

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Alaska Notification of Intent to**  
**Process Aleutian Islands Pacific Cod**  
**OMB Control No. 0648-0743**

This request is for extension of a currently approved information collection.

This collection of information contains the annual notification that the City of Adak or the City of Atka submits to the National Marine Fisheries Service (NMFS) of its intent to process Aleutian Islands Pacific cod in the upcoming fishing year.

**A. JUSTIFICATION**

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

NMFS manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Bering Sea and Aleutian Islands (BSAI) management area under the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area. The North Pacific Fishery Management Council prepared, and the Secretary of Commerce approved, the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable laws. Regulations implementing the FMP appear at 50 CFR part 679.

In 2016, NMFS implemented this collection of information under Amendment 113 to the FMP (81 FR 84434, November 23, 2016). Amendment 113 modified management of the BSAI Pacific cod fishery to set aside a portion of the Aleutian Islands Pacific cod total allowable catch for harvest by catcher vessels directed fishing for Aleutian Islands Pacific cod and delivering their catch for processing to a shoreside processor located on land west of 170° W. longitude in the Aleutian Islands (“Aleutian Islands shoreplant”).

The final rule added regulations at 50 CFR 679.20(a)(7)(viii) implementing the Aleutian Islands Pacific Cod Catcher Vessel Harvest Set-Aside Program, which includes the harvest set-aside that applies only if specific notification and performance requirements are met, and only during the first few months of the fishing year. The harvest set-aside provides the opportunity for vessels, Aleutian Islands shoreplants, and the communities where Aleutian Islands shoreplants are located to receive benefits from a portion of the Aleutian Islands Pacific cod fishery. The notification and performance requirements preserve an opportunity for the complete harvest of the BSAI Pacific cod resource if the set-aside is not fully harvested.

This collection of information contains the notification submitted to NMFS by the City of Adak or the City of Atka of its intent to process Aleutian Islands Pacific cod in the upcoming fishing year in order for the Aleutian Islands catcher vessel harvest set-aside to go into effect in the upcoming fishing year.

In March 2019, the U.S. District Court for the District of Columbia vacated the rule implementing Amendment 113 and remanded Amendment 113 to NMFS for reconsideration. In

May 2019, the U.S. Department of Justice filed a notice of appeal.

As the annual notification of intent to process Aleutian Islands Pacific cod is based on the vacated regulations that implemented Amendment 113, this information will not be collected unless the regulations are reinstated on appeal.

NMFS is requesting renewal of this collection of information in the event of a successful appeal.

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

*Notification of Intent to Process Non-Community Development Quota (CDQ) Aleutian Islands Pacific Cod from Directed Fishing [changed name from Notification of Intent to Process Non-Community Development Quota (CDQ) Directed Aleutian Islands Pacific Cod]*

The notification of intent to process Aleutian Islands Pacific cod is a letter or memorandum submitted to NMFS by the City Manager of Adak or the City Administrator of Atka indicating that the community he or she represents intends to process Aleutian Islands Pacific cod in the upcoming fishing year following the performance requirements.

NMFS uses this information to determine how to calculate Pacific cod allocations required under 50 CFR 679.20(a)(7)(viii) during the annual BSAI harvest specifications process. These harvest limits are published in the annual harvest specifications for the BSAI (e.g., 84 FR 9000, March 13, 2019; Tables 9a and 9b). If NMFS receives a notification of intent to process Aleutian Islands Pacific cod from either the City of Adak or the City of Atka by October 31, NMFS establishes an Aleutian Islands Catcher Vessel Pacific cod harvest set-aside, along with other Pacific cod allocations by area, sector, and gear type. These harvest limits will be in effect in the following year.

The City Manager of Adak or the City Administrator of Atka must submit the notification of intent to the NMFS Alaska Region Regional Administrator<sup>1</sup> by certified mail through the U.S. Postal Service and postmarked no later than October 31. Certified mail provides the community with proof of postmark date and receipt by NMFS. Notifications of intent postmarked on or after November 1 will not be accepted.

The City Manager of Adak or the City Administrator of Atka must also email a copy of the notification of intent and the certified mail receipt with postmark to [nmfs.akr.inseason@noaa.gov](mailto:nmfs.akr.inseason@noaa.gov) no later than October 31 each year. Email notification is in addition to submission via the U.S. Postal Service and does not replace the certified mail requirement. Email submission provides NMFS with the timely information it needs to manage the upcoming fisheries.

On or shortly after November 1, the Regional Administrator sends a signed and dated letter either confirming NMFS' receipt of the city's notification of intent to process Aleutian Islands

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<sup>1</sup> P.O. Box 21668  
Juneau, AK 99802

Pacific cod, or informing the city that NMFS did not receive notification by the deadline.

No notification is required if the city will not be processing Aleutian Islands Pacific cod in the upcoming year. However, the city can voluntarily provide notice to NMFS prior to the deadline if it does not intend to process Pacific cod.

The notification of intent to process Aleutian Islands Pacific cod contains the following information:

- Date
- Name of city
- Statement of intent to process Aleutian Islands Pacific cod
- Fishing year during which the city intends to process Aleutian Island Pacific cod
- Signature of and contact information for the City Manager or City Administrator of the city intending to process Aleutian Islands Pacific cod.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. The NMFS Alaska Region 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 predissemination 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.**

A copy of the notification of intent to process Aleutian Islands Pacific cod and the certified mail receipt with postmark is emailed to [nmfs.akr.inseason@noaa.gov](mailto:nmfs.akr.inseason@noaa.gov) no later than October 31.

**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 information collection does not impose a significant impact on small entities. The cities of Adak and Atka are small governmental jurisdictions as defined under the Regulatory Flexibility Act. NMFS attempts to minimize the burden of this collection on these cities by collecting only the information necessary to inform NMFS of their intent to process Aleutian Islands Pacific cod in the upcoming fishing year. This collection is required only if the city intends to process Aleutian Islands Pacific cod in the upcoming year. No notification is required if the city will not be processing Aleutian Islands Pacific cod in the upcoming year.

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

As this information collection is based on the vacated regulations that implemented Amendment 113, it will not be collected unless the regulations are reinstated on appeal. NMFS is requesting renewal of this information collection in the event of a successful appeal.

In the event of a successful appeal, if this collection is not conducted, the additional opportunities provided for harvesters to deliver Aleutian Islands Pacific cod to Aleutian Islands shoreplants would not exist. These opportunities provide benefits to the Aleutian Islands shoreplants, the harvesters delivering to Aleutian Islands shoreplants, and the communities where those shoreplants are located. Because of their remote location and limited economic alternatives, Aleutian Islands communities rely on harvesting and processing of the nearby fishery resources to support and sustain their communities. This action is intended to be directly responsive to National Standard 8 of the Magnuson-Stevens Act that states conservation and management measures shall take into account the importance of fishery resources to fishing communities in order to provide for the sustained participation of such communities, and to the extent practicable, minimize adverse economic impacts on such communities (16 U.S.C. 1851(a)(8)).

In the event of a successful appeal, less frequent collection would affect NMFS' ability to accurately distribute Aleutian Islands Pacific cod among harvesting and processing entities. The annual notification process is designed to coordinate with the annual harvest specifications process, under which the Aleutian Islands Pacific cod allocations are calculated, and the operational reality of whether Pacific cod processing will actually occur in the cities of Adak and Atka. The notification process is intended to reduce the risk of unharvested non-CDQ Aleutian Islands Pacific cod total allowable catch.

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

No special circumstances require the collection to be conducted in a manner inconsistent with OMB guidelines. This information will not be collected unless the vacated regulations are reinstated on appeal.

**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.**

NMFS published a *Federal Register* notice on August 23, 2019 (84 FR 44286), soliciting public comments. The comment period ended on October 22, 2019. NMFS received two comment letters from the notice—one from a member of the public and one from Golden Harvest Alaska Seafood in Adak. NMFS' responses to these comments are presented below. Additionally,

NMFS Alaska Region contacted the City Manager of Adak and the City Administrator of Atka requesting comments on this information collection; neither submitted comments.

*Comment 1:* I see absolutely no reason to continue allowing this taking of cod at all. There is no reason to exploit the fish like this at all. Shut down the continuing overexploitation of this fish stock. This plan has no reason for being.

*Response:* This comment is beyond the scope of this information collection request (ICR). This ICR requests extension of the currently approved notification of intent to process Aleutian Islands Pacific cod that is submitted by the City of Adak or City of Atka. This action is administrative in nature and will not result in any change in fishing activity.

*Comment 2:* We support the Agency request for an extension of the currently approved information collection program. As noted in the FR Notice, NMFS is requesting renewal of this collection of information in the event of a successful court appeal of Amendment 113 to the BSAI groundfish fishery management plan. In this spirit, we also request that NMFS take appropriate action to retain all Amendment 113 regulations pending that appeal.

In response to the FR Notice, our comments are as follows:

- The information is necessary for the proper Agency administration of Amendment 113, and therefore has practical utility;
- The Agency's estimate of the burden of this collection of information is accurate;
- We do not have any suggestions concerning enhancements to the quality, utility, and clarity of the information;
- We do not have any suggestions concerning ways to minimize the burden of the collection of information on respondents.

Thank you for the opportunity to comment on this important Program.

*Response:* NMFS acknowledges this comment from Golden Harvest Alaska Seafood in Adak.

**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 information collection.

**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 as amended in 2006 (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.**

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.**

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Type of Respondents	Number of Respondents	Number of Annual Responses per Respondent	Average Burden per Response (in hours)	Total Annual Burden Hours	Hourly Wage Rate	Total Annual Costs for Respondents' Burden Hours
City manager / City administrator	2	1	0.5	1	\$54.13*	\$54.13
<b>Total</b>	2	2		1 hr		\$54

\* Occupation Code 11-1021: General and Operations Managers, mean hourly wage. [May 2018 State Occupational Employment and Wage Estimates Alaska](#)

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

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Other Costs	Total Number of Annual Responses	Cost per response	Total Annual Other Costs
Certified mail	2	\$3.50	\$7.00
Photocopy	2	0.15 per page x 2 pages	\$0.60
<b>Total</b>			\$7.60

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

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Number of Annual Responses	Average Burden per Response (in hours)	Total Annual Burden Hours	Hourly Wage Rate*	Total Annual Costs for Fed. Govt. Burden Hours
2	1	2	\$77.19	\$154.38

\* based on maximum rate for ZP-IV

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Other Costs	Number of Annual Responses	Cost per response	Total Annual Other Cost for Fed. Govt.
1 <sup>st</sup> class postage	2	\$0.55	\$1.10

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

The table below summarizes the current and previous time and cost burden estimates to the public.

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Respondents		Responses		Burden Hours		Labor Costs (\$)		Miscellaneous Costs (\$)		Reason for Change
Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	
2	2	2	2	1	1	54	37	8	4	Updated labor, postage, and photocopy costs

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

NMFS includes whether notification of intent was received from the City of Adak or the City of Atka in the BSAI final harvest specifications, which are published annually in the *Federal Register* (84 FR 9000, March 13, 2019).

**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 notification of intent to process Aleutian Islands Pacific cod is not a form; rather it is a letter or memorandum created by the respondent.

**18. Explain each exception to the certification statement.**

There are no exceptions for compliance with provisions in the certification statement.

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

This collection does not employ statistical methods.