

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/07/2010

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 08/06/2010

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201006-0648-008
AGENCY ICR TRACKING NUMBER:
TITLE: Western Alaska Community Development Quota Program
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0269

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 12/31/2013

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	4,868	2,221	479
New	4,802	2,193	197
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-39	-39	-88
Change due to Agency Adjustment	-27	11	-194
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Community development plans			50 CFR 679.30
Annual budget report			50 CFR 679.30
Annual budget reconciliation report			50 CFR 679.30
Substantial amendments			50 CFR 679.30
Technical amendments			50 CFR 679.30
CDQ or PSG transfer request	NA	CDQ or PSG Transfer Request, CDQ program	
Alternative Fishing Plan			50 CFR 679.32
Prior notice to observers in shoreside plants			50 CFR 679.30
Prior notice to Observers of CDQ Delivery on Vessels			50 CFR 679.30

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA (CDQ) PROGRAM
OMB CONTROL NO.: 0648-0269**

INTRODUCTION

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska. The North Pacific Fishery Management Council (Council) prepared the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area (FMP) under the authority of the [Magnuson-Stevens Fishery Conservation & Management Act](#) (16 U.S.C. 1801 *et seq.*) as amended in 2006. Regulations implementing the FMP appear at [50 CFR part 679](#).

The Western Alaska Community Development Quota (CDQ) Program is an economic development program associated with federally managed fisheries in the BSAI. The purposes of the CDQ Program are to provide western Alaska communities the opportunity to participate and invest in BSAI fisheries, to support economic development in western Alaska, to alleviate poverty and provide economic and social benefits for residents of western Alaska, and to achieve sustainable and diversified local economies in western Alaska.

This statement supports renewal for an existing collection-of-information under OMB Control No. 0648-0269.

A. JUSTIFICATION

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

NMFS distributes apportionments of the annual catch limits for a variety of commercially valuable species in the BSAI among six different non-profit managing organizations representing different affiliations of 65 different Western Alaska communities. The CDQ groups contract with existing fishing vessels and processors to harvest and/or process their allocation on their behalf. Each CDQ group is responsible to monitor the catch of CDQ and prohibited species quota (PSQ) by all vessels fishing under its CDP and to take necessary action to prevent overages of any CDQ or PSQ. NMFS monitors the catch of CDQ and PSQ by vessels, processors, and CDQ groups to assure that quotas are not being exceeded. CDQ groups use the revenue derived from the harvest of their fisheries allocations as a basis both for funding economic development activities and for providing employment opportunities.

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 applicable Information Quality Guidelines.

a. Community Development Plan (CDP)

Annual CDQ Program allocations for approximately 36 quota categories of BSAI groundfish, halibut, crab, and prohibited species are distributed among CDQ groups based on CDQ and PSQ percentage allocations. Historically, percentage allocations have been established through periodic CDQ application processes. Each CDQ group acts as the managing organization for the CDQ allocation application process and for the development and implementation of a Community Development Plan (CDP) once every three years.

Each CDP contains information about communities affiliated with a group, and about development plans and projects, and how the allocations will be harvested and used. The Council, State of Alaska (State), and NMFS decide how to distribute the percentage allocations to each CDQ group for each groundfish species or species group, halibut, prohibited species, and crab based on the information in the CDPs. This is a competitive process which requires the collection of information to evaluate and compare the various proposed CDPs.

A proposed CDP must contain the following information.

Community Development Plan (CDP)

Community development information

- Describe all proposed CDQ projects and state the expected short and long-term benefits.
- Provide a schedule for the CDQ project completion with measurable milestones.
- List the number of individuals to be employed and describe the nature of the work and the career advancement potential for each type of work.
- List the participating communities.

Letter.

- Describe each community's support for the qualified applicant and the managing organization in an official letter approved by the governing body of each such community.

Managing organization information

- Describe the management structure and key personnel of the managing organization.
- Name, address, fax number, and telephone number of the qualified applicant's CDQ representative
- Describe how the managing organization is qualified to carry out the CDP projects.
- Describe how the managing organization has the management, technical expertise, and ability to manage CDQ allocations and prevent exceeding a CDQ or PSQ

Contract or other legally binding agreement

Document the legal relationship between the qualified applicant and the managing organization (if different) by describing the responsibilities and obligations of each party.

Provide the name, address, and telephone number of each member of the board of directors. If a qualified applicant represents more than one community, the board of directors of the qualified applicant must include at least one member from each of the communities represented.

Business information

Describe all business relationships between the qualified applicant and all individuals who have a financial interest in a CDQ project or subsidiary venture. Include any arrangements for management and audit control and any joint venture arrangements, loans, or other partnership arrangements, including the distribution of proceeds among the parties.

Describe all profit sharing arrangements.

Describe all funding and financing plans.

Provide a general account of estimated income and expenditures for each CDQ project for the total number of calendar years that the CDP is in effect.

Provide the most recent audited income statement, balance sheet, cash flow statement, management letter, and agreed-upon procedures report.

Provide an entire organizational structure including all divisions, subsidiaries, joint ventures, and partnerships.

Include the type of legal entity for all divisions, subsidiaries, joint ventures, and partnerships; state of registration of the legal entity; and percentage owned by the qualified applicant.

Request for CDQ and PSQ allocations

List the percentage of each CDQ reserve and PSQ reserve that is being requested.

Identify percentage allocations requested for CDQ fisheries, identified by the primary target species of the fishery and the gear types of the vessels that will be used to harvest the catch.

Harvesting plans

Describe how the CDQ group intends to harvest and process its CDQ allocations.

Describe the target fisheries, the types of vessels and processors that will be used, the locations and methods of processing, and the CDQ group's proposed partners.

Transition plan

Provide an overall plan and schedule for transition from reliance on CDQ allocations to self-sufficiency in fisheries based on the qualified applicant's long term revenue stream without CDQs.

Community Development Plan, Respondent	
Number of respondents	6
Total annualized responses (6 x 0.33)	2
Frequency of response (once every 3 years)	1,040 hr
Total burden hours (2 x 520 hr)	
Time per response = 520 hr	\$156,000
Total personnel cost (\$150 x 1,040)	0
Personnel cost = \$150/hr	
Total miscellaneous costs	\$20
Mailing cost \$5 x 2 = \$10	
Photocopy cost (100 sheets x 0.05/sheet x 2 = \$10)	

Community Development Plan, Federal Government	
Number of responses	2
Total burden hours	160 hr
Time per response = 80 hr	
Total personnel cost (\$25 x 160)	\$4,000
Personnel cost = \$25/hr	
Total miscellaneous costs	0

b. Annual budget report

Each CDQ group must submit to NMFS an annual budget report by December 15 preceding the year for which the annual budget applies. The annual budget report is a detailed estimate of the income from the CDQ project and of the expenditures for each subsidiary, division, joint venture, partnership, investment activity, or CDQ project. A CDQ group must identify the administrative costs for each CDQ project. An annual budget report is approved upon receipt by NMFS, unless disapproved by NMFS in writing by December 31. If disapproved, the annual budget report will be returned to the CDQ group for revision and re-submittal to NMFS.

If an annual budget is no longer correct because of the reconciled annual budget (see item c), the annual budget report must be revised and submitted with the annual budget reconciliation report. The hours for revision of the budget report, submitted with reconciliation report, are built into the reconciliation report estimate.

Annual Budget Report, Respondent	
Number of respondents	6
Total annual responses	6
Frequency of response = 1	
Total burden hours (6 x 20 hr)	120 hr
Time per response = 20 hr	
Total personnel cost (\$50 x 120 hr)	\$6,000
Personnel cost = \$50/hr	
Total miscellaneous costs (15.66)	\$16
Mailing cost = \$1.76 x 6 = \$10.56	
Photocopy cost (17 pages x 0.05/page x 6) = \$5.10	

Annual Budget Report, Federal Government	
Number of responses	6
Total burden hours	96 hr
Time per response = 16 hr	
Total personnel cost (\$25 x 96)	\$2400
Total miscellaneous cost	0

c. Annual budget reconciliation report

Each CDQ group must reconcile its annual budget by May 30 of the year following the year for which the annual budget applied. Reconciliation is an accounting of the annual budget's estimated income and expenditures with the actual income and expenditures, including the variance in dollars and variance in percentage for each CDQ project. This report is prepared by auditors hired by each CDQ group. If a general budget is no longer correct because of the reconciled annual budget, the general budget must also be revised and submitted with the annual budget reconciliation report.

Annual Budget Reconciliation Report, Respondent	
Number of respondents	6
Total annual responses	6
Frequency of response = 1	
Total burden hours	48 hr
Time per response = 8 hr	
Total personnel cost	\$2,400
Personnel cost = \$50/hr	
Total miscellaneous costs (\$15.66)	\$16
Mailing cost = \$1.76 x 6 = \$10.56	
Photocopy cost (17 pages x 0.05/page x 6) = \$5.10	

Annual Budget Reconciliation Report, Federal Government	
Number of respondents	6
Total burden hours	48 hr
Time per response = 8 hr	
Total personnel cost (\$25 x 48)	\$1,200
Personnel cost = \$25/hr	
Total miscellaneous cost	0

d. Substantial amendments

A CDP is a working business plan and must be kept up to date through a substantial amendment. Substantial amendments are prepared with significant input from lawyers and accountants. Substantial amendments are defined as changes in a CDP, including, but not limited to:

- ◆ Any change in the list of communities comprising the CDQ group or replacement of the managing organization.
- ◆ A change in the CDP applicant's harvesting or processing partner.
- ◆ Funding a CDP project in excess of \$100,000 that is not part of an approved general budget.
- ◆ More than a 20-percent increase in the annual budget of an approved CDP project.
- ◆ More than a 20-percent increase in actual expenditures over the approved annual budget for administrative operations.
- ◆ A change in the contractual agreement(s) between the CDQ group and its harvesting or processing partner or a change in a CDP project, if such change is deemed by the State or NMFS to be a material change.
- ◆ Any transfer of a CDQ allocation or a PSQ allocation.

Substantial amendments to a CDP require a written request by the CDQ group to the State and NMFS for approval of the amendment. The State forwards the amendment to NMFS with a recommendation as to whether it should be approved. Once a substantial amendment is approved by NMFS, the amendment will be effective for the duration of the CDP.

If NMFS determines that the CDP, if changed, would no longer meet the requirements of the program, NMFS will notify the State in writing of the reasons why the amendment cannot be approved.

The request for approval of a substantial amendment to a CDP shall include the following information:

Substantial amendment

Background and justification for the amendment that explains why the proposed amendment is necessary and appropriate.

Explanation of why the proposed change to the CDP is a substantial amendment.

Description of the proposed amendment, explaining all changes to the CDP that result from the proposed amendment.

Comparison of the original CDP text, with the text of the proposed changes to the CDP, and the revised pages of the CDP for replacement in the CDP binder. The revised pages must have the revision date noted, with the page number on all affected pages. The table of contents may also need to be revised to reflect any changes in pagination.

Identification of NMFS findings that would need to be modified if the amendment is approved, along with the proposed modified text.

Description of how the proposed amendment meets the requirements of 50 CFR part 679.30. Only those CDQ regulations that are affected by the proposed amendment need to be discussed.

Substantial Amendments, Respondent	
Number of respondents	6
Total annual responses	18
Frequency of response = 3	
Total burden hours (18 x 40 hr)	720 hr
Time per response = 40 hr	
Total personnel cost (\$50 x 720 hr)	\$36,000
Personnel cost = \$50/hr	
Total miscellaneous costs	\$72
Mailing cost (\$3 x 18=\$54)	
Photocopy cost (\$0.05 x 20 sheets x 18)=\$18	

Substantial Amendments, Federal Government	
Total annual responses	18
Total burden hours	288 hr
Time per response = 16 hr	
Total personnel cost (\$25 x 288)	\$7,200
Personnel cost = \$25/hr	
Total miscellaneous costs	0

e. Technical amendments

Any change to a CDP that does not meet the criteria for being a substantial amendment is a technical amendment. Technical amendments typically involve minor CDP content revisions.

The CDQ group must notify the State in writing of any technical amendment. The State forwards the technical amendment to NMFS with its recommendations for approval or disapproval of the amendment. A technical amendment is effective after NMFS notifies the State in writing of the technical amendment's receipt and approval.

All revised CDP pages must include the revision date, amendment identification number, and CDP page number. The request for approval of a technical amendment to a CDP must include the following information:

Technical amendment

A copy of the CDP pages to be revised by the amendment, with the text highlighted to show the proposed deletions and additions, and

A copy of the CDP pages as they would be revised by the proposed amendment for insertion into the CDP binder.

Technical Amendments, Respondent	
Number of respondents	6
Total annual responses	6
Frequency of response = 1	
Total burden hours (6 x 8 hr)	48 hr
Time per response = 8 hr	
Total personnel cost (\$25 x 48 hr)	\$1,200
Personnel cost = \$25/hr	
Total miscellaneous costs (\$9.72)	\$10
Mailing cost \$1.32 x 6 = \$7.92	
Photocopy cost (\$0.05 x 6 pages x 6) = 1.80	

Technical Amendments, Federal Government	
Total responses	6
Total burden hours	24 hr
Time per response = 4 hr	
Total personnel cost (\$25 x 24)	\$600
Personnel cost = \$25/hr	
Total miscellaneous cost	\$0

f. CDQ or PSQ transfer request

The transfer process is an in-season management function of NMFS. NMFS will not approve transfers to cover overages of CDQ or PSQ. CDQ groups may transfer groundfish CDQ, halibut CDQ, or PSQ from one group to another by each group submitting a transfer request directly to NMFS, unless submitting on line (see below). The transfer of either CDQ or PSQ may occur during any month of the year and either may be transferred without the other. A CDQ group may transfer all or part of its annual CDQ or PSQ to another group for several reasons, including but not limited to:

- ◆ Changes in, or the non-availability of, a group's harvesting partner;
- ◆ Length of a particular non-CDQ fishery season;
- ◆ Availability of a given target species; and
- ◆ Weather or seasonal conditions impacting smaller vessels.

In order for an inter-CDQ group transfer to be approved, both parties must be already established and recognized by NMFS as a CDQ group prior to the transfer. CDQ groups may transfer groundfish CDQ, halibut CDQ, and PSQ online from one CDQ group to another, instead of each group submitting a transfer request directly to NMFS. Rather than NMFS reviewing each request prior to transfer to ensure that the group providing CDQ has adequate quota available to transfer, this check would be done automatically by NMFS' catch accounting system. The CDQ or PSQ would be transferred as of the date NMFS approves the transfer request. Transfers will continue to be effective only for the remainder of the calendar year in which a transfer occurs.

Six CDQ groups are in the CDQ Program, and all six have the hardware and software to accomplish online transfers. Industry requested the option to submit transfer requests electronically in order to react quickly to changing conditions and to realize harvesting efficiencies. When using the online submittal method, the respondent must enter the NMFS Person ID, password, and Transfer Key, previously provided by NMFS, instead of name, address, telephone number, fax number, and email address. These three pieces of information are provided by NMFS after an applicant is approved for participation in the CDQ Program. A paper or electronic request form must be completed with all information fields accurately filled in by transferors and transferees, and all required additional documentation must be attached.

CDQ or PSQ transfer request

Transferring CDQ group information.

Name or initials and CDQ group number.

CDQ representative

Telephone number

Fax number

e-mail address

Name and signature

Certification of transferor

Non-electronic submittal

Transferor's designated representative signature and date signed

Electronic submittal

Transferor's designated representative must log into the system and create a transfer request as indicated on the computer screen.

By using the transferor's NMFS ID, password, and Transfer Key and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete.

Receiving CDQ group information

Name or initials and CDQ group number

CDQ representative

Telephone number

Fax number

e-mail address

Name and signature

Certification of transferee

Non-electronic submittal

Transferee's designated representative signature and date signed.

Electronic submittal

Transferee's designated representative must log into the system and create a transfer request as indicated on the computer screen.

By using the transferee's NMFS ID, password, and Transfer Key and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete.

CDQ amount transferred.

Species name or species category

Area

Amount

For groundfish and halibut, specify transfer amounts in metric tons

For crab and salmon, specify transfer amounts in numbers of animals.

PSQ amount transferred.

Species name or species category

Crab Zone

Number of animals or metric tons

For crab and salmon, specify transfer amounts in number of animals.

For halibut, specify the amount in metric tons.

Transfer year

CDQ or PSQ transfer request, Respondent	
Number of respondents	6
Total annual responses	48
Frequency of response = 8	
Total burden hours (12)	12
Electronic response = $15/60 = 0.25$ hr x 48	hr
Total personnel cost (\$25 x 12 hr)	
Personnel cost = \$25/hr	
Total miscellaneous costs (2.40)	\$300
Online (0.05 x 48)	\$2

CDQ or PSQ transfer request, Federal Government	
Total annual responses	48
Total burden hours (15.84)	16
Time per response (20 minutes/60) = 0.33 hr	hr
Total personnel cost (\$25 x 16)	
Personnel cost = \$25/hr	\$400
Total miscellaneous cost	\$0

g. Request for approval or removal of an eligible vessel. [REMOVED with this renewal]

NMFS no longer requires the Request for Eligible Vessels form.

h. Alternative fishing plan

A CDQ group may propose the use of an alternative method for verification of CDQ and PSQ catch by submitting an alternative fishing plan. NMFS will review the alternative fishing plan and approve it or notify the qualified applicant in writing if the proposed alternative does not meet the requirements.

- The alternative proposed must provide equivalent or better estimates than use of the NMFS standard data source would provide and the estimates must be independently verifiable.
- Each haul or set on an observed vessel must be able to be sampled by an observer for species composition.
- Any proposal to sort catch before it is weighed must ensure that the sorting and weighing process will be monitored by an observer.

- The time required for the level 2 observer¹ to complete sampling, data recording, and data communication duties must not exceed 12 hours in each 24-hour period and the level 2 observer must not be required to sample more than 9 hours in each 24-hour period. NMFS will not approve an alternative fishing plan that would require the observer to divide a 12-hour shift into shifts of less than 6 hours.

The CDQ group must provide a copy of the approved alternative fishing plan to the operator of the approved vessel. A copy of the NMFS-approved alternative fishing plan must be maintained onboard the vessel at all times while it is operating under the alternative fishing plan.

Alternative fishing plans are valid for the remainder of the calendar year in which they are approved. Alternatives to the requirement for a certified scale or an observer sampling station will not be approved.

Alternate fishing plan, Respondent	
Number of respondents	6
Total annual responses	12
Frequency of response = 2	
Total burden hours (12 x 4 hr)	48 hr
Time per response = 4 hr	
Total personnel cost (\$25 x 48 hr)	\$1,200
Personnel cost = \$25/hr	0
Total miscellaneous costs (60.60)	
FAX (\$5/page x 12 x 1 pg = 60)	\$61
Photocopies (0.05 x 1 pg x 12 = 0.60)	

Alternate fishing plan, Federal Government	
Total annual responses	12
Total burden hours (12 x 0.5 = 6.0)	6 hr
Time per response (30minutes/60) = 0.5 hr	
Total personnel cost (\$25 x 6)	\$150
Personnel cost = \$25/hr	
Total miscellaneous cost	0

¹A certified observer may obtain a Level 2 endorsement to their certification. A Level 2 endorsement is required for purposes of performing observer duties aboard vessels or stationary floating processors or at shoreside processors participating in the CDQ or AFA fisheries. An observer who has achieved a Level 2 endorsement to their observer certification may additionally receive a Level 2 “lead” observer endorsement

i. Prior notice to the Observers in Shoreside Plants

The manager of each shoreside processor or stationary floating processor that is required to have a CDQ observer must notify the level 2 observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading. This notification would provide the level 2 observer an opportunity to monitor the sorting and weighing of the entire delivery. This notice consists of plant personnel verbally informing the observer (who is already present) that an incoming vessel will make a CDQ delivery.

Prior Notice to Observer Shoreside, Respondent	
Number of respondents	4
Total annual responses (4 x 14) Frequency of response = 14	56
Total burden hours (1.68) Time per response (2 minutes/60) = 0.03 hr	2 hr
Total personnel cost Personnel cost = \$25/hr	\$50
Total miscellaneous cost	0

Prior Notice to Observer Shoreside, Federal Government	
Total responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous cost	0

j. Prior notice to Observers of CDQ Delivery on Vessels

For catcher/processors, motherships, and catcher vessels required to have a CDQ observer, each vessel operator must notify the level 2 observer(s) before CDQ catch is brought on board the vessel. In addition, the operator must provide the CDQ group and CDQ number associated with the CDQ catch to the level 2 observer(s). This notice consists of vessel personnel verbally informing the observer that an incoming haul is a CDQ haul.

Prior notice to Observers on Vessels, Respondent	
Number of respondents	83
Total annual responses (83 x 56) Frequency of response = 56	4,648
Total burden hours (154.94) Time per response 2 minutes/60	155 hr
Total personnel cost (\$25 x 155 hr) Personnel cost = \$25/hr	\$3,875
Total miscellaneous cost	0

Prior notice to Observers on Vessels, Federal Government	
Total responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous cost	0

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.

All CDQ forms with instructions are available in a fillable format on the NMFS Alaska Region website at <http://www.alaskafisheries.noaa.gov>, from which the public may download copies of current forms.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

The collection-of-information does not impose a significant impact on small entities. The only small entities that are directly regulated by this action are the six CDQ groups, and they are not significantly impacted.

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

The purpose of the CDQ Program is the quota allocation for groundfish, halibut, crab, and prohibited species in the BSAI to Western Alaska communities, so that these communities can start and support regionally-based, commercial seafood or other fisheries-related businesses.

Under the CDQ Program, 65 eligible Western Alaska communities have organized into six separate CDQ groups. Without this program, these small communities would be economically devastated.

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

Not Applicable.

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.

A Federal Register Notice published on February 4, 2010 (75 FR 5760) solicited public comments on the information collection. No comments were received.

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.

As stated on the transfer form and in the regulations, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a system of records: NOAA #19, published April 17, 2008.

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.

Information collected for the CDQ Program does not include information of a private or sensitive nature.

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

Estimated total unique respondents: 93 (6 CDQ groups, 4 shoreside processors, and 83 observed vessels). Estimated total responses: 4,802, reduced from 4,868. Estimated total burden: 2,193, decreased from 2,221 hr. Estimated total personnel cost: \$207,025, decreased from \$207,725.

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: \$197, reduced from \$479.

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

Estimated total responses: 130, reduced from 142. Estimated total burden: 648, increased from 565 hr. Estimated total personnel cost: \$16,200, increased from \$14,125, based on \$25/hr the average wage equivalent to a GS-9 employee in Alaska, including COLA.

15. Explain the reasons for any program changes or adjustments.

Minor adjustments are made in this collection in responses, burden, and miscellaneous costs. The only program changes are the removal of the Request for approval or removal of eligible vessel, below.

Community development plan (CDP)

A decrease of \$190 miscellaneous costs, \$20 instead of \$210 (the cost of binders is removed because binder purchase is a one-time cost. Also, the number of pages in each CDP is reduced from 500 pages to a more realistic 100 pages).

Annual budget report

An increase of \$5 miscellaneous costs, \$16 instead of \$11 (increased postage rates).

Annual budget reconciliation

A decrease of \$14 miscellaneous costs, \$16 instead of \$30 (decreased postage rates plus addition of photocopy costs). A flat rate of \$5 postage cost was given in the previous action, totaling \$30. This action corrects the cost of postage by calculating it exactly and adds the cost of photocopies, \$5.10.

Technical amendment

An increase of \$2 miscellaneous costs, \$10 instead of \$8 (increased postage rates).

Alternate fishing plan

A decrease of 1 response, 12 instead of 13 (responses are determined in a different manner)

A decrease of 4 burden hours, 48 instead of 52 hr

A decrease of \$100 personnel cost, \$1,200 instead of \$1,300

An increase of \$3 miscellaneous cost, \$61 instead of \$58 (due to increased Fax costs and inclusion of photocopy expense).

Prior notice to observer, shoreside

An increase of 1 response, 56 instead of 55 (responses determined in a different manner).

Prior notice to observer, vessel

A decrease of 27 responses, 4,648 instead of 4,675 (responses determined in a different manner)

An increase of 15 burden hours, 155 instead of 140 hr (decrease of one hour due to decrease in responses; addition of 16 hours due to correction in calculation, using minutes instead of decimal hours).

An increase of \$375 personnel cost, \$3,875 instead of \$3,500.

Total net adjustments:

Responses: a decrease of 27

Hours: an increase of 11

Personnel costs: an increase of \$275

Miscellaneous costs: a decrease of \$194.

Request for approval or removal of eligible vessel [REMOVED]

A decrease of 39 responses, 0 instead of 39.

A decrease of 39 hours, 0 instead of 39.

A decrease of \$975 personnel costs, 0 instead of \$975.

A decrease of \$88 miscellaneous costs, 0 instead of \$88.

Total net program changes:

Responses: a decrease of 39

Hours: a decrease of 39

Personnel costs: a decrease of \$975

Miscellaneous costs: a decrease of \$88.

Total net changes (adjustments and program changes):

Responses: a decrease of 66

Hours: a decrease of 28

Personnel costs: a decrease of \$700.

Miscellaneous costs: a decrease of \$282.

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

The information obtained from this collection is not expected to be published for statistical use.

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.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

104-297

(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

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(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

95-354

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

16 U.S.C. 1801
MSA § 2

101-627

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

104-297

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

104-297

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

109-479

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.

109-479

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(b) PURPOSES.—It is therefore declared to be the purposes of the Congress in this Act—

99-659, 101-627, 102-251

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources[, and fishery resources in the special areas]*;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

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(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

101-627

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

95-354, 96-561, 104-297

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

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(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) POLICY.—It is further declared to be the policy of the Congress in this Act—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act;

16 U.S.C. 1801-1802
MSA §§ 2-3

99-659, 101-627

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

101-627

(6) to foster and maintain the diversity of fisheries in the United States; and

104-297

(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

SEC. 3. DEFINITIONS

16 U.S.C. 1802

As used in this Act, unless the context otherwise requires—

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

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(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

104-297

(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

104-297

(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

Code of Federal Regulations]
[Title 5, Volume 3]
[Revised as of January 1, 2009]
From the U.S. Government Printing Office via GPO Access
[CITE: 5CFR1320.9]

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TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER III--OFFICE OF MANAGEMENT AND BUDGET

PART 1320_CONTROLLING PAPERWORK BURDENS ON THE PUBLIC--Table of Contents

Sec. 1320.9 Agency certifications for proposed collections of information.

As part of the agency submission to OMB of a proposed collection of information, the agency (through the head of the agency, the Senior Official, or their designee) shall certify (and provide a record supporting such certification) that the proposed collection of information--

(a) Is necessary for the proper performance of the functions of the agency, including that the information to be collected will have practical utility;

(b) Is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

(c) Reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)), the use of such techniques as:

(1) Establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

(2) The clarification, consolidation, or simplification of compliance and reporting requirements; or

(3) An exemption from coverage of the collection of information, or any part thereof;

(d) Is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

(e) Is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

(f) Indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

(g) Informs potential respondents of the information called for under Sec. 1320.8(b)(3);

(h) Has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

(i) Uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

(j) To the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

e-CFR Data is current as of April 7, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart A—General

§ 679.5 Recordkeeping and reporting (R&R).

(n) Groundfish CDQ fisheries —

(1) CDQ or PSQ transfer . NMFS will process a request for CDQ or PSQ transfer between CDQ groups provided that the requirements of this paragraph are met.

(i) Completed application . A paper or electronic request form must be completed with all information fields accurately filled in by transferors and transferees, and all required additional documentation must be attached.

(ii) Certification of transferor —

(A) Non-electronic submittal . The transferor's designated representative must sign and date the application certifying that all information is true, correct, and complete. The transferor's designated representative must submit the paper application as indicated on the application.

(B) Electronic submittal . The transferor's designated representative must log into the system and create a transfer request as indicated on the computer screen. By using the transferor's NMFS ID, password, and Transfer Key and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete.

(iii) Certification of transferee —

(A) Non-electronic submittal . The transferee's designated representative must sign and date the application certifying that all information is true, correct, and complete.

(B) Electronic submittal . The transferee's designated representative must log into the system and create a transfer request as indicated on the computer screen. By using the transferee's NMFS ID, password, and Transfer Key and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete.

(2) Request for approval of an eligible vessel —

(i) Who must submit a request for approval of an eligible vessel? A CDQ group must submit a completed request for approval of an eligible vessel to NMFS for each vessel that will be groundfish CDQ fishing and for each vessel equal to or greater than 60 ft (18.3 m) LOA that will be halibut CDQ fishing. See §679.32(c) for more information about this requirement.

(ii) Information required —

(A) Vessel information. Enter the vessel name, Federal fisheries permit number, if applicable, ADF&G vessel registration number, and LOA. Indicate all the gear types that will be used to catch CDQ.

(B) Vessel contact information. Enter the name, mailing address, telephone number, and e-mail address (if available) of a contact person representing the vessel.

(C) Method to determine CDQ and PSQ catch. Select the method that will be used to determine CDQ and PSQ catch, either NMFS standard sources of data or an alternative method. If the selection is “NMFS standard sources of data,” select either “all trawl

vessels greater than or equal to 60 ft (18.3 m) LOA using non-trawl gear” or “catcher vessels greater than or equal to 60 ft (18.3 m) LOA using non-trawl gear.” If the selection is “catcher vessels greater than or equal to 60 ft (18.3 m) LOA using non-trawl gear,” select either Option 1 or Option 2, described at §679.32(e)(2)(iv). If an alternative method (fishing plan) is proposed, it must be attached to the request for approval of an eligible vessel.

(D) Notice of submission and review. Enter the name, telephone number, and fax number of the CDQ representative; the date submitted to NMFS; and signature of the CDQ representative.

e-CFR Data is current as of April 7, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart C—Western Alaska Community Development Quota Program

§ 679.30 General CDQ regulations.

(a) Application procedure.

The CDQ program is a voluntary program. Allocations of CDQ and PSQ are made to CDQ groups and not to vessels or processors fishing under contract with any CDQ group. Any vessel or processor harvesting or processing CDQ or PSQ on behalf of a CDQ group must comply with all other requirements of this part. Allocations of CDQ and PSQ are harvest privileges that expire upon the expiration of the CDP. When a CDP expires, further CDQ allocations are not implied or guaranteed, and a qualified applicant must re-apply for further allocations on a competitive basis with other qualified applicants. The CDQ allocations provide the means for CDQ groups to complete their CDQ projects. A qualified applicant may apply for CDQ and PSQ allocations by submitting a proposed CDP to the State during the CDQ application period that is announced by the State. A proposed CDP must include the following information:

(1) Community development information.

Community development information includes:

(i) Project description. A detailed description of all proposed CDQ projects, including the short-and long-term benefits to the qualified applicant from the proposed CDQ projects. CDQ projects should not be designed with the expectation of CDQ allocations beyond those requested in the proposed CDP.

(ii) Project schedule. A schedule for the completion of each CDQ project with measurable milestones for determining the progress of each CDQ project.

(iii) Employment. The number of individuals to be employed through the CDP projects, and a description of the nature of the work and the career advancement potential for each type of work.

(iv) Community eligibility. A list of the participating communities. Each participating community must be listed in Table 7 to this part or meet the criteria for an eligible community under §679.2.

(v) Community support. A demonstration of each participating community's support for the qualified applicant and the managing organization through an official letter approved by the governing body of each such community.

(2) Managing organization information.

A proposed CDP must include the following information about the managing organization:

(i) Structure and personnel. A description of the management structure and key personnel of the managing organization, such as resumes and references, including the name, address, fax number, and telephone number of the qualified applicant's CDQ representative.

(ii) Management qualifications. A description of how the managing organization is qualified to carry out the CDP projects in the proposed CDP, and a demonstration that the managing organization has the management, technical expertise, and ability to manage CDQ allocations and prevent exceeding a CDQ or PSQ.

(iii) Legal relationship. Documentation of the legal relationship between the qualified applicant and the managing organization (if the managing organization is

different from the qualified applicant) clearly describing the responsibilities and obligations of each party as demonstrated through a contract or other legally binding agreement.

(iv) Board of directors. The name, address, and telephone number of each member of the board of directors of the qualified applicant. If a qualified applicant represents more than one community, the board of directors of the qualified applicant must include at least one member from each of the communities represented.

(3) Business information.

A proposed CDP must include the following business information:

(i) Business relationships. A description of all business relationships between the qualified applicant and all individuals who have a financial interest in a CDQ project or subsidiary venture, including, but not limited to, any arrangements for management and audit control and any joint venture arrangements, loans, or other partnership arrangements, including the distribution of proceeds among the parties.

(ii) Profit sharing. A description of all profit sharing arrangements.

(iii) Funding. A description of all funding and financing plans.

(iv) General budget for implementing the CDP. A general account of estimated income and expenditures for each CDQ project for the total number of calendar years that the CDP is in effect.

(v) Financial statement for the qualified applicant. The most recent audited income statement, balance sheet, cash flow statement, management letter, and agreed upon procedures report.

(vi) Organizational chart. A visual representation of the qualified applicant's entire organizational structure, including all divisions, subsidiaries, joint ventures, and partnerships. This chart must include the type of legal entity for all divisions, subsidiaries, joint ventures, and partnerships; state of registration of the legal entity; and percentage owned by the qualified applicant.

(4) Request for CDQ and PSQ allocations.

A list of the percentage of each CDQ reserve and PSQ reserve, as described at §679.31 that is being requested. The request for allocations of CDQ and PSQ must identify percentage allocations requested for

CDQ fisheries identified by the primary target species of the fishery as defined by the qualified applicant and the gear types of the vessels that will be used to harvest the catch.

(5) Harvesting plans.

A narrative description of how the CDQ group intends to harvest and process its CDQ allocations, including a description of the target fisheries, the types of vessels and processors that will be used, the locations and methods of processing, and the CDQ group's proposed partners.

(6) CDQ planning —

(i) Transition plan. A proposed CDP must include an overall plan and schedule for transition from reliance on CDQ allocations to self-sufficiency in fisheries. The plan for transition to self-sufficiency must be based on the qualified applicant's long-term revenue stream without CDQs.

(ii) Post-allocation plan. [Reserved]

e-CFR Data is current as of April 7, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart C—Western Alaska Community Development Quota Program

§ 679.30 General CDQ regulations

* * * * *

(e) Transfers —

(1) Transfer of annual CDQ and PSQ.

CDQ groups may request that NMFS transfer CDQ or PSQ from one group to another group by each group submitting a completed transfer request as described in §679.5(n)(1). NMFS will approve the transfer request if the CDQ group transferring quota to another CDQ group has sufficient quota available for transfer. If NMFS approves the request, NMFS will make the requested transfer(s) by decreasing the account balance of the CDQ group from which the CDQ or PSQ species is transferred and by increasing the account balance of the CDQ group receiving the transferred CDQ or PSQ species. NMFS will not approve transfers to cover overages of CDQ or PSQ. The CDQ or PSQ will be transferred as of the date

NMFS approves the transfer request and is effective only for the remainder of the calendar year in which the transfer occurs.

(2) Transfer of CDQ and PSQ allocation.

CDQ groups may request that some or all of one group's CDQ or PSQ allocation, as defined at §679.2, be transferred by NMFS to another group by each group filing an amendment to its respective CDP through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. The CDQ or PSQ allocation will be transferred as of January 1 of the calendar year following the calendar year NMFS approves the amendments of both groups and is effective for the duration of the CDPs. Transfers of CDQ and PSQ allocations must be in whole integer percentages.

e-CFR Data is current as of April 7, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart C—Western Alaska Community Development Quota Program

§ 679.30 General CDQ regulations.

* * * * *

(g) Monitoring of CDPs —

(1) Annual progress report.

(i) The State must submit to NMFS, by October 31 of each year, an annual progress report for the previous calendar year for each CDP.

(ii) Annual progress reports must be organized on a project-by-project basis and include information for each CDQ project in the CDP describing how each scheduled milestone in the CDP has been met, and an estimation by the State of whether each of the CDQ projects in the CDP is likely to be successful.

(iii) The annual report must include a description by the State of any problems or issues in the CDP that the State encountered during the annual report year.

(2) Annual budget report.

(i) Each CDQ group must submit to NMFS an annual budget report by December 15 preceding the year for which the annual budget applies.

(ii) An annual budget report is a detailed estimate of the income from the CDQ project and of the expenditures for each subsidiary, division, joint venture, partnership, investment activity, or CDQ project as described in paragraph (a)(1)(i) of this section for a calendar year. A CDQ group must identify the administrative costs for each CDQ project. The CDQ group's total administrative costs will be considered a separate CDQ project.

(iii) An annual budget report is approved upon receipt by NMFS, unless disapproved by NMFS in

writing by December 31. If disapproved, the annual budget report will be returned to the CDQ group for revision and resubmittal to NMFS.

(3) Annual budget reconciliation report.

A CDQ group must reconcile its annual budget by May 30 of the year following the year for which the annual budget applied. Reconciliation is an accounting of the annual budget's estimated income and expenditures with the actual income and expenditures, including the variance in dollars and variance in percentage for each CDQ project that is described in paragraph (a)(1)(i) of this section.

(4) Substantial amendments.

A CDP is a working business plan and must be kept up to date.

(i) Substantial amendments to a CDP require a written request by the CDQ group to the State and NMFS for approval of the amendment. The State must forward the amendment to NMFS with a recommendation as to whether it should be approved.

(ii) NMFS will notify the State in writing of the approval or disapproval of the amendment within 30 days of receipt of both the amendment and the State's recommendation. Once a substantial amendment is approved by NMFS, the amendment will be effective for the duration of the CDP.

(iii) If NMFS determines that the CDP, if changed, would no longer meet the requirements of this subpart, NMFS will notify the State in writing of the reasons why the amendment cannot be approved.

(iv) For the purposes of this section, substantial amendments are defined as changes in a CDP, including, but not limited to:

(A) Any change in the list of communities comprising the CDQ group or replacement of the managing organization.

(B) A change in the CDP applicant's harvesting or processing partner.

(C) Funding a CDP project in excess of \$100,000 that is not part of an approved general budget.

(D) More than a 20-percent increase in the annual budget of an approved CDP project.

(E) More than a 20-percent increase in actual expenditures over the approved annual budget for administrative operations.

(F) A change in the contractual agreement(s) between the CDQ group and its harvesting or processing partner or a change in a CDP project, if such change is deemed by the State or NMFS to be a material change.

(G) Any transfer of a CDQ allocation or a PSQ allocation.

(v) The request for approval of a substantial amendment to a CDP shall include the following information:

(A) The background and justification for the amendment that explains why the proposed amendment is necessary and appropriate.

(B) An explanation of why the proposed change to the CDP is a substantial amendment.

(C) A description of the proposed amendment, explaining all changes to the CDP that result from the proposed amendment.

(D) A comparison of the original CDP text, with the text of the proposed changes to the CDP, and the revised pages of the CDP for replacement in the CDP binder. The revised pages must have the revision date noted, with the page number on all affected pages. The table of contents may also need to be revised to reflect any changes in pagination.

(E) Identification of any NMFS findings that would need to be modified if the amendment is approved, along with the proposed modified text.

(F) A description of how the proposed amendment meets the requirements of this subpart. Only those CDQ regulations that are affected by the proposed amendment need to be discussed.

(5) Technical amendments.

Any change to a CDP that is not considered a substantial amendment under paragraph (g)(4)(iv) of this section is a technical amendment.

(i) The CDQ group must notify the State in writing of any technical amendment. Such notification must include a copy of the pages of the CDP that would be revised by the amendment, with the text highlighted to show the proposed deletions and additions, and a copy of the CDP pages as they would be revised by the proposed amendment for insertion into the CDP binder. All revised CDP pages must include the revision date, amendment identification number, and CDP page number. The table of contents may also need to be revised to reflect any changes in pagination.

(ii) The State must forward the technical amendment to NMFS with its recommendations for approval or disapproval of the amendment. A technical amendment is approved by NMFS and is effective when, after review, NMFS notifies the State in writing of the technical amendment's receipt and approval.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Western Alaska Community Development Quota Program**

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 5, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden (907) 586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The Community Development Quota (CDQ) Program is an economic development program implemented under the Magnuson Stevens Fishery Conservation and Management Act, the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands, and regulations at 50 CFR part 679. The purpose of the program is to provide western Alaska communities the opportunity to participate and invest in Bering Sea and Aleutian Islands Management Area fisheries, to support economic development in western Alaska, to alleviate poverty and provide economic and social benefits for residents of western Alaska, and to achieve sustainable and diversified local economies in western Alaska.

CDQ and prohibited species quota (PSQ) allocations are made to CDQ groups. However, in many cases the CDQ groups contract with existing fishing vessels and processors to harvest CDQ on their behalf. The CDQ group is responsible to monitor the catch of CDQ

and PSQ by all vessels fishing under its Community Development Plan and to take the necessary action to prevent overages. The National Marine Fisheries Service monitors the reported catch to assure that quotas are not being exceeded. Information is collected only through quota transfers in this collection.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648-0269.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 6.

Estimated Time per Response: 30 minutes for CDQ/PSQ Transfer Request.

Estimated Total Annual Burden Hours: 64.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 1, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Papahānaumokuākea Marine National Monument Permit Application and Reports for Permits (fka Northwestern Hawaiian Islands Marine National Monument)**

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 5, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Hoku Johnson, (808) 397-2660 or Hoku.Johnson@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

On June 15, 2006, President Bush established the Papahānaumokuākea Marine National Monument by issuing Presidential Proclamation 8031 (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (16 U.S.C. 431). The proclamation includes restrictions and prohibitions regarding activities in the monument consistent with the authority provided by the act. Specifically, the proclamation prohibits access to the monument except when passing through without interruption or as allowed under a permit issued by NOAA and the Department of Interior's U.S. Fish and Wildlife Service (FWS). Vessels passing through the monument without interruption are required to notify NOAA and FWS upon entering into and leaving the monument. Individuals wishing to access the monument to conduct certain regulated activities must first apply for and be granted a permit issued by NOAA and