

**SUPPORTING STATEMENT
ATLANTIC HIGHLY MIGRATORY SPECIES
RECREATIONAL LANDINGS REPORTS
OMB CONTROL NO. 0648-0328**

A. JUSTIFICATION

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

This supporting statement is submitted by the National Marine Fisheries Service (NMFS) as part of a Paperwork Reduction Act (PRA) request for renewal of a previously approved program to collect Atlantic bluefin tuna, Atlantic swordfish, and Atlantic billfish landings data from recreational fishermen (Office of Management and Budget (OMB) Control No. 0648-0328).

Anglers have the option of using a phone-in system or Internet Website for reporting their recreational landings of Atlantic bluefin tuna (BFT), swordfish (SWO), white marlin (WHM), blue marlin (BUM), or sailfish (SAI) (see Question 2 for program description). The Internet and phone-in systems are currently in place for all of the species. However, when a fish is landed in either Maryland (MD) or North Carolina (NC), an alternative reporting system requires that the angler submit a landings report or “card” and obtain a fish tag at a state reporting station. The state subsequently reports landings to NMFS on a weekly basis, and submits a final annual report at the end of the year summarizing all data collected. Finally, if an angler reports landing a BFT greater than or equal to 73" in length, a follow-up call to verify reported information is placed to the angler by NMFS staff.

Timely access to recreational fishery landings is vital to management of these fisheries. Management and conservation strategies require that the amount of BFT and number of marlin landed are limited on an annual basis. This collection provides information so that managers can implement appropriate measures to limit the harvest as necessary. BFT is managed by opening and closing fishing seasons; when the annual harvest limit nears, the season is closed. Marlin must be closely monitored due to an annual 250 fish limit on recreational harvest of marlin stemming from a recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Recreational landings data are also important for a number of other reasons. Total landings of BFT, SWO, and billfish (BLF) must be reported annually to ICCAT. Understanding the sectors, which make up each fishery, including geographic distribution, is vital for the development, implementation, and enforcement of fishery management plans. An accurate estimate of landings is an important component of determining the effects of fishing on stock status and ensuring consistency with international obligations. In addition, this collection will provide biological information for infrequently encountered species such as the West Atlantic sailfish.

This collection is authorized by a number of U.S. laws and national policies. Under the Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971 *et. seq.*) and its implementing regulations at 50 CFR part 635, ATCA requires the Secretary of Commerce to promulgate regulations necessary to implement recommendations adopted by ICCAT. As a member nation of ICCAT,

the United States (U.S.) is required to take part in the collection of biological statistics for research purposes. Moreover, ICCAT imposes the quota which limits overall U.S. BFT landings and ICCAT has implemented a cap on U.S. recreational marlin landings described above. ATCA specifically provides the Secretary of Commerce with the authority to “require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of catch of a regulated species” [16 U.S.C. 971(d)(c)(3)(I)].

Management of these fisheries is also guided by the *Consolidated Atlantic Highly Migratory Species, Fishery Management Plan* (Consolidated HMS, FMP), which was developed and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA, 16 U.S.C. 1801 *et. seq.*). Section 303(a) of the MSFCMA specifies data and analyses to be included in FMPs as well as pertinent data which shall be submitted to the Secretary of Commerce under an FMP. The Consolidated HMS, FMP establishes the framework for allocation of the U.S.’ annual BFT quota. Finally, Recommendation number one of the NMFS Marine Recreational Fishery Policy focuses on developing a “comprehensive data acquisition and analysis system (participation, catch, effort and socio-economic data) on a regular, continuing basis” in support of the Executive Order 12962 requirement to assess the implementation and evaluate achievements of the *Recreational Fishery Resources Conservation Plan*.

NMFS conducts two other long-term surveys of recreational fishermen. The Marine Recreational Fisheries Statistic Survey (MRFSS), OMB Control No. 0648-0052, is a general survey which includes too few intercepts of anglers fishing for highly migratory species (including tuna, marlin, swordfish, and sharks) to provide the highly accurate estimates of HMS recreational landings that are necessary for management purposes. The MRFSS is not well suited to collect data on HMS which are rare event species. HMS anglers are specifically targeted by the Large Pelagic Survey (LPS), OMB Control No. 0648-0380. The LPS generates regional estimates of species landed recreationally by interviewing a subset of anglers and expanding the catch to reflect landings expected of the regional universe of anglers. Like all recreational surveys of this type, error margins can be high. The collection under consideration will generate exact counts of the targeted HMS species within a 24 hour time-frame. A potential drawback to survey accuracy is that the program relies on fishermen using the “honor system” to self-report, and data could suffer from non-reporting, under-reporting or over-reporting. Together, these concurrent surveys will serve to support each other by serving as checks for comparative purposes so NMFS scientists can continue to improve fishery management programs.

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 information collected will be used by NMFS to monitor and appropriately manage recreational landings of SWO, BLF, and BFT in order to comply with ICCAT harvest limits. This data is also required to be submitted to ICCAT on an annual basis. In addition, the information will be used in stock assessments for assessing the influence of fishing on HMS stocks. States and other agencies, including fishery management councils and interstate fishery management commissions, may use the data to coordinate planning with other fishery

management programs. Finally, the information is valuable for determining the geographic distribution of the recreational landings of these species, which is important in NMFS domestic fishery management policy development.

The information collection applies to all recreational fishermen that land (bring to the dock), either BFT, BLF, or SWO. Each individual landing is required to be reported. If a fisherman lands any of these species in the states of MD or NC, they must proceed to a reporting station, fill out a landing card, receive a tag, and affix it to the landed fish, as previously discussed. The landing card requests the information identified below. States then summarize this information and report it to NMFS on a weekly basis. A full report is presented to NMFS annually.

Recreational fishermen that land BFT, SWO, or BLF in a state other than MD or NC, including the U.S. Virgin Islands and Commonwealth of Puerto Rico, may report their catch via either a phone call or Internet Website. A fisherman (generally the captain or operator of a vessel permitted for angling or charter/headboat) may call the toll-free number 1-888-872-8862 to report BFT landings (if more than one landing per boat, these are given as one report), and will be led through an interactive voice reporting system. The fisherman answers recorded questions by entering numbers on the telephone keypad. Anglers reporting BFT, SWO, or BLF via the Internet proceed to the Website www.hmspermits.gov and choose the option "landings report." After entering a permit number, the angler enters the requested information, submits the report, and is provided with a landings confirmation number. SWO and BLF may also be reported by calling the toll-free number 1-800-894-5528. When reporting SWO and BLF on this system, fishermen will be prompted to record specific information and will receive a follow-up call from NMFS staff, during which the landings report will be verified and a confirmation number will be generated. If a BFT greater than or equal to 73" is landed and reported via phone or Internet, a follow-up call will be made by NMFS staff to the respondent to verify the submitted data.

A justification for the information collected follows:

- 1) Permit Number:** necessary to verify that the angler has a valid permit, and to identify any fraudulent reporting. The potential for fraudulent reporting is real since the marlin fishery is highly controversial. From the permit number, the Agency can determine: permit holder name; permit holder phone number; vessel name; and, vessel identification number. These data are collected under OMB Control No. 0648-0327.
- 2) Species Landed:** necessary to categorize and account for landing properly;
- 3) Date:** necessary for verification of landings information and for use in scientific studies of stock movements and domestic policy development;
- 4) State Of Landing:** necessary for verification of landings information and for use in scientific studies of stock movements and domestic policy development;
- 5) Fish Size:** necessary for use in scientific studies of stock movements and domestic policy development;
- 6) Type of Trip:** (private, charter, or headboat; collected by state landing card program and SWO/BLF telephone report): this information is useful in characterizing the fishery which provides information on the impacts of regulations.

Additionally, the following information is collected for BFT, SWO, and BLF reported by telephone system or Internet. Responses to each of the following items will be utilized to

provide recreational trip and fishery specific information for social, economic, and biological analyses, thereby enhancing the Agency's ability to gauge the impacts of regulations.

- 7) Trip Departure Date/Trip Departure Time;
- 8) Port and State Of Trip Departure;
- 9) Trip End Date/Trip End Time;
- 10) Port and State Of Trip Termination;
- 11) Fishing Tournament (Yes or No); if yes, tournament name/location;
- 12) Fishing Technique (Deep Drop; Drift; Troll; Kite; other);
- 13) Bait Type (Live; Dead; Lure; Combination; other);
- 14) Hook Type ("J" hook; Circle hook);
- 15) Approximate Time Hooked;
- 16) Approximate Fight Time; And,
- 17) Number of Releases (SWO/SAI/BUM/WHM/BFT).

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 substantial 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 to Question 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. 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.

This information collection is highly automated. As described in Question 2, anglers landing an affected species in states other than MD or NC, including the U.S. Virgin Islands and Commonwealth of Puerto Rico, have the choice of using either an Internet Website for reporting, an interactive voice response (IVR) telephone system (BFT only), or a standard telephone voice recording system (SWO and BLF only). State landing report programs in NC and MD use paper reporting systems, also as described in Question 2.

These collection approaches were adopted in part because the high degree of automation minimizes interview time, minimizes transcription errors, and makes it easier for both the angler reporting his catch and for NMFS to summarize and analyze the catch data. Much of the public has access to the Internet at home or in public institutions, such as public libraries. Since some of the public does not have easy access to the Internet or is not educated in its use, and some anglers will not have access to their home computers while on fishing trips, the toll-free IVR phone system for BFT and toll-free voice recording system for SWO and BLF are also available. The IVR data are already digitized when accessed by NMFS for summarization or analysis. Finally, the IVR automated system builds on existing capabilities of an automated program already developed and in use by NMFS; thus, many research and development costs are no longer necessary.

4. Describe efforts to identify duplication.

NMFS has the lead Federal responsibility for collection of data from marine recreational fisheries, and the lead for management of highly migratory species within the U.S. Exclusive Economic Zone. NMFS exercises a high degree of internal coordination between this collection, the LPS, and the MRFSS and thus prevents any duplication. See Question 1 above for more information.

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

Minimizing reporting burden on the public was one of the primary reasons for use of automation in this program. Regulations require that a report is made within 24 hours of landing. All reporting options (Voice recording, IVR, and Internet) are available 24 hours a day, seven days a week. Since the phone numbers are toll-free, there is no cost associated with it. Similarly, no costs are associated with reporting by Internet. Reporting requires a minimal investment of time, is cost-free for the public, and can be performed at any public phone or Internet access site. State programs have reporting stations conveniently located in areas where these species are landed. The collection will not have a significant impact on small entities, which make up about half the annual respondents.

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 United States could over-harvest any of the affected species and be subject to enforcement of ICCAT penalties. ICCAT penalties for non-compliance include reduction of a nation's allocated catch quota equal to an amount of up to 125 percent of the excess harvest, the potential imposition of trade restrictions, and other sanctions.

The fish stock assessments for these species, which provide the basis for domestic and international management decisions, would be less accurate without this information, since approximately 50 percent of the western Atlantic catch of BFT is landed by U.S. fishermen and 30 percent of North Atlantic SWO quota is allocated to the United States. The conservation and management objectives of ATCA with respect to the rebuilding programs for these species could be jeopardized. Furthermore, it would be difficult for the United States to formulate domestic policy consistent with the MSFCMA, which must be based on sound socio-economic and biological data and analyses. Such information is important for NMFS in its preparation of documents such as the Regulatory Impact Review (RIR), Environmental Impact Statement (EIS), etc., as required under the MSFCMA, National Environmental Policy Act (NEPA), and other applicable laws.

The reporting program could not be conducted less frequently since each individual landing must be reported. Moreover, catch reports are needed on a per-trip basis to reduce the potential for recall bias and to prevent a build-up of back-logged reports. Weekly reports of state data are required in order to implement a responsive management program. Without weekly landings reports, NMFS would not be able to monitor seasonal harvest in a timely manner, and might be required to close seasons early to avoid excess harvest, which could unnecessarily penalize U.S. fishermen.

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

States are required to report weekly rather than quarterly. This requirement is a necessary component of a responsive management program. Without weekly landings reports, NMFS would not be able to monitor seasonal harvest, and might be required to close the season early to avoid excess harvest, penalizing U.S. fishermen.

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 March 31, 2009 (74 FR 14531) solicited public comment; no comments specific to this data collection were received.

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

No payments or gifts will be provided to respondents.

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

It is agency policy not to release confidential information, other than in aggregate form, as Section 402(b) of the MSFCMA protects (in perpetuity) the confidentiality of those submitting information. This assurance is stated on landing cards, web pages and in the IVR scripts.

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.

This collection does not include questions of a sensitive nature.

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

Reporting of most recreationally landed BLF, SWO, and BFT is expected to take approximately five minutes each, whether Internet or phone-in technology is used. In the states of MD or NC, filling out a landing card and affixing a tag to each fish landed is expected to take approximately ten minutes. Call-back verification for BFT greater than or equal to 73" is also expected to take approximately five minutes per landing. The number of respondents is calculated separately for BFT and BLF/SWO. Numbers of respondents for BFT landings in MD and NC are calculated separately from all other states.

Bluefin Tuna

Recreational landings of BFT for the states of MD and NC are given in Table 1. Each landing represents a single response as recorded via each state's tag and report program. The year with the greatest number of landings (responses) in total for these states was 2001. In order to ensure that our estimate is slightly higher than the greatest number of possible responses, 10 percent is added to the year with the greatest landings, giving an adjusted total of 5,034 potential responses ($4,576 \times 1.10 = 5,034$). This safety margin should account for any additional changes in future years.

$$5,034 \times 10 \text{ (minutes/response/60 minutes)} = \mathbf{839 \text{ hours}}$$

Table 1. Annual recreational landings of BFT in the states of MD and NC for the years 2001 - 2008 as reported by state landing card programs.

YEAR	MD Landings (No. of Fish)	NC Landings (No. of Fish)	TOTAL MD & NC
1999	1,254	595	1,849
2000	1,247	274	1,521
2001	4,240	336	4,576
2002	2,329	176	2,505
2003	2,246	0	2,246
2004	3,549	50	3,599
2005	2,308	30	2,338
2006	1,163	31	1,194
2007	1,629	175	1,804
2008	1,271	133	1,404

The total number of BFT that could be landed based on the U.S. ICCAT quota is estimated to be 9,271 fish. This estimate is based upon weights of fish within the various BFT size classes using previous year's landings data. Subtracting 2001 (year of greatest landings) NC and MD landed BFT, the total number of BFT landed in other states is estimated to be 4,695 fish ($9,271 - 4,576 = 4,695$). Applying the 10 percent adjustment, the total number of BFT expected to be landed in states other than NC and MD is equal to 5,165 ($4,695 \times 1.10 = 5,165$). The number of respondents is estimated to equal the number of fish landed.

With the current submission method, $5,165 \text{ respondents} \times 5 \text{ minutes/response} / 60 \text{ minutes/hour}$ would equal **430 hours**.

During the last three years, approximately 20 respondents have been called annually to verify information for fish landed that exceed 73" in length. Adding 10 percent as indicated above comes to 22 respondents. Verification takes approximately five minutes per response.

With the current submission method, $22 \text{ respondents} \times 5 \text{ minutes/response} / 60 \text{ minutes /hour} = \mathbf{2 \text{ hours}}$.

Swordfish and Billfish

Pursuant to ICCAT recommendation, the U.S. may recreationally harvest up to 250 BUM and WHM, combined, on an annual basis. In the past few years, the actual number of these fish landed has been significantly less than the 250 limit; however, to allow for the full 250 marlin landing limit to be reported through this collection, the Agency is including an estimated 250 marlin landings. Based on recent fishing year data, NMFS anticipates 859 SWO and SAI landings (716 SWO + 143 SAI = 859). In order to ensure that our estimate is slightly higher than the greatest number of responses, 10 percent is added to the years with the greatest reported landings (2007 for SWO; 2008 for SAI), giving an adjusted total of 945 potential responses (859 x 1.10 = 945). Therefore, the Agency estimates that a maximum of 1,195 respondents (250 BUM/WHM + 945 SWO/SAI = 1,195) could be required to report non-tournament recreational landings of SWO and BLF.

With the current submission method, 1,195 respondents x 5 minutes/response / 60 minutes/hour = **100 hours**

State Reports

In addition to the reporting burden on the part of anglers, it is expected that 30 weekly reports (1 hour each) and one annual report (4 hours each) will be submitted by MD and NC fishery management agencies each for a total of **62 responses** and **68 hours**.

For the entire information collection, respondents and responses are estimated to be 11,396 (5,034 + 5,165 + 1,195 + 2 = 11,396) and 11,478 (5,034 + 5,165 + 22 + 1,195 + 62 = 11,478), respectively, with a reporting burden of 1,439 hours (839 + 430 + 2 + 100 + 68 = 1,439).

NMFS would like to encourage other states to consider implementing landings card programs in order to improve the compliance with self-reported landings programs. Based on an initial comparison of MD catch cards, telephone reports, and dockside intercept sampling, compliance with the catch card program appears to be quite high while compliance with the telephone and Internet reports has been low. The higher compliance with the landings card program may be due to a number of factors including better awareness of the program, increased visibility of state personnel at docks, a greater sense of participation or buy-in from fishermen, a combination of all of these, or some other unknown factor(s). NMFS will work cooperatively with individual states to select the program that best suits the needs of state and Federal fishery managers on a case by case basis. NMFS will submit a nonsubstantive change request to OMB to correct burden estimates, if and when such changes take place for each state. If other states opt to use landings card programs, their landings report burden would double (10 minutes per response for catch cards versus 5 minutes per response for telephone or Internet reports), and there would be an increase of 34 hours per state due to the drafting of weekly and annual reports.

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).

There are no costs in supplies or materials other than the time burden. Costs to states to distribute weekly and annual summary reports are covered in the grants to the states as indicated in Question 14.

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

The cost of the automated program to the Federal government is expected to be approximately \$154,500 annually.

The NC catch card program is carried out by the NC Division of Marine Fisheries in cooperation with NMFS at a cost to the Federal government of \$33,000 per year. The Federal share of the MD program is funded at a level of \$35,000 per year. It should be noted, however, that ancillary data may be collected by dockside staff in conjunction with catch cards (*e.g.* biological sample materials or dockside intercepts approved under OMB Control No. 0648-0380); thus, these costs are not entirely attributable to the landings reports. Similar costs are anticipated for future cooperative catch card programs and the Federal share will depend on the amount and type of services contributed by the states.

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

A program adjustment of + 36 hours occurred when the number of respondents was increased to reflect the recent non-tournament recreational landing levels for SWO and SAI. Additionally, 10 percent was added to the estimated SWO, SAI, and BFT landings to provide a safety margin and account for increased use of the reporting systems.

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

Collected information will be published in stock assessments, environmental impact statements, environmental assessments, reports to ICCAT and regulatory impact reviews. The data will be presented in aggregate form, which will not lead to the identification of individuals.

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.

This information is not in the telephone reporting scripts, but there is a statement that the information will be provided on request. This compromise is in the interest of keeping the scripts as short as possible in order not to discourage the respondents from completing reports or requests.

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

NA.