

**SUPPORTING STATEMENT
FOREIGN FISHING VESSELS OPERATING IN INTERNAL WATERS
OMB CONTROL NO.: 0648-0329**

A. JUSTIFICATION

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

This information collection is necessary to comply with the Magnuson-Stevens Fishery Conservation and Management Act (**MSFCMA**), 16 U.S.C. 1801 et seq. as amended in 2007, which, at section 306(c)(1)(C)1, requires foreign fishing vessels operating in internal waters to report the tonnage and location of fish received from vessels of the United States. Regulatory requirements related to this information collection are located at **50 CFR 600.508(f)**.

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.

National Marine Fisheries Service (NMFS) uses the information from this collection to monitor receipts of fish for conservation and management purposes. Reports require vessel identification information; date of receipt of fish; amount of fish received, by species; and the location where the fish received were harvested. Specific reporting requirements, such as timing and method of submission of reports, are stipulated by the NMFS Regional Administrator based on the data collection and fishery monitoring systems in place in the Region at the time the internal waters fishing operation takes place. Specifically, NMFS will use the information to properly allocate the reported receipts to the area(s) from which the fish were harvested, and to ensure that all receipts are accounted for in monitoring quotas and for resource assessment purposes. Receipts are required to be reported by species in order to attribute the receipts to the appropriate fishery and stock of fish. If quotas exist for the species received, the record of receipts will be used to monitor the quotas. All reports of receipts will be used for stock assessment and statistical reporting purposes.

It is anticipated that information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraph, 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 # 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet applicable information quality guidelines. Prior to dissemination, the information will be

¹ No amended references could be found in the Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006.

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 does not require the use of automated or electronic technology, nor does it preclude the use of such technology. Because of differences in existing NMFS information collection systems in different parts of the country, the specifics of the timing and method of transmission of reports for collection of this information will be determined by the appropriate Regional Administrator at the time of application by the foreign fishing vessel. It is intended that the most expeditious and least burdensome reporting method available will be employed.

4. Describe efforts to identify duplication.

The Congress provided that the information described above be collected by the NMFS because there was previously no mechanism in place to reliably acquire the information. Foreign fishing vessels in internal waters are subject to conditions arranged with the Governor(s) of the involved state(s). Such arrangements did not necessarily involve reporting data on receipts of fish. Further, there is no requirement that the involved state(s) provide the data in question to the NMFS. Therefore, the data had previously either never been reported, or had been reported in a timeframe that was not useful for fisheries management.

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

This collection will not have a significant impact on small businesses, organizations, or governmental entities.

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

As noted, this is a statutorily required collection. Without the collection of this information, the NMFS would not be in compliance with the law, and would not have the data necessary to properly account for removals of fish transferred to foreign fishing vessels in internal waters. This would compromise stock assessment, quota management, and general statistical reporting of fishery resources.

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

This collection requires reports more frequently than quarterly because quarterly reports are not timely enough to allow monitoring of quotas and may not be adequate for collection of information necessary for stock assessment purposes.

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.

A notice was published in the Federal Register seeking comments on renewal of this information collection. No comments were received.

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

There is no payment or gift to respondents.

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 Title II, Section 203(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (P.L. 109-479). All data submitted are treated in accordance with NMFS Administrative Order 216-100, Protection of Confidential Fisheries 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.

No questions of a sensitive nature are included in this information collection.

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

We are estimating an annual burden of 36 hours for this collection. This is unchanged from the previously approved burden. It is estimated that 6 foreign fishing vessels per year will engage in internal waters operations. Each vessel is estimated to fish for 12 weeks per year. Weekly reports are estimated to require 30 minutes each to fill out and submit. Therefore, the annual reporting burden for submitting reports, per vessel, is estimated to be: 30 minutes/week for 12 weeks = 6.0 hours. The total annual reporting burden for submitting reports, for all vessels, is estimated to be: 6.0 hr/vessel x 6 vessels = 36 hours. Most, if not all of the information collected is expected to be available and recorded by the foreign fishing vessel as a normal part of conducting business. There are no recordkeeping requirements associated with this collection.

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).

There are no capital or start-up costs associated with this collection. All foreign fishing vessels involved will already have the means to communicate the required information to the appropriate NMFS Regional Administrator as a component part of the vessel's communications equipment.

The weekly cost for a vessel to submit a fax or email report would not be expected to exceed one dollar. On an annualized basis, such costs could be estimated as follows: 6 vessels x 12 weekly reports at \$1.00 per weekly report = \$72.00 per year.

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

The costs to the Federal Government associated with this collection are expected to be negligible. Other than providing copies of specific reporting requirements upon request, and copying and processing the data received, there are no expenditures required. No capital equipment would be required; systems already exist for data processing and record storage.

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

No changes or adjustments are reported.

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

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.