

**SUPPORTING STATEMENT
REPORT OF WHALING OPERATIONS
OMB CONTROL NO.: 0648-0311**

A. JUSTIFICATION

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

The information to be submitted under this collection of information is necessary to comply with obligations under the International Convention for the Regulation of Whaling (1946). The Schedule of the Convention is binding on the United States and requires that this information be submitted for all whaling operations authorized by the International Whaling Commission (IWC), including the aboriginal subsistence whaling being conducted by Native Americans. The Whaling Convention Act (16 U.S.C. 916 et seq.) authorizes the collection of this information. Information on the retrieval and use of dead whales (“stinkers”) is requested in order to have a record of all whales brought to shore and to ensure that whales killed under the IWC quotas are not claimed to have been found dead.

In addition to information recorded by the whaling captain, described below, the floats to which a harpoon is attached must be "marked" with a unique mark to identify the whaling captain. This enables the applicable whaling commission to identify who was responsible for a take or strike. The required reports from whaling captains must include at least the following information:

- (1) The number, dates, and locations of each strike, attempted strike, or landing;
- (2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- (3) The length and sex of a fetus, if present in a landed whale; and
- (4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage.

The reports are to be submitted to the Native American whaling commissions, which then submit them to National Marine Fisheries Service (NMFS). There are two Native American whaling commissions. These are the Alaskan Eskimo Whaling Commission (AEWC), which oversees whaling in the eleven traditional whaling villages in Alaska, and the Makah Whaling Commission, which oversees any whaling activities in Neah Bay, WA on the Makah reservation. Any Makah whale hunt must first satisfy domestic legal requirements; no hunt is currently authorized.

This request is for renewal of this information 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.

The reports from the individual whaling captains are used on a daily basis during the whaling seasons by the relevant Native American whaling commission to monitor the hunt and ensure that quotas are not exceeded. In addition, the information is reported yearly to the IWC, which uses it to monitor compliance with its regulations. Biological information on the size and sex of the whale, length and sex of any fetus, etc. are used on an “as needed” basis by scientists and by the Scientific Committee of the IWC as part of an ongoing effort to monitor the recovery of the harvested species (bowhead and gray whales) and to understand the population dynamics of both species.

It is anticipated that the 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. See response #10 of this Supporting Statement for information on confidentiality and privacy. The information collection is designed to yield data that meet all 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.

Whaling captains may report catches by telephone or fax if they are available, rather than mailing them, but this is not required. The AEWG currently faxes or emails summaries of whaling activities to National Oceanic and Atmospheric Administration (NOAA), on an occasional basis. The basis for adopting these means of collection is pragmatic: given the small number of reporting individuals, any available method for notifying the AEWG of catches is acceptable. Because of the remote villages in which whaling takes place, however, the use of new information technology to reduce the burden on the public would be effective only to the degree that it is available and affordable to subsistence hunters.

In the past, the Makah whaling operation has been very small-scale (one whale killed in 1999). There would be no limitations on how the information would be submitted if this hunt were to resume.

4. Describe efforts to identify duplication.

NOAA is the agency responsible for managing whaling. Therefore, there is no other source of this information, and no other agency requires similar reports.

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

This collection of information has no impact on small businesses. Whaling is not a business. The meat from aboriginal subsistence whaling cannot be sold. Traditional native handicrafts from whalebone can be sold, but the reporting of whaling operations will have no effect on such sales.

The collection of information will affect some tribal governments. The Makah Tribal Council has been involved in the collection of information about Makah whaling. Although the issue of whaling itself has had a major impact on the Makah Tribal Council due to the opposition of anti-whaling groups, this collection of information would not have a significant impact if Makah whaling were to resume. So far, the Makah has killed only one whale since the IWC approved its request for a quota in 1997.

At present, the only authorized whalers belong to the AEWK, which has no legal status but to which the Eskimo whalers have given authority to regulate their whaling. The reporting burden on the AEWK is considered insignificant. The time required to report is not great, and these entities would need to gather much of the information anyway in order to monitor quota compliance.

No other tribes have expressed an interest in whaling to the United States (U.S.) Government.

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

If the information were not collected, the U.S. Government would be in violation of its obligations to the IWC. The most egregious violation could be exceeding the quota authorized by the IWC.

If the information were collected less frequently, quotas might be exceeded inadvertently.

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

The collection of information would be inconsistent with the first two Office of Management and Budget (OMB) guidelines for information collections (not requiring respondents to report information more often than quarterly and not requiring respondents to prepare a written response in fewer than thirty days after they receive a request). In order to ensure that the quota is not exceeded, whaling captains need to report to the Native American whaling commission as soon as a strike is made. The whaling seasons in Alaska are short, and in good years the small quotas given to each village can be filled within a few days. The collection is otherwise consistent with the 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 September 9, 2008 (73 FR52327) solicited public comments on this renewal.

Three comments were received during the public comment period. One comment suggested that a standardized reporting form would improve the quality and clarity of data. The other two comments stated that the data collected should be expanded to encompass a wide variety of other information, including biological samples, environmental conditions and “time to death.” In addition, one comment also stated that NOAA should make the information publicly available on their website. NOAA believes that the current reporting requirements are enough to satisfy our international obligations and does not wish to impose unnecessary burdens on the native subsistence hunters. Furthermore, NOAA currently provides as much information as possible to the IWC regarding the subsistence whaling operations and this is all publicly available.

The last formal consultation with the AEWC on reporting requirements was in 2008, when the most recent cooperative agreement was signed. The existing reporting format was devised by the AEWC and they are free to change the format.

NOAA consulted with the Makah Tribal Council in 2001 when the last cooperative agreement was signed with regard to whaling. It agreed to provide the information needed by the IWC and contained in this collection of information. NOAA would consult with the Makah Tribe prior to any resumption of whaling.

There is a great deal of contact between NOAA and both Native American whaling commissions in which any problems in reporting could be handled as they arise.

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

No payments or gifts to respondents is offered or considered.

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

Confidentiality of the information provided cannot be assured. The summaries of the information are reported to the IWC and are a matter of international record. The individual reports are releasable under the Freedom of Information Act. However, the Native American whaling commissions have not identified confidentiality of the data supplied under this collection of information as an issue.

The AEWEC provides NOAA with the names of the whaling captains and the approximate location of strikes. Because the ice conditions vary each year and the migration patterns are unpredictable, releasing information on location of strikes does not reveal any “secrets” about good places to find whales.

The public watches the Makah closely. If the Makah were to resume whaling, the location of any strike would be well known.

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.

There are no questions of a sensitive nature required by these regulations.

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

The time for each individual captain’s report was estimated as follows: Marking gear takes less than 5 minutes. It takes about 5 minutes to measure a whale. Determining sex is a matter of visual inspection and takes one minute. Determining the size and sex of a fetus takes less time, since measuring the smaller animal is quicker. It takes about two minutes to write down an approximate location, to the level of detail provided by the Native American whaling commission. It takes about 10 minutes to call the commission to report the catch. If a whale is struck but not landed, a description of the circumstances is required. This might take 15 minutes, plus the 10 minutes to call in the report, but there would be no requirements for measurements. **An estimate of 30 minutes per whale struck is, therefore, judged to be a conservative estimate of how long it should take to report a whale.** The same estimate applies to “stinker” reports. For reasons that can be imagined, “stinkers” are rarely landed. In most years there are no “stinker” reports.

There are approximately 50 whaling captains. However, many of them do not strike or land a whale in a given year. The current maximum number of bowhead whales allowed to be struck by Alaska Eskimos is 75. The total number of whales struck each year should therefore be at most 75, and, in practice is less than that number in most years. **Therefore the maximum number of whales harvested that would require responses would not exceed 75, and the hourly burden would be 75 x 30 minutes, or 37.5 (38) hours.**

There are no specific forms required for the submission of information by the whaling captains, nor is there a specific form for the Native American whaling commissions to report to NOAA. Each commission developed the current format of the reports.

The Native American whaling commissions must compile the captains' reports and submit them to NOAA. Using their own spreadsheets containing the required data elements, it is estimated to take about 5 minutes to type in each whale report. **Based on a maximum of 75 whale reports, this would amount to 6 hours, 15 minutes (6 hours) per year.**

The cooperative agreement with the AEWEC requires that they provide a full report (i.e. their spreadsheet current as of the date provided) to NOAA following the conclusions of the spring and fall hunts on the information required above (2 reports). Additionally, there are requirements

for interim reports (again, updated spreadsheets) occasionally throughout the hunting season to provide information on the number of whales struck and landed. This requirement is monthly for the AEWc during the spring and fall seasons (a total of 10 months and 10 reports per year). These reports can be written or oral, but the AEWc currently provides these reports via fax. Faxing the information to NOAA is estimated to take 5 minutes twelve times per year (two end of season reports, and ten reports during the seasons), or **one hour per year**.

Averaging the recording of each captain's report into the 12 AEWc reports adds 31 minutes to each report, for a total of 36 minutes per report: (6 hours, 15 minutes + one hour)/12. **The total amount of time required for Native American whaling commissions reporting is judged, therefore, to be about 7 hours, 15 minutes per year.**

The summary of the burden is:

50 captains (maximum) make a total of a maximum of 75 responses/yr x 30 minutes/response.
Total = 37.5 hours (38 hours)

AEWC records the captains' reports and faxes current information to NOAA in 12 reports per year:

75 whale maximum x 5 minutes each to record = 6 hours, 15 minutes (6 hours)
12 reports faxed each year x 5 minutes each to send = 1 hour
Total = 7 hours, 15 minutes (7 hours).

Total Burden = 51 respondents (50 captains and one commission), approximately 87 responses (75 captains' responses and 12 reports by the commission), and 45 hours.

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).

Annual costs to the respondents are practically zero. The whalers can call in their reports to the AEWc, so there is a telephone cost. The AEWc has a computer for other reasons and likewise has a fax machine and telephones for general activities. The only costs would be telephone calls and the cost of the fax reports. Total costs are estimated at \$100 or less.

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

The annualized costs to the U.S. Government are calculated as follows:

Twelve reports submitted to be filed: 18 minutes x 12 = 3 hours and 36 minutes (4 hours).
Compilation of reports for submission to IWC: 2 hours.

Total time: 5 hours and 36 minutes (6 hours) @ \$35.93/hour = \$215.58.

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

The estimated responses and burden have been adjusted downward by five responses and three hours, as there is no whaling activity expected for the Makah. NOTE: The previous cost in ROCIS is shown as zero, due to rounding off of the cost when migrating the last submission to the system. Therefore, the increase of \$100 shown in ROCIS is an artifact of the system; in reality, the cost estimate has not changed.

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

The required information will be submitted to the IWC, which publishes a summary of the report each year in its Annual Report. The Annual Report is compiled by the IWC Secretariat staff and is published at the IWC's expense.

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.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-1.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

There will be no statistical sampling or analysis.