

SUPPORTING STATEMENT
HIGHLY MIGRATORY SPECIES DEALER REPORTING FAMILY OF FORMS
OMB CONTROL NO.: 0648-0040

A. JUSTIFICATION

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

This package seeks to revise a previously approved information collection affecting seafood dealers who import or export covered Atlantic highly migratory species (HMS). This revision is associated with a proposed rule (Regulation Identifier Number (RIN) 0648-AU88) to adjust portions of the HMS international trade permit (ITP) program. The ITP program tracks trade of internationally managed HMS, including bluefin tuna, southern bluefin tuna, bigeye tuna, and swordfish. The proposed rule would, among other things, adjust the ITP program to improve program efficacy and enforceability, and implement a bluefin tuna catch documentation program recently adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The United States is a member of ICCAT and authorized by Atlantic Tunas Conservation Act ([ATCA](#)), 16 U.S.C. 971, to promulgate regulations as may be necessary and appropriate to implement recommendations adopted by ICCAT. Regulations implementing HMS ITP program are found at [50 CFR 300](#), Sections 180-189.

International trade tracking programs are required by both ICCAT and the Inter-American Tropical Tuna Commission (IATTC). An overall goal of these programs is to reduce illegal, unreported and unregulated fishing for the covered species, and improve management of associated fisheries. The statistical document (SD) programs are designed to account for all international trade of covered species by requiring that an SD accompany each export from and import into a member nation, and that a re-export certificate (RXC) accompany each re-export. In this way, markets will be closed to trade of covered species with non-participating nations. At its 2007 annual meeting, ICCAT adopted a recommendation to expand the bluefin tuna SD program into a catch documentation (CD) program. This program builds on the goals of the SD program but begins documentation for bluefin tuna at the point of harvest, with the intent of better accounting for bluefin tuna landings and farming operations.

Current United States (U.S.) documentation of commercial bluefin tuna landings which includes tagging satisfies the ICCAT catch document requirements for bluefin tuna harvest. The specific portions of this information collection that will be revised include the following: 1) the bluefin tuna SD for Atlantic bluefin tuna exports from the United States and imports into the U.S. will be replaced by an ICCAT bluefin tuna CD for which there will be no change in reporting cost or burden; 2) upon re-export of untagged Atlantic bluefin tuna consignments, the HMS ITP holder re-exporting the consignment will be required to forward a copy of the ICCAT bluefin tuna re-export certificates and catch document to the ICCAT secretariat and the importing government agency. This activity will include an increase in reporting costs and burden under this collection.

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.

Consignment Documentation, including Catch Documents and Re-export Certificates

Original CDs accompany each harvest and export consignment, and must stay with a shipment until it reaches its final destination. If the consignment is re-exported, then a RXC may also be required. National Marine Fisheries Service (NMFS) collects the documents and forwards the information to ICCAT, which can then compare the data collected from all participating nations to cross-reference and verify trade and landings data. The program is designed to account for all landings and trade of Atlantic bluefin tuna. Trade data may be cross-referenced with each nation's landings quotas to help identify illegal or unreported landings.

A CD is considered complete and approved for import, export, or re-export if it is identified by a number assigned by the issuing government and has all of the required information recorded, and, if applicable, is validated (see below). U.S. CDs and RXC will be available from NMFS to accompany exports from the United States. Imports to the United States must be accompanied by a CD (and RXC if applicable) issued by the flag country of the harvesting vessel (or re-exporting nation if applicable). U.S. importers are required to complete the import section of the foreign CD and foreign RXC.

The following information is required on all CDs and is used for tracking the consignment unless otherwise noted:

- (1) The document number assigned by the country issuing the document;
- (2) The name of the country issuing the document, which must be the country whose flag vessel harvested the fish, regardless of where it is first landed;
- (3) The name of the vessel that caught the fish, the vessel's length, the vessel's registration number, and ICCAT record number, if applicable;
- (4) The point of export, which is the city, state or province, and country from which the fish is first exported;
- (5) The product type (fresh or frozen), time of harvest (month/year), and product form (round, gilled and gutted, dressed, fillet, or other);
- (6) The method of fishing used to harvest the fish (e.g., purse seine, trap, rod and reel) - used to gather socio-economic data on fishery regarding catch per sector;
- (7) The ocean area from which the fish was harvested (i.e., western Atlantic, eastern Atlantic, Mediterranean, or Pacific);
- (8) The weight of each fish (in kilograms for the same product form previously specified) or the net weight of each product type, as applicable;
- (9) The name and license number of, and signature of the exporter and date in the exporter's certification block; and
- (10) The name and title of, and signature and date in the validation block by, a responsible government official of the country whose flag vessel caught the fish (regardless of where the fish are first landed) or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the CD. (NOTE: Validation of an

imported CD by a government official is not required if NMFS waives the requirement following a recommendation of the ICCAT Secretariat.)

- (11) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, and signature and date in the importer certification block by each intermediate dealer and final importer.
- (12) Whether the fish was farmed or captured.
- (13) Identifying information regarding the owner of the trap that caught the fish or the farm from which the fish was taken, if applicable.
- (14) The identifying tag number, if landed by vessels from countries with bluefin tuna tagging programs or tagged by a U.S. dealer under the Atlantic bluefin tuna tagging program.
- (15) All applicable farming and transfer information.

A RXC is considered complete and approved for import, export, or re-export if it is identified by a number assigned by the issuing government and has all of the required information recorded, and, if applicable, is validated (see below):

- (1) Re-exporting country.
- (2) Point of re-export.
- (3) Description of imported bluefin tuna, including product type, weight, flag of vessel harvesting the fish, date of import, and CD number.
- (4) Description of bluefin tuna for re-export, including product type, weight, and CD number.
- (5) Re-exporter statement, including name, address, signature, and date.
- (6) Government validation (if necessary).
- (7) Importer Statement, including name, address, signature, and date.
- (8) Final point of import, including city, state/province, and country.

Validation - ICCAT requires that CDs and RXCs be validated by a government institution at export. NMFS has worked with ICCAT to develop several alternative approaches with the intent of minimizing the public reporting burden for the government validation requirement. For example, in the United States, Atlantic bluefin tuna are tagged when landed, and the numbered tag stays with the carcass. This obviates the need for validation since the bluefin tuna data associated with the tag number must be provided to NMFS and can be tracked. In addition, NMFS has instituted a FAX-in validation service which is available on a 24 hour/7 day per week basis. NMFS may also authorize non-governmental industry partners to validate CDs and RXCs once they have met the necessary requirements. The entity must apply for authorization in writing to NMFS, and indicate the procedures to be used for verification of information to be validated, list the names, addresses, and phone/fax numbers of individuals to perform validation, and provide an example of the stamp or seal to be applied to the consignment document. Upon approval, NMFS will issue a letter specifying the duration of effectiveness and conditions of authority for validation. Authorization must be renewed annually.

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

CDs and RXCs for import consignments are completed original documents received by dealers, who must then sign and mail the original import documents to NMFS. Documents for U.S. exports will be available on the NMFS website (http://www.nmfs.noaa.gov/sfa/hms/ITP/International_Trade_Permit.htm) and electronically form fillable. These may be emailed or faxed to NMFS. NMFS is preparing to implement the International Trade Data System which will provide permit holders with the ability to submit all documents electronically. See also Item 4 below.

4. Describe efforts to identify duplication.

The impacts of the revised reporting requirements were analyzed and will be provided for public review through rulemaking processes (proposed rule, RIN 0648-AU88). No duplicative efforts have been identified. The Highly HMS Management Division of NMFS works closely with other NMFS offices on reporting and permitting issues, and ensures that reporting regulations are not duplicative. NMFS has attempted to combine SD with other reporting requirements into a single form in the past; however, ICCAT did not approve the use of forms other than those developed specifically by ICCAT. The United States is participating in discussions among many regional fishery management organizations (most recently in a July 2007 meeting in Raleigh, NC) to determine ways of using technology to reduce paperwork and improve the efficacy of harvest and trade monitoring programs.

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

Small businesses will be the respondents of this data collection and this revision will not have a significant impact on them. As described in Item 4, reporting requirements have been condensed as much as possible. In addition, electronic reporting will be implemented as soon as practicable as discussed in Items 3 and 4.

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

If this information collection were not conducted, the U.S. would fall into a status of non-compliance with its international obligations under ICCAT in violation of ATCA. The U.S. bluefin tuna industry would no longer be able to export its valuable commodity.

Without the authorization of non-government validation, NMFS would be required to individually validate each export and re-export, which would impose a greater reporting burden on industry. If authorization were not renewed annually, in the same manner that dealer and vessel permits are annually renewed, NMFS would not be able to effectively monitor implementation of the ITP program.

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

The frequency with which data are collected in this package is inconsistent with Office of Management and Budget (OMB) guidelines that state; "do not require respondents to report information more often than quarterly." Failure to implement the ICCAT Catch Documentation program as recommended, including reporting when activity occurs rather than on a quarterly basis, would preclude U.S. businesses from international trade of bluefin tuna.

Consistent with the last renewal of OMB approval for the bluefin tuna SD forms, it is requested that the burden statement, expiration date, and OMB Control Number not appear on any CD form, but be provided in a cover letter to U.S. tuna dealers and importers. An example cover letter is included in this submission. Due to the confusion the PRA information presents to foreign dealers and customs officials, in the last renewal package for this collection, NMFS proposed to provide this information in a cover letter so that the form would more closely match the generic form adopted by ICCAT. Since all U.S. dealers will be required to have an international trade permit in order to import and/or export species requiring consignment documentation, NMFS will be able to ensure that each dealer receives the cover letter. This will meet NMFS obligations under the PRA while reducing the likelihood of delays/problems in clearing customs in countries that are contracting parties to ICCAT.

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.

The Federal Register notice for the proposed rule RIN 0648-AU88 will solicit public comment on this collection.

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

No payments or gifts are to be offered as part of this information collection.

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

Pursuant to Section 402(b) of the Magnuson-Stevens Act, as amended in 2007, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. This assurance is given in the Paperwork Reduction Act Statement on each form. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified.

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 information of a sensitive nature is requested in this collection of information.

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

The universe of respondents for this collection was previously calculated and is not being changed in this revision.

Burden hours associated with CDs are the same as those for SDs for bluefin tuna, and no change is expected because of the change in document forms.

The increase in burden estimate for mailing Atlantic bluefin tuna RXC to both ICCAT and the relevant agency of the importing nation, in cases of re-export of untagged consignments, is the only revision to the previous burden estimate. The overall burden for each untagged re-export consignment is expected to be approximately 15 minutes (0.25 hours) per consignment, not including validation.

Of the 67 re-exported consignments in 2006, 50 were originally landed in Canada and were tagged fish. Thus, only 17 shipments would have been subject to the additional reporting included in this revision. The additional annual estimated burden hours for this collection is (17 x .25 hours per consignment) = 4.25 hours. The new burden subtotal for catch documents, statistical documents and re-export certificates is thus 3,494 (previously 3,490) and the new total for all burden in this collection is 6,152 (previously 6,148).

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).

Additional costs as a result of this revision include an estimated \$50 per consignment for overseas shipping of document copies. Although permit holders are encouraged to submit electronic copies via email which would be cost-free, some may not have computer access, so postal costs are estimated. The additional annual estimated costs due to this revision are (17 x \$50 per consignment) = \$850. The new subtotal for the catch documents, statistical documents and re-export certificates is now \$5,675 (previously \$4,825). The new overall cost for this collection is \$7,942 (previously \$7,092).

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

No additional costs to the Federal government for as a result of this revision are anticipated.

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

The addition of 4.25 hours in reporting burden and \$850 in annualized costs are both a result of program changes.

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

Results from data collection using the forms in this family are not planned for publication.

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.

See Item 7 regarding a request not to display the expiration date for OMB approval on CDs or RXCs.

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 identified in Item 19 of the OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods such as sampling.