

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 01/19/2005  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 11/24/2004.

TITLE: Western Alaska Community Development Quota Program

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0269

EXPIRATION DATE: 01/31/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	8,157	3,746	1
New	9,650	3,470	1
Difference	1,493	-276	0
Program Change		-63	0
Adjustment		-213	0

TERMS OF CLEARANCE:

This approval is associated with proposed rule under RIN 0648- AS00, published November 26, 2004.

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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

## 19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

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

**August, 2004**

The CDQ program is implemented under the Magnuson Stevens Fishery Conservation and Management Act, the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands, and regulations at 50 CFR part 679. The purpose of the CDQ program is to allocate a portion of the quotas for groundfish, halibut, crab, and prohibited species in the Bering Sea and Aleutian Islands Management Area (BSAI) to Western Alaska communities so that these communities can start and support regionally based, commercial seafood or other fisheries-related businesses. The groundfish, halibut, and crab allocations are known as CDQ allocations and the allocations of prohibited species (salmon, Pacific halibut, and crab incidental catch in the groundfish fisheries) are known as prohibited species quota (PSQ) allocations.

Under the CDQ program, 65 eligible Western Alaska communities have organized into six separate CDQ groups. Each CDQ group acts as the managing organization for the CDQ allocation application process and for the development and implementation of a Community Development Plan (CDP). Each CDP contains information about communities affiliated with a group, development plans and projects, and how allocations will be harvested and used. The CDQ groups have incorporated under Alaska law as nonprofit corporations. Each group has both invested in and formed partnerships with other businesses and corporations which participate in BSAI fisheries. The royalties received from these business arrangements, proceeds from the sale of fish harvested by the CDQ groups, and gains from other investments are the sources of funds for the fishery-related community development projects outlined in a group's CDP.

The North Pacific Fishery Management Council, State of Alaska (State), and NMFS decide how to allocate CDQ and PSQ allocations among the six CDQ groups based on the information contained in proposed CDPs. This is a competitive process which requires the collection of information to evaluate and compare the various proposed CDPs. Once the allocations are made and the CDPs are approved, additional information collection is necessary to keep the CDPs up-to-date (technical and substantial amendments), to transfer allocations and quota among groups (CDQ or PSQ transfer reports), and to manage CDQ and PSQ (CDQ delivery report, CDQ catch report, approval of eligible vessels, alternative fishing plans, and prior notice to observers).

Vessels and Registered Buyers participating in the fixed gear halibut CDQ fisheries also are required to report their catch to NMFS following the same requirements as participants in the fixed gear halibut and sablefish Individual Fishing Quota (IFQ) program (see OMB control number 0648-0272).

This action is a request for renewal of this information collection with some revisions.

## A. JUSTIFICATION

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

CDQ and PSQ allocations are made to CDQ groups, not to individual vessels and processors. However, in many cases the CDQ groups contract with existing fishing vessels and processors to harvest CDQ on their behalf. The CDQ group is responsible to monitor the catch of CDQ and PSQ by all vessels fishing under its CDP and to take the necessary action to prevent overages of any CDQ or PSQ. NMFS monitors the catch of CDQ and PSQ as reported by vessels, processors, and CDQ groups to assure that quotas are not being exceeded.

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

For this information collection, NMFS estimates that the following number of entities, vessels and processors will participate in the groundfish and halibut CDQ fisheries and be required to submit the various elements detailed below.

- ▶ 6 CDQ groups
- ▶ 83 fishing vessels
- ▶ 10 shoreside processors

#### a. **Community Development Plan (CDP)**

The CDQ application procedure is initiated triennially by the State announcing a CDQ application period. During the application period, each CDQ group completes a proposed CDP and submits it to the State. After the application period has closed, the State holds a public meeting at which each CDQ group presents its proposed CDP, and the public has the opportunity to comment. After reviewing the CDPs, the State makes recommendations to NMFS about approval of the CDPs and the percentage allocations to each CDQ group for each groundfish species or species group, halibut, prohibited species, and crab.

The proposed CDP is currently prepared once every three years. It is a complex document that is typically compiled by a CDQ group's management staff in conjunction with attorneys, accountants, and investment partners. The CDP cycle was increased from two years to three years by the State, but the cost estimate for preparing a CDP remains the same. A proposed CDP must contain the following information.

#### **Community Development Plan**

Community development information, including:

Project description. A detailed description of all proposed CDQ projects, including the short and long-term benefits to the qualified applicant from the proposed CDQ projects.

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

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

Community eligibility. A list of the participating communities.

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

Managing organization information, including:

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

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

Legal relationship. Documentation of the legal relationship between the qualified applicant and the managing organization (if the managing organization is different from the qualified applicant) clearly describing the responsibilities and obligations of each party as demonstrated through a contract or other legally binding agreement.

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

Business information, including:

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

Profit sharing. A description of all profit sharing arrangements.

Funding. A description of all funding and financing plans.

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

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

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

Request for CDQ and PSQ allocations. A list of the percentage of each CDQ reserve and PSQ reserve that is being requested. The request for allocations of CDQ and PSQ must identify percentage allocations requested for CDQ fisheries identified by the primary target species of the fishery as defined by the qualified applicant and the gear

types of the vessels that will be used to harvest the catch.

Fishing Plan for Groundfish, IFQ halibut, and CDQ fisheries [Removed]

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

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

<p><b>Community Development Plan, Respondent</b></p> <p>Number of respondents</p> <p>Frequency of response (once every 3 years)</p> <p><b>Total annual responses</b> (6 x 0.33)</p> <p>Time per response</p> <p><b>Total burden hours</b> (2 x 520 hr)</p> <p>Personnel cost</p> <p><b>Total personnel cost</b> (\$150 x 1040)</p> <p><b>Total miscellaneous costs</b></p> <p>Mailing to NMFS (18 binders x \$10)/3 years=\$60)</p> <p>Photocopy cost (18 binders x 500 sheets x 0.05/sheet)/3 years=\$150)</p>	<p>6</p> <p>0.33</p> <p><b>2</b></p> <p>520 hr</p> <p><b>1,040 hr</b></p> <p>\$150/hr</p> <p><b>\$156,000</b></p> <p><b>\$210</b></p>
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<p><b>Community Development Plan, Federal Government</b></p> <p>Number of respondents</p> <p>Time per response</p> <p><b>Total burden hours</b> (240/3 years = 80)</p> <p><b>Total personnel cost</b></p> <p>\$25 x 80 hr</p>	<p>6</p> <p>40 hr</p> <p><b>80 hr</b></p> <p><b>\$2,000</b></p>
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**b. ~~Annual progress report~~**

The Annual progress report is removed from this collection, because it is submitted to NMFS by the State of Alaska, not individual persons.

**b. Annual budget report**

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

If an annual budget is no longer correct because of the reconciled annual budget (see item c), the



annual budget report must be revised and submitted with the annual budget reconciliation report.

<b>Annual Budget Report, Respondent</b>	
Number of respondents	6
Frequency of response	1
<b>Total annual responses</b>	<b>6</b>
Time per response	20 hr
<b>Total burden hours</b> (6 x 20 hr)	<b>120 hr</b>
Personnel cost	\$50/hr
<b>Total personnel cost</b> (\$50 x 120 hr)	<b>\$6,000</b>
<b>Total miscellaneous costs</b>	<b>\$11</b>
Mailing to NMFS = \$1 x 5=\$6	
Photocopy cost (17 pages x 0.05/page x 6)=\$5	

<b>Annual Budget Report, Federal Government</b>	
Number of respondents	6
Time per response	16
<b>Total burden hours</b>	<b>96 hr</b>
<b>Total personnel cost</b> (\$25 x 96)	<b>\$2,400</b>

**c. Annual budget reconciliation report**

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

<b>Annual Budget Reconciliation Report, Respondent</b>	
Number of respondents	6
Frequency of response	1
<b>Total annual responses</b>	<b>6</b>
Time per response	8 hr
<b>Total burden hours</b> (6 x 8 hr)	<b>48 hr</b>
Personnel cost	\$50/hr
<b>Total personnel cost</b> (\$50 x 48 hr)	<b>\$2,400</b>
<b>Total miscellaneous costs</b>	<b>\$30</b>
Mailing to NMFS (\$5 x 6 reports)	

<b>Annual Budget Reconciliation Report, Federal Government</b>	
Number of respondents	6
Time per response	8
<b>Total burden hours</b>	<b>48 hr</b>
<b>Total personnel cost</b>	<b>\$1,200</b>
\$25 x 48 hr	

**d. Substantial amendments**

A CDP is a working business plan and must be kept up to date. Substantial amendments are defined as changes in a CDP, including, but not limited to:

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

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

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

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

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

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

Any transfer of a CDQ allocation or a PSQ allocation.

~~Any transfer of PSQ or a transfer of more than 10 percent of a CDQ.~~ [Removed]

Substantial amendments to a CDP require a written request by the CDQ group to the State and NMFS for approval of the amendment. The State forwards the amendment to NMFS with a recommendation as to whether it should be approved. Once a substantial amendment is approved by NMFS, the amendment will be effective for the duration of the CDP. If NMFS determines that the CDP, if changed, would no longer meet the requirements of the program, NMFS will notify the State in writing of the reasons why the amendment cannot be approved.

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

**Substantial amendment**

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

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

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

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

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

Description of how the proposed amendment meets the requirements of 50 CFR part 679.30. Only those CDQ

regulations that are affected by the proposed amendment need to be discussed.

The number of annual responses is based on the average number of substantial amendments received in 2001, 2002, and 2003 which did not involve quota transfers or approval of alternative fishing plans. Substantial amendments are prepared with significant input from lawyers and accountants

<b>Substantial Amendments, Respondent</b>	
Number of respondents	6
Frequency of response	3
<b>Total annual responses</b>	<b>18</b>
Time per response	40 hr
<b>Total burden hours (18 x 40 hr)</b>	<b>720 hr</b>
Personnel cost	\$50/hr
<b>Total personnel cost (\$50 x 720 hr)</b>	<b>\$36,000</b>
<b>Total miscellaneous costs</b>	<b>\$72</b>
Mailing to NMFS (\$3 x 18=\$54)	
Photocopy cost (\$0.05 x 20 sheets x 18)=\$18	
<b>Substantial Amendments, Federal Government</b>	
<b>Total annual responses</b>	<b>18</b>
Time per response	16
<b>Total burden hours</b>	<b>288 hr</b>
<b>Total personnel cost</b>	<b>\$7,200</b>
\$25 x 288 hr	

**e. Technical amendments [Revised]**

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

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

The request for approval of a technical amendment to a CDP must include the following information:

**Technical amendment**

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

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

All revised CDP pages must include the revision date, amendment identification number, and CDP page number.

The number of annual responses is based on the average number of technical amendments received in 2001, 2002, and 2003, excluding quota transfers or approval and eligible vessels which are no longer the subjects of technical amendments.

<b>Technical Amendments, Respondent</b>	
Number of respondents	6
Frequency of response	1
<b>Total annual responses</b>	<b>6</b>
Time per response	8 hr
<b>Total burden hours (6 x 8 hr)</b>	<b>48 hr</b>
Personnel cost	\$25/hr
<b>Total personnel cost (\$25 x 48 hr)</b>	<b>\$1,200</b>
<b>Total miscellaneous costs</b>	<b>\$8</b>
Mailing to NMFS \$1 x 6 = \$6	
Photocopy cost (\$0.05 x 6 pages x 6)=1.8	
<b>Technical Amendments, Federal Government</b>	
<b>Total responses</b>	<b>6</b>
Time per response	4
<b>Total burden hours</b>	<b>24 hr</b>
<b>Total personnel cost</b>	<b>\$600</b>
\$25 x 24	

**f. CDQ or PSQ transfer request [NEW]**

A transfer between groups originally required the submittal of a technical amendment or a substantial amendment by the CDQ group to the State and NMFS. With this action, CDQ groups may transfer groundfish CDQ, halibut CDQ, or PSQ from one group to another by each group submitting a transfer request directly to NMFS. The transfer of PSQ may occur during any month of the year and without an associated transfer of CDQ. NMFS will review each request to ensure that the group providing CDQ has adequate quota available to transfer. The transfer process will become an in-season management function of NMFS, rather than a joint State-NMFS CDP-modification approval process. NMFS will provide the State with a copy of each approved transfer so that the State will continue to have information about the CDQ groups' fisheries management activities. The CDQ or PSQ will be transferred as of the date NMFS approves the transfer request. Transfers will continue to be effective only for the remainder of the calendar year in which a transfer occurs. NMFS will not approve transfers to cover overages of CDQ or PSQ.

A CDQ group may transfer all or part of its annual CDQ or PSQ to another group for several reasons, including but not limited to:

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

**CDQ or PSQ transfer request**

Transferring CDQ group information.

Name and CDQ group number of the group transferring CDQ or PSQ.  
 CDQ representative's telephone number, fax number, name and signature.

Receiving CDQ group information.

Name and CDQ group number of the CDQ group receiving CDQ or PSQ by transfer.  
 CDQ representative's telephone number, fax number, name and signature.

CDQ amount transferred.

Species or Species Category. For each species for which a transfer is being requested, enter the species name or species category.  
Area. Enter the particular management area associated with a species category, such as EAI (Eastern Aleutian Islands), if applicable.  
Amount. Specify the amount being transferred. For groundfish and halibut, specify transfer amounts in metric tons. For crab and salmon, specify transfer amounts in numbers of animals.

PSQ amount transferred.

Species or Species Category. For each PSQ species for which a transfer is being requested, enter the species name or species category.  
Crab Zone. For crab only, designate the appropriate zone for each PSQ being transferred (e.g., one 2), if applicable.  
Amount. Specify the amount being transferred. For crab and salmon, specify transfer amounts in number of animals. For halibut, specify the amount in metric tons.

<p><b>CDQ or PSQ transfer request, Respondent</b></p> Number of respondents Frequency of response <b>Total annual responses</b> Time per response <b>Total burden hours</b> (48 x 0.5 hr) Personnel cost <b>Total personnel cost</b> (\$25 x 24 hr) <b>Total miscellaneous costs</b> FAX to NMFS (\$2.25/page x 48)	<p>6 8 <b>48</b> 0.5 hr <b>24 hr</b> \$25/hr <b>\$600</b> <b>\$108</b></p>
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<p><b>CDQ or PSQ transfer request, Federal Government</b></p> <b>Total annual responses</b> Time per response (20 minutes/60) <b>Total burden hours</b> (75 x 0.33 = 15.84) <b>Total personnel cost</b> \$25 x 16	<p><b>48</b> 0.33 hr <b>16 hr</b> <b>\$400</b></p>
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**g. Request for approval or removal of an eligible vessel [NEW]**

All vessels groundfish CDQ fishing and vessels equal to or greater than 60 feet (18.3 meters) length overall (LOA) that are halibut CDQ fishing must be authorized by the CDQ group and

approved by NMFS prior to participating in CDQ fisheries. Each CDQ group must submit a separate request for approval to NMFS for each vessel the group intends to use and must include a description of the method used to determine CDQ and PSQ catch for each vessel. A list of eligible vessels for each CDQ group will be publicly available from the Alaska Regional Office or on the NMFS website at <http://www.fakr.noaa.gov>. A CDQ group may remove a vessel at any time by notifying NMFS by letter of its intent to do so.

The CDQ groups are required to provide the NMFS-approved eligible vessel request to the vessel operators, and the vessel operators are required to maintain the eligible vessel request approved by NMFS onboard the vessel at all times while harvesting, transporting, or offloading CDQ. Once approved, a vessel is eligible for up to three years.

A CDQ group may remove a vessel from eligibility to harvest CDQ on its behalf by advising NMFS by letter of the removal. Removal of a vessel from eligibility to harvest CDQ will be effective on the date that NMFS approves the request and notifies the CDQ group of NMFS's approval. Upon receipt of notification of NMFS's approval, the CDQ group must notify the vessel of its removal from eligibility to harvest CDQ on behalf of the CDQ group.

#### **Request for approval of an eligible vessel harvesting groundfish CDQ**

##### Vessel information

Enter the vessel name, Federal fisheries permit number (if applicable), ADF&G vessel registration number, and length overall (LOA) of the vessel.

Indicate all the gear types which will be used to catch CDQ.

##### Vessel Contact Information

Enter the name, mailing address, telephone number, and e-mail address (if available) of a person to contact for information about the vessel.

##### Method to determine CDQ and PSQ catch

Select either NMFS standard sources of data or an alternative method

1. If NMFS standard sources is selected, indicate either

- a. all catcher/processors and catcher vessels except catcher vessels greater than or equal to 60 ft LOA using non-trawl gear, or
- b. Catcher vessel greater than or equal to 60 FT LOA using non-trawl gear. If 1.b is chosen, indicate either:  
Option 1 All groundfish CDQ will be retained by the vessel. The CDQ catch will be sorted and weighed at a shoreside processing plant, vessel will carry one Level 2 observer during all CDQ fishing, and halibut PSQ catch will be based on observer reports.

Option 2 - some groundfish CDQ may be discarded at sea, vessel will carry one Level 2 observer during all CDQ fishing, vessel will have an approved observer sampling station, and all groundfish CDQ/PSQ catch will be based on observer reports.

2. If an alternative fishing plan is proposed, attach proposal to this application.

##### Notice of submission and review

Name, signature, telephone number, and fax number of the CDQ group's representative and date form submitted.

The number of responses is based on the number of vessels which are currently listed as eligible

for CDQ fishing. Some vessels are listed by more than one group, but would need an approved eligible vessel request from each group, so some vessels are counted more than once. Two vessels were removed from eligibility by CDQ groups between 2001 and 2003.

<b>Request for approval or removal of an eligible vessel, Respondent</b>	
Number of respondents	6
Frequency of response	19.33
<b>Total annual responses</b> (118 vessels/3 years)	<b>39</b>
Time per response	1 hr
<b>Total burden hours</b> (39 x 1 hr)	<b>39 hr</b>
Personnel cost	\$25/hr
<b>Total personnel cost</b> (\$25 x 39 hr)	<b>\$975</b>
<b>Total miscellaneous costs</b>	<b>\$88</b>
FAX to NMFS (\$2.25/page x 39)	

<b>Request for approval or removal of an eligible vessel, Federal Government</b>	
<b>Total annual responses</b>	<b>39</b>
Time per response (15 minutes/60)	0.25 hr
<b>Total burden hours</b> (39 x 0.25 = 9.75)	<b>10 hr</b>
Total personnel cost	<b>\$250</b>
\$25 x 10	

#### **h. Alternative fishing plan [New].**

A CDQ group may request an alternative fishing plan for a given vessel either separately or attached as part of a request for approval of an eligible vessel. Alternatives to the requirement for a certified scale or an observer sampling station will not be approved.

In an alternative fishing plan, a CDQ group may propose the use of an alternative method such as using only one observer where normally two would be required, sorting and weighing of all catch by species on processor vessels, or using larger sample sizes than could be collected by one observer.

NMFS will review the alternative fishing plan and approve it or notify the qualified applicant in writing if the proposed alternative does not meet all of the following requirements:

1. The alternative proposed provides equivalent or better estimates than use of the NMFS standard data source would provide. The estimates must be independently verifiable;
2. An observer must be able to sample for species composition on each haul or set;
3. Any proposal to sort catch before it is weighed must assure that an observer will monitor the sorting and weighing process; and
4. The time required for the level 2 observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24-hour period, and the level 2 observer is required to sample no more than 9 hours in each 24-hour period.

The CDQ group must provide a copy of the approved alternative fishing plan to the operator of the approved vessel. A copy of the alternative fishing plan approved by NMFS must be maintained onboard the vessel at all times while it is operating under the alternative fishing plan. Alternative fishing plans are valid for the remainder of the calendar year in which they are approved.

<b>Alternative fishing plan, Respondent</b> Number of respondents Frequency of response <b>Total annual responses</b> Time per response <b>Total burden hours</b> (13 x 4 hr) Personnel cost <b>Total personnel cost</b> (\$25 x 52 hr) <b>Total miscellaneous costs</b> FAX to NMFS (\$2.25/page x 13 x 2 pages)	<b>6</b> 2.17 <b>13</b> 4 hr <b>52 hr</b> \$25/hr <b>\$1,300</b> <b>\$58</b>
<b>Alternative fishing plan, Federal Government</b> <b>Total annual responses</b> Time per response (30minutes/60) <b>Total burden hours</b> (13 x 0.5 = 6.5) Total personnel cost \$25 x 7	13 0.5 hr <b>7 hr</b> <b>\$175</b>

**i. CDQ delivery report [Revised]**

The CDQ delivery report is the primary source of information that the CDQ group uses to monitor the harvest of CDQ and PSQ by catcher vessels and to prepare their CDQ catch report. NMFS uses the delivery report to verify that the CDQ group is reporting catch accurately. The manager of a shoreside processor or stationary floating processor (SFP) taking deliveries of groundfish CDQ or PSQ species from catcher vessels must submit a CDQ delivery report to NMFS and to the appropriate CDQ group within 24 hours of completion of each catcher vessel delivery of groundfish CDQ or PSQ, unless using the shoreside processor electronic logbook report (SPELR).

**CDQ delivery report**

Block 1. CDQ group information

CDQ group number and CDQ group name

Block 2. Processor information

Name and federal processor permit number of the processor taking delivery of the CDQ catch.

Date delivery report submitted to NMFS

Block 3. Vessel, gear and area information [revised]

Name, Federal Fisheries Permit number (if applicable), and ADF&G vessel registration number of the vessel delivering CDQ catch. Write “unnamed” if the vessel has no name

Delivery date

Date fishing began

Harvest gear type. If trawl gear, indicate if catch was made in the CVOA or the COBLZ

Federal reporting area of CDQ harvest.



Block 4. Groundfish CDQ Species in this delivery

Enter weight of groundfish CDQ species that were delivered by species codes and product codes.

Report the weight of each groundfish CDQ species to the nearest 0.001 mt.

Block 5. Halibut CDQ, halibut IFQ and sablefish IFQ in this delivery

For nontrawl vessels only, enter the product code and product weight for any halibut CDQ, halibut IFQ, and sablefish IFQ in this catch.

Block 6. PSQ species delivered and discarded from processor [revised]

Enter the species code of each prohibited species in this delivery. For salmon or crab, enter number of animals. For halibut, enter weight to the nearest 0.001 mt.

Block 7. At-sea discards of PSQ for vessels without observers

Enter species code of each prohibited species in this delivery. For salmon or crab, enter number of animals. For halibut, enter weight to the nearest 0.001 mt.

The number of delivery reports is based on the average number of CDQ delivery reports submitted to NMFS in 2001, 2002, and 2003 and the average number of processors used each of those years. NMFS expects to receive CDQ delivery reports from CDQ groups both via facsimile (about 6 per year) and by electronically generated and submitted reports.

<b>CDQ Delivery Report, Respondent</b> Number of respondents Frequency of response <b>Total annual responses</b> (4 x 13.75) <b>Time per response</b> <b>Total burden hours</b> (55 x 1 hr) Personnel cost <b>Total personnel cost</b> (\$25 x 55 hr) <b>Total miscellaneous costs</b> FAX to NMFS (\$2.25/page x 6 x 2 pages)	4 13.75 <b>55</b> 1 hr <b>55 hr</b> \$25/hr <b>\$1,375</b> <b>\$27</b>
<b>CDQ Delivery Report, Federal Government</b> <b>Total annual responses</b> Time per response (20 minutes/60) <b>Total burden hours</b> (55 x 0.33) Personnel cost <b>Total personnel cost</b> \$25 x 18	<b>55</b> 0.33 hr <b>18 hr</b> \$25/hr <b>\$450</b>

**j. CDQ catch report [Revised]**

The CDQ representative must submit to NMFS a CDQ catch report for all groundfish catch landed by vessels groundfish CDQ fishing or for any groundfish harvested by vessels greater than or equal to 60 ft (18.3 m) LOA while halibut CDQ fishing. The CDQ catch report must be submitted within 7 days of the date CDQ catch was delivered by a catcher vessel to a shoreside processor, SFP, or mothership or within 7 days of the date gear used to catch CDQ was retrieved by a catcher/processor.

**CDQ catch report**

Whether original or revised report

Block 1. Vessel type.

Block 2. Vessel catch information

Vessel, gear and delivery type.

Name, Federal fisheries permit number if applicable, and ADF&G vessel registration number of the vessel delivering CDQ catch.

Federal reporting area in which CDQ catch occurred. If a set occurs in more than one area, record the area code where gear retrieval was completed.

Circle gear type used to harvest CDQ catch. If caught with trawl gear, check appropriate box(es) to indicate if catch was made in the CVOA or the COBLZ.

Intended target species.

Block 3. CDQ group information

CDQ group number, group name or acronym, and date report submitted to NMFS.

Block 4. Catch and delivery information: catcher vessels retaining all groundfish CDQ and delivering it to shoreside processors or SFPs.

Name and Federal processor permit number of the shoreside processor or the SFP taking delivery of the CDQ catch; date catch delivered to processor; and date fishing began on this trip.

Species code, product code, and weight to the nearest 0.001 mt for each groundfish CDQ species.

For non-trawl vessels only, enter the species code and product code for any halibut CDQ, halibut IFQ, and sablefish IFQ in the CDQ delivery and product weight to the nearest 0.001 mt.

For salmon or crab PSQ, enter the species code and the number of animals.

For halibut PSQ, enter the round weight to the nearest 0.001 mt, mortality rate, and overall halibut mortality to the nearest 0.001 mt.

Block 5. Catch and delivery information: catcher/processors, catcher vessels delivering unsorted codends to motherships, or catcher vessels (with observers) using nontrawl gear and discarding groundfish CDQ at sea

Catcher/processor, the observer's haul number for this catch, and the date on which the gear was retrieved as determined by the level 2 observer.

Mothership. The name, Federal fisheries permit number, observer haul number for this catch, and date on which gear was retrieved from the delivering catcher vessel.

Catcher vessel delivering to a Shoreside Processor.

Name and Federal processor permit number of processor, observer's haul number for this catch, and date on which gear was retrieved from the delivering catcher vessel.

Species code, product code, and weight to the nearest 0.001 mt for each groundfish CDQ species in this catch.

For non-trawl vessels only, enter the product code and round weight to the nearest 0.001 mt for any halibut CDQ, halibut IFQ, and sablefish IFQ in this catch.

For salmon or crab PSQ, enter the species code and the number of animals.

For halibut PSQ, enter round weight to the nearest 0.001 mt, discard mortality rate, and overall halibut mortality to the nearest 0.001 mt.

The number of catch reports is based on the average number of CDQ catch reports submitted to NMFS in 2001, 2002, and 2003. NMFS expects to receive CDQ catch reports from CDQ groups both via facsimile (about 20 per year) and by electronically generated and submitted reports.

<b>CDQ Catch Report, Respondent</b>	
Number of respondents	6
Frequency of response	787.83
<b>Total annual responses</b> (6 x 787.83)	<b>4,727</b>
Time per response (15 minutes/60)	0.25 hr
<b>Total burden hours</b> (4,727 x 0.25 hr)	<b>1,182 hr</b>
Personnel cost	\$25/hr
<b>Total personnel cost</b> (\$25 x 1,182 hr)	<b>\$29,550</b>
<b>Total miscellaneous costs</b>	<b>\$135</b>
FAX to NMFS (\$2.25/page x 20 x 3 pages)	

<b>CDQ Catch Report, Federal Government</b>	
<b>Total annual responses</b>	<b>4,727</b>
Time per response (20 minutes/60)	0.33
<b>Total burden hours</b> (0.33 x 4,727)	<b>1,560 hr</b>
<b>Total personnel cost</b>	<b>\$39,000</b>
\$25 x 1560	

**k. Prior notice to the Observers in Shoreside Plants [Revised]**

Each shoreside processor or SFP that is required to have a CDQ observer must notify the level 2 observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading, to provide the level 2 observer an opportunity to monitor the sorting and weighing of the entire delivery. This notice typically consists of plant personnel verbally informing the observer that an incoming vessel will make a CDQ delivery.

<b>Prior Notice to Observer of CDQ Delivery (Offloading), Respondent</b>	
Number of respondents	4
Frequency of response	13.75
<b>Total annual responses</b> (4 x 13.75)	<b>55</b>
Time per response (2 minutes/60)	0.03 hr
<b>Total burden hours</b> (55 x 0.03 hr)	<b>2 hr</b>
Personnel cost	\$25/hr
<b>Total personnel cost</b> (\$20 x 2.5 hr)	<b>\$50</b>

<b>Prior Notice to Observer of CDQ Delivery (Offloading), Federal Government</b>	
<b>Total burden hours</b>	<b>0</b>
Personnel cost	\$25/hr
<b>Total personnel cost</b>	<b>0</b>

**l. Prior notice to Observers of CDQ Delivery on Vessels [Revised]**

For catcher/processors, motherships, and catcher vessels required to have a CDQ observer, each vessel operator must notify the level 2 observer(s) before CDQ catch is brought onboard the vessel. In addition, the operator must provide to the level 2 observer(s) the CDQ group and

CDQ number associated with the CDQ catch. This notice consists of vessel personnel verbally informing the observer that an incoming haul is a CDQ haul.

<b>Prior notice to Observers of CDQ Delivery on Vessels, Respondent</b>	
Number of respondents	83
Frequency of response	56.33
<b>Total annual responses</b> (83 x 56.33)	<b>4,675</b>
Time per response (2 minutes/60)	0.03 hr
<b>Total burden hours</b> (4,675 x 0.03 hr)	<b>140 hr</b>
Personnel cost	\$25/hr
<b>Total personnel cost</b> (\$20 x 130 hr)	<b>\$3,500</b>

<b>Prior notice to Observers of CDQ Delivery on Vessels, Federal Government</b>	
<b>Total burden hours</b>	0
<b>Total personnel cost</b>	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response No. 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.**

NMFS will accept electronic transmission of CDQ delivery reports, CDQ catch reports, requests for transfer of CDQ or PSQ, and eligible vessel requests. This includes allowing CDQ groups to submit CDQ catch reports via proprietary catch accounting software. Shoreside processors may utilize NMFS’s SPELR software to submit CDQ delivery information in lieu of submitting a CDQ delivery report.

All forms with instructions are available in a fillable format on the Alaska Regional Office or on the NMFS website at <http://www.fakr.noaa.gov>. The public may download copies of current CDQ delivery reports, CDQ catch reports, requests for transfer of CDQ or PSQ, and eligible vessel requests from this Internet web site, as well as aggregated CDQ catch information and lists of eligible vessels.

#### **4. Describe efforts to identify duplication.**

This information request does not duplicate any previous information request.

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

The only small entities that are directly regulated by this action are the 6 CDQ groups that represent the 65 western Alaska communities that currently participate in the CDQ Program. These groups include: Aleutian Pribilof Island Community Development Association, Bristol Bay Economic Development Corporation, Central Bering Sea Fishermen's Association, Coastal Villages Region Fund, Norton Sound Economic Development Corporation, and Yukon Delta Fisheries Development Association. Each of these groups is organized as a not-for-profit entity, and none is dominant in its field. Consequently, each is a small entity under the RFA.

Many of the 83 vessels and at least 3 of the 10 shoreside processors participating in the groundfish CDQ fisheries are small entities. This action revises processes for transferring quota, identifying eligible vessels, and approving alternative fishing plans. These processes would be streamlined by removing some information requirements and the requirement that applications for these actions be reviewed by the State before submission to NMFS for action.

These revisions reduce the reporting burden on the CDQ groups, processors, and vessel owners. The action also relaxes restrictions on the transfer of PSQ among the CDQ groups. These revisions allow the CDQ groups to transfer PSQ at any time during the year, instead of solely during the month of January. The groups also are allowed to transfer PSQ alone, rather than being required to transfer PSQ together with other groundfish CDQ. Although the CDQ groups' fishing has not yet been significantly restricted by either of these requirements, the relaxation of these requirements may allow the CDQ groups the added flexibility that would be needed to increase the harvest of target species allocations in the future.

Overall, this action has no known adverse impacts on the profitability or competitiveness of small, directly regulated entities.

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

The CDQ groups are currently required to submit new CDPs every three years. A three-year cycle was chosen to provide the CDQ groups with the stability of a known allocation for a multi-year period. However, because these are not permanent allocations, the three-year cycle also provides the opportunity for NMFS to review the progress of each CDQ group and to consider new communities and groups that may form.

The CDQ fisheries require a higher level of accountability than any fishery NMFS currently is managing off Alaska because they require each CDQ group (and the vessels and processors

fishing on their behalf) to account for the catch of all CDQ and PSQ species, including catch retained and catch discarded. NMFS and the CDQ groups need to keep careful track of catch on a daily basis in order to stay within quota allocations. Therefore, the additional information required in the CDQ delivery reports and CDQ catch reports cannot be collected less frequently.

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

OMB guidelines state that an information collection should not require respondents to report information more often than quarterly. Groundfish catch information collected for the CDQ program is used to manage a commercial fishery and often requires information (e.g. notice to observers, delivery reports) to be collected as frequently as several times a day depending on the number of vessels fishing on a particular day. This is necessary to prevent exceeding catch limits which are established to maintain healthy fisheries in the Bering Sea/Aleutian Islands area.

**8. Provide a copy of 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.**

NMFS published the attached notice in the *Federal Register* (69 FR 32989, June 14, 2004) soliciting public comments on the information collection. No comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided under this program.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (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.

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

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

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

The total number of respondents is 93 (CDQ groups, shoreside processors, and observed vessel), an increase of 8. The total estimated number of responses per year is 9,650, a reduction of 1,559. The estimated total annual burden for this collection is 3,470 hours, a reduction of 276 hours.

Unless stated otherwise, personnel cost per hour for the groundfish harvest reporting information collection elements is \$25 per hour, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA. Total estimated personnel cost is \$238,950, a reduction of \$92,026.

**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 #12 above).**

Estimated total miscellaneous costs are \$747, a reduction of \$243.

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

The total number of respondents is 58, a reduction of 56. The total estimated number of responses per year is 4,924, an increase of 738. The estimated total annual burden for this collection is 2,147 hours, a reduction of 883 hours. The total estimated personnel cost is \$53,675, a reduction of \$23,075.

Personnel cost is \$25 per hour, based on the average wage equivalent to a GS-9 employee in Alaska, including COLA.

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

The following adjustments are made to this collection:

Community Development Plan (CDP)

- Previously, the CDPs were submitted every two years. With this action, the CDPs are required to be submitted every three years, so the estimates for burden hours and costs are all divided by three, rather than two, resulting in a decrease in the estimated annual time and cost of preparing a CDP.
- The time per response for the Federal government to review a CDP is corrected from 400 hours to 40 hours.
- Fishing plan is removed from the CDP.
- Harvesting plan is added to the CDP.
- Requests for approval of eligible vessels is removed from the CDP.

Because the CDPs are such large documents, removing this information from the CDP will have a negligible impact on the overall burden of preparing a CDP

### Annual Budget Report

- Under the Annual Budget Report, the time per response for the Federal government has been increased from 8 hours to 16 hours to more accurately reflect the amount of time the review of this information requires.

### Substantial Amendment

- Transfer of CDQ or PSQ no longer is considered a substantial amendment to the CDP but rather is filed separately on a new form, CDQ or PSQ Transfer Request.

### CDQ Delivery Report

- Under the CDQ Delivery Report, the estimated number of responses has been decreased from 75 to 55 based upon the average number of reports received between 2001 and 2003. This reduces the estimated burden for time and expense to respondents and to the Federal government for CDQ Delivery Reports as well as to the respondents for the Prior Notice to Observer of CDQ Delivery (Offloading).

### CDQ Catch Report

- Under the CDQ Catch Report, the estimated number of responses has been increased from 3,975 to 4,727 based upon the average number of reports received between 2001 and 2003. This increases the estimated burden for time and expense to respondents and to the Federal government for CDQ Delivery Reports as well as to the respondents for the Prior Notice to Observer of CDQ Delivery on Vessels.

### CDQ and PSQ Transfer Request

- CDQ and PSQ transfer requests will no longer be submitted as substantial or technical amendments and now have their own category.

### Substantial and Technical Amendments

- The number of both substantial and technical amendments is expected to decrease from 36 to 18 and from 72 to 6, respectively. Because the type of information is more detailed in the amendment subjects which remain, the time per response for respondents will increase from 8 hours to 40 hours for substantial amendments and from 4 hours to 8 hours for technical amendments. Similarly, the time per response for the Federal government will increase from 4 hours to 16 hours for substantial amendments and from 2 hours to 4 hours for technical amendments. Additionally, for technical amendments, the hourly personnel cost for the respondents has been decreased to more accurately reflect the expected cost to prepare these amendments.

### Annual Report

The Annual Report has been removed from the collection, because it is a requirement for the State to report to NMFS.

### Alternative fishing plan

Alternative fishing plan is a new option that may be submitted separately or may be submitted



with the Request for Approval of an Eligible Vessel.

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

The information collected will be summarized in CDQ catch reports available in aggregated form to the public on the NMFS Alaska Region website at <http://www.fakr.noaa.gov> and a list of eligible vessels for each CDQ group will also be publicly available.

**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.**


In accordance with OMB requirements, the control number and the expiration date of OMB approval will be shown on all information collection instruments.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

No exceptions to the certification statement are proposed.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

<h2 style="margin: 0;">CDQ Catch Report</h2> <h3 style="margin: 0;">Community Development Quota Program</h3>	Original <input type="checkbox"/> Revision <input type="checkbox"/>	National Marine Fisheries Service Sustainable Fisheries Division P.O. Box 21668 Juneau, AK 99802-1668 FAX 907-586-7131 Ph. 907-586-7228	
--------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

Block 1. Vessel Type		
Select Type	CDQ Catch Harvested with:	Complete the following blocks:
	Catcher vessel less than 60 ft. LOA delivering to a shoreside processor or stationary floating processor.	Block 2, 3, and 4
	Catcher vessel greater than or equal to 60 ft. LOA, using trawl gear, delivering to a shoreside processor or stationary floating processor.	Block 2, 3, and 4
	Catcher vessel greater than or equal to 60 ft. LOA, using non-trawl gear, retaining all groundfish CDQ and delivering it to a shoreside processor or stationary floating processor [Option 1 in the Community Development Plan (CDP)].	Block 2, 3, and 4
	Catcher vessel greater than or equal to 60 ft. LOA, using non-trawl gear, and discarding some groundfish CDQ at sea (Option 2 in the CDP).	Block 2, 3, and 5
	Catcher vessel using trawl gear and delivering unsorted codends to a mothership.	Block 2, 3, and 5
	Catcher/processor.	Block 2, 3, and 5

Block 2. Vessel Catch Information	
A. Vessel Name:	B. Federal Fisheries Permit No.
C. ADF&G vessel registration No.	D. Federal Reporting Area:
E. Harvest Gear Type: (circle one)    Hook-and-line    Pot    Non-pelagic trawl    Pelagic Trawl    Jig	
F. Target Fishery:	G. For trawl gear, check if catch was made in the: <input type="checkbox"/> CVOA <input type="checkbox"/> COBLZ

Block 3. CDQ Group Information		
A. CDQ Group number:	B. Group Name:	C. Date Report Submitted:

**Block 4. Catch and Delivery Information: Catcher vessels retaining all groundfish CDQ and delivering to shoreside processors or stationary floating processors.**

A. Processor Name:

B. Federal Processor Permit No.:

C. Date catch delivered:

D. Date fishing began:

**E. Groundfish CDQ Species**

Species Code	Product Code	Weight (mt)	Species Code	Product Code	Weight (mt)

**F. Halibut CDQ, Halibut IFQ, and Sablefish IFQ in this catch (NON-TRAWL VESSELS ONLY)  
(must also be reported to NMFS on an IFQ Landing Report)**

Category/species	Product Code	Weight (mt)	Product Code	Weight (mt)	Product Code	Weight (mt)
Halibut CDQ (200)						
Halibut IFQ (200)						
Sablefish IFQ (200)						

**G. Salmon and Crab PSQ**

Species Code	Numbers	Species Code	Numbers

**H. Halibut PSQ**

Product Code	Round Weight (mt)	Mortality Rate	Halibut Mortality (mt)
98 (discard at sea)			
99 (discard dockside)		100%	

**Block 5. Catch and Delivery Information: Catcher/processors, CV's delivering unsorted codends to motherships, or CV's (with observers) using non-trawl gear and discarding groundfish CDQ at sea.**

A. Catcher/processors	B. Motherships	C. CVs delivering to shoreside processors
	Name:	Processor Name:
	Fed. Fish. Permit No.	Federal Proc. Permit No.
Observer haul/set number:	Observer haul number:	Date fishing began:
Date gear retrieved:	Date gear retrieved:	Date catch delivered:

**D. Groundfish CDQ Species**

Species Code	Product Code	Weight (mt)	Species Code	Product Code	Weight (mt)

**E. Halibut CDQ, Halibut IFQ, and Sablefish IFQ in this catch  
(must also be reported to NMFS on an IFQ Landing Report)**

Category/species	Product Code	Weight (mt)	Product Code	Weight (mt)	Product Code	Weight (mt)
Halibut CDQ (200)						
Halibut IFQ (200)						
Sablefish IFQ (200)						

**F. Salmon and Crab PSQ**

Species Code	Numbers	Species Code	Numbers

**G. Halibut PSQ**

Product Code	Round Weight (mt)	Mortality Rate	Halibut Mortality (mt)
98 (discard at sea)			
99 (discard dockside)		100%	

## CDQ Catch Report: Instructions

### CDQ Program

#### General

CDQ Catch Reports are required for all groundfish catch made by vessels groundfish CDQ fishing or for any groundfish harvested by vessels greater than or equal to 60 feet LOA while halibut CDQ fishing. Submittal of a Catch Report is not required if, while halibut CDQ fishing, no groundfish CDQ is caught. Unless otherwise submitted via electronic means, send reports to FAX number 907-586-7131.

#### Submittal Deadline

A CDQ representative must submit the report to NMFS within 7 days of the date CDQ catch was delivered by a catcher vessel to a shoreside processor, stationary floating processor or mothership. For catcher/processers, the report must be submitted within 7 days of the date gear used to catch CDQ was retrieved.

#### Notes and References

- Federal Reporting Areas: see 50 CFR part 679, Figure 1.
- Species codes (including Prohibited Species): see 50 CFR part 679, Table 2.  
(Use species code 139 for any *Sebastes* or *Sebastolobus* species code reported on observer data for which no species code is listed in Table 2).
- Product codes: for groundfish, see 50 CFR part 679, Table 1.
- Weights: enter to the nearest 0.001 metric ton (mt).

#### Instructions

Note: Please check whether this is an original or revised catch report.

#### *Block 1 - Vessel Type*

Select the most appropriate vessel type. Based on the type selected, complete each of the specified blocks.

#### *Block 2 - Vessel Catch Information*

- Enter the name of the vessel used to harvest this CDQ catch.
- Enter the Federal Fisheries Permit number for this vessel.
- Enter the ADF&G vessel registration number for this vessel.
- Enter the 3-digit Federal Reporting Area in which CDQ catch occurred (if a haul or set occurs in more than one area, record the area code where gear retrieval was completed).
- Circle the gear type used to harvest this catch.
- Enter the intended target fishery (e.g. cod or sablefish).
- If catch was made using trawl gear, check one or both boxes to indicate if catch was made in the Catcher Vessel Operational Area (CVOA) or *c. Opilio* Bycatch Limitation Zone (COBLZ). These are shown and described at 50 CFR part 679, Figures 2 and 13, respectively.

#### *Block 3 - CDQ Group Information*

- Enter the CDQ group number assigned to the CDQ group submitting this report.
- Enter CDQ group name or acronym.
- Enter the date this report was submitted to NMFS.

#### *Block 4 - Catch and Delivery Information: Catcher Vessels (using either trawl or non-trawl gear) retaining all groundfish CDQ and delivering to a shoreside processor or stationary floating processor.*

- Enter the name of the processor to which this catch was delivered.
- Enter the processor's Federal Processor Permit number.
- Enter the date this catch was delivered to processor.

- D. Enter the date fishing began on this trip.
- E. Enter the appropriate species code, product code, and weight (in metric tons) for each CDQ groundfish species in this catch.
- F. For non-trawl vessels only, enter the product code and product weight for any halibut CDQ, halibut IFQ, and sablefish IFQ in this catch. Such catch must also be reported to NMFS via an IFQ landing report.
- G. For salmon and crab PSQ, enter the species code of each species and number of animals in this catch.
- H. Enter the round weight to the nearest 0.001 mt, discard mortality rate, and overall halibut mortality for any halibut PSQ.

*Block 5 - Catch and Delivery Information: Catcher/processors, catcher vessels delivering unsorted codends to motherships, or catcher vessels (with observers) using non-trawl gear and discarding some groundfish CDQ at sea*

- A. Catcher/processors. Enter both the observer haul number for this catch and the date on which the gear was retrieved.
- B. Motherships. Enter the mothership's name, Federal Fisheries Permit number, observer haul number for this catch, and date on which gear was retrieved from the delivering catcher vessel.
- C. CVs delivering to shoreside processors. Enter the processor's name, Federal Processor Permit number, date fishing began, and the date on which catch was delivered.
- D. Enter the appropriate species code, product code and round weight (in metric tons) for each groundfish CDQ species in this catch.
- E. For non-trawl vessels only, enter the product code and product weight for any halibut CDQ, halibut IFQ, and sablefish IFQ in this catch. Such catch must also be reported to NMFS via an IFQ landing report.
- F. For salmon and crab PSQ, enter the species code of each species and number of animals in this haul or set.
- G. Enter the round weight (metric tons), discard mortality rate, and overall halibut mortality for any halibut PSQ.

PUBLIC REPORTING BURDEN STATEMENT
Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Durall).
ADDITIONAL INFORMATION
Before completing this form please note the following: 1) Notwithstanding any other provision of the 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 effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, <i>et seq.</i> ); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, <i>et seq.</i> ). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

<h2 style="margin: 0;">CDQ Delivery Report</h2> <h3 style="margin: 0;">Community Development Quota (CDQ) Program</h3>	Original <input type="checkbox"/> Revision <input type="checkbox"/>	National Marine Fisheries Service Sustainable Fisheries Division P.O. Box 21668 Juneau, AK 99802-1668 FAX 907-586-7131 Ph. 907-586-7228
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Processors: Please complete and submit this form for each catcher vessel delivery of groundfish CDQ to shoreside processors or stationary floating processors. Reports must be submitted to NMFS within 24 hours of each delivery.

Block 1. CDQ Group Information	
A. CDQ Group Number:	B. Group Name:

Block 2. Processor Information	
A. Processor Name:	
B. Federal Processor Permit Number:	C. Date Submitted:

Block 3. Vessel, Gear and Area Information		
A. Vessel Name:	B. Federal Fisheries Permit Number:	C. ADF&G Number:
D. Delivery Date:	E. Date Fishing Began:	
F. Harvest gear type: (circle one)    Hook-and-line    Pot    Non-pelagic trawl    Pelagic Trawl    Jig    Other		
G. Federal Reporting Area:	H. For trawl gear, check if catch was made in: <input type="checkbox"/> CVOA <input type="checkbox"/> COBLZ	

Block 4. Groundfish CDQ Species in this delivery (continued next page)					
Species Code	Product Code	Weight (mt)	Species Code	Product Code	Weight (mt)

Block 4, continued. Groundfish CDQ species in this delivery					
Species Code	Product Code	Weight (mt)	Species Code	Product Code	Weight (mt)

Block 5. Halibut CDQ, Halibut IFQ, and Sablefish IFQ in this delivery (NON-TRAWL VESSELS ONLY) (such catch must also be reported to NMFS via an IFQ Landing Report)						
Category/ Species Code	Product Code	Weight (mt)	Product Code	Weight (mt)	Product Code	Weight (mt)
Halibut CDQ (200)						
Halibut IFQ (200)						
Sablefish IFQ (710)						

Block 6. PSQ Species Delivered and Discarded from processor (Product Code 86 or 99) (Note: Halibut PSQ should be listed by weight, <u>not</u> numbers.)					
Species Code	Weight or Numbers	Species Code	Weight or Numbers	Species Code	Weight or Numbers

Block 7. At-sea Discards of PSQ by vessels <u>without</u> observers (Note: Halibut PSQ should be listed by weight, <u>not</u> numbers.)					
Species Code	Product Code	Weight/numbers	Species Code	Product Code	Weight/numbers
	98			98	
	98			98	



<b>Instructions</b> <b>CDQ Delivery Report</b>  <b>CDQ Program</b>
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**General**

CDQ Delivery Reports are required for all Community Development Quota (CDQ) catch and Prohibited Species Quota (PSQ) landed by catcher vessels and delivered to shoreside processors or stationary floating processors (SFPs). Submit reports to FAX number 907-586-7131.

**Submittal Deadline**

Managers of shoreside processors or SFPs must submit a CDQ delivery report to NMFS within 24 hours of each delivery of groundfish CDQ species.

**Notes and References**

- Federal Reporting Areas: see 50 CFR part 679, Figure 1.
- Species codes (including Prohibited Species): see 50 CFR part 679, Table 2.
- Product codes: for groundfish, see 50 CFR part 679, Table 1.
- Round weight: enter to the nearest 0.001 metric ton (mt).

**Instructions**

Indicate whether this is an original or revised report.

***Block 1 - CDQ Group Information***

- A. Enter the CDQ group identification number.
- B. Enter the CDQ group name or acronym.

***Block 2 - Processor Information***

- A. Enter the name of the processor taking delivery of this CDQ catch.
- B. Enter the Federal Processor Permit number.
- C. Enter the date this report was submitted to NMFS.

***Block 3 - Vessel, Gear and Area Information***

- A. Enter the name of the vessel used to harvest this CDQ catch.
- B. Enter vessel's Federal Fisheries Permit number.
- C. Enter the ADF&G number for this vessel.
- D. Enter the date catch was delivered to processor.
- E. Enter the date fishing began.
- F. Circle the gear type used to harvest this catch.
- G. Enter the federal reporting area where CDQ catch was harvested (if a haul or set occurs in more than one area, record the area code where gear retrieval was completed).
- H. If catch was made using trawl gear, check one or both boxes to indicate if catch was made in the Catcher Vessel Operational Area (CVOA) or *c. Opilio* Bycatch Limitation Zone (COBLZ). These are shown and described at 50 CFR part 679, Figures 2 and 13, respectively.

**Block 4 - Groundfish CDQ species in this delivery**

Enter the appropriate species code, product code, and weight to the nearest 0.001 mt for each CDQ groundfish species in this delivery.

**Block 5 - Halibut CDQ, Halibut IFQ, and Sablefish IFQ (For non-trawl vessels only)**

Enter the product code and product weight for any halibut CDQ, halibut IFQ, and sablefish IFQ in this delivery. Such catch must also be reported to NMFS via an IFQ landing report.

**Block 6 - PSQ species delivered and discarded from plant**

Enter the species code of each prohibited species in this delivery.  
For salmon or crab, enter number of animals rather than weight.  
For halibut, enter weight to the nearest 0.001 mt.

**Block 7 - At-sea discards of PSQ for vessels without observers**

For at sea PSQ discards by vessels without observers, enter the species code of each species.  
For salmon or crab, enter the number of animals rather than weight.  
(NMFS will obtain PSQ data for vessels with observers from observer data.)

PUBLIC REPORTING BURDEN STATEMENT
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Durall).
ADDITIONAL INFORMATION
Before completing this form please note the following: 1) Notwithstanding any other provision of the 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 effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, <i>et seq.</i> ); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, <i>et seq.</i> ). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

Expiration Date:

<p><b>Request for Approval of an Eligible Vessel Harvesting Groundfish CDQ</b></p> <p><b>Community Development Quota Program</b></p>	<p>National Marine Fisheries Service Sustainable Fisheries Division P.O. Box 21668 Juneau, AK 99802-1668 FAX 907-586-7131 Ph. 907-586-7228</p>
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Complete this form for each vessel equal to or greater than 60 feet length overall (LOA) which will be groundfish or halibut CDQ fishing.

CDQ Group  
Initials

Vessel Information	
Vessel name:	Representative Name:
Federal Fisheries Permit No.	Mailing address:
ADF&G Vessel Registration No.:	
Length Overall:	Telephone No.
Gear (check all that will be used to catch CDQ):  <input type="checkbox"/> Trawl <input type="checkbox"/> Hook-and-Line <input type="checkbox"/> Pot <input type="checkbox"/> Jig	e-mail address (if applicable):

Method Used To Determine CDQ and PSQ Catch (check one):
<p>_____ NMFS standard sources of data:</p> <p style="padding-left: 20px;">_____ All vessels, except catcher vessels greater than or equal to 60 ft LOA using non-trawl gear, or</p> <p style="padding-left: 20px;">_____ Catcher vessels greater than or equal to 60 ft LOA using non-trawl gear:</p> <p style="padding-left: 40px;">_____ Option 1 (Please see instructions) or</p> <p style="padding-left: 40px;">_____ Option 2 (Please see instructions)</p> <p>_____ Alternative method (described in attached proposal).</p>

Notice of Submission and Review	
CDQ Representative	NMFS CDQ Contact Use Only
Printed Name:	Printed Name:
Signature:	Signature:
Telephone No.                      Fax No.	Date Approved:
Date Submitted:	Date Faxed to Group and State:

**INSTRUCTIONS**  
**Request for Approval of an Eligible Vessel Harvesting Groundfish CDQ**  
**Community Development Quota Program**

All vessels groundfish CDQ fishing and vessels equal to or greater than 60 feet length overall (LOA) that are halibut CDQ fishing must be authorized by the CDQ group and approved by NMFS prior to participating in CDQ fisheries. Each CDQ group must submit a request for approval to NMFS for each vessel the group intends to use. A separate application must be submitted for each vessel. Submit a request for approval to:

National Marine Fisheries Service (NMFS):  
Sustainable Fisheries Division

By mail: P.O. Box 21668, Juneau, AK 99802-1668

By FAX: 907-586-7131

A list of eligible vessels will be generated for each CDQ group. A vessel may be removed at any time by notifying NMFS by letter of its intent to do so.

Further information regarding eligible vessels may be found at 50 CFR part 679.5(n)(4), or call 907-586-7228.

### **General**

Enter the initials for the CDQ group in the box at the top of the application.

### **Vessel Information**

Vessel name and ADF&G vessel registration number.

Vessel Federal fisheries permit number (if applicable) and LOA

If a catcher vessel or catcher/processor, indicate all the gear types which will be used to catch CDQ.

### **Vessel Representative Information**

Enter the name, mailing address, telephone number, and optional e-mail address of a person to contact for information about the vessel.

### **Method to determine CDQ and PSQ Catch.**

Select either: NMFS standard sources of data or Alternative method.

If you selected NMFS standard sources, indicate either

catcher vessel **IS NOT** greater than or equal to 60 ft LOA using non-trawl gear, or

catcher vessel **IS** greater than or equal to 60 ft LOA using non-trawl gear.

If catcher vessel is greater than or equal to 60 ft LOA using non-trawl gear, indicate either

Option 1 - all groundfish CDQ will be retained by the vessel. The CDQ catch will be sorted and weighed at a shoreside processing plant, vessel will carry one Level 2 observer during all CDQ fishing, and halibut PSQ catch will be based on observer reports.

Option 2 - some groundfish CDQ may be discarded at sea, vessel will carry one Level 2 observer during all CDQ fishing, vessel will have an approved observer sampling station, and all groundfish CDQ/PSQ catch will be based on observer reports.

If you selected Alternative method, attach proposal to this application.

### **Notice of Submission and Review**

Name and signature of CDQ representative and date form submitted.

Telephone number and fax number of CDQ representative

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#### **PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA, National Marine Fisheries Service, Alaska Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802-1668.

#### **ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of the 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 the commercial fishing effort of the CDQ program in the BSAI under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (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.

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<p><b>CDQ or PSQ                  Transfer Request</b></p> <p><b>Community Development Quota (CDQ) Program</b></p>	National Marine Fisheries Service Sustainable Fisheries Division P.O. Box 21668 Juneau, AK 99802-1668 FAX 907-586-7131 Ph. 907-586-7228	
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This form should be completed and signed by a representative from each group proposing to transfer annual amounts of Community Development Quota (CDQ) or Prohibited Species Quota (PSQ).

Block 1. Transferring CDQ Group Information	
Group Name	Group Number
Telephone No.	Fax No.
Representative's Name	Signature

Block 2. Receiving CDQ Group Information	
Group Name	Group Number
Telephone No.	Fax No.
Representative's Name	Signature

Block 3. CDQ Amount Transferred					
Species or Species Category	Area	Amount (mt or lb)	Species or Species Category	Area	Amount (mt or lb)

Block 4. PSQ Amount Transferred					
Species or Species Category	Area	Amount (mt) or numbers	Species or Species Category	Area	Amount (mt) or numbers

Block 5. Notice of Receipt and Review - National Marine Fisheries Service Use Only	
Name of NMFS Representative:	Date:
Phone:	Fax:
Effective Date of Transfer:	Date forwarded to State and Groups:

**Instructions for  
CDQ or PSQ  
Transfer Request**

**CDQ Program**

CDQ groups may transfer annual amounts of groundfish CDQ and halibut CDQ or may transfer prohibited species quota (PSQ) from one group to another. Once approved, a CDQ or PSQ transfer is effective for the remainder of the calendar year. Groups may not transfer CDQ to cover a prior CDQ overage, nor PSQ to cover a prior PSQ overage.

A CDQ group may request to transfer all or part of its annual CDQ or PSQ for a species or species category to another group in response to:

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

The transfer of PSQ may occur during any month of the year and without an associated transfer of CDQ.

Submit a transfer request to:

National Marine Fisheries Service (NMFS):  
Sustainable Fisheries Division

By mail: P.O. Box 21668, Juneau, AK 99802-1668

By FAX: 907-586-7131

Further information regarding transfers of CDQ and PSQ may be found at 50 CFR 679, Subpart C, or call 907-586-7228.

NOTE: NMFS will not approve transfers to cover overages of CDQ or PSQ. The CDQ or PSQ will be transferred as of the date NMFS approves the transfer request and is effective only for the remainder of the calendar year in which the transfer occurs.

**General**

Enter the following information for each transfer.

***Block 1. Transferring CDQ Group Information***

Name and CDQ group number of the group transferring CDQ or PSQ  
CDQ representative name and signature, telephone number, and fax number.

***Block 2. Receiving CDQ Group Information***

Name and CDQ group number of the CDQ group receiving CDQ or PSQ by transfer.  
CDQ representative name and signature, telephone number, and fax number.

**Block 3. CDQ Amount Transferred**

Species or Species Category. For each species for which a transfer is being requested, enter the species name or species category.

Area. Enter the particular management area associated with a species category, such as EAI (Eastern Aleutian Islands), if applicable.

Amount. Specify the amount being transferred.  
For groundfish or halibut, specify transfer amounts to the nearest 0.001 mt.

**Block 4. PSQ Amount Transferred**

Species or Species Category. For each PSQ species for which a transfer is being requested, enter the species name or species category.

Area. Designate the appropriate zone for each crab PSQ being transferred (e.g. Zone 2), if applicable.

Amount. Specify the amount being transferred.  
For crab and salmon, specify transfer amounts in numbers of animals.  
For halibut, specify the amount in pounds (net weight).

**Block 5. Notice of Receipt and Approval - NMFS USE ONLY**

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PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA, National Marine Fisheries Service, Alaska Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage the commercial fishing effort of the CDQ program in the BSAI under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (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.

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such system, notwithstanding section 1881a(b) of this title; and

(C) provide such notice and other requirements of applicable law that the Secretary deems necessary for an effective registry system.

(2) The Secretary shall promulgate such regulations as may be necessary to carry out this subsection, after consulting with the Councils and providing an opportunity for public comment. The Secretary is authorized to contract with non-Federal entities to administer the central registry system.

(3) To be effective and perfected against any person except the transferor, its heirs and devisees, and persons having actual notice thereof, all security interests, and all sales and other transfers of permits described in paragraph (1), shall be registered in compliance with the regulations promulgated under paragraph (2). Such registration shall constitute the exclusive means of perfection of title to, and security interests in, such permits, except for Federal tax liens thereon, which shall be perfected exclusively in accordance with the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). The Secretary shall notify both the buyer and seller of a permit if a lien has been filed by the Secretary of the Treasury against the permit before collecting any transfer fee under paragraph (5) of this subsection.

(4) The priority of security interests shall be determined in order of filing, the first filed having the highest priority. A validly-filed security interest shall remain valid and perfected notwithstanding a change in residence or place of business of the owner of record. For the purposes of this subsection, "security interest" shall include security interests, assignments, liens and other encumbrances of whatever kind.

(5)

(A) Notwithstanding section 1854(d)(1) of this title, the Secretary shall collect a reasonable fee of not more than one-half of one percent of the value of a limited access system permit upon registration of the title to such permit with the central registry system and upon the transfer of such registered title. Any such fee collected shall be deposited in the Limited Access System Administration Fund established under subparagraph (B).

(B) There is established in the Treasury a Limited Access System Administration Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purposes of -

(i) administering the central registry system; and

(ii) administering and implementing this chapter in the fishery in which the fees were collected. Sums in the Fund that are not currently needed for these purposes shall be kept on

deposit or invested in obligations of, or guaranteed by, the United States.

(i) Alaska and western Pacific community development programs

(1)

(A) The North Pacific Council and the Secretary shall establish a western Alaska community development quota program under which a percentage of the total allowable catch of any Bering Sea fishery is allocated to the program.

(B) To be eligible to participate in the western Alaska community development quota program under subparagraph (A) a community shall -

(i) be located within 50 nautical miles from the baseline from which the breadth of the territorial sea is measured along the Bering Sea coast from the Bering Strait to the western most of the Aleutian Islands, or on an island within the Bering Sea;

(ii) not be located on the Gulf of Alaska coast of the north Pacific Ocean;

(iii) meet criteria developed by the Governor of Alaska, approved by the Secretary, and published in the Federal Register;

(iv) be certified by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to be a Native village;

(v) consist of residents who conduct more than one-half of their current commercial or subsistence fishing effort in the waters of the Bering Sea or waters surrounding the Aleutian Islands; and

(vi) not have previously developed harvesting or processing capability sufficient to support substantial participation in the groundfish fisheries in the Bering Sea, unless the community can show that the benefits from an approved Community Development Plan would be the only way for the community to realize a return from previous investments.

(C)

(i) Prior to October 1, 2001, the North Pacific Council may not submit to the Secretary any fishery management plan, plan amendment, or regulation that allocates to the western Alaska community development quota program a percentage of the total allowable catch of any Bering Sea fishery for which, prior to October 1, 1995, the Council had not approved a percentage of the total allowable catch for allocation to such community development quota program. The expiration of any plan, amendment, or regulation that meets the requirements of clause (ii) prior to October 1, 2001, shall not be construed to prohibit the Council from submitting a revision or extension of such plan, amendment, or regulation to the Secretary if such revision or extension complies with the other requirements of this paragraph.

(ii) With respect to a fishery management plan, plan amendment, or regulation for a Bering

Sea fishery that -

(I) allocates to the western Alaska community development quota program a percentage of the total allowable catch of such fishery; and

(II) was approved by the North Pacific Council prior to October 1, 1995; the Secretary shall, except as provided in clause (iii) and after approval of such plan, amendment, or regulation under section 1854 of this title, allocate to the program the percentage of the total allowable catch described in such plan, amendment, or regulation. Prior to October 1, 2001, the percentage submitted by the Council and approved by the Secretary for any such plan, amendment, or regulation shall be no greater than the percentage approved by the Council for such fishery prior to October 1, 1995.

(iii) The Secretary shall phase in the percentage for community development quotas approved in 1995 by the North Pacific Council for the Bering Sea crab fisheries as follows:

(I) 3.5 percent of the total allowable catch of each such fishery for 1998 shall be allocated to the western Alaska community development quota program;

(II) 5 percent of the total allowable catch of each such fishery for 1999 shall be allocated to the western Alaska community development quota program; and

(III) 7.5 percent of the total allowable catch of each such fishery for 2000 and thereafter shall be allocated to the western Alaska community development quota program, unless the North Pacific Council submits and the Secretary approves a percentage that is no greater than 7.5 percent of the total allowable catch of each such fishery for 2001 or the North Pacific Council submits and the Secretary approves any other percentage on or after October 1, 2001.

(D) This paragraph shall not be construed to require the North Pacific Council to resubmit, or the Secretary to reapprove, any fishery management plan or plan amendment approved by the North Pacific Council prior to October 1, 1995, that includes a community development quota program, or any regulations to implement such plan or amendment.

(2)

(A) The Western Pacific Council and the Secretary may establish a western Pacific community development program for any fishery under the authority of such Council in order to provide access to such fishery for western Pacific communities that participate in the program.

(B) To be eligible to participate in the western Pacific community development program, a community shall -

(i) be located within the Western Pacific Regional Fishery Management Area;

(ii) meet criteria developed by the Western Pacific Council, approved by the Secretary and published in the Federal Register;

(iii) consist of community residents who are descended from the aboriginal people

indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western [2] Pacific region;

(iv) not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

(v) develop and submit a Community Development Plan to the Western Pacific Council and the Secretary.

(C) In developing the criteria for eligible communities under subparagraph (B)(ii), the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery.

(D) For the purposes of this subsection "Western Pacific Regional Fishery Management Area" means the area under the jurisdiction of the Western Pacific Council, or an island within such area.

(E) Notwithstanding any other provision of this chapter, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.

(3) The Secretary shall deduct from any fees collected from a community development quota program under section 1854(d)(2) of this title the costs incurred by participants in the program for observer and reporting requirements which are in addition to observer and reporting requirements of other participants in the fishery in which the allocation to such program has been made.

(4) After October 11, 1996, the North Pacific Council and Western Pacific Council may not submit to the Secretary a community development quota program that is not in compliance with this subsection.

(n) *Groundfish CDQ fisheries—(1) CDQ delivery report—(i) Who must submit a CDQ delivery report?* The manager of each shoreside processor and stationary floating processor taking deliveries of groundfish CDQ or PSQ species from catcher vessels must submit for each delivery a CDQ delivery report, unless using the SPELR described at paragraph (e) of this section to submit the required CDQ information.

(ii) *Time limit and submittal.* The manager as defined at paragraph (n)(1)(i) of this section must submit to the Regional Administrator a CDQ delivery report within 24 hours of completion of each delivery of groundfish CDQ or PSQ species to the processor.

(iii) *Information required.* The manager as defined at paragraph (n)(1)(i) of this section must record whether the report is original or a revision and the following information on each CDQ delivery report:

(A) *CDQ group information.* CDQ group number as defined at §679.2 and CDQ group name or acronym.

(B) *Processor information.* (1) Name and federal processor permit number of the processor as defined at paragraph (n)(1)(i) of this section taking delivery of the CDQ catch.

(2) Date delivery report submitted.

(C) *Vessel and catch information.* (1) Enter the name, Federal Fisheries Permit number if applicable, and ADF&G vessel registration number of the vessel delivering CDQ catch. Write “unnamed” if the vessel has no name;

(2) Enter the delivery date, date fishing began, harvest gear type, and Federal reporting area of CDQ harvest. If caught with trawl gear, check appropriate box(es) to indicate if catch was made in the CVOA or the COBLZ.

(D) *Groundfish CDQ Species in this delivery.* Enter weight by species codes and product codes as defined in Tables 1 and 2 to this part, respectively, of groundfish CDQ species that were delivered. Report the weight of each CDQ species in metric tons to at least the nearest 0.001 mt.

(E) *Halibut CDQ, halibut IFQ and sablefish IFQ in this delivery.* For nontrawl vessels only, enter the product code and product weight for any halibut CDQ, halibut IFQ, and sablefish IFQ in this catch. Submit this same information to the Regional Administrator on an IFQ landing report (see paragraph (1)(2) of this section).

(F) *PSQ information.* For halibut, enter the species code and the weight to the nearest 0.001 mt. For salmon or crab, enter the species code and the number of animals.

(1) Enter PSQ species delivered and discarded from processor by species code and weight or numbers.

(2) Enter at-sea discards of PSQ for vessels without observers by species code and weight or numbers.

(2) *CDQ catch report*—(i) *Who must submit a CDQ catch report?* The CDQ representative must submit a CDQ catch report for all groundfish catch made by vessels groundfish CDQ fishing as defined at §679.2 or for any groundfish harvested by vessels greater than or equal to 60 ft (18.3 m) LOA while halibut CDQ fishing and delivered to a shoreside processor, to a stationary floating processor, or to a mothership.

(ii) *Time limit and submittal.* Submit to the Regional Administrator a CDQ catch report:

(A) Within 7 days of the date CDQ catch was delivered by a catcher vessel to a shoreside processor, stationary floating processor, or mothership.

(B) Within 7 days of the date gear used to catch CDQ was retrieved by a catcher/processor.

(iii) *Information required, all CDQ catch reports.* Record whether an original or revised report and the following information on each CDQ catch report:

(A) *Vessel type.* Indicate one appropriate vessel/gear/delivery type.

(B) *Vessel catch information*— (1) Enter the name, Federal fisheries permit number if applicable, and ADF&G vessel registration number of the vessel delivering CDQ catch. Write “unnamed” if the vessel has no name.

(2) *Reporting area.* Enter reporting area in which CDQ catch occurred. If a set occurs in more than one area, record the area code where gear retrieval was completed.

(3) *Gear type.* Circle gear type used to harvest CDQ catch. If caught with trawl gear, check appropriate box(es) to indicate if catch was made in the CVOA or the COBLZ.

(4) Indicate the intended target species.

(C) *CDQ group information.* Enter CDQ number as defined at §679.2, CDQ group name or acronym, and date report submitted to NMFS.

(iv) *Catch and delivery Information: catcher vessels retaining all groundfish CDQ and delivering to shoreside processors or stationary floating processors (Option 1 in the CDP).*

Record the following information on each applicable CDQ catch report:

(A) *Delivery information.* Name and Federal processor permit number of the shoreside processor or the stationary floating processor taking delivery of the CDQ catch; date catch delivered to

processor; and date fishing began on this trip.

(B) *Catch information, groundfish CDQ species.* Report the weight in metric tons to at least the nearest 0.001 mt for each groundfish CDQ species retrieved by a catcher/processor or delivered to a processor as defined in paragraph (n)(1)(i) of this section by product code and species code as defined in Tables 1 and 2 to this part, respectively.

(C) *Catch information, halibut CDQ, halibut IFQ and sablefish IFQ.* For non-trawl vessels only, enter the product code as defined in Table 1 to this part and product weight in metric tons to at least the nearest 0.001 mt for any halibut CDQ, halibut IFQ, and sablefish IFQ in the CDQ delivery. Submit this same information to the Regional Administrator on an IFQ landing report (see §679.5(1)(2)).

(D) *Mortality information, salmon and crab PSQ.* For salmon or crab, enter the species code, as defined in Table 2 to this part, and the number of animals.

(E) *Mortality information, halibut PSQ.* For halibut PSQ catch, enter the round weight to the nearest 0.001 mt, mortality rate, and overall halibut mortality in metric tons to the nearest 0.001 mt. Use the target fishery designations and halibut bycatch mortality rates in the annual final specifications published in the Federal Register under §679.20(c).

(v) *Catch and delivery information: catcher/processers, catcher vessels delivering unsorted codends to motherships, or catcher vessels (with observers) using nontrawl gear and discarding groundfish CDQ at sea (Option 2 in the CDP).* Record the following information on each applicable CDQ catch report.

(A) *Delivery information. (1)* If a catcher vessel (with observers) using nontrawl gear, discarding groundfish CDQ at sea, and delivering to a shoreside processor or stationary floating processor, enter name and Federal processor permit number of the shoreside processor or the stationary floating processor, date catch delivered, and date fishing began on this trip.

(2) If a catcher vessel delivering unsorted codends to a mothership, enter the mothership name and Federal fisheries permit number, observer's haul number for this catch, and date codend is completely onboard the mothership as determined by the Level 2 observer.

(3) If a catcher/processor, the observer's haul number for this catch, and the date on which the gear was retrieved as determined by the Level 2 observer.

(B) *Catch information, groundfish CDQ species.* (See paragraph (n)(2)(iv)(B) of this section).

(C) *Catch information, halibut IFQ/CDQ and sablefish IFQ* (See paragraph (n)(2)(iv)(C) of this section).

(D) *Mortality information, salmon and crab prohibited species.* (See paragraph (n)(2)(iv)(D) of this section).

(E) *Mortality information, halibut PSQ.* (See §679.5(n)(2)(iv)(E) of this section).



Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart C—Western Alaska Community Development Quota Program

§ 679.30 General CDQ regulations.

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

(1) *Community development information.* Community development information includes:

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

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

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

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

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

(2) *Managing organization information.* A proposed CDP must include the following information about the managing organization:

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

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

(iii) *Legal relationship.* Documentation of the legal relationship between the qualified applicant and the managing organization (if the managing organization is different from the qualified applicant) clearly describing the responsibilities and obligations of each party as demonstrated through a contract or other legally binding agreement.

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

(3) *Business information.* A proposed CDP must include the following business information:

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

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

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

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

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

(vi) *Organizational chart.* A visual representation of the qualified applicant's entire organizational structure, including all divisions, subsidiaries, joint ventures, and partnerships.

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

(4) *Request for CDQ and PSQ allocations.* A list of the percentage of each CDQ reserve and PSQ reserve, as described at §679.31 that is being requested. The request for allocations of CDQ and PSQ must identify percentage allocations requested for CDQ fisheries identified by the primary target species of the fishery as defined by the qualified applicant and the gear types of the vessels that will be used to harvest the catch.

(5) *Fishing plan for groundfish and halibut CDQ fisheries.* The following information must be provided for all vessels that will be groundfish CDQ fishing, all vessels equal to or greater than 60 ft (18.3 m) LOA that will be halibut CDQ fishing, and for all shoreside processors that will take delivery of groundfish CDQ species from these vessels.

(i) *List of eligible vessels and processors—(A) Vessels—(1) Information required for all vessels.* A list of the name, Federal fisheries permit number (if applicable), ADF&G vessel number, LOA, gear type, and vessel type (catcher vessel, catcher/processor, or mothership). For each vessel, report only the gear types and vessel types that will be used while CDQ fishing. Any CDQ vessel that is exempt from license limitation requirements under §679.4(k)(2)(iv) of this part must be identified as such.

(2) *Information required for observed vessels using trawl or hook-and-line gear and motherships taking deliveries from these vessels.* For each catcher/processor and catcher vessel 60 ft (18.29 m) LOA or greater using trawl or hook-and-line gear and not delivering unsorted codends, or for each mothership, the CDP must include the following information that will be used by NMFS to determine whether sufficient observer coverage is provided to sample each CDQ haul, set, or delivery. Provide the information for groundfish CDQ fishing as defined under §679.2 and provide separate information by management area or fishery if information differs among management areas or fisheries.

(i) Number of level 2 observers that will be aboard the vessel. For catcher/processors using hook-and-line gear proposing to carry only one level 2 observer, the CDP must include vessel logbook or observer data that demonstrates that one level 2 observer can sample each set for species composition in one 12-hour shift per fishing day.

(ii) Average and maximum number of hauls or sets that will be retrieved on any given fishing day while groundfish CDQ fishing.

(iii) For vessels using trawl gear, the average and maximum total catch weight for any given haul while groundfish CDQ fishing.

(iv) For vessels using trawl gear, the number of hours necessary to process the average and maximum haul size while groundfish CDQ fishing.

(v) For vessels using hook-and-line gear, the average number of hooks in each set and estimated time it will take to retrieve each set while groundfish CDQ fishing.

(vi) Whether any halibut CDQ will be harvested by vessels groundfish CDQ fishing.

(B) *Shoreside processors or stationary floating processors.* A list of the name, Federal processor permit number, and location of each shoreside processor or stationary floating processor that is required to have a Federal processor permit under §679.4(f) and will take deliveries of, or process, groundfish CDQ catch from any vessel groundfish CDQ fishing or from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing.

(ii) *Sources of data or methods for estimating CDQ and PSQ catch.* The sources of data or methods that will be used to determine catch weight of CDQ and PSQ for each vessel or processor proposed as eligible under the CDP. For each vessel or processor, the CDP must specify whether the NMFS' standard sources of data set forth at §679.32(d)(2) or some other alternative will be used. For catcher vessels using nontrawl gear, the CDP must also specify whether the vessel will be retaining all groundfish CDQ catch (Option 1) or will be discarding some groundfish CDQ catch at sea (Option 2). The qualified applicant may propose the use of an alternative method such as the sorting and weighing of all catch by species on processor vessels or using larger sample sizes than could be collected by one observer. NMFS will review the proposal and approve it or notify the qualified applicant in writing if the proposed alternative does not meet these requirements. The qualified applicant may remove the vessel or processor for which the alternative method is proposed from the proposed CDP to facilitate approval of the CDP and add the vessel or processor to the approved CDP by substantial amendment at a later date. Alternatives to the requirement for a certified scale or an observer sampling station may not be proposed. NMFS will review the alternative proposal to determine if it meets all of the following requirements:

(A) The alternative proposed must provide equivalent or better estimates than use of the NMFS standard data source would provide and the estimates must be independently verifiable;

(B) Each haul or set on an observed vessel must be able to be sampled by an observer for species composition;

(C) Any proposal to sort catch before it is weighed must assure that the sorting and weighing process will be monitored by an observer; and

(D) The time required for the level 2 observer to complete sampling, data recording, and data

communication duties shall not exceed 12 hours in each 24-hour period and the CDQ observer is required to sample no more than 9 hours in each 24-hour period.

(iii) *Amendments to the list of eligible vessels and processors.* The list of eligible vessels and processors may be amended by submitting the information required in paragraphs (a)(5)(i) and (ii) of this section as an amendment to the approved CDP. A technical amendment may be used to remove any vessel from a CDP, to add any vessel to a CDP if the CDQ group will use NMFS' standard sources of data to determine CDQ and PSQ catch for the vessel, or to add any vessel to a CDP for which an alternative method of determining CDQ and PSQ catch has been approved by NMFS under an approved CDP for another CDQ group. A substantial amendment must be used to add a vessel to an approved CDP if the CDQ group submits a proposed alternative method of determining CDQ and PSQ catch for NMFS review.

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

(ii) *Post-allocation plan.* [Reserved]

(b) *Public hearings on CDQ application.* When the CDQ application period has ended, the State must hold a public hearing to obtain comments on the proposed CDPs from all interested persons. The hearing must cover the substance and content of proposed CDPs so that the general public, particularly the affected parties, have a reasonable opportunity to understand the impact of the proposed CDPs. The State must provide reasonable public notification of hearing date and location. At the time of public notification of the hearing, the State must make available for public review all State materials pertinent to the hearing.

(c) *Council consultation.* Before the State sends its recommendations for approval of proposed CDPs to NMFS, the State must consult with the Council and make available, upon request, the proposed CDPs that are not part of the State's recommendations.

(d) *Review and approval of proposed CDPs.* The State must transmit the proposed CDPs and its recommendations for approval of each of the proposed CDPs to NMFS, along with the findings and the rationale for the recommendations, by October 15 of the year prior to the first year of the proposed CDP, except in 1998, when CDPs for the 1998 through 2000 multispecies groundfish CDQs must be submitted by July 6, 1998. The State shall determine in its recommendations for approval of the proposed CDPs that each proposed CDP meets all applicable requirements of this part. Upon receipt by NMFS of the proposed CDPs and the State's recommendations for approval, NMFS will review the proposed CDPs and approve those that it determines meet all

applicable requirements. NMFS shall approve or disapprove the State's recommendations within 45 days of their receipt. In the event of approval of the CDP, NMFS will notify the State in writing that the proposed CDP is approved by NMFS and is consistent with all requirements for CDPs. If NMFS finds that a proposed CDP does not comply with the requirements of this part, NMFS must so advise the State in writing, including the reasons thereof. The State may submit a revised proposed CDP along with revised recommendations for approval to NMFS.

(e) *Transfer.* CDQ groups may request that NMFS transfer CDQ allocations, CDQ, PSQ allocations, or PSQ from one group to another by each group filing an appropriate amendment to its CDP. Transfers of CDQ and PSQ allocations must be in whole integer percentages, and transfers of CDQ and PSQ must be in whole integer amounts. If NMFS approves both amendments, NMFS will make the requested transfer(s) by decreasing the account balance of the CDQ group from which the CDQ or PSQ species is transferred by the amount transferred and by increasing the account balance of the CDQ group receiving the transferred CDQ or PSQ species by the amount transferred. NMFS will not approve transfers to cover overages of CDQ or PSQ.

(1) *CDQ allocation.* CDQ groups may request that NMFS transfer any or all of one group's CDQ allocation to another by each group filing an amendment to its CDP through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. The CDQ allocation will be transferred as of January 1 of the calendar year following the calendar year NMFS approves the amendments of both groups and is effective for the duration of the CDPs.

(2) *CDQ.* CDQ groups may request that NMFS transfer any or all of one group's CDQ for a calendar year to another by each group filing an appropriate amendment to its CDP. If the amount to be transferred is 10 percent or less of a group's initial CDQ amount for that year, that group's request may be made through the CDP technical amendment process set forth at paragraph (g)(5) of this section. If the amount to be transferred is greater than 10 percent of a group's initial CDQ amount for the year, that group's request must be made through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. The CDQ will be transferred as of the date NMFS approves the amendments of both groups and is effective only for the remainder of the calendar year in which the transfer occurs.

(3) *PSQ allocation.* CDQ groups may request that NMFS transfer any or all of one group's PSQ allocation to another CDQ group through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. Each group's request must be part of a request for the transfer of a CDQ allocation, and the requested amount of PSQ allocation must be the amount reasonably required for bycatch needs during the harvesting of the CDQ. Requests for the transfer of a PSQ allocation may be submitted to NMFS from January 1 through January 31. Requests for transfers

of a PSQ allocation will not be accepted by NMFS at other times of the year. The PSQ allocation will be transferred as of January 1 of the calendar year following the calendar year NMFS approves the amendments of both groups and is effective for the duration of the CDPs.

(4) *PSQ*. CDQ groups may request that NMFS transfer any or all of one group's PSQ for one calendar year to another by each group filing an amendment to its CDP through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. Each group's request must be part of a request for the transfer of CDQ, and the requested amount of PSQ must be the amount reasonably required for bycatch needs during the harvesting of the CDQ. Requests for the transfer of PSQ may be submitted to NMFS from January 1 through January 31. Requests for transfers of PSQ will not be accepted by NMFS at other times of the year. The PSQ will be transferred as of the date NMFS approves the amendments of both groups and is effective only for the remainder of the calendar year in which the transfer occurs.

(f) *CDQ group responsibilities*. A CDQ group's responsibilities include, but are not limited to, the following:

- (1) Direct and supervise all activities of the managing organization;
- (2) Maintain the capability to communicate with all vessels harvesting its CDQ and PSQ at all times;
- (3) Monitor the catch of each CDQ or PSQ;
- (4) Submit the CDQ catch report described at §679.5(n)(2);
- (5) Ensure that no CDQ, halibut PSQ, or crab PSQ is exceeded;
- (6) Ensure that the CDQ group's CDQ harvesting vessels and CDQ processors will:
  - (i) Provide observer coverage, equipment, and operational requirements for CDQ catch monitoring;
  - (ii) Provide for the communication of observer data from their vessels to NMFS and the CDQ representative;
  - (iii) Maintain contact with the CDQ group for which it is harvesting CDQ and PSQ;
  - (iv) Cease fishing operations when requested by the CDQ group; and
  - (v) Comply with all requirements of this part while harvesting or processing CDQ species.
- (7) Comply with all requirements of this part.

(g) *Monitoring of CDPs—(1) Annual progress report*. (i) The State must submit to NMFS, by October 31 of each year, an annual progress report for the previous calendar year for each CDP.

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

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

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

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

(iii) An annual budget report is approved upon receipt by NMFS, unless disapproved by NMFS in writing by December 31. If disapproved, the annual budget report will be returned to the CDQ group for revision and resubmittal to NMFS.

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

(4) *Substantial amendments.* A CDP is a working business plan and must be kept up to date.

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

(ii) NMFS will notify the State in writing of the approval or disapproval of the amendment within 30 days of receipt of both the amendment and the State's recommendation. Except for substantial amendments for the transfer of CDQ and PSQ, which are effective only for the remainder of the calendar year in which the transfer occurs (see paragraphs (e)(2) and (4) of this section), once a substantial amendment is approved by NMFS, the amendment will be effective for the duration of the CDP.

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



approved.

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

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

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

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

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

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

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

(G) Any transfer of a CDQ allocation, PSQ allocation, PSQ, or a transfer of more than 10 percent of a CDQ.

(H) The addition of a vessel to a CDP if the CDQ group submits a proposed alternative method of determining CDQ and PSQ catch under paragraph (a)(5)(ii) of this section for NMFS review.

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

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

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

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

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

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

(F) A description of how the proposed amendment meets the requirements of this subpart. Only

those CDQ regulations that are affected by the proposed amendment need to be discussed.

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

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

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

(h) *Suspension or termination of a CDP.* An annual progress report, required under paragraph (g)(1) of this section, will be used by the State to review each CDP to determine whether the CDP, CDQ, and PSQ allocations thereunder should be continued, decreased, partially suspended, suspended, or terminated under the following circumstances:

(1) If the State determines that the CDP will successfully meet its goals and objectives, the CDP may continue without any Secretarial action.

(2) If the State recommends to NMFS that an allocation be decreased, the State's recommendation for decrease will be deemed approved if NMFS does not notify the State in writing within 30 days of receipt of the State's recommendation.

(3) If the State determines that a CDP has not successfully met its goals and objectives or appears unlikely to become successful, the State may submit a recommendation to NMFS that the CDP be partially suspended, suspended, or terminated. The State must set out, in writing, the reasons for recommending suspension or termination of the CDP.

(4) After review of the State's recommendation and reasons thereof, NMFS will notify the Governor, in writing, of approval or disapproval of the recommendation within 30 days of its receipt. In the case of suspension or termination, NMFS will publish notification in the Federal Register, with reasons thereof.

#### **§ 679.31 CDQ reserves.**

Portions of the CDQ and PSQ reserves for each subarea or district may be allocated for the exclusive use of CDQ groups in accordance with CDPs approved by the Governor in

consultation with the Council and approved by NMFS. NMFS will allocate no more than 33 percent of each CDQ reserve to any one group with an approved CDP.

(a) *Pollock CDQ reserve*—(1) *Bering Sea*. In the annual harvest specifications required by §679.20(c), 10 percent of the Bering Sea subarea pollock TAC will be allocated to a CDQ reserve.

(2) *Aleutian Islands Subarea and Bogoslof District*. In the annual harvest specifications required by §679.20(c), 10 percent of the Aleutian Islands subarea and Bogoslof District pollock TAC will be allocated to a CDQ reserve unless the Aleutian Islands subarea and/or Bogoslof District is closed to directed fishing for pollock by regulation. If the Aleutian Islands subarea and/or Bogoslof District is closed to directed fishing for pollock by regulation, then no pollock CDQ reserve will be established for those areas and incidental harvest of pollock by CDQ groups will accrue against the incidental catch allowance for pollock established under §679.20(a)(5)(i)(A)(1).

(b) *Halibut CDQ reserve*. (1) NMFS will annually withhold from IFQ allocation the proportions of the halibut catch limit that are specified in paragraph (b) of this section for use as a CDQ reserve.

(2) Portions of the CDQ for each specified IPHC regulatory area may be allocated for the exclusive use of an eligible Western Alaska community or group of communities in accordance with a CDP approved by the Governor in consultation with the Council and approved by NMFS.

(3) The proportions of the halibut catch limit annually withheld for the halibut CDQ program, exclusive of issued QS, and the eligible communities for which they shall be made available are as follows for each IPHC regulatory area (see Figure 15 to this part):

(i) *Area 4B*. In IPHC regulatory area 4B, 20 percent of the annual halibut quota shall be made available to eligible communities physically located in, or proximate to, this regulatory area.

(ii) *Area 4C*. In IPHC regulatory area 4C, 50 percent of the halibut quota shall be made available to eligible communities physically located in IPHC regulatory area 4C.

(iii) *Area 4D*. In IPHC regulatory area 4D, 30 percent of the annual halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory areas 4D and 4E.

(iv) *Area 4E*. In IPHC regulatory area 4E, 100 percent of the halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory area 4E. A fishing trip limit of 10,000 lb (4.54 mt) applies to halibut CDQ harvested in IPHC regulatory area 4E through September 1.

(4) For the purposes of this section, “proximate to” an IPHC regulatory area means within 10 nm

from the point where the boundary of the IPHC regulatory area intersects land.

(c) *Groundfish CDQ reserves.* (See §679.20(b)(1)(iii))

(d) *Crab CDQ reserves.* For those king and Tanner crab species in the Bering Sea and Aleutian Islands Area that have a guideline harvest level specified by the State of Alaska, 7.5 percent of the annual guideline harvest level for each fishery is apportioned to a crab CDQ reserve.

(e) *PSQ reserve.* (See §679.21(e)(1)(i) and (e)(2)(ii)).

(f) *Management of the Groundfish CDQ Reserves—(1) Groundfish CDQ reserves allocated among CDQ groups.* (i) Except as limited by paragraph (f)(2) of this section, the groundfish CDQ reserves are apportioned among CDQ groups using percentage allocations approved by NMFS under §679.30(d).

(ii) If the groundfish harvest specifications required by §679.20(c) change the species comprising a TAC category or change a TAC category by combining or splitting management areas, then the CDQ percentage allocations approved by NMFS for the original TAC category will apply to any new categories.

(iii) A CDQ group is prohibited by §679.7(d)(5) from exceeding an annual groundfish CDQ amount allocated to it.

(iv) NMFS may specify limitations or prohibitions to prevent overfishing of any BSAI groundfish species, including measures specific to groundfish CDQ species allocated among CDQ groups (see §679.20(d)(3)).

(2) *Groundfish CDQ reserves not allocated among CDQ groups.* (i) The “other species” CDQ reserve, or individual species that comprise the “other species” CDQ reserve, will not be allocated among CDQ groups.

(ii) Groundfish CDQ reserves not allocated among CDQ groups will be managed at the CDQ reserve level under general limitations at §679.20(d).

(g) Non-specific CDQ reserve (applicable through December 31, 2002). Annually, NMFS will apportion 50 percent of the arrowtooth flounder CDQ and 15 percent of the “other species” CDQ for each CDQ group to a non-specific CDQ reserve. A CDQ group's non-specific CDQ reserve must be for the exclusive use of that CDQ group. A release from the non-specific reserve to the CDQ group's arrowtooth flounder or “other species” CDQ is a technical amendment to a community development plan as described in §679.30(g)(5). The technical amendment must be approved before harvests relying on CDQ transferred from the non-specific CDQ reserve may be conducted.

**§ 679.32 Groundfish and halibut CDQ catch monitoring.**

(a) *Applicability.* The CDQ group, the operator of a vessel groundfish CDQ fishing as defined at §679.2, the operator of a catcher/processor halibut CDQ fishing as defined at §679.2, the operator of a catcher vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing, the operator of a mothership taking deliveries from these vessels, and the manager of a shoreside processor taking deliveries from these vessels must comply with the requirements of paragraphs (b) through (d) of this section for all groundfish CDQ and PSQ. For the catch of halibut CDQ or for vessels halibut CDQ fishing, the CDQ group, the operator of the vessel, the shoreside processor, and the registered buyer must comply with the requirements of paragraph (f) of this section. In addition, the CDQ group is responsible for ensuring that vessels and processors listed as eligible on the CDQ group's approved CDP comply with all requirements of this section while harvesting or processing CDQ species.

(b) *PSQ catch.* Time and area closures required once a CDQ group has reached its salmon PSQ or crab PSQ are listed in §679.7(d)(7) through (10). The catch of salmon or crab by vessels using other than trawl gear does not accrue to the PSQ for these species. The discard of halibut by vessels using pot or jig gear will not accrue to the halibut PSQ if this bycatch has been exempted from the halibut PSC limit under §679.21(e)(5) in the annual specifications published in the Federal Register.

(c) *Requirements for vessels and processors.* In addition to complying with the minimum observer coverage requirements at §679.50(c)(4), operators of vessels groundfish CDQ fishing and managers of shoreside processors or stationary floating processors taking deliveries from vessels groundfish CDQ fishing must comply with the following requirements:

(1) *Catcher vessels without an observer.* (i) Operators of catcher vessels less than 60 ft (18.3 m) LOA must retain all groundfish CDQ species, halibut CDQ, and salmon PSQ until they are delivered to a processor that meets the requirements of paragraph (c)(3) or (c)(4) of this section, unless retention of groundfish CDQ species is not authorized under §679.4, discard of the groundfish CDQ species is required under subpart B of this part, or, in waters within the State of Alaska, discard is required by the State of Alaska.

(ii) *Catcher vessels delivering unsorted codends.* Operators of catcher vessels delivering unsorted codends to motherships must retain all CDQ and PSQ species and deliver them to a mothership that meets the requirements of paragraph (c)(4) of this section.

(2) *Catcher vessels with observers.* Operators of catcher vessels equal to or greater than 60 ft (18.29 m) LOA must comply with the following requirements:

(i) *If using trawl gear, the vessel operator must:*

(A) Retain all CDQ species and salmon PSQ until they are delivered to a processor that meets the requirements of paragraph (c)(3) or (c)(4) of this section unless retention of groundfish CDQ species is not authorized under §679.4 of this part, discard of the groundfish CDQ species is required under subpart B of this part, or, in waters within the State of Alaska, discard is required by laws of the State of Alaska;

(B) Retain all halibut and crab PSQ in a bin or other location until it is counted and sampled by a level 2 observer; and

(C) Provide space on the deck of the vessel for the level 2 observer to sort and store catch samples and a place from which to hang the observer sampling scale.

(ii) *If using nontrawl gear, the vessel operator must either:*

(A) *Option 1: Retain all CDQ species.* Retain all CDQ species until they are delivered to a processor that meets the requirements of paragraph (c)(3) or (c)(4) of this section unless retention of groundfish CDQ species is not authorized under §679.4 of this part, discard of the groundfish CDQ or PSQ species is required under subpart B of this part, or, in waters within the State of Alaska, discard is required by laws of the State of Alaska. Have all of the halibut PSQ counted by the level 2 observer and sampled for length or average weight; or

(B) *Option 2: Discard some CDQ species at sea.* May discard some CDQ species at sea if the following requirements are met:

(1) *Observer sampling station.* The vessel owner provides an observer sampling station that complies with §679.28(d) so that the level 2 observer can accurately determine the average weight of discarded CDQ species. A valid observer sampling station inspection report described at §679.28(d)(8) must be on board the vessel at all times when a sampling station is required; and

(2) *Species composition.* Each CDQ set on vessels using hook-and-line gear is sampled for species composition by a level 2 observer.

(3) *Shoreside processors and stationary floating processors.* The manager of a shoreside processor or stationary floating processor must comply with all of the following requirements:

(i) *Prior notice to observer of offloading schedule.* Notify the level 2 observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading to provide the level 2 observer an opportunity to monitor the sorting and weighing of the entire delivery.

(ii) *CDQ and PSQ by weight.* Sort and weigh on a scale approved by the State of Alaska under §679.28(c) all groundfish and halibut CDQ or PSQ by species or species group.

(iii) *PSQ by number.* Sort and count all salmon and crab PSQ.

(iv) *CDQ and PSQ sorting and weighing.* Sorting and weighing of CDQ and PSQ must be monitored by a level 2 observer.

(v) *CDQ delivery report.* Submit a CDQ delivery report described at §679.5(n)(1) for each delivery of groundfish CDQ.

(vi) *AFA inshore processors.* Take deliveries from a vessel engaged in directed fishing for pollock CDQ without following an approved CMCP as described at §679.28(g).

(4) *Catcher/processors and motherships.* The operator of a catcher/processor or a mothership taking deliveries of unsorted codends from catcher vessels must comply with the following requirements:

(i) *Prior notice to observer of CDQ catch.* Notify the level 2 observer(s) before CDQ catch is brought onboard the vessel and notify the level 2 observer(s) of the CDQ group and CDQ number associated with the CDQ catch.

(ii) *Observer sampling station.* Provide an observer sampling station as described at §679.28(d). A valid observer sampling station inspection report described at §679.28(d)(8) must be on board the vessel at all times when a sampling station is required.

(iii) Obtain the data entry software provided by the Regional Administrator (“ATLAS software”) for use by the observer and ensure that observer data can be transmitted from the vessel to NMFS at any time while the vessel is receiving, catching or processing CDQ species.

(iv) *Catcher/processors using trawl gear and motherships.* The operator of a catcher/processor using trawl gear or of a mothership taking deliveries of unsorted codends from catcher vessels must weigh all catch on a scale that complies with the requirements of §679.28(b). A valid scale inspection report described at §679.28(b)(2) must be on board the vessel at all times when a scale is required. Catch from each CDQ haul must be weighed separately. Catch must not be sorted before it is weighed, unless a provision for doing so is approved by NMFS for the vessel in the CDP. Each CDQ haul must be sampled by a level 2 observer for species composition and the vessel operator must allow level 2 observers to use any scale approved by NMFS to weigh partial CDQ haul samples.

(v) *Catcher/processors using nontrawl gear.* Each CDQ set on a vessel using hook-and-line gear must be sampled by a level 2 observer for species composition and average weight.

(d) *Recordkeeping and reporting—(1) Catch record.* The manager of a shoreside processor or stationary floating processor must submit to NMFS the CDQ delivery report required in §679.5(n)(1). The CDQ representative must submit to NMFS the CDQ catch report required in §679.5(n)(2). Additionally, all other applicable requirements in §679.5 for groundfish fishing

must be met.

(2) *Verification of CDQ and PSQ catch reports.* CDQ groups may specify the sources of data listed below as the sources they will use to determine CDQ and PSQ catch on the CDQ catch report by specifying “NMFS standard sources of data” in their CDP. In the case of a catcher vessel using nontrawl gear, the CDP must specify whether the vessel will be retaining all groundfish CDQ (Option 1) or discarding some groundfish CDQ species at sea (Option 2). CDQ species may be discarded at sea by these vessels only if the requirements of paragraph (c)(2)(ii)(B) of this section are met. NMFS will use the following sources to verify the CDQ catch reports, unless an alternative catch estimation procedure in the CDP is approved by NMFS under §679.30(a)(5)(ii).

(i) *Catcher vessels less than 60 ft (18.29 m) LOA.* The weight or numbers of all CDQ and PSQ species will be the same as the information on the CDQ delivery report if all CDQ species and salmon PSQ are retained on board the vessel, delivered to a shoreside processor listed as eligible in the CDP, and sorted and weighed in compliance with paragraph (c)(3) of this section.

(ii) *Catcher vessels delivering unsorted codends.* The weight and numbers of CDQ and PSQ species will be determined by applying the species composition sampling data collected for each CDQ haul by the level 2 observer on the mothership to the total weight of each CDQ haul as determined by weighing all catch from each CDQ haul on a scale approved under §679.28(b).

(iii) *Observed catcher vessels using trawl gear.* The weight of halibut and numbers of crab PSQ discarded at sea will be determined by using the level 2 observer's sample data. The weight or numbers of all groundfish CDQ and salmon PSQ will be the same as the information submitted on the CDQ delivery report if all CDQ species and salmon PSQ are retained on board the vessel until delivered to a processor listed as eligible in the CDP, and sorted and weighed in compliance with paragraph (c)(3) of this section.

(iv) *Observed catcher vessels using nontrawl gear—(A) Option 1.* The weight of halibut PSQ discarded at sea will be determined by using the level 2 observer's sample data. The weight of all groundfish CDQ will be the same as the information submitted on the CDQ delivery report if all CDQ species are retained on board the vessel until delivered to a processor, and sorted and weighed in compliance with paragraph (c)(3) of this section (Option 1); or

(B) *Option 2.* The weight of halibut PSQ and all groundfish CDQ species will be determined by applying the level 2 observer's species composition sampling data to the estimate of total catch weight if any CDQ species are discarded at sea.

(v) *Catcher/processors using trawl gear.* The weight and numbers of CDQ and PSQ species will be determined by applying the level 2 observer's species composition sampling data for each



CDQ haul to the total weight of the CDQ haul as determined by weighing all catch from each CDQ haul on a scale certified under §679.28(b).

(vi) *Catcher/processors using nontrawl gear.* The weight of halibut PSQ and all groundfish CDQ species will be determined by applying the level 2 observer's species composition sampling data to the estimate of total catch weight, if any CDQ species are discarded at sea.

(e) [Reserved]

(f) *Halibut CDQ—(1) Applicability.* The CDQ group, the operator of the vessel, the manager of a shoreside processor or stationary floating processor, and the Registered Buyer must comply with the catch monitoring requirements of this paragraph (f) and with the R&R requirements of §679.4(e) for the catch of CDQ halibut or while CDQ halibut fishing.

(2) *Accounting for catch of groundfish CDQ while halibut CDQ fishing.* The manager of a shoreside processor or stationary floating processor must report on a CDQ delivery report described at §679.5(n)(1), all groundfish CDQ delivered by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ delivered by vessels of any size while halibut CDQ fishing. The CDQ group must report on a CDQ catch report described at §679.5(n)(2), all groundfish CDQ caught by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ retained by vessels of any size while halibut CDQ fishing. This groundfish CDQ will accrue to the CDQ group's groundfish CDQ allocations. The manager of a shoreside processor or stationary floating processor and the CDQ group are not required to report on the CDQ delivery report, groundfish, except sablefish CDQ, that is caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing, and this catch (except sablefish CDQ) will not accrue against the CDQ group's groundfish CDQ allocations.

(3) *Groundfish CDQ retention requirements.* Operators of vessels less than 60 ft (18.3 m) LOA are not required to retain and deliver groundfish CDQ species while halibut CDQ fishing, unless required to do so elsewhere in this part. Operators of vessels equal to or greater than 60 ft (18.3 m) LOA are required to comply with all groundfish CDQ and PSQ catch accounting requirements in paragraphs (b) through (d) of this section, including the retention of all groundfish CDQ, if option 1 under §679.32(c)(2)(ii) is selected in the CDP. CDQ species must be discarded when required by other provisions in subpart B of this part or, in waters within the State of Alaska, when discard is required by laws of the State of Alaska.

(4) *Observer coverage requirements.* The owner or operator of a vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing as defined at §679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at §679.50(c)(4) and (d)(4).

(5) *Seabird avoidance requirements.* The CDQ group, and vessel owner or operator must comply with all of the seabird avoidance requirements at §679.42(b)(2).

are satisfied with products and services received and to solicit suggestions for improvements.

## II. Method of Collection

Various methods are used, but the primary method is either a paper or electronic form.

## III. Data

*OMB Number:* 0648-0342.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals and households, Business and other for-profit organizations, Not-for-profit institutions, and State, Local, or Tribal government.

*Estimated Number of Respondents:* 70,000.

*Estimated Time Per Response:* Response times vary with the specific survey, but average 15 minutes or less.

*Estimated Total Annual Burden Hours:* 8,000.

*Estimated Total Annual Cost to Public:* \$10,000.

## 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: June 4, 2004.

### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-13199 Filed 6-10-04; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060704D]

#### Proposed Information Collection; Comment Request; Western Alaska Community Development Quota Program

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before August 13, 2004.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Carls, 907-586-7322 or [becky.carls@noaa.gov](mailto:becky.carls@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Western Alaska Community Development Quota (CDQ) Program allocates a portion of the quota for certain species in the Bering Sea and Aleutian Islands Management Area, in the Exclusive Economic Zone off the coast of Alaska to Western Alaska communities. So that the communities can start and support regionally-based commercial seafood or other fisheries-related businesses. NOAA Fisheries, Alaska Region needs to collect information to administer and manage the program. The information collected will be used to determine whether communities applying for allocations under the CDQ Program meet regulatory requirements, whether vessels and processors utilizing CDQ species meet operational requirements, and to monitor whether quotas have been harvested or exceeded.

## II. Method of Collection

Community Development Plans (CDPs) are paper submissions. Substantial and technical amendments to the CDPs may be submitted by FAX or as paper submissions. The annual progress, budget, and budget reconciliation reports are paper submissions. CDQ Delivery Reports and CDQ Catch Reports are submitted by FAX or other electronic means. Observers are given their prior notice verbally.

## III. Data

*OMB Number:* 0648-0269.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions and Business or other for-profits organizations.

*Estimated Number of Respondents:* 85.

*Estimated Time Per Response:* Proposed CDP, 520 hours; substantial amendment, 8 hours; technical amendment, 4 hours; annual progress report, 40 hours; annual budget report, 20 hr; annual budget reconciliation report, 8 hours; CDQ delivery report, 1 hour; CDQ catch report, 15 minutes; prior notice of offloading, 2 minutes; and prior notice of haul or set, 2 minutes.

*Estimated Total Annual Burden Hours:* 3,746.

*Estimated Total Annual Cost to Public:* \$1,000.

## 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: June 4, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-13206 Filed 6-10-04; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 060704C]

**Proposed Information Collection; Comment Request; Assessing Stakeholder Attitudes and Concerns Toward Ecosystem Management**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before August 13, 2004.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Rita Curtis, Department of Commerce, NOAA, National Marine Fisheries Service, 1315 East West Highway, #12752, Silver Spring, MD 20910 (301-713-2328).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The objective of the survey will be to elicit the range of concerns regarding the use of ecosystem-based management measures, the types of goals and objectives that should be pursued (e.g., in developing guidelines), and overall attitudes and concerns regarding the use of ecosystem approaches in fisheries management. Given the increasing emphasis on ecosystem issues in the Councils and in impending legislation, the questionnaire survey is well timed to establish a baseline for outreach and

planning and as an approach that will potentially have applicability nationwide.

**II. Method of Collection**

The survey will be conducted as a mail survey.

**III. Data**

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; not-for-profit institutions; Federal Government; state, local or tribal government.

*Estimated Number of Respondents:* 10,000.

*Estimated Time Per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 3,333.

*Estimated Total Annual Cost to Public:* \$3,700.

**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: June 4, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-13207 Filed 6-10-04; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 060104B]

**Nominations for the Marine Fisheries Advisory Committee (MAFAC)**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA),

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of request for nominations.

**SUMMARY:** The Marine Fisheries Advisory Committee (the "Committee") is the only Federal Advisory Committee with the responsibility to advise the Secretary of Commerce (Secretary) on all matters concerning living marine resources that are the responsibility of the Department of Commerce. The Committee makes recommendations to the Secretary to assist in the development and implementation of Departmental regulations, policies and programs critical to the mission and goals of the National Marine Fisheries Service. The Committee is composed of leaders in the commercial, recreational, environmental, academic, state, tribal, and consumer interests from the nation's coastal regions. The Department of Commerce is seeking up to four highly qualified individuals knowledgeable about fisheries and living marine resources to serve on the Committee.

**DATES:** Nominations must be postmarked on or before July 15, 2004.

**ADDRESSES:** Nominations should be sent to MAFAC, Office of Constituent Services, NMFS, 1315 East-West Highway, 9538, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Laurel Bryant, Designated Federal Official; (301) 713-1276 x 171. E-mail: [Laurel.Bryant@noaa.gov](mailto:Laurel.Bryant@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The establishment of MAFAC was approved by the Secretary on December 28, 1970, and initially chartered under the Federal Advisory Committee Act, 5, U.S. C. App.2, on February 17, 1971. The Committee meets twice a year with supplementary subcommittee meetings as determined necessary by the Secretary. Individuals serve for a term of three years for no more than two consecutive terms if reappointed. No less than 15 and no more than 21 individuals may serve on the Committee. Membership is comprised of highly qualified individuals representing commercial and recreational fisheries interests, environmental organizations, academic institutions, governmental, tribal and consumer groups from a balance of geographical regions, including the Hawaiian and the Pacific Islands, and the U.S. Virgin Islands.

Nominations are encouraged from all interested parties involved with or representing interests affected by the Agency's actions in managing living