

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Alaska Community Quota Entity (CQE) Program
OMB Control No. 0648-0665

Abstract

This is a resubmission, with the final rule, of a request by the National Marine Fisheries Service (NMFS), Alaska Regional Office, for revision of this currently approved information collection that contains applications, permits, and reports necessary for NMFS to manage the Community Quota Entity (CQE) Program. NMFS requires this information to evaluate the ability of a specific CQE to represent an eligible community and for fisheries management.

This information collection is revised due to an associated rule (RIN 0648-BL54) to implement Amendment 124 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 112 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intent of these amendments and this rule is to increase operational efficiency and reduce administrative burden for participants in the Individual Fishing Quota (IFQ) Program and the Community Development Quota Program. This rule also affects information collection requirements approved under OMB Control Number 0648-0353 (Alaska Region Gear Identification Requirements). Concurrent with this request to revise 0648-0665, NMFS is submitting a separate request for 0648-0353.

Due to the rule, this information collection is revised to provide additional submission methods for CQE information collection requirements and to temporarily remove the Adak CQE residency requirement for the Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident. These revisions do not change the respondents, responses, or burdens in this collection.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act), the Secretary of Commerce is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through the National Oceanic and Atmospheric Administration/NMFS. NMFS Alaska Region manages the groundfish fisheries in the EEZ of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under fishery management plans (FMPs) developed by the North Pacific Fishery Management Council (Council) for groundfish in the respective areas. Regulations governing U.S. fisheries and implementing the groundfish FMPs are at 50 CFR [parts 600](#) and [679](#).

The International Pacific Halibut Commission (IPHC) and NMFS Alaska Region manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the [Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c](#) (Halibut Act). The IPHC promulgates regulations governing the halibut fishery under the [Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea](#) (Convention). Regulations pursuant to the Convention are set forth at [50 CFR 300 subpart E](#).

This information collection contains applications, permits, and reports required under the CQE Program. This information collection is required in Federal regulations at 50 CFR [300 Subpart E](#) and [part 679](#). The specific regulations for the instruments in this collection are provided in the table in question #2 below.

The CQE Program is a Federal program administered by NMFS. The CQE Program allocates to eligible communities in Alaska a portion of the harvest quotas for groundfish, halibut, crab, and prohibited species. The allocations provide these communities the means for starting or supporting commercial fisheries activities that will result in an ongoing, regionally based, fisheries-related economy.

Participating communities are represented by a CQE (community quota entity), which is a NMFS-approved non-profit organization. An eligible community must form a CQE in order to participate in the Federal limited access programs that provide eligible Alaska communities special fishery-related privileges. The [Alaska Department of Community and Economic Development CQE Program](#) assists communities with funding and forming CQEs to participate on their behalf in certain Federal limited access programs.

The CQE Program allows 45 small, coastal communities in the GOA and one community in the Aleutian Islands to form CQEs. The eligible communities and the community governing body that recommends the CQE are listed in [Table 21 to 50 CFR Part 679](#).

Under the Pacific Halibut and Sablefish IFQ Program (IFQ Program), a CQE may purchase commercial halibut and sablefish quota share (QS) for lease to residents of the eligible community. Under the Charter Halibut Limited Access Program, a CQE may request community charter halibut permits for use in southeast Alaska and the central Gulf of Alaska by charter vessel operators designated by the CQE. Under the License Limitation Program (LLP), a CQE may request non-trawl groundfish LLP licenses endorsed for Pacific cod in the central or western Gulf of Alaska for use on vessels designated by the CQE. More information on the CQEs and the CQE Program is provided on the [NMFS Alaska Region website for community quota and license programs for CQEs](#).

This information collection is necessary for NMFS Alaska Region to manage the CQE Program. NMFS requires this information to evaluate the ability of a specific CQE to represent an eligible community and for fisheries management. The information collected is used to establish eligibility of the CQEs; review each CQE's business operations and fishing activity; monitor participation of the eligible communities in the CQE Program and associated limited access

programs; and gather information on distribution and use among these communities of LLP groundfish licenses, charter halibut permits, and halibut and sablefish QS and IFQ.

Reason for the Revisions Due to the Rule (RIN 0648-BL54)

This information collection is revised due to an associated rule (RIN 0648-BL54) to implement Amendment 124 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 112 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). This rule amends regulations for the IFQ Program and Community Development Quota (CDQ) Program to increase operational efficiency and reduce administrative burden for program participants.

This rule also affects information collection requirements approved under OMB Control Number 0648-0353 (Alaska Region Gear Identification Requirements). Concurrent with this request to revise 0648-0665, NMFS is submitting a separate request for this collection.

This collection for -0665 is revised to provide additional submission methods for CQE information collection requirements and to temporarily remove the Adak CQE residency requirement for the Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident.

This rule revises regulations for several CQE information collection requirements to clarify that information is required to be submitted to the Regional Administrator but not to specify submission methods. Currently, some of the regulations imply the information must be submitted by mail because only the mailing address is listed. The purpose of this regulatory change is to provide additional methods for the public to submit information as the agency moves toward electronic submission. This will also match current practice as NMFS AKR has been accepting this information by methods other than mail. The burden for these requirements will not change because the burden estimates allow for differences in the time needed to complete and submit the information.

This rule also temporarily removes the Adak CQE residency requirement for five years to provide the opportunity for the Adak CQE to fully harvest its allocation. As of March 17, 2019, the Adak CQE has been required to lease the annual IFQ derived from QS to only eligible community residents of Adak. This requirement was intended to explicitly tie the potential long-term benefits of QS held by an Aleutian Islands CQE to the residents of Adak. In February 2021, the Council requested an emergency rule to suspend the residency requirements applicable to the Adak CQE Program for the 2021 fishing year. The Secretary of Commerce denied the request for emergency action because it did not meet the emergency criteria described at section 305(c) of the Magnuson-Stevens Act. The denial letter noted that a longer-term management solution would be the best approach to address the ongoing challenges and impacts on the community of Adak. As a result, the Council recommended this rule to remove the residency requirement for five years with the intent of creating additional opportunities for the Adak CQE to fully harvest its allocation.

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.

The table below lists the instruments in this collection, and for each provides the regulation for the requirements and summarizes who submits the information, the submission method and frequency, and whether there is a form available.

| Limited Access Program | Requirement 50 CFR | From whom will the information be collected? | Form? ¹ | Submission Method ² | How often is the information collected? |
|---|--|--|--------------------|--------------------------------|--|
| All CQEs | | | | | |
| Application for Nonprofit Corporation to be Designated as a CQE | § 679.41(l)(3) | Representative of a non-profit entity seeking to become a CQE | Y | mail, delivery, or fax | Once |
| CQE Annual Report | § 679.5(t) | CQE representative | N | mail or delivery | Annually, by January 31 for the prior calendar year. A CQE is not required to submit an annual report for any calendar year in which it did not hold any community charter halibut permits, IFQ, or LLP licenses. |
| Halibut and Sablefish IFQ Program | | | | | |
| Application for Transfer of Quota Share to or from a Community Quota Entity | §§ 679.41(b) and (c) | CQE representative and eligible community resident. Signature of community representative required only when CQE proposes to permanently transfer QS. | Y | mail, delivery, or fax | As needed |
| Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident | §§ 679.41(b) and (c) | CQE representative and eligible community resident or non-resident | Y | mail, delivery, or fax | As needed |
| Application for Transfer (Lease) Between IFQ and Guided Angler Fish by a Community Quota Entity (CQE) | § 300.65(c)(5)(ii) | CQE representative and eligible community resident holding charter halibut permits | Y | mail, delivery, or fax | As needed |
| License Limitation Program | | | | | |
| Application for a CQE to Receive a Non-trawl Groundfish LLP License | §§ 679.4(k)(10)(vi)(A) through (C) | CQE representative | Y | mail, delivery, or fax | Once |
| CQE License Limitation Program Authorization letter | §§ 679.4(k)(10)(vi)(D) and (E) | CQE representative | N | mail, delivery, or fax | Annually |
| Charter Halibut Limited Access Program | | | | | |

| | | | | | | |
|---------------------|---|-----------------------------|--------------------|---|------------------------------|-----------|
| ¹ are | Application for Community Charter Halibut Permit | § 300.67(k) | CQE representative | Y | mail, delivery, or fax | As needed |
|---------------------|---|-----------------------------|--------------------|---|------------------------------|-----------|

Forms

available as fillable pdfs on the [NMFS Alaska Region website for Alaska CQE applications](#).

² **Mail:** NMFS Alaska Region, Restricted Access Management, P.O. Box 21668, Juneau, AK 99802-1668

Delivery: 709 West 9th Street, Room 713, Juneau, AK, 99801

Fax: (907) 586-7354

Dissemination of Information

This information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#) (the Information Quality Act), which requires NMFS to ensure the quality, objectivity, utility, and integrity of information it publicly disseminates. Public dissemination of data collected by this information collection is governed by [NOAA's information quality guidelines](#), which were issued on October 30, 2014.

It is anticipated that some of the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See Question 10 of this Supporting Statement for more information on confidentiality and privacy. See Question 16 of this Supporting Statement for information from this collection that is posted on the NMFS website.

a. Application for a Nonprofit Corporation to be Designated as a Community Quota Entity (CQE) [Rule revises § 679.41(l)(3) to increase submission methods.]

A nonprofit entity that intends to represent an eligible community as a CQE must have approval from the NMFS Regional Administrator. To receive that approval, the nonprofit entity seeking to become a CQE is required to submit a complete Application for a Nonprofit Corporation to be Designated as a Community Quota Entity (CQE). A CQE must be approved by NMFS in order to, on behalf of an eligible community, request charter halibut permits; buy, sell, and hold halibut and sablefish QS; and request Pacific cod.

A CQE must be a new nonprofit entity incorporated under the State of Alaska or a new nonprofit entity formed by an aggregation of several eligible communities. A CQE must be incorporated after April 10, 2002, and must represent at least one eligible community listed in [Table 21 of 50 CFR 679](#).

A CQE must have the written approval of each community it represents. A CQE may represent more than one community, but a community may be represented by only one CQE.

This application is submitted only once, unless a community withdraws support from its CQE. A separate application is submitted for each community that the CQE will represent.

As part of the approval process, NMFS provides a copy of the complete application to the Alaska Department of Community and Economic Development and considers comments received from it. The Alaska Department of Community and Economic Development must submit its comments within 30 days of receipt of the application in order for those comments to be considered by NMFS during the approval process.

A list of CQEs and the community represented by each is posted on the [NMFS Alaska Region website for permits and licenses in Alaska](#).

The information collected on the Application for a Nonprofit Corporation to be Designated as a Community Quota Entity (CQE) includes taxpayer identification number, NMFS CQE Person ID, name of non-profit organization, name of representative, and contact information for the nonprofit entity applying to become a CQE; the name of the community represented by the nonprofit entity and contact information for the community governing body; and the signature and printed name of the applicant or authorized representative and date signed. If it is completed by a representative, their authorization must be attached.

The application also requires the following attachments:

- The applicant's Articles of Incorporation
- The applicant's Corporate By-laws
- A list of the applicant's key personnel, including its Board of Directors and Officers
- The applicant's Organizational Chart or, at a minimum, a written explanation that fully reveals the applicant's line and staff responsibilities and relationships
- A statement designating the eligible coastal community(ies) that the entity seeks to represent
- An explanation of how the applicant will manage QS/IFQ on behalf of the community(ies) it seeks to represent
- A statement that explains the procedures that will be used to solicit requests from community residents to use (lease) annual IFQ held by the applicant and that sets out the criteria and procedures to be used to select from among those who have expressed a desire to use the IFQ.
- Formal resolution from the community governing body (i.e., the city council if a municipality, the tribal governing body if not a municipality, or the non-profit community association if neither a municipality nor a tribe) that unambiguously designates the applicant as the community's representative and CQE.

In addition to the above attachments, an entity applying to become an Aleutian Islands CQE, must also attach the following:

- Procedures to determine the distribution of IFQ to eligible community residents and non-residents of Adak.
- Procedures to solicit requests from eligible community residents and non-residents to lease IFQ.
- Criteria to determine the distribution of IFQ leases among eligible community residents and nonresidents and the relative weighting of those criteria.

b. Community Quota Entity (CQE) Annual Report [Rule revises § 679.5(t)(2) to increase submission methods.]

A CQE must submit annual report data for the community charter halibut permit, IFQ, and LLP licenses it held during the calendar year. The CQE may combine annual reports about its holdings of community charter halibut permits, IFQ, and LLP licenses in one report. A CQE is

not required to submit an annual report for any calendar year in which it did not hold any community charter halibut permits, IFQ, or LLP licenses.

A CQE must submit an annual report for any calendar year in which it held any community charter halibut permits, IFQ, or LLP licenses.

By January 31, the CQE must submit a complete annual report for the prior calendar year to NMFS and to the governing body of each community represented by the CQE as identified in Table 21 to part 679.

The purpose of the annual report is to help NMFS and the Council assess the performance of the CQEs in meeting the objectives of providing for community-held QS. The information collected through CQE annual reports provides essential information for the effective and sustainable management of the CQE Program and related fisheries. It is important to have regularly updated information to ensure that program requirements and objectives are consistently met. The CQE annual report describes the CQE's administrative activities, business operations, and community fishing activities for the charter halibut permit, IFQ, and license limitation programs for each eligible community represented by the CQE for that calendar year.

NMFS does not have a form for this report because of the unknown nature of the responses that may come from each CQE that is required to report. Each CQE holds different permits and has different mechanisms for deciding how to distribute those permits. Each CQE is free to format their own annual report provided that it covers all the required criteria set out in the regulations at § 679.5(t).

c. Application for Transfer of QS to or from a CQE [no change]

To participate in a fishery, an eligible community must first form a CQE and purchase catcher vessel QS through a transfer. Once QS is held, the CQE may lease the annual IFQ resulting from the QS to individual community residents.

The Application for Transfer of QS is used to apply for a transfer of permanent QS (with or without IFQ) to or from a CQE. Persons receiving the QS transfer must hold a Transfer Eligibility Certificate (TEC) (approved under OMB 0648-0272). If the application is to permanently transfer QS from a CQE to another party, the application must be signed by a representative of the community for whom the CQE holds the QS. Transfers of charter halibut permits or LLP licenses are not allowed in the CQE program.

A CQE may transfer QS for the following reasons (§ 679.41(g)(7)):

- to generate revenue to provide funds to meet administrative costs for managing the community QS holdings;
- to generate revenue to improve the ability of residents within the community to participate in the halibut and sablefish IFQ fisheries;
- to generate revenue to purchase QS to yield IFQ for use by community residents
- to dissolve the CQE; or
- as a result of a court order, operation of law, or as part of a security agreement.

The information collected on the Application for Transfer of QS includes NMFS Person ID, name, and contact information for the transferor and transferee; name of the community represented by the CQE and contact information for the community governing body; sweep-up information if this QS is a sweep-up; identification information and amount of QS to be transferred; reason for transfer and transaction information; signatures and printed names of the transferor and transferee, or their authorized representatives, and date signed; and signature, printed name, and title of the community representative, which is only required when the CQE is permanently transferring QS, and date signed. If it is a sweep-up, the original QS certificates of both the transferor and the transferee must be attached. If it is completed by a representative, their authorization must be attached.

d. Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident [Revised]

Revision: The text below and the Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident is revised to temporarily remove the Adak CQE residency requirement for the person receiving the transfer of IFQ. This is necessary because the associated rule (RIN 0648-BL54) revises [50 CFR 679.42\(e\)\(8\)\(ii\)](#) and [679.42\(f\)\(7\)\(ii\)](#) to remove the Adak CQE residency requirement for five years to provide the opportunity for the Adak CQE to fully harvest its allocation. See the section “Reason for the Revisions Due to the Rule (RIN 0648-BL54)” under Question #1 above for more information this revision. No changes are made to the estimated burden, respondents, or responses for this application.

A CQE that receives transferred halibut or sablefish QS on behalf of an eligible community may lease the resulting IFQ to persons who are residents of the eligible community. On NMFS approval of the transfer of QS to a CQE (see 2c, above), the CQE may transfer halibut and sablefish IFQ to individual, eligible community residents and non-residents. In the case of the city of Adak, since March 17, 2019, the transferee has been required to be an eligible community resident of Adak. The associated rule (RIN 0648-BL54) would remove this requirement until five years after the effective date of the final rule.

The Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident is used by CQEs to apply to transfer IFQ to these eligible residents and non-residents. Persons receiving the IFQ must hold a TEC (approved under OMB 0648-0272) unless they are a resident of the Aleutian Islands (Adak) for at least 12 months.

The information collected on the Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident includes NMFS Person ID, name, and contact information for the transferor and transferee; name of the community represented by the CQE; identification information and amount of IFQ to be transferred; the transferee’s community and state of residence if not a resident of Adak, Alaska; transaction information; signatures and printed names of the transferor and transferee, or their authorized representative, and date signed; and signature and printed name of the non-resident transferee (or their authorized representative), which is applicable to IFQ transferred from Adak CQE only. If it is completed by a representative, their authorization must be attached.

e. Application for Transfer (Lease) Between IFQ and GAF by a Community Quota Entity (CQE) [no change]

The Application for Transfer (Lease) Between IFQ and GAF by a Community Quota Entity (CQE) is used to transfer IPHC Areas 2C (Southeast GOA) and 3A (Central GOA) commercial IFQ for use as guided angler fish (GAF) by a community resident holding one or more charter halibut permits for IPHC Areas 2C or 3A. This form is used only if a CQE is the transferor or the transferee of the IFQ.

- A CQE applying for a transfer between IFQ and GAF must be eligible to hold IFQ on behalf of an eligible community in Area 2C or Area 3A and have received NMFS' notification of approval of eligibility to receive IFQ for that community.
- A CQE applying to receive GAF must hold one or more valid community charter halibut permits.
- A CQE applying to transfer IFQ to GAF must submit a complete annual report(s) as required by 50 CFR part 679.5(l)(8).
- An individual applying to receive GAF from Area 2C or Area 3A IFQ held by a CQE must be an eligible community resident of the eligible community in whose name the CQE is holding IFQ.

This form is also used to return unused GAF to the CQE from which it was obtained. NMFS will accept applications to return GAF to IFQ from August 1 to August 31 only. NMFS will return unused GAF to the IFQ permit holder from which they were obtained on or about 15 calendar days prior to the closing of the commercial halibut fishing season.

NMFS will not approve an application before the annual IFQ is issued, one month prior to the close of the commercial IFQ fishing season, or after November 1. NMFS will return all unharvested GAF to the CQE on or about November 1 each year.

The IFQ permit holder is responsible for all cost recovery fees (approved under OMB Control No. 0648-0711) resulting from the GAF harvested as a result of this transfer. No fees will be assessed for any unused GAF.

The information collected on the Application for Transfer (Lease) Between IFQ and GAF by a Community Quota Entity (CQE) includes NMFS Person ID, name, and contact information for the transferor and transferee; name of the community represented by the CQE; whether the transferee intends to begin or end their charter halibut fishing trip in the community listed by the transferor; identification of IFQ and/or GAF to be transferred; transaction information; and signatures and printed names of the transferor and transferee, or their authorized representative, and date signed. If it is completed by a representative, their authorization must be attached. The application also requires the following attachments: copy of IFQ permit(s); valid Charter Halibut Permit (transferee receiving GAF must have a valid Charter Halibut Permit); and Power of Attorney (if applicable).

f. Application for a CQE to Receive a Non-trawl Groundfish LLP License [Rule revises § 679.4(k)(10)(vi)(A) to increase submission methods.]

The LLP authorizes CQEs to request non-trawl LLP groundfish licenses endorsed for Pacific cod in the central or western GOA. A license holder must have a Pacific cod endorsement on his or her groundfish license to conduct directed fishing for Pacific cod in the Western Gulf of Alaska (Western GOA) or Central Gulf of Alaska (Central GOA) with hook-and-line gear, pot gear, or jig gear. A license holder may only use the specific non-trawl gear(s) indicated on his or her license to conduct directed fishing for Pacific cod in the Western GOA or Central GOA.

This application is used by a CQE to request LLP groundfish licenses endorsed for Pacific cod on behalf of the communities it represents. A CQE may apply for and may receive a maximum number of LLP groundfish licenses designated in the regulatory area specified for each community it represents. Licenses will have a maximum length overall designation of 60 ft. Western GOA licenses will be endorsed for pot gear, and Central GOA CQEs may choose either a pot or hook-and-line endorsement. The licenses may only be used on vessels designated by the CQEs representing the communities.

An application needs to be submitted and approved only once.

The information collected on the Application for a CQE to Receive a Non-trawl Groundfish LLP License includes name of CQE, NMFS CQE Person ID, and name and contact information for the CQE representative; number of LLP groundfish licenses being requested; the non-trawl gear type to be designated on each groundfish license requested; and the signature and printed name of the applicant or authorized representative and date signed. If it is completed by a representative, their authorization must be attached. A complete application must include an attachment with a statement describing 1) the procedures the CQE used to determine the distribution of LLP licenses to residents of the community represented by that CQE, 2) the procedures the CQE used to solicit requests from residents to be assigned an LLP license, and 3) the criteria the CQE used to determine the distribution of the use of LLP licenses among qualified community residents and the relative weighting of those criteria.

g. CQE LLP Authorization Letter [Rule revises § 679.4(k)(10)(vi)(D) to increase submission methods.]

A CQE must annually assign each community LLP license to a user and vessel. This is done through the CQE LLP authorization letter. A CQE must provide a copy of the authorization letter, and any subsequent amendment to that authorization letter to both NMFS and the vessel operator prior to use of the LLP license by the person(s) designated. A copy of the authorization letter must be on board the vessel when that vessel is directed fishing for Pacific cod under authority of that license. The person specified for the LLP license in the authorization letter must be on board the vessel during directed fishing.

The CQE LLP authorization letter includes following information:

- Assigns each community LLP license to a specific vessel and designates the vessel operator.

- Attests that the authorized representative using a groundfish license issued to a CQE—
 - Is a citizen of the United States;
 - Has maintained a domicile in a CQE community in the Central GOA or Western GOA eligible to receive an LLP license endorsed for Pacific cod for the 12 consecutive months immediately preceding the time when the assertion of residence is made; and
 - Is not claiming residency in another community, state, territory, or country, except that residents of the Village of Seldovia shall be considered to be eligible community residents of the City of Seldovia for the purposes of eligibility to serve as an authorized vessel operator. The residency requirements for a vessel operator using a CQE license ensures that residents of a specific community actively participate in the Pacific cod fishery consistent with the overall goal the North Pacific Fishery Management Council established for CQE LLP licenses.

h. Application for Community Charter Halibut Permit (CCHP) [no change]

The Charter Halibut Limited Access Program (CHLAP) established Federal charter halibut permits for operators in the charter halibut fishery in IPHC Areas 2C (Southeast Alaska) and 3A (South Central Alaska). All vessel operators in IPHC Areas 2C and 3A with charter anglers on board must have an original, valid permit on board during every charter vessel fishing trip on which Pacific halibut are caught and retained. Charter halibut permits are endorsed for the appropriate regulatory area and the number of anglers that may catch and retain charter halibut on a trip.

The CHLAP also provides a limited number of permits issuable on request to CQEs representing specified rural communities to give these communities the opportunity to benefit economically from the charter halibut industry.

A CQE may apply at any time for community charter halibut permits (CCHP) for eligible communities, if they meet criteria for limited participation in the charter halibut fishery. The communities eligible for a CCHP include those CQE communities in which 10 or fewer active charter vessel businesses terminated charter vessel trips in the community in each of the qualifying years, 2004 and 2005. Eligible communities are listed at [50 CFR 300.67\(k\)\(2\)](#).

A CQE may receive a maximum of four CCHPs for each eligible community it represents in Area 2C, and a maximum of seven CCHPs for each eligible community it represents in Area 3A. The larger number of community permits allowed in Area 3A reflects the larger resource base in that area.

The CQE designates charter vessel operators to use its CCHPs, although the CCHP itself is retained by the CQE. A charter vessel operator using a CCHP is subject to all charter fishing regulations and must either begin or end the charter vessel fishing trip within the community designated on the permit. The purpose of this requirement is to ensure that the charter vessel anglers on such a fishing trip have an opportunity to use the goods and services of the community.

A CCHP has an angler endorsement of six and is nontransferable. A CCHP may not be transferred to a different CQE or to a non-CQE entity.

CCHPs are issued at no cost and do not expire as long as the CQE maintains its status. To request CCHPs, the CQE must submit a separate application for each community that it represents.

The information collected on the Application for a Community Charter Halibut Permit (CCHP) includes the applicant's name and contact information; the name of the community represented by the CQE and the number of permits requested; the locations, including the latitude and longitude, where all trips will begin or end within the boundaries of this community; and the signature, printed name, and title of the individual completing the application for the CQE and the date signed. The individual signing the application is required to provide documentation of their authority to apply on behalf of the applicant.

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 applications are available as fillable pdfs on the [NMFS Alaska Region website](#) and can be printed and submitted by mail or fax. The CQE annual report is a large report with various sizes of pages that is submitted by mail or in person. NMFS Alaska Region is working toward offering more online services and is currently in developing a system for allowing more information to be submitted electronically.

The associated rule (RIN 0648-BL54) revises regulations to not specify submission methods. This will provide additional methods for the public to submit information as the agency moves toward electronic submissions.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

None of the information collected duplicates other collections.

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

NMFS attempts to minimize the burden of this collection on all respondents by collecting only information necessary to manage the CQE Program. All of the applications in this information collection are available online as fillable pdfs. In addition to email, a toll-free phone number is available for participants to contact the NMFS Restricted Access Management Program for help or information on the elements in this information collection.

NMFS is continually working towards ways to reduce the burden. The associated rule (RIN 0648-BL54) will provide additional methods for the public to submit information, which will increase efficiency and flexibility for program participants.

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.

It would not be possible to effectively manage the CQE Program or carry out the mandates of the Magnuson-Stevens Act and Halibut Act if this collection were not conducted or conducted less frequently.

The lack of adequate information to manage the CQE Program would result in the fishery management decision-making process being less objective, more political, and potentially less equitable. This would decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system. The cost of making decisions based on inadequate information would adversely affect the viability of the CQE fishing industry, and impact the economic health of the participating communities.

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

This collection will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A proposed rule ([87 FR 71559](#)) soliciting public comments published on November 23, 2022. The comment period ended on December 23, 2022. No comments were received on 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 is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

All information collections by NMFS, Alaska Region, are protected under confidentiality provisions of section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, *et seq.*) and under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

The System of Records Notice that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). An amended Privacy Act system of records notice was published in the *Federal Register* on August 7, 2015 (80 FR 47457), and became effective September 15, 2015 (80 FR 55327).

The Privacy Impact Assessment that covers this information collection is [NOAA NMFS Alaska Region Local Area Network \(NOAA4700\)](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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

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

The hourly wage rate has been updated to use the most current BLS hourly wage rate available (May 2021). The hourly wage rate estimate of \$21.15 is the U. S. Bureau of Labor Statistics (BLS) mean hourly wage for Alaska 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).

| Information Collection | Type of Respondent (e.g., Occupational Title) | # of Respondents/year | Annual # of Responses / Respondent | Total # of Annual Responses | Burden Hrs / Response | Total Annual Burden Hrs | Hourly Wage Rate (for Type of Respondent) | Total Annual Wage Burden Costs |
|---|---|-----------------------|------------------------------------|-----------------------------|-----------------------|-------------------------|---|--------------------------------|
| Application for Nonprofit Corporation to be Designated as a CQE | Non-profit representatives | 1 | 1 | 1 | 200 hrs | 200 | 150 ¹ | 150 |
| CQE Annual Report | CQE representative | 27 | 1 | 27 | 40 hrs | 1,080 | 21.15 | 22,842 |
| Application for Transfer of Quota Share to or from a Community Quota Entity | CQE representative and QS holder | 34 ² | 1 | 17 | 2 hrs | 68 | 21.15 | 1,438 |
| Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident | CQE representative and transferee | 8 ² | 1 | 4 | 2 hrs | 16 | 21.15 | 338 |
| Application for Transfer (Lease) Between IFQ and Guided Angler Fish by a Community Quota Entity (CQE) | CQE representative and CHP holder | 90 ² | 1 | 45 | 2 hrs | 180 | 21.15 | 3,807 |
| Application for a CQE to Receive a Non-trawl Groundfish LLP License | CQE representative | 3 | 1 | 3 | 20 hrs | 60 | 21.15 | 1,269 |
| CQE License Limitation Program Authorization letter | CQE representative | 5 | 1 | 5 | 1 hr | 5 | 21.15 | 106 |
| Application for Community Charter Halibut Permit | CQE representative | 11 | 1 | 11 | 1 hr | 11 | 21.15 | 233 |
| Totals | | | | 113 | | 1,620 | | \$ 30,183 |

¹ The hourly wage rate of \$150 is based on previous comment received from industry. NMFS updates and revises wage rate estimates when public comment supports doing so.

² The application is completed by two respondents: the transferor and the transferee. As each respondent is expected to have burden hours in responding, the total annual burden equals 2 respondents x Total # of Annual Responses [applications] x Burden Hours per Response.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

| Information Collection | # of Respondents/year | Annual # of Responses / Respondent | Total # of Annual Responses | Cost Burden / Respondent ¹ | Total Annual Cost Burden |
|---|-----------------------|------------------------------------|-----------------------------|---------------------------------------|--------------------------|
| Application for Nonprofit Corporation to be Designated as a CQE | 1 | 1 | 1 | Operating costs = \$5 | 5 |
| CQE Annual Report | 27 | 1 | 27 | Operating costs = \$5 | 135 |
| Application for Transfer of Quota Share to or from a Community Quota Entity | 34 ² | 1 | 17 | Operating costs = \$5 | 170 ³ |
| Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident | 8 ² | 1 | 4 | Operating costs = \$5 | 40 ³ |
| Application for Transfer (Lease) Between IFQ and Guided Angler Fish by a Community Quota Entity (CQE) | 90 ² | 1 | 45 | Operating costs = \$5 | 450 ³ |
| Application for a CQE to Receive a Non-trawl Groundfish LLP License | 3 | 1 | 3 | Operating costs = \$5 | 15 |
| CQE License Limitation Program Authorization letter | 5 | 1 | 5 | Operating costs = \$5 | 25 |
| Application for Community Charter Halibut Permit | 11 | 1 | 11 | Operating costs = \$5 | 55 |
| TOTALS | 94⁴ | | 113 | | \$895 |

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

² The application is completed by two respondents: the transferor and the transferee.

³ The application is completed by two respondents: the transferor and the transferee. As each respondent is expected to have some operating costs in responding, the total annual cost equals 2 respondents x Total # of Annual Responses x \$5 operating costs.

⁴ Unique respondents. Some participants in the CQE Program submit more than one instrument in this information collection. Therefore, the number of unique respondents is used to show the estimated number of individual participants who are expected to annually submit information during the renewal period for this information collection. The estimated number of unique respondents consist of the following: 1 CQE applicant, 27 CQES, 21 QS/IFQ holders, and 45 CHP holders.

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.

Federal government costs are based on a single employee at ZP-3 Step 3 in Juneau, Alaska, which is an annual salary of \$121,378. The fully loaded salary cost includes 52 percent of the salary to account for benefits and other overhead costs, totaling \$184,495.

| Cost Descriptions | Grade/Step | Loaded Salary /Cost | % of Effort | Fringe (if Applicable) | Total Cost to Government |
|-------------------|------------|---------------------|-------------|------------------------|--------------------------|
| Federal Oversight | GS 11-12 | \$184,495 | 12% | | \$22,139 |
| Contractor Cost | | | | | — |
| Travel | | | | | — |
| Other Costs: | | | | | — |
| TOTAL | | | | | \$22,139 |

The loaded salary cost was determined as follows:

GS 11-12 (capped out ZP-3 step 3, 2023 salary, in Juneau, AK) = \$121,378.

For loaded salary, add 52% of salary (\$121,378 * 1.52 = \$184,495).

To calculate percent of effort: 253 hours / 2,087 hours = 0.121 or about 12% of effort.

Total cost to government = \$184,495 x 0.12 = \$22,139.

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

The labor costs were adjusted to use the most current wage rate available (May 2021) from the U. S Bureau of Labor Statistics (BLS).

| Information Collection | Labor Costs | | Reason for change or adjustment |
|---|------------------------------|-----------------|---|
| | Current | Previous | |
| Application for Nonprofit Corporation to be Designated as a CQE | 150 | 150 | No change |
| CQE Annual Report | 22,842 | 29,624 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| Application for Transfer of Quota Share to or from a Community Quota Entity | 1,438 | 1,865 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| Application for a CQE to Transfer IFQ to an Eligible Community Resident or Non-resident | 338 | 439 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| Application for Transfer (Lease) Between IFQ and Guided Angler Fish by a Community Quota Entity (CQE) | 3,807 | 4,937 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| Application for a CQE to Receive a Non-trawl Groundfish LLP License | 1,269 | 1,646 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| CQE License Limitation Program Authorization letter | 106 | 137 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| Application for Community Charter Halibut Permit | 233 | 302 | The hourly wage rate was updated to use the most current BLS rate available, which is lower than the previous rate. |
| Total for Collection | \$30,183 | \$39,100 | |
| Difference | -\$8,917 (adjustment) | | |

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.

The [NMFS Alaska Region website](#) posts the name and contact information of currently approved CQEs, and information on their charter halibut permits, LLP licenses, and QS held.

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

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).