

**SUPPORTING STATEMENT
ALEUTIAN ISLANDS POLLOCK FISHERY REQUIREMENTS
OMB CONTROL NO. 0648-0513**

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) 16 U.S.C. 1801 *et seq.* authorizes the North Pacific Fishery Management Council to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service (NMFS), Alaska Region manages groundfish in the exclusive economic zone off the coast of Alaska under the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area. Amendment 82 to the FMP established a framework for the management of the Aleutian Islands subarea (AI) directed pollock fishery. The Aleutian Islands pollock fishery was allocated to the Aleut Corporation, Adak, Alaska, for the purpose of economic development in Adak, Alaska. The Aleut Corporation was incorporated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*, specifically 1606 and 1607). Harvesting vessels and processing entities are nominated by the Aleut Corporation to participate in the fishery and subsequently approved by NMFS. Regulations implementing the FMP appear at 50 CFR part 679.

This action renews this collection-of-information for participants in the AI pollock fishery.

A. JUSTIFICATION

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

The Consolidated Appropriations Act of 2004 requires the Aleut Corporation's selection of participants in the AI directed pollock fishery and limits participation to American Fisheries Act (Title II, Sec. 208) and Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105-277) qualified entities and vessels 60 feet (18.3 m) or less in length overall with certain endorsements.

Harvesting pollock and processing pollock taken in the AI directed pollock fishery is authorized only for those harvesters and processors that are selected by the Aleut Corporation and approved by the NMFS, Alaska Region.

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.

a. Annual AI Pollock Fishery Letter (list of participants).

Each year and at least 14 days before harvesting pollock in or processing pollock from the AI directed pollock fishery, a participant must be selected by the Aleut Corporation. The Aleut Corporation provides NMFS the identity of its designated representative, and this representative identifies to NMFS those vessels and processors which the Aleut Corporation has approved for

participation in the AI directed pollock fishery for the next fishing year. NMFS shall review the list of participants and either approve or disapprove each participant. NMFS shall provide to the Aleut Corporation the identity of each approved participant and the date upon which participation in the AI directed pollock fishery may commence. The Aleut Corporation shall forward to the approved participants a copy of NMFS' approval letter before harvesting or processing occurs.

A copy of NMFS' approval letter for participating in the AI directed pollock fishery during the fishing year must be on site at the shoreside processor or stationary floating processor (SFP), or onboard the vessel at all times and must be presented for inspection upon the request of any authorized officer.

The letter must contain the following information:

Annual AI Pollock Fishery Letter

- Vessel or processor name
- Federal fisheries permit number or Federal processor permit number
- AFA permit number
- Type of participant (e.g., catcher vessel, catcher/processor, shoreside processor, etc.)
- Alaska Department of Fish and Game (ADF&G) vessel registration number
- United States Coast Guard (USCG) documentation number
- Verification of Catch Monitoring Control Plan for shoreside and stationary floating processors
- Fishing year for which approval is requested.

Annual AI Pollock Fishery Participant Letter, Respondent	
Total respondents	1
Total annual responses	2
Number responses per respondent = 2	
Total burden hours (2 x 16 hr)	32 hr
Time per response = 16 hr	
(includes vessel tracking and records retention)	
Total personnel cost (\$25 x 32)	\$800
Total miscellaneous costs (1.84)	\$2
Mailing list to NMFS (2.0 x 0.42 = \$0.84)	
Photocopy cost (\$0.10 x 5 pages x 2 = \$1.00)	

Annual AI Pollock Fishery Participant Letter, Federal Government	
Total responses	2
Total burden hours	2 hr
Time per response = 1 hr	
Total personnel cost (\$25 x 2)	\$50
Total miscellaneous cost	0

b. Copy of NMFS Approval to Participants

The Aleut Corporation forwards to the approved participants a copy of NMFS' approval letter before harvesting or processing occurs. A copy of NMFS' approval letter for participating in the AI directed pollock fishery during the fishing year must be on site at the shoreside processor or stationary floating processor (SFP), or onboard the vessel at all times and must be presented for inspection upon the request of any authorized officer.

The numbers and types of participants for 2005 were 22 catcher vessels, 10 catcher/processors, 1 mothership, and 3 shoreside processors. For 2006, the numbers were 6 catcher vessels and 1 shoreside processor. For 2007, the numbers were 20 catcher vessels, 1 catcher/processor, and 1 shoreside processor. For 2008, the numbers were 6 catcher vessels and 1 shoreside processor. This analysis will use average numbers. The average numbers are: for catcher vessels $54/4$ yr = 13.5 or 14; for catcher/processors $11/4 = 2.75$ or 3; for shoreside processors $6/4 = 1.5$ or 2; for motherships $1/4 = 0.25$ or 1. The decreasing numbers of participants are due, in part, to unavailability of pollock to the fishermen.

Copy of NMFS Approval to Participants, Respondent	
Number of respondents	1
Total annual responses	20
Catcher vessels = 14	
Catcher/processors = 3	
Motherships = 1	
Shoreside processors = 2	
Total burden hours (1.6)	2 hr
Time per response (5 minutes / 60)	
Total personnel cost (2 x \$25)	\$50
Total miscellaneous cost (28.40)	\$28
Postage cost ($\$0.42 \times 20 = \8.40)	
Photocopy cost ($0.10 \times 5 \text{ pages} \times 20 = 10$)	
Envelope ($0.50 \times 20 = \$10$)	

Copy of NMFS Approval to Participants, Federal Government	
Total responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous cost	0

c. Appeals Process.

NMFS shall disapprove any participant that does not meet the conditions of the AI pollock fishery. NMFS will notify in writing the Aleut Corporation and the selected participant of the disapproval. The selected participant will have 30 days in which to submit proof of meeting the requirements to participate in the AI directed pollock fishery.

NMFS will prepare and send an initial administrative determinations (IAD) to the selected participant following the expiration of the 30-day evidentiary period if the Regional Administrator determines that the information or evidence provided by the selected participant: 1) fails to support the participant's claims and 2) is insufficient to rebut the presumption that the disapproval for participation in the AI directed pollock fishery is correct or 3) if the additional information or evidence is not provided within the time period specified in the letter that notifies the applicant of his or her 30-day evidentiary period.

The IAD will indicate the deficiencies in the information required, including the evidence submitted in support of the information. The IAD also will indicate which claims cannot be approved based on the available information or evidence. A participant who receives an IAD may appeal under the appeals procedures set out at 50 C.F.R. § 679.43. A participant who avails himself or herself of the opportunity to appeal an IAD will receive an interim approval from

NMFS authorizing participation in the AI directed pollock fishery. An interim approval based on claims contrary to the final determination will expire upon final agency determination.

Based on information received from a public comment that was submitted for this collection-of-information, this appeals process applies not only to formal denial of a vessel or processor to participate in the AI pollock fishery but also applies to every-day errors and omissions in information that are provided by participants when applying for participation and by “mismatch” of this information when compared with the NMFS database or the ADF&G database.

The IAD becomes in reality a notification of error. One scenario in which an appeal could occur is when there is a mismatch in the information in Aleut Corporation's selection letter and the NMFS files for a vessel (or processor). Another scenario which could occur would result from incomplete or inaccurate vessel information in the submission letter.

If the latter scenario occurred, NMFS would need to notify Aleut Corporation (AE) (Person A), who would need to contact the person who made the submission (Person B). Person B would likely then contact Person C to gather the information. Person C would need to track down the vessel manager (Person D) and get the information from that person. Person C would pass it back to Person B, then Person A, who would get it to NMFS. NMFS then would prepare the approval letter and send it to Person A at AE. AE would relay the approval letter to Adak Fisheries, who in turn would notify the vessel operator of approval and provide him/her with a copy of the letter. If that all goes smoothly, the process might only take four hours of aggregate time.

However, if there is a mismatch in the vessel data with the corresponding data in the NMFS files that is not simply a failure to include the information in the original submission letter, or the result of a typo in the submission letter, then the task is to sort out the reason for the data mismatch. For instance, the criteria for vessels over 60 ft include holding an AI License Limitation Program (LLP) permit. If Vessel A is borrowing an LLP permit from Vessel B but for some reason that fact doesn't show up in the NMFS permit files, and then Aleut Corporation or AE will need to do extensive investigation and verification to track down the reason. Or if a 59 ft vessel that holds no LLP permit is really 59 ft length overall (LOA), but on the Alaska Department of Fish and Game (ADF&G) vessel registration it somehow got registered as 61 ft LOA, it may be necessary to have the vessel re-measured to sort it out. These are highly unlikely scenarios, but if they occurred, it isn't difficult to imagine that it would take more than 4 hours to sort it out.

Of the 20 participants working with the Aleut Corporation, estimated 25 percent or 5 participants are estimated to need to appeal an IAD.

AI pollock participant appeal, Respondent	
Total respondents	5
Total annual responses	5
Response per year = 1	
Total burden hours	100
Time per response = 20 hr	
Total personnel cost (100 x \$25)	\$2,500
Total miscellaneous cost	\$1
Postage to mail appeal (\$1.26), although most contacts probably would occur by telephone	

AI pollock participant appeal, Federal Government	
Total annual responses	5
Total burden hours	125 hr
Time per response = 25 hr	
Total personnel cost (125 x \$25)	\$3,125
Total miscellaneous cost	0

d. AI directed pollock fishery catch reports

The one participant, Aleut Corporation, must submit AI directed pollock fishery catch reports as an electronic data file in a format approved by NMFS or by fax. The AI directed pollock fishery catch reports must be received by the Regional Administrator by 1200 hours, A.I.t. on Tuesday following the end of the applicable weekly reporting period.

Directed fishing for pollock in the AI directed pollock fishery is authorized during two seasons in accordance with § 679.23(e)(2). “A” Season is January 20 through June 10. “B” Season is June 10 through November 1. Fishing occurs usually for eight months or approximately 32 weeks.

This report is described at § 679.5, and so is included in this summary. However, there is no form, cost, or burden for this report; rather, the participant submits the following information through eLandings in accordance with Office of Management and Budget (OMB) Control No. 0648-0515 where it is identified with the management code Aleutian Islands Pollock (AIP):

AI directed pollock fishery catch reports

- Catcher vessel ADF&G vessel registration number
- Federal fisheries permit or Federal processor permit number
- Delivery date
- Pollock harvested
 - For shoreside processors, stationary floating processors (SFPs), and motherships,
 - the amount of pollock delivered, including the weight of at-sea pollock discards
 - in lb for shoreside processors and SFPs
 - in mt for motherships
 - For catcher/processors, the amount of pollock (in mt) harvested and processed, including the weight of at-sea pollock discards
- ADF&G fish ticket number.

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. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

This collection-of-information is basically a letter which contains a list of approved participants from the Aleut Corporation. Upon approval by NMFS, copies of the letter are distributed to vessels and processors as proof of approval to participate in the AI pollock fishery. Initial steps of the letter could be submitted by email, but the final letter must be signed by representatives of NMFS and the Aleut Corporation. These original signatures cannot be sent electronically. Thereafter, copies of the approved letter could be sent to the vessel and processor by email but must be printed and available in hard copy format.

The appeals process has been described by a public comment as a process of error discovery and correction. Requests could be submitted by email or telephone. The IAD from NMFS, however, is a formal process that requires an original signature on documents to be submitted by mail or courier.

When speaking of ways to minimize the burden of the collection-of-information on respondents, including the use of automated collection techniques or other forms of information technology, the public commenter stated that since the preparation of a Participant Letter reflects choices made by a potential participant and by the Aleut Corporation, there isn't really a simple way to "automate" the process. One way that the processing could be automated on NMFS end would be to provide a password protected web-form that could be accessed by a registered representative to submit the information on a proposed participant. However, the software design, testing, and implementation would cost far more than several years worth of the existing process.

The list of approved AI pollock participants is posted on the NMFS Alaska Region webpage at <http://www.fakr.noaa.gov/ram/08aipollocklst.pdf>.

4. Describe efforts to identify duplication.

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

This collection-of-information does not impose a significant impact on small entities.

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

NMFS would be unable to manage the AI pollock fishery if this collection were not conducted or were conducted less frequently. The approved participants would be unknown and harvest rates could not be determined, which may result in allocations being exceeded.

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

No special circumstances are associated with this information collection.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published July 2, 2008 (73 FR 37932) solicited public comment.

One comment was received from the government affairs person for Adak Fisheries, who works closely with the representatives of the Aleut Corporation and its subsidiary, Aleut Corporation, to prepare the Participant Letters and deal with other reporting requirements related to the AI pollock fishery.

The commenter agreed that the Participant Letter has utility for NMFS to monitor who is legitimately accessing the AI pollock allocation; and that while the letter does not take 16 hours to prepare, the time spent working with intermediaries for potential participants to gather the necessary AFA and USCG documentation numbers probably collectively adds up to that amount. The commenter went on to say that the preparation and submission of the Participant Letter is straightforward and serves its purpose.

Regarding the appeals process, the commenter stated that the criteria for qualifying are very straightforward, and the need to appeal is highly unlikely. And then the commenter provided two scenarios in which the “appeal” actually would be a correction to submitted information or incomplete information for the vessel or processor participant. This information is included in Paragraph c in the response to Question 2. As a consequence of this comment, NMFS has changed the time burden for the appeals process from 4 hr to 20 hr.

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

No plans exist to provide any payment or gift to respondents.

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

The information collected under Magnuson-Stevens Act is confidential under section 402(b). The information is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. Respondents are informed of confidentiality when providing information.

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

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

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

Estimated total respondents: 6, up from 1. Estimated total responses: 27, down from 53.
Estimated total burden: 134, up from 40 hours. Estimated total personnel cost: \$3,350, up from \$925 (\$25 per hour, based on the average wage equivalent to a GS-7 employee in Alaska, including Cost-of-Living Adjustment (COLA)).

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: \$31, down from \$48.

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

Estimated total responses: 7, up from 3. Estimated total burden: 127 hours, up from 27 hours.
Estimated total personnel cost: \$3,175, up from \$675.

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 the collection-of-information.

Postage rates were increased from \$0.37 to \$0.42, which increased the miscellaneous costs for the letter to NMFS by \$1.

Copy of NMFS approval letter: Smaller average number of participating vessels resulted in a decrease of 30 responses to whom the Aleut Corporation would need to send a copy of the letter; a decrease of 2 hours; a decrease of \$50 personnel cost, and a decrease of \$18 miscellaneous costs.

Appeals process: Due to a detailed comment from the public (see Question 8), the respondents and responses are increased by 4; the burden is increased by 96 hours; and personnel costs are increased by \$2,425.

NOTE: Exact miscellaneous costs in the previous submission were \$48, so the actual decrease is \$17. In ROCIS, it appears to be an increase of \$31, because the starting amount, per rounding off by ROCIS, shows as \$0.

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

NMFS has no plans to publish the results of this information collection.

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.

The documents required for this collection-of-information do not display an OMB Control Number or expiration date, because they are not generated by NMFS.

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

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.