

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/07/2011

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 08/25/2010

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201007-0648-012
AGENCY ICR TRACKING NUMBER:
TITLE: Amendment 80 Economic Data Report for the Catcher/Processor Non-AFA Trawl Sector
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0564
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: 01/31/2014 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	56	1,204	602
New	28	560	41
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-28	-84	-560
Change due to Agency Adjustment	0	-560	-1
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
Economic Data Reports including verification	NA	Amendment 80 Non-AFA Trawl Gear Catcher-Processor Economic Data Report	

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
	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
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
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
AMENDMENT 80 ECONOMIC DATA REPORT (EDR)
FOR THE CATCHER/PROCESSOR NON-AFA TRAWL SECTOR
OMB CONTROL NO. 0648-0564**

INTRODUCTION

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 National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS). NMFS Alaska Region manages the groundfish fisheries in the EEZ under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* (MSA). Regulations implementing the FMP appear at [50 CFR part 679](#).

Amendment 80 provides specific groundfish and prohibited species catch (PSC) allocations to the non-American Fisheries Act (AFA) trawl catcher/processor sector and allows the formation of cooperatives. Sector allocations and the formation of cooperatives are intended to assist compliance with the Groundfish Retention Standard program established by Amendment 79 to the BSAI FMP (2003). This program introduced several new monitoring and enforcement requirements.

Participants in the non-AFA trawl catcher/processor sector have traditionally harvested over 90 percent of each of the allocated Bering Sea and Aleutian Islands Management Area (BSAI) species. Sector allocations and associated cooperatives would allow participants to focus less on harvest rate maximization and more on optimizing their harvest. This, in turn, could allow a reduction in unwanted incidental catch as well as improving retention and utilization, and improving the economic health of the non-AFA trawl catcher/processor sector.

This action is a renewal of an existing collection-of-information.

A. JUSTIFICATION

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

Several pieces of legislation affect various aspects of the Program.

◆ Section 219 of the [Consolidated Appropriations Act of 2005](#) (Public Law No. 108-447; December 8, 2004) referred to as the Capacity Reduction Program (CRP). The elements of the CRP relevant to the Program: legislates who may participate in the non-AFA trawl catcher/processor sector in the BSAI for “non-pollock groundfish fisheries;” and defines the non-pollock groundfish fisheries in the BSAI as “target species of Atka mackerel, flathead sole,

Pacific cod, Pacific ocean perch, rock sole, turbot, or yellowfin sole harvested in the BSAI.” Because all of the Amendment 80 species are included in the CRP’s definition of non-pollock groundfish fishery, the CRP’s eligibility requirements for the non-AFA trawl catcher/processor sector apply to the Program’s eligibility criteria for the Amendment 80 sector. Therefore, the Program would incorporate the CRP’s definition of a non-AFA trawl catcher/processor.

◆ Section 416 of the [Coast Guard and Maritime Transportation Act of 2006](#) (Public Law No. 109-241; July 11, 2006) referred to as the Coast Guard Act. The elements of the Coast Guard Act relevant to the Program are the species or species groups allocated to the Western Alaska Community Development Quota (CDQ) Program, the regulation of harvest of these allocations, and the percentage allocations of all of the groundfish species allocated to the CDQ Program, except pollock and sablefish.

◆ The MSA includes amendments relating to Limited Access Privilege Programs (LAPPs), the CDQ Program, and cost recovery and fee collection provisions and other measures applicable to LAPPs. A LAPP involves a federal permit specifying the amount of catch a privilege holder may harvest. NMFS may revoke, limit, or modify privileges and shares at any time, with no right to compensation. The LAPP must contribute to rebuilding overfished stocks and reducing excess harvest capacity; promote fishing safety, conservation and management, and social and economic benefits.

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

NMFS implemented the Amendment 80 economic data report (EDR) for collecting and reviewing economic data generated under Amendment 80 and required the annual submission of an EDR from each Amendment 80 quota share (QS) holder. The purpose of the Amendment 80 EDR is to review and assess the impacts of Amendment 80 on various components of the fishery, including skippers and crew, vessels, and other entities regulated by this action, and to inform future management actions. The Amendment 80 EDR collects cost, revenue, ownership, and employment data on an annual basis and provides information unavailable through other means to review the Program. Data collected through the EDR are mandatory for all Amendment 80 QS holders. The data are needed to assess whether Amendment 80 addresses goals to mitigate the costs associated with reduced bycatch and improved utilization of groundfish.

Pursuant to the legislation, the data and identifiers will also be used for program enforcement and determination of qualification for cooperative membership. Consequently, identifiers and data will be disclosed to NOAA Enforcement, NOAA General Counsel, the Antitrust Division of the Department of Justice, the Federal Trade Commission, and NOAA Restricted Access Management Program.

Two primary uses for the Amendment 80 EDR data being collected:

- ◆ Improved utilization.
Improved utilization may be achieved through increases in production from the resource. At the most basic level, these production improvements could be realized through increased output from each unit of harvested resource. Similarly, improved utilization can be achieved by more fully utilizing the vessels that participate in this fishery; this is likely to come about as harvests consolidate to a smaller number of (more highly utilized) vessels. A deeper analysis, however, is required to examine the variety of targeting and production choices. Since participants can choose to serve different markets with different species and products, or to idle various vessels, an examination of utilization must include an assessment of product prices and quantities by species to determine whether utilization levels (and targeting and production choices) are responses to market forces, and the extent to which increased vessel utilization has reduced total average costs.
- ◆ Cost of bycatch reduction.
Determining whether costs of achieving bycatch reductions are excessive requires an examination of the extent to which targeting and production choices affect profitability and economic performance of participants. Reasonable assessments of costs of bycatch reductions must examine the extent to which participants are able to cost-effectively avoid discards, through improvements in targeting and improvements in retention of catch. In both cases, NMFS will assess the ability of participants to operate efficiently and profitably.

Amendment 80 EDR

The Amendment 80 EDR collects cost, revenue, ownership, and employment data annually. The purpose of the data collection is to allow NMFS to understand fully the socio-economic impacts of the action, to inform future management actions, and to assure that this action serves its intended purpose and meets the goals set forth in the problem statement. The Council and agency staff will use the Amendment 80 EDR data recognizing that confidentiality is of extreme importance.

An Amendment 80 EDR is required for each Amendment 80 QS permit held by a person during the previous calendar year. If a person has not submitted a complete Amendment 80 EDR for each Amendment 80 QS permit held by that person within the deadline, NMFS does not issue cooperative quota derived from QS holdings to that person.

Generally, the data collection program is intended to provide managers with the data necessary to monitor and enforce certain aspects of the program; determine whether the program is meeting its purpose; and assess potential amendments to the program. The types of data collected can be characterized using four broad categories: ownership, employment, revenue, and costs. Ownership data will be used for all three purposes. Revenue, cost, and employment data will be used primarily to assess the performance of the program and possible amendments.

Ownership Data. Ownership data collected under Amendment 80 regulations includes vessel ownership and permit ownership information. NMFS collects detailed vessel ownership data within the non-AFA trawl catcher/processor sector through Amendment 80 permit applications (see OMB Control No. 0648-0565), and NMFS Alaska Fisheries Science Center (AFSC) collects vessel ownership data through the Amendment 80 EDR. A primary use of ownership data is to ensure individuals do not exceed the ownership caps. Collection of this information also allows analysts to track consolidation and transfers that occur in the non-AFA trawl catcher/processor sector after cooperatives are implemented. Consolidation allows the fleet to operate more efficiently, but excessive consolidation could occur if an owner acquires a larger percentage of a fishery than is allowed. Permit ownership data is collected by NMFS Restricted Access Management Program when they issue Amendment 80 permits. That information should provide adequate information on permit ownership.

Employment Data. Employment data are collected for monitoring of the community impacts of this program. Limited employment data are available from catcher/processors operating in the BSAI. Through eLandings production reports (see OMB Control No. 0648-0515), NMFS collects information on the number of crew members on each vessel. However, the production reports do not provide information on crew residence, compensation, or employment stability. The Amendment 80 EDR would provide information on crew residence and compensation that are necessary for community impact analyses.

Revenue and Cost Data. Revenue and cost data by vessel and sector are essential to identify/estimate the costs associated with bycatch reduction and estimate the revenues generated by the sector. An objective of this program is to offer sector participants the opportunity to mitigate, to some degree, the costs associated with bycatch reduction. Revenue, cost, and employment data will be used to monitor the program benefits to present generations of fishermen, associated fishing sectors, including the CDQ sector, communities, and the Nation, as a whole.

Pacific States Marine Fisheries Commission (PSMFC) was designated by NMFS to be the data collection agent for the Amendment 80 EDR program. Each year, on or before 1700 hours A.l.t. on June 1, each person who held an Amendment 80 QS permit during a calendar year must submit to PSMFC, at the address provided on the form, an EDR for each Amendment 80 QS permit held by that person during the previous year; if sent by U.S. mail, postmarked by that time.

This EDR filing deadline provides the Amendment 80 QS holder adequate time to gather and review records. Annual submission of data should minimize the burden to industry and costs of administration, while still providing analysts with adequate data for analyzing effects of the program.

A QS holder must submit an Amendment 80 EDR for each QS permit he or she holds. Twenty-eight Amendment 80 QS permits were available initially. In 2008, the first full year of data, 25 QS permits were issued and 24 Amendment 80 EDRs were filed (2 of those replied they did not fish in 2008, one did report costs they had for the vessel even though they did not fish). In

2009, 27 QS permits were issued and 25 Amendment 80 EDRs are expected. In 2010, 27 QS permits were issued.

On January 20, 2008, the Best Use Cooperative (BUC) began fishing allocations under regulations implementing Amendment 80. BUC is comprised of seven member companies and sixteen Amendment 80 non-AFA trawl catcher/processors. Six EDRs were submitted in 2008 with BUC listed as their coop.

Because the potential number of participants remains at 28 vessels, the number 28 will be used as the number of respondents. In this supporting statement, the burden and costs for the EDR submittal and the EDR verification are combined, because all EDR submittals receive verification. NMFS and PSMFC determined that the combined time for completion, submittal, and verification of an EDR is established as 20 hr. The Federal Government combined time for review and verification of an EDR is established as 7 hr.

NMFS corrects the time-to-complete the Amendment 80 EDR due to discovery that a contradiction occurred in documentation. On the EDR form, the time-to-complete was given as 7.5 hr. On the support statement, the time-to-complete an EDR was given as 40 hr. On the Regulatory Impact Review (RIR) prepared for this action, the time-to-complete was given as 20 hr.

In this action NMFS corrects the time-to-complete as 20 hr after analysts studied the data provided by respondents and spoke with the respondents. The corrected time-to-complete is determined to be 20 hr, including the amount of time spent by the respondent during an audit.

The audit confirmation to substantiate EDR data submissions is integrated into the EDR submittal as part of the normal process. PSMFC economists and analysts verify the accuracy of each EDR to ascertain anomalies, outliers, and other deviations from averaged variables. The principle means for data quality assessment is follow-up interviews with EDR submitters to ensure consistent interpretation of the survey form and verification of selected data entries against submitter records. NMFS may retain a professional auditor/accounting specialist who would review and request financial documents substantiating questionable economic data.

Once contacted by PSMFC for EDR verification purposes, the participant needs to respond within 20 days of the inquiry for information. Responses after 20 days could be considered untimely and could result in a violation and enforcement action.

Amendment 80 non-AFA trawl gear catcher/processor economic data report (EDR)

Amendment 80 Certification Page

QS Holder Information

Name of company, partnership, or other business entity
Amendment 80 QS permits held
Name of Amendment 80 vessels owned (if none, enter N.A)
Business telephone number, business fax number, and business E-mail address, if available

Vessel Operator Information

If a person, other than the Amendment 80 QS holder, operated an Amendment 80 vessel owned by that QS holder during a calendar year provide the following information.

Name of company, partnership, or other business entity
Business telephone number, business fax number, and business E-mail address, if available

Person Completing this EDR (check one)

Amendment 80 QS holder (If your name and address are the same name and address provided in the QS Holder Information block above, the information does not need to be repeated here)

Designated Representative for the Amendment 80 QS holder (complete information below)

Name and title
Business telephone number, business fax number, and business E-mail address, if available

QS Holder Certification

Certify that all information is true, correct, and complete to the best of his/her knowledge and belief

If completed by a designated representative, attach authorization

Printed name and signature of QS Holder (or Designated Representative)

Date signed

Vessel Identification

Amendment 80 QS Permit No.
Amendment 80 Vessel Name
USCG Documentation No., ADF&G Vessel No. and ADF&G processor code of vessel
Amendment 80 License Limitation Program (LLP) No(s)
Amendment 80 limited access fishery permit No
Name of Amendment 80 cooperative (if applicable)
Home port
U.S. gross registered tonnage, net tonnage, and length overall
Beam, shaft horsepower, and fuel capacity (U.S. gal)
Year Built

Vessel characteristics: survey value

Most recent survey value
Date of last survey value
Indicate whether survey reflects value of permits and processing equipment

Vessel characteristics: fuel consumption

Vessel's annual and average fuel consumption per hour for the following

Fishing and/or processing
Steaming (not fishing or processing) – fully loaded with product
Steaming (not fishing or processing) – empty (transiting)

Vessel characteristics: freezer space

Amount of freezer space available at the beginning of the calendar year
Maximum freezing capacity in pounds per hour

Vessel characteristics: processing capacity

Total number of processing lines on the vessel
Type of product processed on the line in the Amendment 80 fishery
Species code
Product code
Number of processing lines for that product
Maximum throughput in pounds per hour for that product

Vessel characteristics: vessel activity

- Number of days vessel was engaged in Amendment 80 fishery and all other fisheries
 - Fishing
 - Processing
 - Traveling or offloading (not fishing or processing)
 - Inactive in shipyard

Revenues

- Total fishery product sales volume (metric tons) and FOB Alaska revenue (US dollars)
- All other income derived from vessel operations (US dollars)
- Income from sale of LLP licenses associated with this vessel
 - LLP number
 - Revenue (US dollars)
- QS quantity by species and royalty revenue (US dollars) from QS shares leased by other vessels.

Capital expenditures and materials usage

- Capital Expenditure Category and Total Capitalized Expenditure (US dollars)
 - Fishing gear (nets, net electronics)
 - Processing equipment
 - Vessel and onboard equipment (other than fishing, processing, or storage equipment)
 - Other capital expenditures related to vessel operations
 - Purchase LLP license(s) for use on vessel
 - LLP No.
 - Cost

Expenses

- Fishing (deck crew) labor expenses (including bonuses and payroll taxes, but excluding benefits and insurance)
- Processing labor expenses (including bonuses and payroll taxes, but excluding benefits and insurance)
- Labor expenses for all other employees aboard the vessel
- Food and provisions not paid by crew
- Recruitment, travel, benefits, and other employee related costs
- Lease expense for this vessel and onboard equipment
- Fishing gear leases, repairs, and purchases (nets, net electronics, doors, cables, etc.)
- Repair and maintenance expenses for vessel and processing equipment
- Freight, storage, and other sales costs for non-FOB sales
- Freight and storage costs other than for products (e.g., gear, supplies, etc.)
- Product packaging materials
- Fuel and lubrication
- Observer fees and monitoring costs
- Cooperative costs including lawyer and accountant costs, association fees, and other fees charged by harvest cooperative
- General administrative costs including professional services and management fees
- Insurance (vessel insurance, P&I, and other insurance associated with the operation of this vessel)
- Fisheries landing taxes (including shared fisheries business tax and fishery resource landing tax)
- Total raw fish purchases from other vessels (all fisheries and species)
- Quantity and royalty costs for QS leased from other vessels

Labor

- Average number and total number of employees for fishing, processing, and other activities on this vessel
 - Average number of positions aboard
 - Total number of employees in this calendar year
- On average, provide the hours per day a typical processing line employee worked during the calendar year
- Indicate if the vessel used a crew or revenue share system to pay processing or non-processing crew
 - To pay some processing crew
 - To pay all processing crew
 - To pay some non-processing crew
 - To pay all non-processing crew

Amendment 80 EDR, Respondent	
Number of respondents	28
Total annual responses	28
Frequency of response = 1	
Total burden hours	560 hr
Time per response = 20 hr	
Total personnel cost (\$100 x 560)	\$56,000
Total miscellaneous costs (41.04)	\$41
Photocopying (\$0.05 x 14 pp x 28 = 19.60)	
Mail (0.44 x 26 = 11.44)	
Fax (5 x 2 = 10)	

Amendment 80 EDR, Federal Government	
Total annual responses	28
Total burden hours	196 hr
Time per response = 7 hr	
Total personnel cost (\$50 x 196)	\$9,800
Total miscellaneous costs	0

It is anticipated that the information collected will be disseminated in aggregated and non-confidential form to the public or used to support publicly disseminated information about the Amendment 80 Program. 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 the 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.

The EDRs are fillable and may be downloaded from the NMFS web site at alaskafisheries.noaa.gov, printed, and submitted by mail or fax to PSMFC. NMFS has future plans to create an online form for the EDR.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is unlike any other.

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

The six CDQ groups participating in the Amendment 80 program are not-for-profit entities that are not dominant in the overall BSAI fishing industry. Thus, the six CDQ groups directly regulated by the proposed action would be considered small entities under the Regulatory Flexibility Analysis (RFA). The collection-of-information does not impose a significant impact on small entities.

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

The consequences of not collecting this information would be that NMFS could not fulfill the intent of the laws mentioned in question 2 and would be unable to provide data to the Council and the State of Alaska to evaluate the Program annually.

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

Each EDR must be submitted annually by June 1; after submission, response to requests for verification of data is required within 20 days of a question. There may be EDR verification questions that are sequential, based on previous questions, so the 20-day response period is essential. The verification questions are likely to be small in number and often be addressed with a telephone call or other short communication. The 20-day response period should not place a significant burden on submitters.

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.

Public comment was solicited in a Federal Register Notice (75 FR 10756), published March 9, 2010. Comments were received from the one Amendment 80 cooperative and from companies that own Amendment 80 vessels operating in the Non-AFA Bering sea groundfish fishery.

NMFS places the comments in six general categories.

The first category was baseline of the EDR data.

- ◆ whether EDR data lacks a baseline for comparison purposes

The second category was use of the EDR data.

- ◆ how the EDR data would be used,
- ◆ how changes brought by Amendment 80 could be seen, and

- ◆ whether estimated amounts can provide quality data.

A third category was efficiency of the EDR format.

- ◆ suggestion for NMFS to pre-fill standard information on individual forms and ask participant to enter data only if there are changes;
- ◆ suggestion to add comment sections for participant to explain the changes in a detailed, qualitative manner; and
- ◆ suggestion to add an option to report that nothing has changed.

A fourth category was redundancy of Amendment 80 EDR data

- ◆ EDR data is already collected under other NMFS' required information
- ◆ observer monitoring expense costs are unnecessary in the EDR because of new program to have observer providers send NMFS invoice copies

A fifth category was accuracy of PRA estimates for time burden and costs.

- ◆ estimates are wrong; they are not high enough.

A sixth category was disagreement in use of or definition of terms.

- ◆ survey value – is irrelevant to gains and losses associated with A80;
- ◆ fuel consumption – should be a measure of productivity (fish caught) per unit measure of fuel consumed;
- ◆ fuel efficiency – is more associated with engine performance than with the effect of A80;
- ◆ capacity -- An increase in freezer space or production capacity is not a function/efficiency of being in a coop;
- ◆ vessel activity – should only ask for fishing and production days;
- ◆ number of operating days -- is based on many factors but overall it is the economic viability that determines whether to fish or tie up the vessel. These questions are not relevant to the A80 objectives.
- ◆ revenues -- need to bifurcate A80 and non-A80 fisheries so can make apples to apples comparison.
- ◆ expense – it is unnecessary and burdensome to break out deck and processing labor from key crew or officers because deck crew does not remain constant and processing labor increases or decreases with fishing pace.
- ◆ expense – General, administrative, and packaging costs have little to do with A80

In February 2010, the Council issued the following motion regarding the BSAI Crab and Amendment 80 economic data collection programs:

"Using the process suggested in the February 2010 discussion paper on economic data collection, the Council tasks staff, with input from the Alaska Fisheries Science Center (AFSC), to begin a process of assessing and refining the crab EDR and Amendment 80 economic data collection programs. The purpose of this assessment is to identify refinements to these data collection programs so that they more effectively address Council objectives for these data collections consistent with the Magnuson-Steven Act and ensure that quality information is collected to support analyses to assess and meet management objectives. This process of assessment should be completed before new data collection programs are developed.

To begin this process, a discussion paper assessing the crab EDR should be developed first, followed by an assessment of the Amendment 80 program. Both discussion papers should focus on an assessment of the Council's purpose for establishing each data collection program. As framed by that purpose, and based on the written assessments of the existing collection by AFSC staff and industry, a summary will be developed evaluating each variable's informative value, accuracy, and collection cost. Using the assessment as a starting point, the Council's intent would be to then develop modifications to the data collection programs, as necessary."

The data elements in the Amendment 80 EDR are specified in federal regulations at 50 CFR Part 679.94 and will require a regulatory amendment to alter or eliminate. Comments received in regard to PRA clearance will be incorporated into the discussion paper tasked in the February 2010 motion and will contribute to AFSC and Council staff recommendations to the Council regarding potential amendments to the data collection program. In addition to revising specific survey questions, the discussion paper will identify potential alternatives for administration of the data collection to minimize repetitive questions and reduce reporting burden.

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 EDR form, the information collected is confidential under section 402(b) of the MSA (16 U.S.C. 1801, *et seq.*). It is also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics. Storage for the information will include a computerized data base in electronic storage media; paper records will be filed in folders in locked cabinets. Buildings where the records are maintained employ security systems with locks and access limits. Only those that have the need to know, to carry out the official duties of their job, have access to the information.

The computerized data base is password-protected and access is limited. Paper records are maintained in secured file cabinets in areas that are accessible only to authorized personnel. These personnel of NMFS, Alaska Region and its contractors are instructed on the confidential nature of this information.

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

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

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

Total estimated unique respondents: 28. Total estimated responses: 28, decreased from 56.
Total estimated time burden: 560 hr, decreased from 1,204 hr. Total estimated personnel cost:
\$56,000 decreased from \$113,200.

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

Total estimated miscellaneous costs: \$41, decreased from \$602.

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

Total estimated time burden: 196 hr. Total personnel cost: \$9,800, increased from \$7,700.

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

The burden and costs for Amendment 80 EDR submittal and verification are combined because each EDR receives verification as part of the procedure. In addition, adjustments are made for the Amendment 80 EDR due to revisions in time to complete an EDR and miscellaneous costs. Combining of the verification with the EDR is in fact an adjustment, but cannot be shown as such, due to the lack of option for "adjustment" when removing an IC.

Amendment 80 EDR and verification

a decrease of 644 burden hour, 560 instead of 1,204

a decrease of \$57,200 personnel cost, \$56,000 instead of \$113,200

a decrease of \$561 miscellaneous cost, \$41 instead of \$602

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

The information collected will not be published.

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

The respondent universe for the Amendment 80 EDR is a maximum of 28 non-AFA trawl catcher/processors operating in the waters of the BSAI and Gulf of Alaska (GOA). Groundfish harvest includes both the GOA and BSAI, therefore groundfish activity from both areas would be included. Each catcher/processor is required to have one Amendment 80 QS permit and one LLP license. Owners of multiple licenses and associated vessels are required annually to submit one EDR for each licensed vessel. The year 2008 was the first full year of data required for the Amendment 80 EDR. Each subsequent year of catch and production requires a new EDR.

The sample selection method is an annual census of all 28 vessels, as any other sampling methodology would produce too few observations to estimate representative levels of cost, earnings, and other outputs required for this collection. As this program is a mandatory collection, and valuable fishing privileges will be withheld if an EDR is not submitted, we anticipate a 100 percent response rate from QS holders. Quota shares in this program are issued to entities, rather than vessels, and specific provisions require that each QS holder is responsible for including data from any acquired vessel in this sector.

Non-AFA trawl catcher/processors are a closed set that includes those catcher/processors listed in Table 31 to part 679 (see below). Each of these vessels is classified as a large entity with greater than \$4.0 million in annual gross earnings. The organizations owning and managing these vessels routinely provide NMFS extensive data on catch by location and weight as well as production data to both NMFS and the State of Alaska through logbooks, catch account reports, and other collections.

Table 31 to Part 679 – List of Amendment 80 Vessels and
LLP Licenses Originally Assigned to an Amendment 80 Vessel

Name of Amendment 80 vessel	USCG Documentation No.	LLP license number originally assigned to the Amendment 80 vessel
Alaska Juris	569276	LLG 2082
Alaska Ranger	550138	LLG 2118
Alaska Spirit	554913	LLG 3043
Alaska Voyager	536484	LLG 2084
Alaska Victory	569752	LLG 2080
Alaska Warrior	590350	LLG 2083
Alliance	622750	LLG 2905
American No 1	610654	LLG 2028
Arctic Rose	931446	LLG 3895
Arica	550139	LLG 2429
Bering Enterprise	610869	LLG 3744
Cape Horn	653806	LLG 2432
Constellation	640364	LLG 1147
Defender	665983	LLG 3217
Enterprise	657383	¹ LLG 4831
Golden Fleece	609951	LLG 2524
Harvester Enterprise	584902	LLG 3741
Legacy	664882	LLG 3714
Ocean Alaska	623210	LLG 4360
Ocean Peace	677399	LLG 2138
Prosperity	615485	LLG 1802
Rebecca Irene	697637	LLG 3958
Seafisher	575587	LLG 2014
Seafreeze Alaska	517242	LLG 4692
Tremont	529154	LLG 2785
U.S. Intrepid	604439	LLG 3662
Unimak	637693	LLG 3957
Vaerdal	611225	LLG 1402

¹LLG 4831 is the LLP license originally assigned to the F/V Enterprise, USCG No. 657383.

On January 20, 2008, the Best Use Cooperative (BUC), the only Amendment 80 cooperative, began fishing allocations under Amendment 80. BUC is comprised of the following seven member companies, and sixteen non-AFA trawl catcher/processors. NOTE: These vessels are listed in Table 31.

Company	Vessel	Length Overall
M/V Savage	Seafisher	211
Fishermen's Finest, Inc.	American No. 1	160
	U.S. Intrepid	184
Iquique U.S., L.L.C.	Arica	186
	Cape Horn	158
	Rebecca Irene	140
	Tremont	125
	Unimak	184
Jubilee Fisheries	Vaerdal	124
Ocean Peace	Ocean Peace	220
O'Hara Corporation	Constellation	165
	Defender	124
	Enterprise	124
United States Seafoods, LLC	Seafreeze Alaska	296
	Legacy	132
	Alliance	107

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

Given that only 28 vessels will be participating in this fishery, it is not feasible to generate enough observations on any one of the variables without applying this collection annually. And, as discussed above, random sampling from this population is not a viable option for statistical reasons. Based upon the degrees of freedom and number of observations required for estimating the statistical relationship among the variables in this collection, data in the Amendment 80 EDR may be pooled to create a time-series of cross-sectional data in order to generate sufficient observations for economic and statistical analysis. Although the strata to be utilized in preparing analyses (either deterministic or statistical) of management actions for this fleet will depend on the specific questions of interest, vessels are commonly stratified by vessel length and the distribution and amount of catch, by species.

a. Potential dependent variables and models developed with EDR data

Much of the data requested will be used to compute total or average quasi-rents (revenues less variable costs) based on a census of catcher/processors in the years following implementation of this rationalization program. To understand the relationships between the vessel quasi-rents and

the variables we collect that affect total or average quasi-rents, econometric models will be required. Examples of some dependent and exogenous variables of interest are shown in the following table.

Examples of some dependent and exogenous variables of interest	
Estimating Dependent Variables that do not Require a Model	
a) Distribution of average catch and processed revenue by vessel length class, or type of operation (based on distribution and amount of catch by species)	<p><u>Data Required</u> Catch, production and revenue information, vessel information, and vessel owner information are required. Alaska Commercial Operator's Annual Report (COAR) data would be used as the primary source for providing data on gross revenues paid by processing product and species.</p>
b) Distribution of average variable vessel costs by vessel length class, or type of operation (based on distribution and amount of catch by species)	<p><u>Data Required</u> Total variable costs, by vessel, vessel characteristics, landings records</p> <p><u>Specific Measure</u> Annual Total Variable Costs = CDQ costs + QS costs + observer costs + fuel + lube and hydraulics + food and provisions + freight costs for landed fish + lube and hydraulic fluid + crew payment or share payment + processing materials + labor costs for processing + packaging + freezing + captain's share payment + fish taxes (including raw fish and local tax) + gear costs Seasonal Variable Harvesting Costs = fuel costs + captain and crew costs + gear costs Freight & Storage Costs = Freight costs of supplies to vessel + freight costs for landed fish + storage costs</p>
c) Distribution of average quasi-rents by vessel length class, or type of operation (based on distribution and amount of catch by species)	<p><u>Data Required</u> Total variable costs, by vessel, vessel characteristics, landings records; COAR data would be the primary source for providing data on gross revenues paid by processing product and species</p> <p><u>Specific Measure</u> Quasi-rents = Total revenue - (CDQ royalty payments + IFQ costs + fuel + lube and hydraulics + food and provisions + freight costs for landed fish + lube and hydraulic fluid + crew share payment + captain's share payment + fish taxes + processing materials + labor costs for processing + packaging + freezing) Quasi-rents / pounds landed = QR per pound Quasi-rents / days fished = QR per day</p>
d) Seasonality of average catch and revenue by vessel class	<p><u>Data Required</u> Catch, processed revenue, vessel class and ownership.</p>
e) Catcher processor vessel ownership & interest in QS	<p><u>Data Required</u> Processor, vessel and QS ownership data are required.</p>
f) Level and distribution of harvesting and processing sector employment and payments to labor (number of individuals, hours/days worked, and income)	<p><u>Data Required</u> Harvesting and processing sector employment and payments to labor data are required.</p> <p><u>Specific Measures</u> Labor Income = Crew share payment + Captain's share payment + QS holder's payments (where applicable) + processing labor payment + all other labor payment or Labor Income = Crew share * (Total revenue - CDQ leases - QS leases - fuel - lube and hydraulics - bait - food and provisions - freight costs for supplies - freight costs for landed & processed fish - fish taxes) + processing labor payment + all other labor payment.</p>

Examples of some dependent and exogenous variables of interest	
	<p><u>Where applicable</u></p> <p>Averaged daily Wage = Labor Payment / # of Processing Days</p> <p>\$ per Hour = Labor Payment / Total Man-hours</p> <p>Labor as % of Revenue = labor payment / value of product</p> <p>Labor as % of variable costs = labor payment / variable costs</p> <p>Labor Income Per Capita = Labor income / # of crew earning shares</p> <p>Average number of harvesting crew per vessel by season (by geographic region of employee residence)</p> <p>Average captain's share (%) & wages</p> <p>Average crew share (%) & wages</p> <p>Description of typical expenses deducted from crew wages</p>
g) Degree of involvement of non-AFA trawl catcher/processor sector in other AK fisheries	<p><u>Data Required</u></p> <p>Catcher Processor and vessel ownership data, as well as total catch, production, and revenue data are required.</p>
h) Observer Costs in QS Fisheries (Impacts of Increased Observer Coverage)	<p><u>Data Required</u></p> <p>Cost per day-at-sea by individual. Number of days purchased per season from data collected by the observer program.</p>
i) Total fishing and processing taxes including fee collection	<p><u>Data Required/Specific Measures</u></p> <p>Taxes, use fees paid by catcher/processers</p>
j) Changes in Fleet Composition (comparison of cost, revenue and compensation structure of vessels exiting the fleet versus those staying, based on the measures given in this section)	<p><u>Data Required/Specific Measures</u></p> <p>Cost, revenue, labor income, and compensation structure of vessels to construct the measures given in the above section.</p>
k) Product Recovery Rates (PRR) by species	<p>PRR = Finished Pounds / Raw Pounds</p>
l) Production	<p>Production per Day = Finished Pounds / # of Processing Days</p> <p>Production Per Employee = Finished Pounds / # catcher/processor positions</p>
m) Consolidation	<p>Avg. Production per catcher/processor = total processed pounds / # of catcher/processers producing groundfish.</p>
n) Observer costs	<p>Observer cost as percent of revenue= Observer costs / revenue</p> <p>Observer cost per day = Observer cost / # of processing days</p>

b. Estimating Dependent Variables that Require a Model

Economic theory is concerned with explaining the relationships among economic variables (e.g., input quantities and prices, output quantities and prices) and using that information to explain, evaluate, and/or predict production, allocation, and distribution decisions. This process typically involves specifying a 'model' that characterizes the salient aspects of a particular process or decision. The chosen model defines the general relationships to be examined, and within the model, observed choices, outcomes and factors (i.e., data) are used to provide information regarding the relationships of interest.

AFSC analysts use the data contained within the completed and verified EDRs to construct statistical models that characterize the determinants and factors affecting the costs and revenues of vessels within each stratum. The benefit of using statistical models to characterize the relationship between costs or revenues and the factors that influence them is that the models may initially be used to analyze the way in which economic performance changes after the immediate implementation of the program.

If the Council makes adjustments to the program at a later date, analysts will be able to observe the changes in quasi-rents not attributable to the factors that have historically been the predominant statistical determinants to draw conclusions about the impact of the adjustments. That is, these statistical techniques can be used to disentangle the influence of particular economic variables on quasi-rents from “policy” or “management” variables that change directly as a result of managers’ choices over policies or regulations. Examples of economic variables would be the prices of fuel, materials, or other inputs used in fishing and processing. Variables that can be altered directly by fishery managers or regulation are the length of fishery openings by statistical area and species, the amount of allocation of a species to a sector, or individual vessels or persons in a sector.

The data collected in the EDRs are used to develop both cost and quasi-rent that characterize the relationships between fishing and processing activities and their economic impacts. In order to estimate such functions one needs vessel-level information on variable costs of operation and gross earnings. These variables will form the basis for the dependent part of the statistical model, while the other data collected on input quantities, catch, and prices will be used as exogenous variables. The analysts will determine the exact specification of the cost and quasi-rent functions based upon the questions desired by fishery managers, the number of observations available, and the perceived quality or accuracy of the collected data.

Econometric Methods. The primary and most common approach for estimating and specifying cost and quasi-rent functions is with econometric methods. This approach examines the multivariate statistical relationships between short-run costs or quasi-rents and exogenous variables, using choices or decisions made by economic agents over target species and fishing location. Observed behavior over time and strata may be merged with other data to infer how management actions impact quasi-rents. This analysis would include data on catch by species and area, data on the value of retaining catch of a given species, and data on species with lower market value. Error and regression statistics may be generated from econometric models to indicate the level of statistical significance of estimated parameters. Given the number of variables that could be included in any of these models, we are not prepared at this time to provide quantitative standards of accuracy for each parameter included in the EDR. The level of accuracy required in any given independent data value for estimating a particular dependent variable may vary greatly from one dependent variable to another.

3. Describe the methods used to maximize response rates and to deal with non-response. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

Each of the QS holders operating a catcher/processor in this fishery is required to submit an annual EDR. All of these respondents will be applying for one or more QS. Because this is a mandatory collection, and valuable fishing privileges will be withheld if an EDR is not submitted, we anticipate a 100 percent response rate from QS holders.

Measures to verify the accuracy of the EDR data were developed by NMFS economists and analysts to ascertain anomalies, outliers, and other deviations from averaged variables. The principle means to verify data is consultation between NMFS and the submitter when questions arise regarding data. NMFS requests oral or written confirmation of data submissions and requests copies of or review documents or statements that would substantiate data submissions. The person submitting the EDR would need to respond within 20 days of the inquiry for information. Responses after 20 days could be considered untimely and could result in a violation and enforcement action.

NMFS amends data in the EDR through this audit verification. NMFS may retain a professional auditor/accounting specialist who would review and request financial documents substantiating economic data that is questioned. NOAA guidelines for the Data Quality Act will be followed and estimates without an adequate statistical basis will not be used.

Enforcement of the data collection program is different from enforcement programs used to ensure that accurate landings are reported. It is critical that landings data are reported in an accurate and timely manner, especially under a QS system, to properly monitor catch and remaining quota. However, because it is unlikely that the economic data will be used for in-season management, it is anticipated that persons submitting the data will have an opportunity to correct omissions and errors before any enforcement action would be taken. Giving the person submitting data a chance to correct problems is considered important because of the complexities associated with generating these data. Only if the agency and the person submitting the data cannot reach a solution would the enforcement agency be contacted. The intent of this program is to ensure that accurate data are collected without being overly burdensome on industry due to unintended errors.

A discussion of four scenarios will be presented to reflect the analysts' understanding of how the enforcement program would function. The four scenarios are:

1. No information is provided on an EDR;
2. Partial information is provided on an EDR;

3. NMFS has questions regarding the accuracy of the data that has been submitted on an EDR; and
4. A random audit to verify the data does not agree with data submitted in the EDR.

In the first two cases, the person would be contacted by NMFS (or a NMFS contractor) and asked to fulfill his/her obligation to provide the required information. If the problem is resolved and the requested data are provided, no other action would be taken. If that person does not comply with the request, the collecting agency would notify enforcement that the person is not complying with the requirement to provide the data. Enforcement would then use their discretion regarding the best method to achieve compliance. Those methods would likely include fines or loss of quota and could include criminal prosecution.

In the third case, questions may arise when, for example, information provided by one company is much different than that provided by similar companies. These data would only be called into question when obvious differences are encountered. Should these cases arise, the agency collecting the data would request that the person providing the data double check the information. Any reporting errors could be corrected at that time. If the person submitting the data indicates that the data are accurate and the agency still has questions regarding the data, that firm's data could be audited. It is anticipated that the review of data would be conducted by an accounting firm selected jointly by the agency and members of industry. Only when that firm refuses to comply with the collecting agency's attempts to verify the accuracy of the data would enforcement be contacted. Once contacted, enforcement would once again use their discretion on how to achieve compliance.

In the fourth case, an audit reports different information than that contained in the EDR. The audit procedure is a verification protocol similar to that which was envisioned for use in the pollock data collection program developed by NMFS and PSMFC. During the design of this process, input from certified public accountants was solicited in order to develop a verification process that is less costly and cumbersome than a typical audit procedure. That protocol involves using an accounting firm, agreed upon by the agency and industry, to conduct review of certain elements of the data provided.

Since some of the information requested in the EDRs may not be maintained by companies and must be calculated, it is possible that differences between the audited data from financial statements and EDR data may arise. In that case the person filling out the form would be asked to show how his/her numbers were derived. If the explanation resolves the problem, there would be no further action needed. If questions remained, the agency would continue to work with the providers of the data. Only when an impasse is reached would enforcement be called upon to resolve the issue. It is hoped that this system would help to prevent abuse of the verification and enforcement authority.

In summary, members of the non-AFA trawl catcher/processor sector will be contacted and given the opportunity to explain and/or correct any problems with the data, which are not willful and intentional attempts to mislead, before enforcement actions are taken. Agency staff does not view enforcement of this program as they would a quota monitoring program. Because these

data are not being collected in “real” time, there is the opportunity to resolve occasional problems as part of the data collection system. The program was developed to collect the best information possible. Analyses of the Amendment 80 rationalization program will be conducted, to minimize the burden on industry and minimize the need for enforcement actions.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

The Council held two industry meetings in 2006 to review and recommend data to be collected in the EDRs. While this did not result in a formal pretest of the data reports, several fields in the data forms were significantly revised. In addition, some members of the non-AFA trawl catcher/processor sector have voluntarily submitted individual comments on previous versions of this data form.

The AFSC held two half-day workshops to review the Amendment 80 EDR with members of industry on January 23, 2009 and February 17, 2009; these meetings were held at the Best Use Cooperative (BUC) offices. In August, 2009, AFSC met with the BUC cooperative manager and BUC legal counsel regarding the conduct of the validation audit review of Amendment 80 EDR submissions, followed by several subsequent telephone consultations with one or both of them.

AFSC conducted a meeting in 2010 with the one cooperative, BUC, to review the EDR. AFSC scheduled a meeting in late January 2010 to consult with the sole Amendment 80 participant that is not a member of BUC, Fishing Company of Alaska (FCA), but the meeting was cancelled by FCA and not rescheduled.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Mark Fina, Ph.D.
Economist
North Pacific Fisheries Management Council
PH: (907) 271-2809
Internet Address: mark.fina@noaa.gov

Jeff Hartman
NOAA/NMFS, Alaska Region, Sustainable Fisheries Division
PH: (907) 586-7228
Internet Address: jeff.hartman@noaa.gov

Tracy Buck
Supervisor of Permits
NOAA/NMFS, Alaska Region
Internet Address: tracy.buck@noaa.gov
Person(s) Who Will Actually Collect the Information for the Agency.

Dave Colpo
Program Manager
Pacific States Marine Fisheries Commission
PH: (503) 595-3100
Internet Address: Dave_Colpo@psmfc.org

Geana Tyler
Pacific States Marine Fisheries Commission
PH: (503) 595-3100
Internet Address: Geana_Tyler@psmfc.org

Person(s) Who Will Actually Analyze the Information for the Agency

Ron Felthoven, Ph.D.
Program Manager, Economics and Social Sciences Research Program
NOAA/NMFS, Alaska Fisheries Science Center
PH: (206) 526-4114
Internet Address: Ron.Felthoven@noaa.gov

Brian Garber-Yonts, Ph.D.
Research Economist
NOAA/NMFS, Alaska Fisheries Science Center
PH: (206) 526-6301
Internet Address: Brian.Garber-yonts@noaa.gov

Alan Haynie, Ph.D.
Economist
NOAA/NMFS, Alaska Fisheries Science Center
PH: (206) 526-4253
Internet Address: Alan.Haynie@noaa.gov

ANNUAL
AMENDMENT 80
NON-AFA TRAWL GEAR
CATCHER/PROCESSOR
ECONOMIC DATA REPORT (EDR)
CALENDAR YEAR 2009

This form can be downloaded from
<http://www.fakr.noaa.gov>



PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts for groundfish under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) as amended by the Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

ANNUAL CATCHER/PROCESSOR EDR

Introduction

You have received this form because our records show that you are the owner of a catcher/processor that participated in the Amendment 80 fishery in the past.

This report collects economic data on the Bering Sea and Aleutian Islands Management Area (BSAI) Non-American Fisheries Act (non-AFA) Trawl Catcher/Processor Sector, including Western Alaska Community Development Quota Program (CDQ) non-Pollock groundfish fisheries. The fisheries are referred to as Amendment 80 fisheries. Pursuant to the legislation, the data and identifiers will also be used for program enforcement and determination of qualification for cooperative membership. Consequently, identifiers and data will be disclosed to NOAA Enforcement, NOAA General Counsel, the Antitrust Division of the Department of Justice, the Federal Trade Commission, and NOAA Restricted Access Management Program.

Each year, on or before 1700 hours A.I.t. on **June 1**, each person who held an Amendment 80 Quota Share (QS) permit during a calendar year must submit to the NMFS Data Collection Agent, Pacific States Marine Fisheries Commission, at the address provided on the form, an EDR for each Amendment 80 QS permit held by that person for annual data **for the previous calendar year**, or if sent by U.S. mail, postmarked by that time.

If YOUR label address is incorrect or missing, please correct the error on the label or print your permanent name and address here.

Catcher/processor Name
Company Name
Street address or P.O. Box Number
City, State, and Zip Code

Mail or FAX EDR by June 1, 2009 to:

Pacific States Marine Fisheries Commission
NMFS Economic Data Reports
205 SE Spokane, Suite 100
Portland, OR 97202
FAX No. 503-595-3450

For more information, or if you have questions,
please call toll free 1-877-741-8913

CERTIFICATION PAGE – 1 of 2

This is a **required form**. Provide all information requested below.

Amendment 80 QS Holder Information	
Name of company, partnership, or other business entity	
Amendment 80 QS permits held	Name of Amendment 80 vessels owned (if none, enter N.A)
Business telephone number (999-999-9999)	Business FAX number (999-999-9999)
Business E-mail address, if available (email@domain.com)	

Amendment 80 Vessel Operator Information	
If a person, other than the Amendment 80 QS holder, operated an Amendment 80 vessel owned by that Amendment 80 QS holder during a calendar year provide the following information.	
Name of company, partnership, or other business entity	
Business telephone number (999-999-9999)	Business FAX number (999-999-9999)
Business E-mail address, if available (email@domain.com)	

Person Completing this EDR (check one)	
<input type="checkbox"/> Amendment 80 QS holder (If your name and address are the same name and address provided in the QS Holder Information block above, the information does not need to be repeated here)	
<input type="checkbox"/> Designated Representative for the Amendment 80 QS holder (complete information below)	
Name	Title
Business telephone number (999-999-9999)	Business FAX number (999-999-9999)
Business E-mail address, if available (email@domain.com)	

CERTIFICATION PAGE – 2 of 2

AMENDMENT 80 QS HOLDER CERTIFICATION

The Amendment 80 QS holder must complete this certification block to certify that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by a designated representative, attach authorization.

Read the following statement, and sign and date the box below:	
<i>Under penalties of perjury, I declare that I have examined this EDR, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.</i>	
Signature of Amendment 80 QS Holder (or Designated Representative)	Date signed
Printed Name of Amendment 80 QS Holder (or Designated Representative)	

If you owned any part of an Amendment 80 vessel during a calendar year, provide the following information for each Amendment 80 vessel you owned. This questionnaire is designed to collect information on individual vessels even if the vessel is part of a larger company. The intent is to evaluate each vessel as a stand-alone entity. All of the following questions pertain to calendar year 2009.

Table 1 - Vessel Identification

Amendment 80 QS Permit No.	
Amendment 80 Vessel Name	
1. USCG Documentation No.	
2. ADF&G Vessel No. (K12345 or 12345)	
3. ADF&G processor code	
4. Amendment 80 LLP No(s).	
5. Amendment 80 limited access fishery permit No.	
6. Name of Amendment 80 cooperative (if applicable)	
7. Home port	
8. U.S. gross registered tonnage	
9. Net tonnage	
10. Length overall	
11. Beam	
12. Shaft horsepower	
13. Fuel capacity (U.S. gal.)	
14. Year Built	

Table 2.1 - Vessel Characteristics: Survey Value

1. What was the most recent survey value, rounded to the nearest 100 dollars, of the vessel and equipment? Indicate if this is approximate replacement value.	\$US Replacement value? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. What was the date of this vessel's last value survey?	____ / ____ / ____ mm dd yyyy
3. Did the survey value given above include the value of permits associated with the vessel at the time of the value survey?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Did the survey value given above include the value of processing equipment on the vessel at the time of the value survey?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Table 2.2 - Vessel Characteristics: Fuel Consumption

For each of the following activities please give the vessel's annual and average fuel consumption per hour during calendar year 2009. If not applicable please write "NA".

Activity	Average Gallons of Fuel per Hour	Annual Fuel Consumption
Fishing and/or processing	gal/hr	gal
Steaming (not fishing or processing) – fully loaded with product	gal/hr	gal
Steaming (not fishing or processing) – empty (transiting)	gal/hr	gal

Table 2.3 - Vessel Characteristics: Freezer Space

1. How much freezer space (measured in pounds of product) did the vessel have at the beginning of calendar year 2009 (round to the nearest 100 pounds)? Include only product storage capacity. Do not include plate freezer, galley freezer, or other non-product storage capacity.	lbs.
2. What is the maximum freezing capacity of this vessel in pounds per hour? Report the maximum capacity of all plate freezers in pounds, divided by the average number of hours required to freeze product (note: this is not throughput under realistic operating conditions).	lbs/hr

Table 2.4 - Vessel Characteristics: Processing Capacity

Report the total number of processing lines on the vessel in the first line. For each type of product processed on the line in the BSAI Amendment 80 fisheries, record the number of processing lines of similar type (equipment and/or product mix), and the vessel's maximum average throughput in pounds (round weight) per hour, totaled over all processing lines for this product type. Assume optimal operating conditions and that quantity of raw fish and other inputs are not limiting. Use species and product codes to describe product types produced. Record all species processed in the BSAI, including non-Amendment 80 species harvested with Amendment 80 PSC allocations. Amendment 80 species are starred (*) in the table.

Table A: Species and Product Codes
(See also 50 CFR part 679 Table 1a—Delivery Conditions and Product Codes and Table 2a—Species Codes FMP Groundfish)

Species Codes	
Code	Species, Common Name
110	(*) cod, Pacific (gray)
121	flounder, arrowtooth
122	(*) sole, flathead
123	(*) sole, rock
124	sole, dover
125	sole, rex
126	sole, butter
127	(*) sole, yellowfin
128	sole, English
129	flounder, starry
131	sole, petrale
132	sole, sand
133	flounder, Alaska plaice
134	turbot, Greenland
135	rockfish, greenstripe
136	rockfish, northern
137	rockfish, Bocaccio
138	rockfish, copper
141	(*) perch, Pacific ocean
142	rockfish, black (BSAI)
143	rockfish, thornyhead

145	rockfish, yelloweye
146	rockfish, canary
147	rockfish, quillback
148	rockfish, tiger
149	rockfish, china
150	rockfish, rosethorn
151	rockfish, rougheye
152	rockfish, shortraker
153	rockfish, redbanded
155	rockfish, yellowtail
156	rockfish, widow
157	rockfish, silvergray
158	rockfish, redstripe
159	rockfish, darkblotched
160	sculpin, general
172	rockfish, dusky
175	rockfish, yellowmouth
176	rockfish, harlequin
177	rockfish, blackgill
178	rockfish, chilipepper
179	rockfish, pygmy
181	rockfish, shortbelly
182	rockfish, splitnose
183	rockfish, stripetail
184	rockfish, vermilion
185	rockfish, aurora
193	(*) Atka mackerel (greenling)

270	pollock, walleye
689	shark, other
690	shark, salmon
691	shark, spiny dogfish
692	Pacific sleeper shark
700	skate, other
701	skate, longnose
702	skate, big
710	sablefish (blackcod)
870	octopus, North Pacific
875	squid, majestic

Product Codes	
Code	Delivery Condition Description
1	Whole fish or shellfish
3	Bled fish
4	Gutted, head on (gutted only)
5	Gutted, head off (headed/gutted)
6	Headed and gutted with roe
7	Headed and gutted, western cut
8	Headed and gutted, eastern cut
10	Headed and gutted, tail removed

Total number of processing lines on vessel:			
Product processed		Number of processing lines	Maximum throughput per hour
Species Code	Product code		
			lbs/hr

Table 2.5 - Vessel Characteristics: Vessel Activity

Record the number of days the vessel was engaged in each of the following activities. Report days fishing and days processing in the Amendment 80 fisheries and all other fisheries separately. Count days fishing and/or processing this or another Amendment 80 vessel's quota of Amendment 80 species, including Amendment 80 halibut and crab PSC, as Amendment 80 fishery activity (includes fishing of Amendment 80 catch delivered to other processors and processing of Amendment 80 catch received from other vessels). Report days traveling or offloading over all vessel activity (including tendering, charters, cargo transport, etc) and inactive in the calendar year. If not applicable, please write "NA". Count any portion of a calendar day that the vessel was engaged in the activity as one day (this may result in a total greater than 365 days).

Activity	AM80 Fishery	All other fisheries
Fishing		
Processing		
	All vessel activity	
Traveling or offloading (not fishing or processing)		
Inactive in shipyard		

Table 3 - 2009 Revenues

Please give the total amount of revenue received from all sources for each of the following categories during calendar year **2009** (rounded to the nearest 100 dollars).

Revenue Category	Units	Revenue
1. Total fishery product sales volume (in metric tons) and FOB Alaska revenue (including custom processing and sales of inventory produced prior to this year)		\$US
2. All other income derived from vessel operations (e.g., tendering, charters, cargo transport, etc.)		\$US
3. Income from sale of LLP licenses associated with this vessel during the calendar year.	LLP No.	Revenue
		\$US
4. Quantity and royalty revenue from QS shares leased by other vessels. Only report quantity and revenue for formal leases. Do not include quantity or value of in-kind or other informal quota transfers.	Quantity of QS (in metric tons)	Revenue
	yellowfin sole	\$US
	rock sole	\$US
	flathead sole	\$US
	Atka mackerel	\$US
	Pacific ocean perch	\$US
	Pacific cod	\$US
	Amendment 80 leased halibut PSC	\$US
	Amendment 80 leased crab PSC	\$US
	other species leased	\$US

Table 4 - Capital Expenditures and Materials Usage

Please give the calendar year 2009 capital expenditures associated with each of the following categories for this vessel. Only report costs for purchases of fully capitalized investments. Report costs fully expensed during the year in Table 5. Do not report cost for purchases of onshore equipment or facilities. Round all answers to the nearest 100 dollars.

Capital Expenditure Category	Total Capitalized Expenditure	
a. Fishing gear (e.g., net electronics)	\$US	
b. Expenditures on processing equipment, including freezing and cold storage	\$US	
c. Expenditures on vessel and onboard equipment (other than fishing, processing, or storage equipment)	\$US	
d. Other capital expenditures related to vessel operations	\$US	
e. Purchase of LLP license(s) for use on the vessel	LLP No.	Cost
		\$US
		\$US

Table 5 – Expenses

In the table below, please provide the total calendar year 2009 expenses (before income tax) associated with the following categories. Do not include expenditures that were capitalized and reported in Table 4. Round all answers to the nearest 100 dollars.

Expense Category	Total Cost
1. Fishing (deck crew) labor expenses (including bonuses and payroll taxes, but excluding benefits and insurance)	\$US
2. Processing labor expenses (including bonuses and payroll taxes but excluding benefits and insurance)	\$US
3. Labor expenses for all other employees (officers, engineers, cooks, etc) aboard the vessel (including bonuses and payroll taxes but excluding benefits and insurance)	\$US
4. Food and provisions (not paid by crew)	\$US
5. Recruitment, travel, benefits and other employee related costs (excluding food and provisions and other employee costs already provided in items 1, 2, and 3)	\$US
6. Lease expenses for this vessel and all onboard equipment	\$US
7. Fishing gear leases, repairs, and purchases fully expensed in calendar year 2009 (e.g., nets, doors, cables)	\$US
8. Repair and maintenance expenses for vessel and processing equipment (including shipyard accrual and all purchases of parts and equipment that were expensed in calendar year 2009)	\$US
9. Freight, storage, and other sales costs for non-FOB sales	\$US
10. Freight and storage costs other than for products (e.g., gear, supplies, wharfage and offload costs)	\$US
11. Product and packaging materials	\$US
12. Fuel and lubrication	\$US
13. Observer fees and other fishery monitoring and reporting costs	\$US
14. Cooperative costs including lawyer and accountant costs, association fees, and other fees charged to you by the harvest cooperative	\$US

Table 5 – Expenses (continued)

Expense Category		Total Cost
15. General Administrative Cost, including professional services and management fees (do not include costs reported in items 13 or 14) associated with vessel operation		\$US
16. Insurance (vessel insurance, P&I, and other insurance associated with the operation of this vessel; do not include employee health insurance reported in line 5)		\$US
17. Fisheries landings taxes, including Shared Fisheries Business Tax and Fishery Resource Landing Tax		\$US
18. Total raw fish purchases from other vessels (all fisheries and species)	lbs	\$US
19. Quantity and royalty costs paid for QS shares leased from other vessels. Only report quantity and cost for formal leases. Do not include quantity or value of in-kind or other informal quota transfers.	Quantity of QS (in metric tons)	Total Cost
yellowfin sole		\$US
rock sole		\$US
flathead sole		\$US
Atka mackerel		\$US
Pacific ocean perch		\$US
Pacific cod		\$US
Amendment 80 leased halibut PSC		\$US
Amendment 80 leased crab PSC		\$US
other species leased		\$US

Table 6 – Calendar Year 2009 Labor

1. Please provide the average number and the total number of employees for fishing, processing, and other activities on this vessel during the 2009 calendar year. The sum of the number of positions should equal the total number of employees aboard the vessel (on average).		
Labor category	Average number of positions aboard	Number of employees in 2009
a. Fishing (deck crew)		
b. Processing		
c. All other employees onboard the vessel (including officers, engineers, cooks, etc)		
2. On average, how many hours per day did a typical processing line employee work during calendar year 2009?		hours
3. Did the vessel use a crew or revenue share system to pay processing or non-processing crew in calendar year 2009? (Circle one number for each)		YES
		NO
a. To pay some processing crew	1	2
b. To pay all processing crew	1	2
c. To pay some non-processing crew	1	2
d. To pay all non-processing crew	1	2

NOTES

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) **REQUIRED PROVISIONS.**—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

109-479

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

109-479

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

16 U.S.C. 1853
MSA § 303

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

109-479

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors;

109-479

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

109-479

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may—

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to—

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

109-479

(2)(A) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

- (i) is based on the best scientific information available;
- (ii) includes criteria to assess the conservation benefit of the closed area;
- (iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and
- (iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the—

- (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);
- (B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and
- (C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

109-479

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

109-479

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

- (A) present participation in the fishery;
- (B) historical fishing practices in, and dependence on, the fishery;
- (C) the economics of the fishery;
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries;
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities;
- (F) the fair and equitable distribution of access privileges in the fishery; and
- (G) any other relevant considerations;

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MSA § 303

(7) require fish processors who first receive fish that are subject to the plan to submit data which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research;

109-479

(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14)[sic]¹⁵ prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

¹⁵ So in original.

P.L. 109-479, sec. 104(b), MSA § 303 note

16 U.S.C. 1853 note

EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)¹⁶—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

109-479

SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

16 U.S.C. 1853a

(a) **IN GENERAL.**—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

(b) **NO CREATION OF RIGHT, TITLE, OR INTEREST.**—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

¹⁶ Section 104(a)(10) of P.L. 109-479 added section 303(a)(15).

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

- (A) the fishery has historically processed the fish outside of the United States; and
- (B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

(3) FISHING COMMUNITIES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

- (I) be located within the management area of the relevant Council;
- (II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and
- (IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

- (B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—
- (i) traditional fishing or processing practices in, and dependence on, the fishery;
 - (ii) the cultural and social framework relevant to the fishery;
 - (iii) economic barriers to access to fishery;
 - (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
 - (v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and
 - (vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

(4) REGIONAL FISHERY ASSOCIATIONS.—

(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

- (i) be located within the management area of the relevant Council;
- (ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (iii) be a voluntary association with established by-laws and operating procedures;
- (iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;
- (v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is [sic]¹⁷ members contribute; and
- (vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

¹⁷ So in original.

(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

- (i) traditional fishing or processing practices in, and dependence on, the fishery;
- (ii) the cultural and social framework relevant to the fishery;
- (iii) economic barriers to access to fishery;
- (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
- (v) the administrative and fiduciary soundness of the association; and
- (vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

- (i) current and historical harvests;
- (ii) employment in the harvesting and processing sectors;
- (iii) investments in, and dependence upon, the fishery; and
- (iv) the current and historical participation of fishing communities;

(B) consider the basic cultural and social framework of the fishery, especially through—

- (i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and
- (ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

- (i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and
- (ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

(6) PROGRAM INITIATION.—

(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

(D) NEW ENGLAND AND GULF REFERENDUM.—

(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2/3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term ‘individual fishing quota’ does not include a sector allocation.

(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

16 U.S.C. 1853a
MSA § 303A

(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) TRANSITION RULES.—

(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(2) PACIFIC GROUND FISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.

16 U.S.C. 1853a note, 1854
MSA §§ 303A note, 304

P.L. 109-479, sec. 106(e), MSA § 303A note

16 U.S.C. 1853a note

APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a) [P.L. 109-479], shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

P.L. 104-297, sec. 108(i), MSA § 303 note

EXISTING QUOTA PLANS.—Nothing in this Act [P.L.104-297] or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

SEC. 304. ACTION BY THE SECRETARY

16 U.S.C. 1854

104-297

(a) REVIEW OF PLANS.—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

104-297

SEC. 402. INFORMATION COLLECTION

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

16 U.S.C. 1881a-1881b
MSA §§ 402-403

(d) **CONTRACTING AUTHORITY.**—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) **RESOURCE ASSESSMENTS.**—

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

104-297

SEC. 403. OBSERVERS

16 U.S.C. 1881b

(a) **GUIDELINES FOR CARRYING OBSERVERS.**—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

e-CFR Data is current as of July 23, 2010

Title 50: Wildlife and Fisheries

[PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA](#)

[Subpart H—Amendment 80 Program](#)

§ 679.94 Economic data report (EDR) for the Amendment 80 sector.

(a) *Amendment 80 EDR*—(1) *Requirement to submit an EDR*. Each year except 2008, a person who held an Amendment 80 QS permit during a calendar year must submit to NMFS an EDR for that calendar year for each Amendment 80 QS permit held by that person. An EDR must be timely and complete.

(2) *Submission of EDR*. An EDR may only be submitted to NMFS using any one of the following methods:

(i) *Mail*: NMFS, Alaska Fisheries Science Center, Economic Data Reports, 7600 Sand Point Way NE, F/AKC2, Seattle, WA 98115; or

(ii) *Fax*: 206–526–6723

(3) *EDR forms*. EDR forms are available through the Internet on the NMFS Alaska Region Web site at <http://www.fakr.noaa.gov>, or by contacting NMFS at 206–526–6414.

(4) *Deadline*. For each calendar year except 2008, a completed EDR must be received by NMFS no later than 1700 hours A.l.t. on June 1 of the year following the calendar year during which the Amendment 80 QS permit was held, or if sent by U.S. mail, postmarked by that date.

(5) *Contents of EDR*. An EDR must contain completed submissions for each data field required under paragraphs (b) and (c) of this section, as applicable, and the following information:

(i) *Calendar year of EDR*. Calendar year for which the EDR is being submitted;

(ii) *Amendment 80 QS holder information*. Name of company, partnership, other business entity, business telephone number, business fax number, e-mail address (if available) and Amendment 80 QS permits held;

(iii) *Designated representative*. An Amendment 80 QS holder must appoint an individual to be his designated representative and must ensure that the designated representative complies with the regulations in this section. The designated representative is the primary contact person for NMFS on issues relating to data required in the EDR. If an individual Amendment 80 QS holder chooses to complete the EDR, then they are the designated representative;

(iv) *Person completing this report*. (A) Indicate whether the person completing this report is the Amendment 80 QS holder, or the designated representative for the Amendment 80 QS holder;

(B) Record the name of the person completing the report, title, business telephone number, fax number, signature of the person submitting the EDR, and e-mail address (if available). If a designated representative is not the Amendment 80 QS holder, written authorization to act on behalf of the Amendment 80 QS holder must accompany the EDR;

(v) *Amendment 80 QS holders who own Amendment 80 vessels.* An Amendment 80 QS holder who is an Amendment 80 vessel owner must submit, or have his designated representative submit, revenue and cost information for each Amendment 80 QS permit held and each Amendment 80 vessel owned by that Amendment 80 QS holder as described under paragraphs (b) and (c) of this section;

(vi) *Amendment 80 QS holders who do not own Amendment 80 vessels.* An Amendment 80 QS holder who is not an Amendment 80 vessel owner must submit, or have his designated representative submit, revenue and cost information for each Amendment 80 QS permit held by that Amendment 80 QS holder as described under paragraph (c) of this section; and

(vii) *Certification.* The Amendment 80 QS holder and his designated representative, if applicable, must certify that all information provided under paragraphs (b) and (c) of this section is accurate and complete.

(b) *Amendment 80 vessel information* —(1) *Ownership of an Amendment 80 vessel.* If a person owned any part of an Amendment 80 vessel during a calendar year, that person must provide the following information for each Amendment 80 vessel owned:

(i) *Amendment 80 vessel owner information.* Vessel name, USCG Documentation number, ADF&G vessel registration number, ADF&G processor code, Amendment 80 LLP license number(s) which designated that vessel during that calendar year, Amendment 80 QS permit assigned to that vessel during that calendar year, Amendment 80 limited access fishery permit number assigned to that vessel during that calendar year, or name of Amendment 80 cooperative to which that Amendment 80 vessel was assigned during that calendar year (if applicable);

(ii) *Amendment 80 vessel operator information.* If a person other than the Amendment 80 QS holder operated an Amendment 80 vessel owned by that Amendment 80 QS holder during a calendar year, provide the following: Name of company, partnership, other business entity, and business telephone number, business fax number, and e-mail address (if available);

(2) *Vessel characteristics.* (i) Home port, U.S. gross registered tonnage, net tonnage, length overall, beam, shaft horsepower, fuel capacity, year built;

(ii) Vessel survey value: most recent survey value, date of last survey value, did survey reflect value of permits and processing equipment;

(iii) Freezing capacity: maximum freezing capacity of this vessel in pounds per hour and freezer space (measured in pounds of product);

(iv) Fuel consumption: total consumption for the calendar year and average fuel consumed per hour from fishing and processing, transiting, and in shipyard.

(v) Vessel activity during calendar year: number of days the vessel was engaged in fishing, processing, steaming empty, offloading, and inactive or in shipyard. Report separately for Amendment 80 fisheries and all other fisheries; and

(vi) Processing capacity: Record each type of product processed on the line in the Amendment 80 fishery, the number of processing lines of similar type (equipment and/or product mix), and the vessel's maximum average throughput in pounds (round weight) per hour under normal operating conditions (assuming quantity of raw fish and other inputs is not limiting), totaled over all processing lines of this type.

(3) *Calendar year revenues.*

(i) Total fishery product sales volume and FOB Alaska revenue; and

(ii) All other income derived from vessel operations: tendering, charters, cargo transport, etc.

(4) *Calendar year costs.* (i) Fishing labor expenses (including bonuses and payroll taxes, but excluding benefits and insurance);

- (ii) Processing labor expenses (including bonuses and payroll taxes, but excluding benefits and insurance);
- (iii) Labor expenses for all other employees aboard the vessel;
- (iv) Food and provisions not paid by crew;
- (v) Recruitment, travel, benefits, and other employee related costs;
- (vi) Lease expense for this vessel and onboard equipment;
- (vii) Purchases of fishing gear (nets, net electronics, doors, cables, etc.);
- (viii) Expenditures on processing equipment;
- (ix) Product storage equipment;
- (x) Expenditures on vessel and onboard equipment (other than fishing, processing, or storage equipment);
- (xi) Fishing gear leases;
- (xii) Repair and maintenance expenses for vessel and processing equipment;
- (xiii) Freight storage and other sales costs;
- (xiv) Product packaging materials;
- (xv) Fuel and lubrication;
- (xvi) Observer fees and monitoring costs;
- (xvii) General administrative costs;
- (xviii) Insurance;
- (xix) Fisheries landing taxes;
- (xx) Total raw fish purchases; and
- (xxi) All other costs related to vessel operations not included in the preceding list.

(5) *Calendar year labor.* Average number and total number of employees for fishing, processing, and other activities on this vessel.

(i) Average number of hours worked per day by processing line employee; and

(ii) Crew revenue share system used for some processing, all processing, some non-processing, and all non-processing crew.

(c) *Permit revenues or expenditures.* An Amendment 80 QS holder or his designated representative will record revenues and expenditures for any tradable fishing or processing privilege. Attribute those revenues or costs to a specific Amendment 80 vessel or Amendment 80 LLP as applicable.

(1) *Permit revenues.* (i) Income from sale or lease of fishery licenses, permits, harvesting or processing rights: record license or permit number and revenue for each asset sold; and

(ii) Royalties received from leasing allocations including metric tons and dollars for Amendment 80 yellowfin sole, rock sole, flathead sole, Atka mackerel, Pacific ocean perch, Pacific cod, Amendment 80 leased halibut PSC, leased crab PSC, and any other species leased.

(2) *Permit expenditures.* (i) Fishery licenses, permits, harvesting or processing rights: record license or permit number and cost for each asset purchased;

(ii) Royalties paid for leases of catcher/processing quota, including metric tons, and dollars for Amendment 80 yellowfin sole, rock sole, flathead sole, Atka mackerel, Pacific ocean perch, Pacific cod, Amendment 80 leased halibut PSC, leased king crab PSC, and any other species leased;

(iii) Cooperative costs including lawyer and accountant costs, association fees, and other fees charged by harvest cooperative; and

(iv) Any other costs incurred from the use of fishery licenses, permits, harvesting or processing rights not included in the preceding list.

(d) *EDR audit procedures.* (1) NMFS will conduct verification of information with the Amendment 80 QS holder or designated representative, if applicable.

(2) The Amendment 80 QS holder or designated representative, if applicable, must respond to inquiries by NMFS within 20 days of the date of issuance of the inquiry.

(3) The Amendment 80 QS holder or designated representative, if applicable, must provide copies of additional data to facilitate verification by NMFS. The NMFS auditor may review and request copies of additional data provided by the Amendment 80 QS holder or designated representative, including but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted.

SEC. 412. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Maritime Administration \$400,000 to carry out an assessment of, and planning for, the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 413. HOMEPORT.

(a) **STUDY.**—The Commandant of the Coast Guard shall conduct a study to assess the current homeport arrangement of the Coast Guard polar icebreaker HEALY to determine whether an alternative arrangement would enhance the Coast Guard’s capabilities to carry out the recommendation to maintain dedicated, year-round icebreaker capability for the Arctic that was included in the report prepared by the National Academy of Sciences and entitled: “Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment (ISBN: 0-309-10069-0)”.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Commandant shall report the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

Deadline.

(a) **CONSIDERATION OF ALTERNATIVES.**—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

(b) **INCLUSION OF NECESSARY TERMS AND CONDITIONS.**—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.

Pennsylvania.

SEC. 415. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 416. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) **RESTATEMENT OF EXISTING PROGRAM INCORPORATING CERTAIN PROVISIONS OF REGULATIONS.**—Section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is amended by striking paragraph (1) and inserting the following:

“(1) WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.—

“(A) IN GENERAL.—There is established the western Alaska community development quota program in order—

“(i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area;

“(ii) to support economic development in western Alaska;

“(iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and

“(iv) to achieve sustainable and diversified local economies in western Alaska.

“(B) PROGRAM ALLOCATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.

“(ii) EXCEPTIONS.—Notwithstanding clause (i)—

“(I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a directed fishing allocation of 10 percent upon the establishment of a quota program, fishing cooperative, sector allocation, or other rationalization program in any sector of the fishery; and

“(II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a directed fishing allocation of 10 percent.

“(iii) PROCESSING AND OTHER RIGHTS.—Allocations to the program include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

“(iv) REGULATION OF HARVEST.—The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.

“(C) ALLOCATIONS TO ENTITIES.—Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest

of such species annually as of March 1, 2006, except to the extent that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

“(D) ELIGIBLE VILLAGES.—The following villages shall be eligible to participate in the program through the following entities:

“(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.

“(ii) The villages of Aleknagik, Clark’s Point, Dillingham, Egegik, Ekuk, Ekwook, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.

“(iii) The village of Saint Paul through the Central Bering Sea Fishermen’s Association.

“(iv) The villages of Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

“(v) The villages of Brevig Mission, Diomedea, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

“(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam Iqua through the Yukon Delta Fisheries Development Association.

“(E) ELIGIBILITY REQUIREMENTS FOR PARTICIPATING ENTITIES.—To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:

Establishment.

“(i) BOARD OF DIRECTORS.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity’s member villages. The board shall include at least one director selected by each such member village.

“(ii) PANEL REPRESENTATIVE.—The entity shall elect a representative to serve on the panel established by subparagraph (G).

“(iii) OTHER INVESTMENTS.—The entity may make up to 20 percent of its annual investments in any combination of the following:

“(I) For projects that are not fishery-related and that are located in its region.

“(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-

related and that are located in one or more of their regions.

“(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

“(iv) FISHERY-RELATED INVESTMENTS.—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.

“(v) ANNUAL STATEMENT OF COMPLIANCE.—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

“(vi) OTHER PANEL REQUIREMENTS.—The entity shall comply with any other requirements established by the panel under subparagraph (G).

“(F) ENTITY STATUS, LIMITATIONS, AND REGULATION.—

The entity—

“(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity’s proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;

“(ii) shall comply with State of Alaska law requiring annual reports to the entity’s member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

“(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and

“(iv) is exempt from compliance with any State law requiring approval of financial transactions, community development plans, or amendments thereto, except as required by subparagraph (H).

“(G) ADMINISTRATIVE PANEL.—

“(i) ESTABLISHMENT.—There is established a community development quota program panel.

“(ii) MEMBERSHIP.—The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

“(iii) FUNCTIONS.—The panel shall—

“(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or

through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

“(II) coordinate and facilitate activities of the entities under the program.

“(iv) UNANIMITY REQUIRED.—The panel may act only by unanimous vote of all 6 members of the panel and may not act if there is a vacancy in the membership of the panel.

“(H) DECENNIAL REVIEW AND ADJUSTMENT OF ENTITY ALLOCATIONS.—

“(i) IN GENERAL.—During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).

“(ii) CRITERIA.—The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:

“(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity’s member villages.

“(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

“(III) Employment, scholarships, and training supported by the entity.

“(IV) Achieving of the goals of the entity’s community development plan.

“(iii) ADJUSTMENT OF ALLOCATIONS.—After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the State determines that the entity has not maintained or improved its overall performance with respect to the criteria—

“(I) at least 90 percent of the entity’s allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and

“(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate reduction of up to 10 percent of the entity’s allocation for each species under subparagraph (C) for all or part of such 10-year period.

“(iv) REALLOCATION OF REDUCED AMOUNT.—If the State or the Secretary reduces an entity’s allocation

under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same period in proportion to each such entity's allocation of the applicable species under subparagraph (C).

“(I) SECRETARIAL APPROVAL NOT REQUIRED.—Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

“(J) COMMUNITY DEVELOPMENT PLAN DEFINED.—In this paragraph, the term ‘community development plan’ means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

“(i) to harvest its share of fishery resources allocated to the program, or

“(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.”.

(b) NO INTERRUPTION OF EXISTING ALLOCATIONS.—The amendment made by subsection (a) shall not be construed or implemented in a way that causes any interruption in the allocations of fishery resources to the western Alaska community development quota program or in the opportunity of an entity participating in that program to harvest its share of such allocations.

16 USC 1855
note.

(c) LOAN SUBSIDIES.—The last proviso under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES” in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2311-2312) is amended—

(1) by striking “for the cost of loans” and inserting “to subsidize gross obligations for the principal amount of direct loans, not to exceed a total of \$200,000,000.”; and

(2) by striking “use” and inserting “the purchase of all or part of ownership interests in fishing or processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights”.

SEC. 417. QUOTA SHARE ALLOCATION.

(a) IN GENERAL.— The Secretary of Commerce shall modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands being implemented under section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)) to require that Blue Dutch, LLC, receives processor quota shares units equal to 0.75 percent of the total number of processor quota share units for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea *C. opilio* crab fishery.

(b) APPLICABILITY.—The modification made under subsection (a) shall apply with respect to each fishery referred to in subsection (a) whenever the total allowable catch for that fishery is more than 2 percent higher than the most recent total allowable catch in effect for that fishery prior to September 15, 2005.

trawl catcher processor subsector'' means the owners of each catcher/processor listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (16 U.S.C. 1851 note).

(2) BSAI.--The term ``BSAI'' has the meaning given the term ``Bering Sea and Aleutian Islands Management Area'' in section 679.2 of title 50, Code of Federal Regulations (or successor regulation).

(3) Catcher processor subsector.--The term ``catcher processor subsector'' means, as appropriate, one of the following:

- (A) The longline catcher processor subsector.
- (B) The AFA trawl catcher processor subsector.
- (C) The non-AFA trawl catcher processor subsector.
- (D) The pot catcher processor subsector.

(4) Council.--The term ``Council'' means the North Pacific Fishery Management Council established in section 302(a)(1)(G)

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of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(G)).

(5) LLP license.--The term ``LLP license'' means a Federal License Limitation program groundfish license issued pursuant to section 679.4(k) of title 50, Code of Federal Regulations (or successor regulation).

(6) Longline catcher processor subsector.--The term ``longline catcher processor subsector'' means the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, C/P, Pcod, and hook and line gear.

(7) Non-afa trawl catcher processor subsector.--The term ``non-AFA trawl catcher processor subsector'' means the owner of each trawl catcher processor--

- (A) that is not an AFA trawl catcher processor;
- (B) to whom a valid LLP license that is endorsed for Bering Sea or Aleutian Islands trawl catcher processor fishing activity has been issued; and
- (C) that the Secretary determines has harvested with trawl gear and processed not less than a total of 150 metric tons of non-pollock groundfish during the period January 1, 1997 through December 31, 2002.

(8) Non-pollock groundfish fishery.--The term ``non-pollock groundfish fishery'' means target species of Atka mackerel, flathead sole, Pacific cod, Pacific Ocean perch, rock sole, turbot, or yellowfin sole harvested in the BSAI.

(9) Pot catcher processor subsector.--The term ``pot catcher processor subsector'' means the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, C/P, Pcod, and pot gear.

(10) Secretary.--Except as otherwise provided in this Act, the term ``Secretary'' means the Secretary of Commerce.

(b) Authority for BSAI Catcher Processor Capacity Reduction Program.--

(1) In general.--A fishing capacity reduction program for the non-pollock groundfish fishery in the BSAI is authorized to be financed through a capacity reduction loan of not more than \$75,000,000 under sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

(2) Relationship to merchant marine act, 1936.--The fishing capacity reduction program authorized by paragraph (1) shall be a program for the purposes of subsection (e) of section 1111 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), except, notwithstanding subsection (b)(4) of such section, the capacity reduction loan authorized by paragraph (1) may have a maturity not to exceed 30 years.

(c) Availability of Capacity Reduction Funds to Catcher Processor Subsectors.--

(1) In general.--The Secretary shall make available the amounts of the capacity reduction loan authorized by subsection (b)(1) to each catcher processor subsector as described in this subsection.

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(2) Initial availability of funds.--The Secretary shall make

available the amounts of the capacity reduction loan authorized by subsection (b)(1) as follows:

(A) Not more than \$36,000,000 for the longline catcher processor subsector.

(B) Not more than \$6,000,000 for the AFA trawl catcher processor subsector.

(C) Not more than \$31,000,000 for the non-AFA trawl catcher processor subsector.

(D) Not more than \$2,000,000 for the pot catcher processor subsector.

(3) Other availability of funds.--After January 1, 2009, the Secretary may make available for fishing capacity reduction to one or more of the catcher processor subsectors any amounts of the capacity reduction loan authorized by subsection (b)(1) that have not been expended by that date.

(d) Binding Reduction Contracts.--

(1) Requirement for contracts.--The Secretary may not provide funds to a person under the fishing capacity reduction program authorized by subsection (b) if such person does not enter into a binding reduction contract between the United States and such person, the performance of which may only be subject to the approval of an appropriate capacity reduction plan under subsection (e).

(2) Requirement to revoke licenses.--The Secretary shall revoke all Federal fishery licenses, fishery permits, and area and species endorsements issued for a vessel, or any vessel named on an LLP license purchased through the fishing capacity reduction program authorized by subsection (b).

(e) Development, Approval, and Notification of Capacity Reduction Plans.--

(1) Development.--Each catcher processor subsector may, after notice to the Council, submit to the Secretary a capacity reduction plan for the appropriate subsector to promote sustainable fisheries management through the removal of excess harvesting capacity from the non-pollock groundfish fishery.

(2) Approval by the secretary.--The Secretary is authorized to approve a capacity reduction plan submitted under paragraph (1) if such plan--

(A) is consistent with the requirements of section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)) except--

(i) the requirement that a Council or Governor of a State request such a program set out in paragraph (1) of such subsection; and

(ii) the requirements of paragraph (4) of such subsection;

(B) contains provisions for a fee system that provides for full and timely repayment of the capacity reduction loan by a catcher processor subsector and that may provide for the assessment of such fees based on methods other than ex-vessel value of fish harvested;

(C) does not require a bidding or auction process;

(D) will result in the maximum sustained reduction in fishing capacity at the least cost and in the minimum amount of time; and

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(E) permits vessels in the catcher processor subsector to be upgraded to achieve efficiencies in fishing operations provided that such upgrades do not result in the vessel exceeding the applicable length, tonnage, or horsepower limitations set out in Federal law or regulation.

(3) Approval by referendum.--

(A) In general.--Following approval by the Secretary under paragraph (2), the Secretary shall conduct a referendum for approval of a capacity reduction plan for the appropriate catcher processor subsector. The capacity reduction plan and fee system shall be approved if the referendum votes which are cast in favor of the proposed system by the appropriate catcher processor subsector are--

(i) 100 percent of the members of the AFA trawl catcher processor subsector; or

(ii) not less than $\frac{2}{3}$ of the members of--

(I) the longline catcher processor subsector;

(II) the non-AFA trawl catcher

processor subsector; or
(III) the pot catcher processor
subsector.

(B) Notification prior to referendum.--Prior to
conducting a referendum under subparagraph (A) for a
capacity reduction plan, the Secretary shall--

(i) identify, to the extent practicable, and
notify the catcher processor subsector that will
be affected by such plan; and

(ii) make available to such subsector
information about any industry fee system
contained in such plan, a description of the
schedule, procedures, and eligibility requirements
for the referendum, the proposed program, the
estimated capacity reduction, the amount and
duration, and any other terms and conditions of
the fee system proposed in such plan.

(4) Implementation.--

(A) <<NOTE: Deadline. Federal
Register, publication.>> Notice of implementation.--Not
later than 90 days after a capacity reduction plan is
approved by a referendum under paragraph (3), the
Secretary shall publish a notice in the Federal Register
that includes the exact terms and conditions under which
the Secretary shall implement the fishing capacity
reduction program authorized by subsection (b).

(B) Inapplicability of implementation provision of
magnuson.--Section 312(e) of the Magnuson-Stevens
Fishery Conservation and Management Act (16 U.S.C.
1861a(e)) shall not apply to a capacity reduction plan
approved under this subsection.

(5) Authority to collect fees.--The Secretary is authorized
to collect fees to fund a fishing capacity reduction program and
to repay debt obligations incurred pursuant to a plan approved
under paragraph (3)(A).

(f) Action by Other Entities.--Upon the request of the Secretary,
the Secretary of the Department in which the National Vessel
Documentation Center operates or the Secretary of the Department in
which the Maritime Administration operates, as appropriate, shall, with
respect to any vessel or any vessel named on an LLP license purchased
through the fishing capacity reduction program authorized by subsection
(b)--

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(1)(A) permanently revoke any fishery endorsement issued to
the vessel under section 12108 of title 46, United States Code;

(B) refuse to grant the approval required under section
9(c)(2) of the Shipping Act, 1916 (46 U.S.C. App. 808(c)(2)) for
the placement of the vessel under foreign registry or the
operation of the vessel under the authority of a foreign
country; and

(C) require that the vessel operate under United States flag
and remain under Federal documentation; or

(2) require that the vessel be scrapped as a reduction
vessel under section 600.1011(c) of title 50, Code of Federal
Regulations.

(g) Non-Pollock Groundfish Fishery.--

(1) Participation in the fishery.--Only a member of a
catcher processor subsector may participate in--

(A) the catcher processor sector of the BSAI non-
pollock groundfish fishery; or

(B) the fishing capacity reduction program
authorized by subsection (b).

(2) Plans for the fishery.--It is the sense of Congress
that--

(A) the Council should continue on its path toward
rationalization of the BSAI non-pollock groundfish
fisheries, complete its ongoing work with respect to
developing management plans for the BSAI non-pollock
groundfish fisheries in a timely manner, and take
actions that promote stability of these fisheries
consistent with the goals of this section and the
purposes and policies of the Magnuson-Stevens Fishery
Conservation and Management Act; and

(B) such plans should not penalize members of any
catcher processor subsector for achieving capacity
reduction under this Act or any other provision of law.

(h) Reports.--

(1) Requirement.--The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives 5 reports on the fishing capacity reduction program authorized by subsection (b).

(2) Content.--Each report shall contain the following:

(A) A description of the fishing capacity reduction program carried out under the authority in subsection (b).

(B) An evaluation of the cost and cost-effectiveness of such program.

(C) An evaluation of the effectiveness of such program in achieving the objective set out in section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

(3) Schedule.--

(A) Initial report.--The Secretary shall submit the first report under paragraph (1) not later than 90 days after the date that the first referendum referred to in subsection (e)(3) is held.

(B) Subsequent reports.--During each of the 4 years after the year in which the report is submitted under subparagraph (A), the Secretary shall submit to Congress an annual report as described in this subsection.

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(i) Conforming Amendment.--Section 214 of the Department of Commerce and Related Agencies Appropriations Act, 2004 (title II of division B of Public Law 108-199; 118 Stat. 75) is amended by striking ``that--'' and all that follows, and inserting ``under the capacity reduction program authorized in section 219 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.''.

Sec. 220. None of the funds appropriated in this Act or any other Act may be used to disqualify any community which was a participant in the Bering Sea Community Development Quota program on January 1, 2004, from continuing to receive quota allocations under that program.

Sec. 221. In addition to amounts made available under section 214 of the Department of Commerce and Related Agencies Appropriations Act, 2004 (title II of division B of Public Law 108-199; 118 Stat. 75), of the funding provided in this Act under the heading ``National Oceanic and Atmospheric Administration, operations, research, and facilities'', \$250,000, to remain available until expended, for the Federal Credit Reform Act cost of a reduction loan under sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g), not to exceed an additional \$25,000,000 in principal, for the capacity reduction program authorized in section 219.

This title may be cited as the ``Department of Commerce and Related Agencies Appropriations Act, 2005''.

TITLE III--THE JUDICIARY <<NOTE: Judiciary Appropriations Act, 2005.>>

Supreme Court of the United States

Salaries and Expenses

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$58,122,000.

Care of the Building and Grounds

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$9,979,000, which shall remain available until expended.

United States Court of Appeals for the Federal Circuit

Salaries and Expenses

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 Louisa Koch, Director, NOAA Office of Education, (202) 482-2563 or Louisa.Koch@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA supplies the nation with information, products and services that are essential public goods used in public and private sectors, science institutions and households around the world. Because NOAA's information, products and services are important to both the nation as a whole and to the daily lives of U.S. citizens, NOAA's Science Advisory Board (SAB) has identified a need for more effective two-way communication between its programs and the customers and clients it serves. This survey instrument will be used by NOAA's Office of Education and the Gulf of Mexico Regional Collaboration Team to obtain information used to assess NOAA's accessibility, responsiveness and respect for partners. These parameters are three of the seven parameters included in the Kellogg Engagement Test, which the SAB recommended NOAA use for assessing engagement with constituents. One objective of the survey is to collect responses to provide NOAA with information and feedback from its constituents that will lead to greater emphasis placed on the needs of NOAA partners, techniques to improve NOAA's products and services, and general improvement in the accessibility and responsiveness of NOAA to constituents. A longer term objective is for this survey to become a standard NOAA tool accessing engagement with constituents.

II. Method of Collection

Primarily, respondents will be asked to complete the survey online through the web-based survey tool "Survey Monkey" (<http://www.surveymonkey.com>). Alternatively, a print version of the survey will be made available upon request, which can be returned by mail or facsimile.

III. Data

OMB Control Number: None.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Non-profit institutions; Federal, State or local

government; business or other for-profit organizations.

Estimated Number of Respondents: 3,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 750.

Estimated Total Annual Cost to Public: \$50 in record keeping/reporting costs.

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: March 4, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-4952 Filed 3-8-10; 8:45 am]

BILLING CODE 3510-KA-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Amendment 80 Economic Data Report for the Catcher/Processor Non-AFA Trawl Sector

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

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 May 10, 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, at (907) 586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area primarily allocates several Bering Sea and Aleutian Islands Management Area non-pollock trawl groundfish fisheries among fishing sectors, and facilitates the formation of harvesting cooperatives in the catcher/processor sector of the non-American Fisheries Act (non-AFA) Trawl Catcher/processor Cooperative Program (Program). The Program established a limited access privilege program for the non-AFA trawl catcher/processor sector.

The Amendment 80 economic data report (EDR) collects cost, revenue, ownership, and employment data on an annual basis and provides information unavailable through other means to review the Program. The purpose of the EDR is to understand the economic effects of the Amendment 80 program on vessels or entities regulated by the Program, and to inform future management actions. Data collected through the EDR is mandatory for all Amendment 80 quota share (QS) holders.

II. Method of Collection

EDR forms are available in fillable PDF format through the Internet on the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>. Pacific States Marine Fisheries Commission (PSMFC) was designated by NMFS to be the Data Collection Agent for the Amendment 80 EDR Program. PSMFC mails EDR announcements and filing instructions to Amendment 80 QS permit holders by April 1 of each year. Methods of submittal include mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648-0564.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 28.

Estimated Time Per Response: Amendment 80 EDR, 40 hours; Verification of Data, 3 hours.

Estimated Total Annual Burden Hours: 1,204.

Estimated Total Annual Cost to Public: \$42 in recordkeeping/reporting costs.

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: March 4, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-4947 Filed 3-8-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Amendment 80 Permits and Reports

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

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 May 10, 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, at (907) 586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), primarily allocates BSAI non-pollock trawl groundfish fisheries among fishing sectors and facilitates the formation of harvesting cooperatives in the head-and-gut trawl catcher/processor sector. Sector allocations and associated cooperatives allow participants to focus less on harvest rate maximization and more on optimizing their harvest. This, in turn, allows a reduction in unwanted incidental catch, improved retention, improved utilization, and improved economic health of the head-and-gut trawl catcher/processor sector. Amendment 80 established a limited access privilege program for the non-American Fisheries Act (non-AFA) trawl catcher/processor sector.

The Amendment 80 permits and reports collection provides participants with a management system that allows for improved efficiency by providing an environment in which, revenues can be increased and operating costs can be reduced. Depending on the magnitude of these potential efficiency gains and the costs of bycatch reduction, increases in efficiency could be used to cover the costs of bycatch reduction measures or provide additional benefits to participants.

Licenses and vessels used to qualify for the Amendment 80 Program (either to be included in the non-AFA trawl catcher/processor sector or to be used in Amendment 80 cooperative formation) are restricted from being used outside of the Amendment 80 sector, except that any eligible vessel authorized to fish pollock under the AFA would still be authorized to fish under this statute.

The fishery participants that join a cooperative receive an exclusive harvest privilege not subject to harvest by other vessel operators; may consolidate fishing operations on a specific vessel or subset of vessels, thereby reducing monitoring and enforcement and other

operational costs; and harvest fish in a more economically efficient and less wasteful manner.

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: 0648-0565.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; Individuals or households.

Estimated Number of Respondents: 44.

Estimated Time per Response: Application for Amendment 80 cooperative and cooperative quota permit, application for Amendment 80 quota share, application for Amendment 80 limited access fishery, application to transfer Amendment 80 quota share and application to transfer Amendment 80 cooperative quota, 2 hours; Amendment 80 cooperative catch report, 30 minutes; annual Amendment 80 cooperative report and appeals, 4 hours.

Estimated Total Annual Burden Hours: 896.

Estimated Total Annual Cost to Public: \$2,732 in recordkeeping/reporting costs.

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: March 4, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-4951 Filed 3-8-10; 8:45 am]

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