

**SUPPORTING STATEMENT
U.S. FISHERMEN FISHING IN RUSSIAN WATERS
OMB CONTROL NO. 0648-0228**

A. JUSTIFICATION

This request is for renewal of this information collection.

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

Regulations at 50 CFR Part 300, Subpart J, govern United States (U.S.) fishing vessels and nationals operating in the Russian Federation Economic Zone, and implement provisions of the "Agreement between the Government of the United States of America and the Government of the Russian Federation on Mutual Fisheries Relations" (Agreement).

The Agreement provides that U.S. fishermen may apply to be granted access to allocations of surplus stocks in the Russian Federation Economic Zone (EZ), a zone extending up to 200 nautical miles off the coast of the Russian Federation. As part of the Agreement, the U.S. agreed to take appropriate measures to ensure that its nationals and vessels conduct fishing operations within the Russian EZ consistent with Russian national law and regulations.

The information collection requirements in the regulations have evolved over the years since the regulations were initially published in 1989. As an example, the regulations did not originally include penalties for not complying with the application procedures. The National Marine Fisheries Service (NMFS) was aware that various Russian national and local authorities issued a number of permits to owners of U.S. vessels who did not follow procedures and submit their applications in accordance with prescribed procedures. We therefore had little information on the activities of certain U.S. vessels that were operating in the Russian EZ. Additionally, Russian authorities apparently authorized or otherwise permitted U.S. vessels to fish or receive fish such as halibut, Tanner crab and groundfish in the Russian EZ. They did not, however, advise U.S. authorities of the vessels permitted for such activities, the amounts authorized, or the areas in which such fishing was to occur, etc. In addition, we had no knowledge of Russian "size limitations," or seasons in which such fishing could occur in the Russian EZ. The result was that U.S. vessels claiming to have been authorized to fish in the Russian EZ were entering and transiting the U.S. Exclusive Economic Zone (EEZ) and landing production that may or may not have been taken legally under Russian law, the Magnuson-Stevens Fishery Conservation and Management Act, and related U.S. regulations.

It was impossible for NMFS enforcement agents to ascertain whether some or all of the production being landed by U.S. vessels claiming to have fished in the Russian EZ under Russian permits was not caught in the U.S. EEZ and/or, perhaps, during closed seasons. A particularly sensitive problem was the landing of undersized halibut, claimed to be caught in the Russian EZ, at U.S. ports located in Alaska south to Los Angeles.

Therefore, NMFS revised the regulations to require additional information from the U.S. vessel owners; to wit, reports on fish production carried aboard when departing the EEZ off Alaska and the west coast and the production aboard when reentering that portion of the EEZ. This

information was, and continues to be, needed to identify the vessels entering the EEZ that operated in the Russian EZ, and the amount of fish the vessels transport from the Russian EZ. Reported catches when reentering the EEZ are compared with landings data to determine if fishing occurred after the vessel reentered the EEZ. NMFS enforcement also confirms U.S. reports with counterpart offices in Russia.

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.

Application forms and copies of applicable laws and regulations of the Russian Federation may be obtained from the NMFS Office of International Affairs. The application must be submitted to NMFS for review and transmittal to the Department of State, who will then forward it to the authorities of the Russian Federation. The questions relate to the type of fishing operation being proposed, and require that the U.S. applicant specify the type of fishing activity, area, species, gear, and season for which approval is sought. Russian authorities indicate they evaluate these applications to make decisions on their approval and whether special conditions or restrictions should apply. Certain other specific information is also required, such as the vessel's identification number, measurements, engine power, radio communications equipment, and other characteristics.

Data reported to NMFS in depart/return reports include quantities of fish and fish products aboard the vessel. Thus, submission of these reports enables NMFS to identify and track U.S. vessels that will be returning to the EEZ with production from the Russian EZ on board. Fishing activity data is also to be reported to the Russian Federation in daily reports and other reports. The information collection is required pursuant to the Agreement and failure to collect the basic information could result in denial of fishing privileges for U.S. vessels in the Russian EZ, or a failure to detect serious violations of the Magnuson-Stevens Act.

The collection of application data and submission of a copy of the permit is expected to occur only once annually, at the time an application is filed and within seven days of a permit being issued. Depart/return reports and vessel activity reports must be made on a real time basis to allow appropriate enforcement action. NMFS estimates that each vessel will fax two such reports per trip and one abstract of the permit information per operating year as required by § 50 CFR Part 300.154(b). Owners of U.S. vessels must also maintain records of reports for a period of three years.

It is anticipated that information collected will be disseminated to the public or used to support publicly disseminated information. 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 NOAA standards for confidentiality, privacy and electronic information. See the response in Question 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 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.

Russian authorities require that applications be submitted as original documents. Activity reports to Russia must be faxed. U.S. vessel owners submit copies of permits and vessel abstract reports by fax. Depart and Return messages are submitted by fax. A form for the Vessel Permit Abstract Report and the Depart and Return messages are available electronically at the following NMFS website: http://www.nmfs.noaa.gov/gpea_forms/forms.htm.

4. Describe efforts to identify duplication.

Data collected are unique to each U.S. vessel's particular circumstances.

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.

Failure to be prepared to collect the information would make it impossible for NMFS to carry out its responsibilities under the Agreement.

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.

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 Federal Register Notice, published on July 2, 2008 (73 FR37930) solicited public comments on this renewal. No comments were received.

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

No payments or gifts are given.

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

Data submitted based on this information collection will be accorded confidentiality pursuant to 50 CFR Part 600, Subpart E as stated in the requirements.

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.

A response time of 30 minutes is estimated for the application and 30 minutes for these documents sent to Russia: permit abstracts, depart/return reports, and activity reports. However, due to political and fishery management issues in the Russian Federation, no Russian fishery resources have been available to U.S. vessels for several years. Therefore, while the regulations at 50 CFR Part 300, Subpart J, must remain in place in case circumstances change and Russian fishery resources become available to U.S. vessels, the estimated burden for this collection at this time is zero. Accordingly, we request a placeholder burden of one hour be assigned for 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 Question 12 above).

Assuming a single fax transmission to Russia is \$10 and to the U.S. , \$2.50, and assuming a single fishing trip of 5 days which requires 5 daily report faxes to Russia, 1 permit abstract report fax, 1 depart report fax, and 1 return report fax, the estimated cost to the public is \$57.50 (\$58).

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

The estimated cost to the Federal government is zero.

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

Previously, the estimated cost to the public was zero, but this estimate was corrected to include the costs of faxing the permit application and reports, as indicated in the response to Question 13.

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

There are no plans to formally publish the information collected, but if requested, aggregated information will be released to interested parties.

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 expiration date will not be displayed on the Russian license application form, as the U.S. cannot alter the form.

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

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used.