are made in this collection. The Rockfish Pilot Program is replaced with the Rockfish Program. The addition of the Application for Rockfish QS, the addition of the Volume And Value Report, and the removal of Applications for Limited Access, Entry-Level Fisheries, and Opt-out, as well as removal of the Annual Cooperative Catch Report, are program changes.

Adjustments are made in this collection, due in part to differences in numbers of participants based on current permit counts and due to revisions to postage rates and online and fax costs. The form, Termination of Fishing Declaration, is removed, and the information requests are combined into the form for check-in and check-out. In addition, this action corrects an error in the calculation of appeals personnel costs.

Burden changes due to program changes:

Application for Rockfish Quota Share [NEW]

- an increase of 68 respondents and responses, 68 instead of 0
- an increase of 136 hr burden, 136 instead of 0
- an increase of \$3,400 personnel costs, \$3,400 instead of \$0
- an increase of \$77 miscellaneous costs, \$77 instead of \$0

Rockfish Ex-vessel Volume & Value Report [NEW]

- an increase of 6 respondents and responses, 6 instead of 0
- an increase of 12 hr burden, 12 instead of 0
- an increase of \$300 personnel costs, \$300 instead of \$0
- an increase of \$1 miscellaneous costs, \$1 instead of \$0

1Application for limited access fishery [REMOVED]

- a decrease of 9 respondents and responses, 0 instead of 9
- a decrease of 18 hr burden, 0 instead of 18 hr
- a decrease of \$450 personnel costs, \$0 instead of \$450
- a decrease of \$51 miscellaneous costs, \$0 instead of \$51

Application for entry-level fishery [REMOVED]

- a decrease of 10 respondents and responses, 0 instead of 10
- a decrease of 20 hr burden, 0 instead of 20 hr
- a decrease of \$500 personnel costs, \$0 instead of \$500
- a decrease of \$63 miscellaneous costs, \$0 instead of \$63

Annual rockfish cooperative catch report [REMOVED]

- a decrease of 6 respondents, 0 instead of 6
- a decrease of 45 responses, 0 instead of 45
- a decrease of 23 hr burden, 0 instead of 23 hr
- a decrease of \$575 personnel costs, \$0 instead of \$575
- a decrease of \$69 miscellaneous costs, \$0 instead of \$69

Burden changes due to adjustments:

Application for rockfish cooperative CQ

an increase of \$2 miscellaneous costs, \$222 instead of \$220

Application for inter-cooperative transfer

a decrease of \$13 miscellaneous costs, \$3 instead of \$16

Application to Opt-out [REMOVED]

a decrease of 3 respondents and responses, 0 instead of 3

a decrease of 6 hr burden, 0 instead of 6 hr

a decrease of \$150 personnel costs, \$0 instead of \$150

a decrease of \$25 miscellaneous costs, \$0 instead of \$25

Rockfish cooperative termination of fishing declaration [REMOVED]

a decrease of 2 respondents and responses, 0 instead of 2

a decrease of 4 hr burden, 0 instead of 1 hr

a decrease of \$25 personnel costs, \$0 instead of \$25

a decrease of \$12 miscellaneous costs, \$0 instead of \$12

Rockfish cooperative check-in report, check-out report, and terminate

an increase of 12 respondents, 408 instead of 396

an increase of 2 hr burden, 68 hr instead of 66 hr

an increase of \$50 personnel costs, \$1,700 instead of \$1,650

a decrease of \$17 miscellaneous costs, \$41 instead of \$58

Annual rockfish cooperative report

a decrease of \$158 miscellaneous costs, \$8 instead of \$166.

No change to this information collection: Appeals for denials of QS or CQ applications: 1 respondent and response, 4 hours, \$100 personnel costs and \$1 miscellaneous costs.

16. For collections whose results will be published, outline the plans for tabulation and publication.

NMFS would publish the rockfish fee percentage in the Federal Register that would determine the total fee, up to 3 percent of the total ex-vessel value of the fishery, required from all rockfish cooperatives based on landings of rockfish primary and secondary species CQ made in the previous year. The fee percentage is the total percentage of ex-vessel value due for each pound of rockfish primary and secondary species CQ made by a cooperative during the previous year.

With the halibut and sablefish IFQ cost recovery program, NMFS publishes the standard ex-vessel prices and the rockfish fee percentage in the same Federal Register notice in the first quarter of the year, and NMFS anticipates using the same process for the Rockfish Program. The fee percentage is the amount of the ex-vessel value that is due to NMFS based on the standard ex-vessel value of the rockfish primary and secondary species CQ debited from all rockfish CQ accounts relative to the actual costs directly related to the management, enforcement, and data collection of the Rockfish Program.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.1

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.