

## SUPPORTING STATEMENT

### INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

OMB Control No.: 0648-0387

#### Section A. Justification

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

Under the Marine Mammal Protection Act ([MMPA](#)), no marine mammals may be taken during the course of commercial fishing operations unless the taking constitutes an incidental catch and is authorized by the Secretary of Commerce. Section 101(a)(2) of the MMPA [16 U.S.C. 1371] authorizes the issuance of permits which allow fishermen to lawfully take marine mammals incidental to commercial fishing operations and authorizes the Secretary of Commerce to promulgate regulations to restrict the importation of tuna from nations not participating in the International Dolphin Conservation Program (IDCP).

Historically, marine mammals taken by U.S. vessels during the course of commercial yellowfin tuna purse seine fishing operations in the eastern tropical Pacific Ocean (ETP) have been allowed under a general permit issued to the American Tunaboat Association (ATA) under Section 104(h) provisions of the MMPA. However, with the enactment into law of the International Dolphin Conservation Program Act ([IDCPA](#)), P.L. 105-42, the language in the MMPA pertaining to the U.S. tuna purse seine fishery was amended. Under the IDCPA, U.S. fishing vessels have the ability to participate in the ETP tuna purse seine fishery on equivalent terms with the international fleet. Incidental taking of marine mammals during other U.S. commercial fishing operations besides the ETP tuna purse seine fishery is governed by Section 118(a)(1) of the MMPA.

Primarily, the IDCPA amends provisions in the MMPA governing the U.S. tuna purse seine fishery in the ETP and the importation of yellowfin tuna and yellowfin tuna products from other nations with vessels engaged in that fishery. Under the IDCPA, the ATA general permit and certificate of inclusions will be replaced with a permit [16 U.S.C. 1374 §104(h)] issued to individual vessel owners and operators [16 U.S.C. 1416 § 306(a)(1)] that will authorize the incidental take of marine mammals according to the guidelines established under the IDCP signed in La Jolla, California, in June 1992.

This submission includes all information requests that pertain to U.S. tuna purse seine vessel and operator permit holders fishing under the IDCP and the tracking and verification program for tuna that is: (1) harvested and processed by U.S. companies or (2) offered for sale in the United States.

Information collection requirements under the IDCP were approved under the Paperwork Reduction Act (PRA) in 1999. PRA approval was renewed in 2002 and 2005. Currently collected information under the IDCP with PRA approval includes: vessel permit and operator permit applications, waiver requests to transit ETP without a permit, vessel departure notification five days prior to departure, change in operator notification prior to departure, net modification

notification five days prior to departure, experimental fishing gear waiver applications, and Dolphin Mortality Limit requests.

A proposed rule to revise regulations under the IDCP will add the following new information collection requirements subject to approval under the PRA: 1) collection of vessel photographs with vessel permit applications; 2) annual written notification to request a small tuna purse seine vessel be listed as active; 3) annual written notification to request a small tuna purse seine vessel be listed as inactive; and 4) written notification of the intent to transfer a tuna purse seine vessel to foreign registry and flag. These four new collection requirements are described in more detail in the following paragraphs. Vessel and operator permit holder requirements are in 50 CFR Part 216.24 and the tracking and verification requirements are in 50 CFR Part 216.93.

The requirement for importers to provide information about the shipment of tuna and tuna products, except some fresh products, into the United States, using the Fisheries Certificate of Origin (NOAA Form 370) is already approved by the Office of Management and Budget under Control Number 0648-0335. The public reporting burden for this collection is estimated to average 20 minutes per submission which includes the time necessary to complete supporting documentation such as the Captain's and Observer's statements which certify that the tuna was captured in a manner considered to be "dolphin safe."

**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 information quality guidelines.**

A valid permit protects the fisherman and vessel owner from prosecution under the MMPA for violation of the Moratorium on taking marine mammals. Information supplied by the applicant is used by the National Marine Fisheries Service (NMFS) and the general public to review the appropriateness of waiving the moratorium to authorize the incidental take of marine mammals by U.S. tuna purse seine vessels fishing in the ETP. Each year vessel owners and operators must apply for a permit under the MMPA and comply with the terms and conditions associated with its issuance. In addition, by signing the application for a vessel permit, the vessel owner agrees to release to the National Marine Fisheries Service all records made by Inter-American Tropical Tuna Commission (IATTC) observers during fishing trips aboard the vessel and furnish the international observer program with all release forms required to authorize the observer data to be provided to NMFS [50 CFR 216.24(b)(8)(v)].

- (a) ETP vessel permit applications must be submitted to the Administrator, Southwest Region, by fax. The information needed for a vessel permit under [50 CFR 216.24(b)(4)] is as follows:
  - (i) Name and official number of fishing vessel to appear on permit [self-explanatory and required by 16 U.S.C. 1416 § 306(a)(1)(A)]. A photograph of the vessel with

the registration number showing and legible [This information assists the agency with identification of vessels and enforcement]. The tonnage, carrying capacity, maximum vessel speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required. [This information assists the agency with tracking processed and unprocessed tuna, monitoring compliance with gear requirements under the MMPA, and evaluating the ability of a vessel to capture tuna. A vessel's characteristics are important when determining the performance of a vessel which can be used to determine the fishing power of the vessel. This information is required by 16 U.S.C. 1416 § 306(a)(1)(B)];

(ii) A statement whether the vessel intends to make sets involving the intentional taking of marine mammals. [This information is used to determine the type of permit that needs to be issued];

(iii) The identity of Federal, State and local commercial fishing licenses, if applicable, under which vessel operations are conducted, and dates of expiration. [This information is collected to assess whether other permits may be combined in the future with the issuance of a vessel permit. In addition, this information may assist the agency with some of the tuna tracking requirements as well as determine whether a vessel is in compliance with other applicable federal regulations];

(iv) The name(s) of the operator anticipated to be used. [This information is collected to assess whether the operator has a valid operator permit to fish for tuna in the ETP]; and

(v) The applicant's signature or the signature of the applicant's representative, if any, including the address, telephone and fax numbers, and if applicable, the name, address, telephone, and fax numbers of the agent or organization acting on behalf of the vessel. [Signature certifies the information is true and correct and authorizes observer data collected to be provided to NMFS and the International Review Panel. The contact information is required by 16 U.S.C. 1416 § 306(a)(1)(A).]

(b) The information needed for an operator permit under [50 CFR 216.24(b)(5)] is as follows:

(i) The name, address, telephone and fax numbers of the applicant [Self-explanatory];

(ii) The type and identification number(s) of any Federal, State, and local fishing licenses held by the applicant. [This information is collected to assess whether other permits may be combined in the future with the issuance of an operator permit];

(iii) The name of the vessel(s) on which the applicant anticipates serving as an operator. [The historical performance of an operator is as critical as the historical characteristics and fishing power of a vessel. The operator information may then be

linked to the vessel of record to establish an operator catch history for that fishery or gear].

(iv) The date, location, and provider of any training for the operator permit. Training includes a demonstration of proficiency in backing down the purse seine net to release entrapped dolphin(s). Upon completion of training, a certificate of completion is issued [50 CFR 216.24(c)(5)]. Operator permits are issued annually. Additional training is not required unless regulations are modified substantially, the operator no longer demonstrates proficiency, or the operator does not obtain a previous calendar year permit. [Operator training is required to insure fishing captains understand the principles of dolphin safe fishing techniques and are kept informed of new technology, changing regulations, and new international agreements.]; and

(v) The applicant's signature or the signature of the applicant's representative, if any. [Signature certifies the information is true and correct.]

(c) The rules and regulations allow tuna purse seine vessels without a permit and more than two speedboats to transit the ETP if the vessel owner requests a waiver [50 CFR 216.24(a)(3)]. This provision allows vessel owners the ability to off-load, complete repairs, or transit the permit area in an emergency without delay and without having to obtain a vessel and operator permit and carry an authorized NMFS inspector (observer). As part of the waiver, the vessel owner must notify the Administrator, Southwest Region, with the name of the vessel and the date the vessel exits or subsequently enters the permit area.

To request a waiver, the following information must be provided to the Administrator, Southwest Region, in writing and in advance of entering the ETP:

(i) The name of the vessel and operator [Self-explanatory];

(ii) Reason for transiting the ETP; and

(iii) The number of expected days to complete the transit.

(d) Vessel permit holders are required to notify the Administrator, Southwest Region, or the Inter-American Tropical Tuna Commission contact designated by the Administrator, Southwest Region, at least five days in advance of the vessel's departure on a fishing voyage to allow for observer placement on every voyage [50 CFR 216.24(b)(8)(iv)]. The information may be provided either verbally or in writing and must include the following information:

(i) The name of the vessel and operator [Self-explanatory];

(ii) Location of the vessel; and

(iii) Date and time of departure. [Information needed to coordinate and facilitate observer travel with the vessel departure.]

(e) Vessel permit holders must notify the Administrator, Southwest Region, at least 48 hours prior to departing on a trip if there is a change of the vessel operator or within 72 hours after a change of the vessel operator if the change was made because of an emergency [50 CFR 216.24(b)(8)(iv)(B)]. This information is used to facilitate observer placements and make arrangements to conduct an observer placement meeting with the captain, managing owner, and program personnel prior to departure. Also, at this time the agency may notify the vessel owner if the operator must attend a skipper workshop. If necessary, arrangements may be made to schedule a workshop. This information may be provided verbally or in writing and must include:

(i) Vessel name; and

(ii) New operator permit holder name.

(f) Vessel Permit holders intending to make intentional sets on marine mammals must notify the Administrator, Southwest Region, of any net modification at least 5 days prior to departure of the vessel in order to determine whether a reinspection or trial set (net alignment) is required [50 CFR 216.24(c)(4)(ii)]. If no net modifications are made during a calendar year, inspections shall be conducted by the authorized NMFS inspector (observer). This information may be provided verbally or in writing, and must include the following information:

(i) Vessel name; and

(ii) Type of gear modification completed.

(g) The Administrator, Southwest Region, may authorize experimental fishing operations, consistent with the provisions of the International Dolphin Conservation Program for the purpose of testing proposed improvements in fishing techniques and equipment that may reduce or eliminate dolphin mortality or serious injury, or do not require the encirclement of dolphins in the course of fishing operations [16 USC 1413 Section 303(A)(2)(B)(x)]. Vessel Permit holders may apply for an experimental fishing operation waiver by submitting the following information to the Administrator, Southwest Region, no less than 90 days before the intended date the proposed operation is intended to begin [50 CFR 216.24(c)(7)]. This information is necessary to assess the potential benefit of the experimental gear and the merits of the experimental design. If the experimental fishing permit is authorized, the applicant will need to submit a report at the conclusion of the experiment as part of the terms and conditions of the permit.

- (i) The name(s) of the vessel(s) and the vessel permit holder(s) to participate [Self explanatory];
  - (ii) A statement of the specific vessel gear and equipment or procedural requirement to be exempted and why such an exemption is necessary to conduct the experiment;
  - (iii) A description of how the proposed modification to the gear and equipment or procedures is expected to reduce incidental mortality or serious injury of marine mammals;
  - (iv) A description of the applicability of this modification to other purse seine vessels;
  - (v) The planned design, time, duration, and general area of the experimental operation;
  - (vi) The name(s) of the permitted operator(s) of the vessel(s) during the experiment;
  - (vii) A statement of the qualifications of the individual or company doing the analysis of the research; and
  - (viii) The signature of the permitted operator or of the operator's representative.
  - (ix) A report summarizing the results of the experiment.
- (h) A vessel permit holder desiring to encircle dolphins in an effort to capture tuna must obtain a dolphin mortality limit (DML) under the International Agreement prior to conducting fishing operations [16 USC 1413 Section 303(A)(2)(B)(ix)]. Under the IDCPA, vessel permit holders may apply for either a six month DML (July through December), a one year DML (January through December), or a per-trip DML depending on vessel eligibility. Vessel permit holders may request a DML either by April 1 or by September 1, depending on whether the vessel permit holder is requesting a six month or one year DML allocation. Vessel permit holders may apply for a per-trip DML at any time, allowing at least 60 days for processing. To assess the eligibility of the vessel, six month and one year DML requests must be made in writing to the Administrator, Southwest Region, allowing at least 60 days for processing, and must include the following information [50 CFR 216.24(c)(9)]:
- (i) The name of the purse seine vessel(s) of carrying capacity greater than 400 short tons that the owner intends to use to intentionally deploy purse seine fishing nets in the ETP [Self-explanatory]; and
  - (ii) The name of the vessel permit holder.

In addition, a vessel possessing a valid vessel permit, but that does not normally fish for tuna in the ETP and desires to participate in the fishery on a limited basis, may apply for

a per-trip DML from the Administrator, Southwest Region. To assess the eligibility of the vessel, per-trip DML requests must be in writing, allowing 60 days for processing, and state:

- (iii) The number of anticipated trips involving sets on dolphin; and
  - (iv) The anticipated dates of the trip(s).
- (i) Vessel owners or managing owners must submit written notification to the Administrator, Southwest Region, to request that a vessel of 400 short tons (st) carrying capacity or less be categorized as active or inactive on the IATTC Vessel Register (Vessel Register), the list of vessels authorized to fish for tuna and tuna-like species in the ETP. Active or inactive status on the IATTC Vessel Register expires on December 31 of each year. Vessel owners or managing owners of vessels greater than 400 st carrying capacity are required to submit permit applications and fees each year to be listed on the Vessel Register, whereas vessel owners or managing owners of vessels of 400 st carrying capacity or less are not. Annual written notification would ensure that: 1) the request for active or inactive status is processed; 2) the vessel's capacity is accounted for in the total fleet capacity; and 3) the required information for the Vessel Register is collected. The notification must be submitted by November 30 of the year prior to the year for which inclusion on the register is requested.

To request a tuna purse seine vessel of 400 st carrying capacity or less be listed as active on the Vessel Register, the vessel owner or managing owner must submit by fax the following information in writing:

- (i) Name and official number of fishing vessel [Self-explanatory]. A photograph of the vessel with the registration number showing and legible [This information assists the agency with identification of vessels and enforcement]. The port of registry; previous name(s) and flag; International Radio Call Sign; where and when built; length, beam, and moulded depth; tonnage, fish hold capacity, and carrying capacity; type of fishing method(s); engine horsepower; and the name and address of the vessel owner(s) and managing owner(s). [This information assists the agency with tracking processed and unprocessed tuna and evaluating the ability of a vessel to capture tuna. A vessel's characteristics are important when determining the performance of a vessel which can be used to determine the fishing power of the vessel. This information is required by the IATTC.];
- (ii) The vessel owner or managing owner's signature and business telephone and fax numbers. [Signature certifies the information is true and correct. The contact information is required by the IATTC.]

To request a tuna purse seine vessel of 400 st carrying capacity or less be listed as inactive on the Vessel Register, the vessel owner or managing owner must submit by mail the

following information in writing:

- (i) Name and official number of fishing vessel [Self-explanatory];
- (ii) The vessel owner or managing owner's name, signature, business address, and business telephone and fax numbers. [Self-explanatory. Signature certifies the information is true and correct.]
- (j) The vessel owner or managing owner of a tuna purse seine vessel listed on the Vessel Register must notify the Administrator, Southwest Region, of the intent to transfer the vessel to foreign registry and flag. Written notification must be received at least 10 business days prior to the submission of an application for transfer of the vessel to foreign registry and flag. The notification requirement would not apply to owners or managing owners of vessels that have received approval from the U.S. Maritime Administration (MARAD) for transfer of the vessel to foreign registry and flag, because MARAD already provides notification to NMFS prior to the transfer of these vessels.

The notification will be used to manage the tuna purse seine portion of the Vessel Register. Vessels that have their documentation removed and are transferred to foreign registry and flag would no longer be authorized by the U.S. to purse seine for tuna in the ETP. Vessel owners or managing owners must submit by mail the following information in writing:

- (i) Name and official number of fishing vessel [Self-explanatory and required by 16 U.S.C. 1416 § 306(a)(1)(A)];
- (ii) The expected date the application will be submitted for transfer of the vessel to foreign registry and flag; and
- (iii) The vessel owner or managing owner's name and signature. [Signature certifies the information is true and correct.]

The DPCIA requires the Administrator, Southwest Region, to establish and conduct a domestic tracking and verification program to effectively track and document the movement of all tuna products in U.S. market channels from its capture to final sale. The tracking program will accurately document the "dolphin safe" or "non-dolphin safe" condition of tuna through catch, processing, and marketing reports for use in verifying the dolphin-safe or unsafe condition of tuna products entering the U.S. market.

The U.S. canned tuna industry produces approximately \$1 billion worth of canned tuna every year, and canned tuna is the second most popular fish product marketed and consumed in this country. Because of this, the statistics which describe the tuna fishery, its products, and its markets have been of interest to the National Marine Fisheries Service for some time. Monthly cannery receipt reports are covered under the current Paperwork Reduction Act approval and are used in the tuna tracking and verification program.



The tracking program includes procedures and reports for use when importing tuna into the U.S. and during domestic purse seine fishing, processing, and marketing in the U.S. and abroad. Verification of tracking system operations is attained through the establishment of audit and document review requirements which require the following information collections.

- (a) The Captain, managing owner, or vessel agent of a U.S. tuna purse seine vessel returning to port from a trip, any part of which included fishing in the ETP, shall provide at least 48 hours notice to the Administrator, Southwest Region, to allow enough time for a NMFS representative to meet the vessel at the unloading location to monitor the handling of “dolphin safe” and “non-dolphin safe” tuna. Fish may be unloaded directly to a cannery facility or transhipped to another location by a freezer ship. Vessels that transfer fish to a freezer ship in port can reduce the amount of time spent in port by not transiting the Panama Canal or the Gulf of Mexico, and by not waiting in line to unload at the cannery. The 48 hour notice shall include:
  - (i) Port of arrival where fish will be unloaded [Self-explanatory. Information needed in order to make travel arrangements for the NMFS representative.];
  - (ii) Arrival Time [Information needed to facilitate NMFS representative to meet the vessel before unloading begins]; and
  - (iii) Schedule of unloading including the date and time [Information facilitates NMFS representative’s ability to meet vessel].
- (b) The tuna tracking forms record the amounts and location of “dolphin safe” and “non-dolphin safe” tuna as it is loaded into fish wells aboard the vessel. The forms are completed and initialed by the observer and the captain or engineer after each set. During the duration of the vessel assignment, the observer retains the tuna tracking forms until the vessel arrives in port. Upon arrival in port, the captain signs and submits the completed tuna tracking forms to the NMFS representative in person, or by mail to the Administrator, Southwest Region, within 5 working days at the end of the trip. The tuna tracking forms include the following information:
  - (i) Well numbers containing “dolphin safe” and “non-dolphin safe” tuna [Self-explanatory. Information needed to monitor and track “dolphin safe” and “non-dolphin safe” tuna from time of capture];
  - (ii) Weights by species composition and estimated tons loaded into each fish well [Self-explanatory. Information used to track weights of tuna at time of capture];
  - (iii) Set number and date of loading [Information used to track weights and location of tuna at time of capture. Set numbers are important since more than one set may be completed in a single day];

- (iv) Trip number and Trip dates [Information used to correlate the fish to observer and vessel records to verify whether marine mammals were encircled, killed, or seriously injured during fishing operations];
  - (v) Observer name and signature [Information used to certify and verify the report is accurate and correct]; and
  - (vi) Captain name and signature and vessel name. [Information used to correlate the fish to observer and vessel records to verify whether marine mammals were encircled, killed, or seriously injured during fishing operations.]
- (c) Canned tuna processors must provide on a monthly basis a report of the amounts of ETP-caught tuna that is removed from cold storage. The report shall be in writing and may be sent by mail, fax, or email to the Administrator, Southwest Region. The information provided in the reports are existing documents already generated by the canneries to internally track tuna throughout the entire canning process. NMFS will receive a copy of their report. This information will be used to monitor and track “dolphin safe” and “non-dolphin safe” tuna. The following information must be provided in the report:
- (i) Date of removal [Information used to track and monitor tuna];
  - (ii) Storage container numbers [Information needed by cannery to track tuna throughout the process];
  - (iii) “Dolphin safe” or “non-dolphin safe” designation [Information needed to track the classification of tuna being processed]; and
  - (iv) Disposition of fish (canning, sale, rejection, etc) [Information needed to track the disposition of tuna. Records already kept by cannery to account for tuna disposition].
- (d) Canned tuna processors must submit a report to the Administrator, Southwest Region of all tuna received at their processing facilities in each calendar month whether or not the tuna is actually canned or stored during that month. Monthly cannery receipt reports are already compiled by the cannery to monitor and track tuna received at the facility. These reports may be submitted by fax, email or mail before the last day of the month following the month being reported. The information is used to monitor and track tuna caught in the ETP and prepare reports regarding canned tuna industry operations. Monthly reports must contain the following information for domestic and import tuna receipts. In addition, import tuna receipts must have a Fisheries Certificate of Origin (NOAA Form 370) approved by the Office of Management and Budget under Control Number 0638-0335.

- (i) Species [Self-explanatory. Information used to determine the type of tuna species processed since yellowfin tuna may be subject to an embargo];
  - (ii) Tuna condition (round, loin, dressed, gilled and gutted, other) [Self-explanatory. Information used to track tuna products throughout the processing];
  - (iii) Dolphin-safe status of tuna;
  - (iv) Weight in short tons to the fourth decimal [Self-explanatory. Information used to track the quantity of tuna being processed];
  - (v) Ocean area of capture (eastern tropical Pacific, western Pacific, Indian, eastern and western Atlantic, other) [This information is used to determine whether the tuna may be subject to an embargo since yellowfin tuna caught using a purse seine in the ETP or tuna caught using a high seas drift net may be subject to an embargo];
  - (vi) Catcher vessel [Information used to track tuna back to the vessel of capture];
  - (vii) Trip dates [Information used to correlate tuna fish to observer and vessel records];
  - (viii) Carrier name [Information used to monitor and track origin of tuna];
  - (ix) Unloading dates [Correlates tuna to unloading records to facilitate monitoring and tracking of tuna]; and
  - (x) Location of unloading. [Correlates tuna to unloading records to facilitate monitoring and tracking of tuna.]
  - (xi) Fisheries Certificate of Origin for each imported receipt of tuna. [Required to track and monitor imported tuna.]
- (e) Any exporter, transshipper, importer, processor, or wholesaler/distributor of any tuna or tuna products labeled as “dolphin safe” must produce documentary evidence concerning the origin of the tuna or products within 30 days of receiving a written request from the Administrator, Southwest Region. Documentary evidence may include, but is not limited to, such documents as invoices, packing lists, cannery production logs, and U.S. Customs and Border Protection forms filed at the time of importation.

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 #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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The requested information for vessel and operator permits is not submitted electronically at this time because the application requires an original signature certifying the information is true and correct as well as a check or money order. The SWR is exploring the possibility of making the permit applications and an explanation of the process available online at the SWR website at [nmfs.swr.noaa.gov](http://nmfs.swr.noaa.gov). Most of the departure and gear notification reporting requirements associated with the vessel and operator permits and tracking and verification program may be completed by telephone, email, or fax.

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

Although similar information is collected about U.S. tuna purse seine vessels under the High Seas Compliance Act of 1995 and the South Pacific Tuna Treaty (SPTT), neither authorize vessel owners or operators to incidentally take marine mammals during commercial fishing operations, and in the case of the SPTT, its jurisdiction does not include the ETP.

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

This collection does not have a significant impact on small entities.

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

The Secretary of Commerce would not be able to meet the mandates under the MMPA if these collections were not conducted and U.S. tuna purse seine vessels and operators would not be able to fish for tuna and tuna like species within the ETP, causing an economic hardship to the industry. Annual vessel and operator permits are necessary, because NMFS must certify to the International Review Panel that vessels requesting a DML are eligible to receive a DML and have all of the required dolphin safety gear. In addition, annual permits and notifications provide an accurate estimate of the number of vessels and operators actively participating in the IDCP and fishing for tuna within the ETP. This information is necessary for maintaining the U.S. tuna purse seine fleet within the capacity limits.

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

This information collection is consistent with OMB guidelines (5 CFR 1320.6).

**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 proposed rule, RIN 0648-AV37, revising applicable regulations so that this information may be collected, will be published for public comment.

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

No payments or gifts are provided.

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

Although the information collection is a matter of public record, certain information may be considered proprietary and therefore subject to data confidentiality under the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*), Section 402(b), the Dolphin Protection Consumer Information Act (16 U.S.C. 1385), and the National Oceanic and Atmospheric Administration Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

**11. Provide additional justification for any questions of 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.**

The total number of respondents is 101, the total number of annual responses is 418, and the recordkeeping and reporting burden to the general public for the vessel and operator permit requirements, Vessel Register requirements, and the tuna tracking and verification program is estimated to be 327.92 (328) hours per year.

## Respondents

Owners/managing owners of large purse seine vessels (applicants for ETP vessel permits):	3
Vessel operations (applicants for operator permits):	25
Owners/managing owners of purse seine vessels (that do not have an ETP vessel permit and are requesting a transit waivers):	10
Owners/managing owners of small purse seine vessels (requesting active status):	1
Owners/managing owners of small purse seine vessels (requesting inactive status):	1
Canned tuna processors (includes those that submit monthly tuna storage removal reports and monthly tuna receiving reports):	21
Exporters, transshippers, importers, processors, and wholesaler/distributors (who must submit documentary evidence at the request of the NMFS Assistant Administrator; may or may not include any of the 21 processors who submit monthly reports):	40
<b>TOTAL</b>	<b>101</b>

This request does not include burden hours on the general public due to voluntary participation in public hearings, meetings or related activities. In future years, the burden hours may further decrease due to reductions in marine mammal take quotas and limited activity in the fishery. The number of burden hours on the general public is directly proportional to the number of applicants for vessel and operator permits.

- (a) Vessel permit application. Total annual hours: 1 Hour, 45 Minutes  
(3 applications X 35 minutes/application X 1 year period of validity)  
(60 minutes/hour)
- (b) Operator permit application. Total annual hours: 4 Hours, 10 Minutes  
(25 applications X 10 minutes/application X 1 year period of validity)  
(60 minutes/hour)
- (c) Waiver request to transit ETP without permit including reporting requirements. Total burden hours: 5 Hours  
(10 requests X 30 minutes/request X 1 request per year)  
(60 minutes/hour)
- (d) Vessel departure notification. Total annual hours: 2 Hours  
(3 vessels X 10 minutes/notification X 4 notifications per vessel/year)  
(60 minutes/hour)

- (e) Change in permit operator notification. Total annual hours: 30 Minutes  
(3 notifications/year X 10 minutes/notification)  
(60 minutes/hour)
- (f) Modified net notification. Total annual hours: 30 Minutes  
(3 notifications/year X 10 minutes/notification)  
(60 minutes/hour)
- (g) Experimental fishing permit application. Total annual hours: 20 Hours  
(1 application X 10 hours/application)  
(1 report X 10 hours/report)
- (h) Dolphin Mortality Limit request. Total annual hours: 1 Hour, 15 Minutes  
Six month and annual Dolphin Mortality Limit Requests  
(3 vessels X 15 minutes/request X 1 request per vessel/year)  
(60 minutes/hour)
- Per-trip Dolphin Mortality Limit Requests  
(2 vessels X 15 minutes/request X 1 request per vessel/year)  
(60 minutes/hour)
- (i) Vessel register annual notification. Total annual hours: 40 Minutes  
Active Status Request  
(1 vessel X 35 minutes/notification X 1 notification per year/ vessel)  
(60 minutes/hour)
- Inactive Status Request  
(1 vessel X 5 minutes/notification X 1 notification per year/ vessel)  
(60 minutes/hour)
- (j) Notification prior to transfer of vessel to foreign registry and flag. Total annual hours: 5 Minutes  
(1 notification/year X 5 minutes/notification)  
(60 minutes/hour)

Total hours for this set of requirements = **35.92 (36)** (1 hour, 45 minutes + 4 hours, 10 minutes + 5 hours + 2 hours + 30 minutes + 30 minutes + 20 hours + 1 hour, 15 minutes + 40 minutes + 5 minutes).

The estimated annual labor cost to the general public to submit information for the Vessel Register and to apply for vessel and operator permits as well as comply with reporting requirements under the permits is approximately **\$898** (35.92 hours X \$25/hour).

The burden hours for the tracking of verification of “non-dolphin safe” and “dolphin safe” tuna are related to the number of active tuna purse seine vessels in the ETP, U.S. processors, exporters, transshippers, importers, distributors and sellers.

- (a) Arrival notification Total Annual Burden = 2 Hours  

$$\frac{3 \text{ vessels} \times 4 \text{ notifications per vessel/year} \times 10 \text{ minutes/notification}}{60 \text{ minutes/hour}}$$
- (b) Tuna tracking form submission Total Annual Burden = 12 Hours  

$$\frac{3 \text{ vessels} \times 4 \text{ tuna tracking forms per vessel/year} \times 60 \text{ minutes/tuna tracking form}}{60 \text{ minutes/hour}}$$
- (c) Monthly tuna storage removal reports Total Annual Burden = 6 Hours  

$$\frac{3 \text{ processors} \times 12 \text{ reports per processor/year} \times 10 \text{ minutes/report}}{60 \text{ minutes/hour}}$$
- (d) Monthly tuna receiving reports Total Annual Burden = 252 Hours  

$$\frac{21 \text{ processors} \times 12 \text{ reports per processor/year} \times 60 \text{ minutes/report}}{60 \text{ minutes/hour}}$$
- (e) Documentary evidence requests by Administrator Total Annual Burden = 20 Hours  

$$\frac{40 \text{ requests/year} \times 30 \text{ minutes/request}}{60 \text{ minutes/hour}}$$

Total hours for this set of requirements = **292** (2 + 12 + 6 + 252 + 20).

The estimated annual labor cost to the general public to comply with the tracking and verification reporting requirements is approximately **\$7,300** (292 hours X \$25/hour).

The total hours are **328** (36 + 292). The total labor costs are **\$8,198** (\$898 + \$7,300).

**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).**

The estimated annual cost to the general public, excluding burden hours, such as maintenance and submission costs associated with the vessel and operator permits is **\$69.48**. There are no capital or start-up costs associated with this information collection.

- (a) Vessel permit application: \$9.90  

$$(3 \text{ applications} \times \$3.00 \text{ per application for faxing}) = \$9.00$$

$$(3 \text{ photographs} \times \$0.30 \text{ per photograph}) = \$0.90$$



- (b) Operator permit application:  
       (25 applications X \$0.42 postage) = \$10.50
- (c) Waiver request to transit ETP without permit including reporting requirements:  
       (10 requests X \$0.42 postage) = \$ 4.20
- (d) Vessel departure notification.  
       (3 vessels X 10 minutes/notification X 4 notifications/year X \$0.20/minute telephone charge)  
           = \$24.00
- (e) Change in permit operator notification.  
       (3 notifications X 10 minutes/notification X \$0.20/minute telephone charge) = \$6.00
- (f) Modified net notification.  
       (3 notifications X 10 minutes/notification X \$0.20/minute telephone charge) = \$ 6.00
- (g) Experimental fishing permit application: \$2.24  
       (1 application X \$1.12 postage) = \$ 1.12  
       (1 report submission X \$1.12 postage) = \$ 1.12
- (h) Dolphin Mortality Limit request: \$2.10  
       Six month and annual Dolphin Mortality Limit Requests  
       (3 annual or six month DML requests X \$0.42 postage) = \$1.26  
  
       Per-trip Dolphin Mortality Limit Requests  
       (2 per trip DML requests X \$0.42 postage) = \$ 0.84
- (i) Vessel register annual notification: \$3.92  
  
       Active Status Request: \$3.30  
           (1 notification X \$3.00 per application for faxing) = \$3.00  
           (1 photograph X \$0.30 per photograph) = \$0.30  
  
       Inactive Status Request: \$0.62  
           (1 notification X \$0.42 postage) = \$0.42  
           (1 notification X \$0.10 per envelope) = \$0.10  
           (1 notification X \$0.10 per copy) = \$0.10
- (j) Notification prior to transfer of vessel to foreign registry and flag: \$0,62  
       (1 notification X \$0.42 postage) = \$ 0.42  
       (1 notification X \$0.10 per envelope) = \$0.10  
       (1 notification X \$0.10 per copy) = \$0.10

The estimated annual cost to the general public, excluding burden hours, such as maintenance and submission costs associated with tracking of verification of “non-dolphin safe” and “dolphin safe” tuna is **\$880.00**. There are no capital or start-up costs associated with this information collection.

- (a) Arrival notification  
 (12 notifications X 10 minutes/notification X \$1.25 /minute telephone charge) = \$150.00
- (b) Tuna tracking form: \$17.76  
 (12 tuna tracking forms X \$0.30/copy) = \$3.60  
 (12 tuna tracking forms X \$1.18 postage/form) = \$14.16
- (c) Tuna storage removal reports: \$53.28  
 (36 removal reports X \$0.30 /copy) = \$10.80  
 (36 removal reports X \$1.18 postage/report) = \$42.48
- (d) Monthly tuna processor reports: \$599.76  
 (252 processor reports X \$1.20/copy) = \$302.40  
 (252 reports X \$1.18 postage/report) = \$297.36
- (e) Documentary evidence requested by Administrator: \$59.20  
 (40 reports X 0.30/copy) = \$12.00  
 (40 reports X 1.18 postage/report) = \$47.20

The total estimated annual cost to the general public is **\$949.48 (\$69.48 + \$880.00)**.

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

The estimated annual costs for processing vessel and operator permit applications as well as responding to the notification and reporting requirements to the Federal government is determined by calculating the total time necessary for staff to complete the response and multiplying the amount by \$25 per hour. The total annual estimated cost is **\$551.25**.

- (a) Vessel permit application. Total cost: \$83.75  

$$\frac{(3 \text{ applications} \times 67 \text{ minutes/application} \times \$25/\text{hour})}{(60 \text{ minutes/hour})}$$
- (b) Operator permit application. Total cost: \$156.25  

$$\frac{(25 \text{ applications} \times 15 \text{ minutes/application} \times \$25/\text{hour})}{(60 \text{ minutes/hour})}$$

- (c) Waiver request to transit ETP without permit. Total cost: \$83.34  
(10 requests X 20 minutes/request X \$25/hour)  
(60 minutes/hour)
- (d) Vessel departure notification. Total cost: \$50.00  
(3 vessels X 10 minutes/notification X 4 notifications per vessel X \$25/hour)  
(60 minutes/hour)
- (e) Change in permit operator notification. Total cost: \$12.50  
(3 notifications X 10 minutes/notification X \$25/hour)  
(60 minutes/hour)
- (f) Dolphin Safety Panel Marking Requirements Total cost: \$0.00  
No administrative costs associated with marking the safety panel.
- (g) Modified net notification. Total cost: \$12.50  
(3 notifications X 10 minutes/notification X \$25/hour)  
(60 minutes/hour)
- (h) Experimental fishing permit application. Total cost: \$100.00  
(1 application X 4 hours/application and report X \$25/hour)
- (i) Dolphin Mortality Limit request. Total cost: \$20.83  
Six month and annual Dolphin Mortality Limit Requests  
(3 vessels X 10 minutes/request X 1 request/vessel X \$25/hour)  
(60 minutes/hour)
- Per-trip Dolphin Mortality Limit Requests  
(2 vessels X 10 minutes/request X 1 request/vessel X \$25/hour)  
(60 minutes/hour)
- (j) Vessel Register annual notification. Total cost: \$30.00  
Active Status Request  
(1 notification X 67 minutes/notification X \$25/hour)  
(60 minutes/hour)
- Inactive Status Request  
(1 notification X 5 minutes/notification X \$25/hour)  
(60 minutes/hour)
- (k) Notification prior to transfer of vessel to foreign registry and flag. Total cost: \$2.08

(1 notification X 5 minutes/notification X \$25/hour)  
(60 minutes/hour)

The estimated annual costs for processing reports pertaining to the tuna tracking and verification program as well as responding to the notification and reporting requirements to the Federal government is determined by providing the costs of two staff salaries hired to complete all the duties and responsibilities related to the tuna tracking and verification program. In addition to the staff time allocated to track and verify the origin of landed tuna in the United States, there will be travel costs associated with monitoring the unloading operations and conducting audits and spot checks. Estimated cost is \$207,000.

GS-12 employee = \$104,000 (including benefits)

GS-11 employee = \$88,000 (including benefits)

Travel Costs = \$15,000

(\$500/roundtrip airfare+ (\$150 per diem rate X 5 days) X 6 trips/year X 2 employees)

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

This collection of information includes new collections and reporting requirements. Four new information collection requirements were added to provide information to NMFS for management of the register of vessels: 1) collection of vessel photographs with the vessel permit application; 2) annual written notification to request a vessel of 400 short tons (st) carrying capacity or less be listed on the Vessel Register and be categorized as active; 3) annual written notification to request a vessel of 400 st carrying capacity or less be listed on the Vessel Register and be categorized as inactive; and 4) written notification prior to transfer of a tuna purse seine vessel on the Vessel Register to foreign registry and flag. These four additional requirements will result in an increase of 3 total annual responses, 1 hour in total annual burden hours, and \$5.44 in total annual recordkeeping/reporting costs.

A decrease in the number of vessels expected to participate in this fishery resulted in a decrease in the total annual respondents, responses, burden hours, and recordkeeping/ reporting costs, whereas an increase in the number of tuna processors associated with this fishery resulted in an increase in these annual totals. An increase in postage rates and the inclusion of the costs for faxing, copies, and envelopes contributed to an increase in the total annual recordkeeping/ reporting costs. In addition, the number of respondents to requests for documentary evidence concerning the origin of tuna or tuna products was increased and was added to the total number of annual respondents (it was not included in the previous totals). These program adjustments will result in a net increase of 39 total annual respondents, 152 total annual responses, 181 hours in total annual burden hours, and \$287.13 in total annual recordkeeping/reporting costs (NOTE: in ROCIS, the cost appears to have decreased, due to the amount migrated into the system having been rounded up to \$1,000).

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

Not applicable. The requested information will not be published.

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

Not applicable. Not seeking approval to not display the expiration date for OMB approval.

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

Not applicable. There are no exceptions to the certification statement identified in Item 19 of the OMB-83-I.

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

Not Applicable. This information collection request does not employ statistical methods.