

**SUPPORTING STATEMENT
U.S.-CANADA ALBACORE TREATY REPORTING SYSTEM
OMB CONTROL NO.: 0648-0492**

A. JUSTIFICATION

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

Enacted in early 2004, House of Representatives (H.R.) 2584 amended the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) to authorize the issuance of regulations as needed to carry out the obligations of the United States under the 1981 Treaty Between the Government of the United States and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty). That Treaty was amended in 2002 with the support of the U.S. albacore fishing industry, which felt that the original Treaty was offering greater benefits for Canadian interests than for U.S. interests. Regulations were promulgated (69 FR 31531) effective June 1, 2004, to implement the provisions of the amended Treaty. The regulations require vessel operators to: 1). report their desire to be on the list of vessels provided to Canada each year, indicating eligibility to fish for albacore in waters under the fisheries jurisdiction of Canada; 2). report in advance their intention to fish or transit before crossing the border between the U.S. and Canada, or vice versa; and 3). mark their fishing vessels to facilitate effective enforcement. Without such reports, the U.S. will not be able to meet its obligations under the Treaty.

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.

The Southwest Region (SWR), National Marine Fisheries Service (NMFS) and the Canadian Department of Fisheries and Oceans (DFO) will use reports taken during the year to carry out Treaty obligations. The Treaty amendments include a program of limits on reciprocal fishing by vessels of one Party in the waters of the other Party. In order to comply with these limits, the SWR and DFO must be able to monitor the activity of U.S. and Canadian fishing vessels as they move across the border and fish in the waters subject to the fisheries jurisdiction of the other Party.

The SWR and other staff in NMFS have worked with the DFO for many months to develop a system using a third party contractor that is able to take vessel reports through several means (land line and cell phone, email, and fax), 24 hours a day and 7 days a week. The communication costs are borne by the vessel owner or operator initiating the call. The overall contract with the third party is partly financed by the SWR and partly by fees from fishermen for communication services by the contractor. The reports provide information that is available to both Parties by direct contact with the contractor and through the internet so that, at any point in time, each Party can determine whether the fishing by its fleet in waters of the other Party has reached or is near the limit set in the Treaty. If so, the Party can notify its fleet of any closure as necessary. NMFS implemented this system through regulations at 50 C.F.R. Section 300 Subpart L and 50 C.F.R. Parts 600.525 and 600.530. The regulations also formalized the current process for providing

Canada with a list of vessels that is eligible to fish in Canadian waters under the Treaty. This is an element of the Treaty that had been handled informally in the past; there has been no regulatory mechanism to require U.S. vessel operators to submit information or requests to be on the list provided by the U.S. The SWR used coastwide records of albacore landings to identify vessels that have participated in the fishery in the past year and provided a “universe” of potentially interested participants. With the limits set by the Treaty, it is more important that there be a more structured process to ensure that only eligible vessels engage in fishing, and that all interested vessel operators or owners be known, so that they can be contacted in the event of a fishery closure. Finally, vessel owners and operators now have to ensure that their fishing vessels are marked in accordance with the Treaty to facilitate vessel identification by enforcement platforms at sea and in the air.

The vessel marking is a simple addition to the marking required under the new Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS), Fishery Management Plan (FMP), recently approved and implemented by regulations (50 CFR 660.704) issued under the Magnuson-Stevens Act. Summaries of fishery information (e.g., number of vessels participating, months of fishing by U.S. vessels and their catch in Canadian waters, total U.S. catch) will be provided to the DFO and U.S. fishery interests and will be released to the public consistent with confidentiality requirements and Information Quality Guidelines. The SWR and Northwest Region (NWR), NMFS, will use paper copy as well as the Internet to distribute this information.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #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.

Fishery participants will have multiple options for reporting vessel activity, including electronic reports to the contractor. The contractor in turn uses the same means to provide confirmation numbers to the persons making reports of vessel border crossings. NMFS and DFO are able to use a web-based system to monitor and assess the amount of fishing by the respective fleets in the other Party’s waters so that the need for closure notices or other actions can be determined in a timely manner. NMFS and DFO also use electronic means as well as telephone and fax to distribute information to the fishing fleets. The SWR website (<http://nmfs.swr.noaa.gov>) is the primary NMFS website used to inform the public about reporting and other management program requirements. Instructions for making vessel reports are available online. The SWR and NWR are also working with state agencies and the Pacific Council to use their websites to increase the distribution of information about permit and other requirements.

4. Describe efforts to identify duplication.

The SWR compiled information on U.S. vessels engaged in HMS fisheries for initiation of a permit system under the HMS, FMP. That information includes a component for West Coast vessels that have been active in the West Coast albacore fishery. In addition, during the season, the NWR has for many years been compiling and updating the vessel list that is provided to Canada under the Treaty prior to Treaty amendments in 2001. Thus, the SWR and NWR together have made use of past collections to minimize duplication and reduce the likelihood that interested participants would not be aware of the need for actions on their part. Similarly, the vessel-marking requirement is a minor addition to, rather than duplication of, markings required under the HMS, FMP to support enforcement. There is no other system in place for in-season reports by U.S. or Canadian vessels prior to crossing the border to fish under the Treaty.

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

All fishing operations involving vessels in the albacore fishery can be categorized as small businesses. However, the reporting burdens of: 1) making sure the vessel is on the list provided to Canada, 2) reporting prior to border crossings, and 3) marking vessels as required under the proposed rule are slight relative to the overall cost of fishing. The use of the third party to take reports 24 hours a day and 7 days a week by multiple means allows vessel operators to select the most cost effective way for each individual operation to meet the requirement for vessel reports. No special measures are needed to offset any disproportionate effect on small businesses.

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

If the collection is not conducted, there will be no way to implement the fishing effort limits of the Treaty in a fair, equitable, and effective manner. Closures would have to be set based on past history of fishing; there would be a high probability of either premature closure (which would deny fishing opportunities that are to be provided under the Treaty) or a late closure, which would effectively preclude achieving the benefits of the amended Treaty. In the latter case, U.S. interests could be seriously disadvantaged and pressure would rise to terminate the Treaty.

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

The collection is consistent with the guidelines.

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 that solicited public comments on the information collection was published in the Federal Register on June 13, 2007.

We received a comment that suggested doing the survey every two years rather than every year.

The requirement to conduct this collection every year is tied to the annual fishing effort limitation program under the amended U.S.-Canada Albacore Treaty. That program calls for effort to be reduced gradually over the 3-year period of the program. The United States would be unable to carry out this obligation with a collection that is conducted only every other year or every third year. There is considerable turnover in the fishery, and even one-year old data can be incorrect or misleading.

NMFS consulted with the U.S. troll albacore fishing industry in development and implementation of the reporting system in place. The fishing industry includes individual fishermen, an association of fishermen from the U.S. and Canada, and processors. The consultations occurred during the negotiations in 2001 and 2002 to amend the Treaty and in subsequent meetings to develop and evaluate reporting alternatives in 2003 and early 2004 (50 CFR 300.170 - 300.176).

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

There are no payments or gifts to respondents.

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

NMFS will maintain data as confidential consistent with the Magnuson-Stevens Fishery Conservation and Management Act as well as the Trade Secrets Act.

Fishermen are aware that reports by side-scan radio are subject to interception at sea, so the reporting options being provided include land line and cell telephone as well as fax and email. Data such as personal addresses and phone numbers will remain confidential information. The business information of holders of Federal permits is, however, public 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.

No questions are asked of a sensitive nature.

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

Based on recent activity in 2006 and 2007, respondents are estimated to be 100 or less. There are four elements to this collection.

1). Vessel owners who want to be eligible to fish in Canadian waters under the Treaty must ensure that their vessels are on the list of vessels exchanged with Canada. This will require a call, email or fax to NMFS that will take approximately 5 minutes. If 100 vessel owners so request, **the total annual responses will be 100 and the annual burden for this element will be 8.33 (8) hours** (100 x 5 minutes/60 minutes).

2). Regulations require reporting border crossings under this rule to a U.S.-designated contractor so that NMFS can track fishing against its limit. Assuming one round-trip (two border crossings, and thus, two calls per trip) for each of an average of 100 active vessels each year, and with each call taking an average of 5 minutes, this imposes a burden of **200 responses and 16.67 (17) hours** per year (100 x 2 x 5 minutes/60 minutes). Note that some vessels are expected to engage in two or more crossings each year, while most vessels will not engage in any crossings. The Treaty through the imposed effort limitation regime in force indirectly limits the number of crossings. Under the amended Treaty, in the current default effort limitations, U.S. vessels will be limited to no more than 375 vessel months per year (if a vessel fishes 1 day or 30 days in a given month, this counts as one vessel month for purposes of Treaty effort limits).

3). Regulations require logbook-reporting requirements for fishing under the Treaty in Canadian waters. Assuming that all of the estimated 100 vessels fish every day for one month (i.e., up to 30 days per month) and complete 1 logbook page per day (at 5 minutes per page), the responses will be 30 per vessel or 3,000 and the burden will be a maximum average of 250 hours per year. It is estimated that 50 percent of these vessels already respond to the mandatory logbook requirement under the West Coast Highly Migratory Species Fishery Management Plan, so the net added maximum burden for which approval is requested is **125 hours (1,500 responses)**. In most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which this estimate is based. For instance, in 2007, 18 US vessels utilized 22 vessel months of effort, and average trip duration of 10 days fishing in the Canadian EEZ.

4). The vessel marking requirement under the revised regulations consists of adding the letter “U” after the vessel marking number required under regulations at 50 CFR 660.704, if the vessel enters Canadian waters. This is estimated to take 5 minutes per vessel. Given the estimate of 100 vessels per year, an estimated **annual 100 responses and burden of 8.33 (8) hours** is anticipated.

Thus, the total responses are estimated to be 1,900 and the burden, 158 hours per year for the next 3-year period of fishing limits. NMFS is working with the albacore fishery to evaluate the potential of electronic recordkeeping and reporting for this fishery. This could reduce the collection burden in the future.

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 significant capital or equipment costs associated with this reporting burden.

1). The estimated cost of making the initial call or fax to be placed on the authorized list is approximately \$2.00, or less (5 minutes x \$0.40 per minute), totaling \$200.00 for 100 vessels.

2). The estimated cost of reporting border crossings by phone or ship-to-shore radio is up to \$1,200, based on up to 200 reports at \$6.00 per call. This includes connection fees and per minute charges.

3). Logbooks:

a). Mailing costs for submitting logbooks are estimated to be up to \$205 per year (30 pages per 50 vessels = 1,500 total logbook pages; at 6 pages to the ounce, this would require mailing of 250 ounces at \$ 0.41 per ounce or \$103).

b). Additionally, each vessel must register an account with ShipCom (the contractor provider for the hail-in monitoring system) at an annual estimated fee of \$25.00 each, or a total of \$1,250 for the estimated 50 vessels.

4). The estimated cost of the vessel-marking requirement is \$0.50 per vessel for 100 vessels, or up to \$50.00 per year.

Thus, total annual costs are estimated at \$2,803 (\$200 + \$1,200 + \$103 + \$1,250 + \$50). Actual costs are anticipated to be much less, as not all 100 vessels are expected to fish in a given year.

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

The only additional cost to the Federal government is the cost of contracting with a private firm to establish the hail-in system, including preparing instructions, developing software for data processing of hail-in information, and setting up the data transfer so that NMFS and Canadian authorities can simultaneously access the information from remote computers. This is an estimated annual cost of \$2,388 for the U.S. contribution. Operational costs of the hail-in system will be covered through the fees to fishermen for use of the system.

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

Due to re-estimations based on actual respondents in the past years, estimated hours have decreased by 770 hours. Due to a more realistic accounting of costs, and inclusion of the Shipcom vessel registration costs that were not accounted for in past submissions, costs have increased by \$956.

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

There are no plans at this time for publications based on the collections.

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 instructions for making calls will display the expiration date for the collection.

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

There are no exceptions to the certification statement in Item 19 of Office of Management and Budget (OMB) 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.