

**SUPPORTING STATEMENT
ANTARCTIC MARINE LIVING RESOURCES
CONSERVATION AND MANAGEMENT MEASURES
OMB CONTROL NO. 0648-0194**

A. JUSTIFICATION

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

The 1982 Convention for the Conservation of Antarctic Marine Living Resources established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of marine living resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

The United States is a contracting party to the Convention and a member of CCAMLR and the Scientific Committee established by the Commission.

On November 8, 1984, the President signed Public Law 98-623, the Antarctic Marine Living Resources Convention Act (the Act). The Act directs and authorizes the United States to take actions necessary to meet its treaty obligations as a contracting party to the Convention.

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 reporting requirements included in this collection concern CCAMLR Ecosystem Monitoring Program (CEMP) activities, U.S. harvesting permit applicants and/or harvesting vessel operators, and U.S. importers and re-exporters of AMLR.

United States regulations at 50 CFR Subpart G require permits of U.S. individuals engaged in Antarctic resource harvesting and importing, or entering and/or conducting activities in a CEMP site, to apply for and hold a permit for such activities.

The regulations comply with and give effect to the Convention. Members of the Convention are required to provide, in the manner and at such intervals as may be prescribed, information about harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.

Members agree in Article XX to take advantage of opportunities to assess the impact of harvesting. Members are also required to provide information to the Commission on steps to be taken to implement the conservation and management measures adopted by the Commission. Article XXI requires the Contracting Parties to take appropriate action to ensure compliance with

the Convention and with the conservation and management measures adopted by the Commission. Each Contracting Party is required to transmit to the Commission information on these actions, including the imposition of sanctions for any violation.

The Department of Commerce (DOC) has reviewed the Convention and the conservation and management measures adopted by the Commission and concluded that a permit system is the most effective way to monitor Antarctic resources, provide treaty data to the Commission, meet international obligations, and ensure compliance, without unduly burdening harvesting and importing activities.

Specifically, U.S. regulations govern the harvest and importation into the United States of any AMLR, part or product, by any person subject to the jurisdiction of the United States, including U.S. citizens and those wishing to import into the United States. The regulations require any person who plans such activities to obtain a harvesting permit or import permit from the DOC unless the National Science Foundation (NSF) already sanctions by another DOC permit or the activities.

Under the Antarctic Conservation Act of 1978, the NSF has permitting authority for native birds and mammals and certain plants south of 60 degrees S. latitude. In order to minimize the public paperwork burden, DOC regulations exempt an Antarctic harvester or importer holding a permit or an award (as evidenced by an award letter) from the NSF, or an endangered species or marine mammal permit from the National Marine Fisheries Service (NMFS), from the need to obtain a separate Antarctic permit from DOC. Although a DOC permit is not required of NSF permit or award holders, they must comply with both preexisting data requirements related to the NSF or NMFS permit or award and current CCAMLR data requirements.

I. CEMP Entry Permits

CCAMLR regulations require that persons proposing to enter a CEMP site or conduct research programs there submit a letter of request (application) for an entry permit. If issued a permit, the holder must abide by all the conditions in the permit, including submission of an annual report describing the activities conducted and any actions not in compliance with the site's Management Plan. These permits are valid for five years. In the event that a CEMP site is also listed as a specially protected site under the Antarctic Conservation Act of 1978, applicants are redirected to the NSF and requested to submit an application for a dual permit. Although one permit will, thus, serve for both purposes, annual reporting is directed to each agency individually on areas within the agency's expertise.

II. Harvest or Transshipment

A. New and exploratory fisheries

The United States issued a Convention area-harvesting permit to a single U.S. fisherman for a new crab fishery in 1991. When informed of the permit, CCAMLR expressed its strong and collective concern that, although the United States had required the permit holder to submit a Research and Data Collection Plan as a part of his application, the fishery had been authorized without prior knowledge of the demographic characteristics of the species.

The Commission agreed that it was particularly important for members to fulfill their treaty obligation to provide statistical, biological, and other information, and as a consequence, adopted conservation measures for new and exploratory fisheries.

1. New fisheries

The Commission has adopted a measure which requires Members to notify the Commission when it is considering initiating a new fishery in the Convention area. The Commission must receive the notification not less than three months in advance of the next regular meeting of the Commission. The Member may not initiate the new fishery pending Commission review. The notification to the Commission must be accompanied by as much of the following information as the Member is able to provide:

- The nature of the proposed fishery including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery
- Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity
- Details of dependent and associated species and the likelihood of their being affected by the proposed fishery
- Information from other fisheries in the region or from similar fisheries elsewhere that may assist in the valuation of potential yield.

Information on proposed new fisheries is considered by the Scientific Committee, which then advises the Commission. After Commission review, the Commission takes action, as it deems necessary.

2. Exploratory fisheries

The Commission has adopted a measure on exploratory fisheries. An exploratory fishery is one, which has previously been classified as a new fishery and reviewed by the Scientific Committee and Commission prior to its initiation.

An exploratory fishery continues to be classified as an exploratory fishery until sufficient information is available to evaluate the fishery's potential yield; to review its potential impacts on dependent and related species; and to allow the Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels, effort levels, and fishing gear.

To ensure that adequate information is available to the Scientific Committee for evaluation during the period when a fishery is classified as exploratory, the Scientific Committee develops and annually updates a Data Collection Plan. Each Member active in the fishery annually submits to CCAMLR the data specified by the Data Collection Plan. Fishing capacity and effort is limited by a precautionary catch limit at a level not substantially above that necessary to obtain the data specified in the Data Collection Plan.

The Data Collection Plan includes, as appropriate:

- A description of the catch, effort, and related biological, ecological, and environmental data required undertaking an evaluation of the fishery
- A plan for directing fishing effort during the exploratory phase to permit the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested, dependent, and related populations and the likelihood of adverse impacts
- An evaluation of the time-scales involved in determining the responses of harvested, dependent and related populations to fishing activities
- Each Member active in the fishery or intending to authorize a vessel to enter the fishery annually prepares and submits to CCAMLR a Research and Fishery Operations Plan. The plan is to include as much of the following as possible:
- A description of how the Member's activities will comply with the Data Collection Plan developed by the Scientific Committee
- The nature of the exploratory fishery, including target species, methods of fishing, proposed region and maximum catch levels proposed for the forthcoming season
- Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data, and information on stock identity --details of dependent and related species and the likelihood of them being affected by the proposed fishery
- Information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield.

B. Harvesting and/or Transshipment Permit

CCAMLR requires details on every vessel a member country licenses to fish in the Convention Area, including the name of the fishing vessel (any previous names, if known); registration number; vessel's International Maritime Organization (IMO) number, if issued; external markings and port registry; the nature of the authorization to fish granted by the Flag State, specifying time periods authorized for fishing; areas of fishing; species targeted; gear used; previous flag, if any; international radio call sign; the name and address of the vessel's owner(s) and any beneficial owner(s), if known; name and address of license owner, if different from vessel owner; type of vessel; where and when built; length; three color photographs of the vessel; and where applicable, details of the implementation of the tamper-proof requirements on the satellite-linked vessel monitoring device.

The Commission requested, to the extent practicable, the following additional information for vessels notified for fishing in exploratory fisheries: name and address of operator, if different from vessel owner; name and nationality of master and, where relevant, of fishing master; type of fishing method or method; beam in meters; gross registered tonnage; vessel communication types and numbers; normal crew complement; power of main engine or engines in kilowatts; carrying capacity in tons; number of fish holds and their capacity in cubic meters; and any other information in respect of each licensed vessel considered appropriate (e.g., ice classification) for the purposes of the implementation of the conservation measure.

NMFS requires that this information be supplied on the AMLR harvesting permit application. The application to harvest and/or transship AMLR is in three parts.

“Part One” requires the applicant to identify whether the proposed activity is for harvesting AMLR and/or transshipping toothfish. If the proposed AMLR harvesting is either a new fishery or an exploratory fishery, specific narrative description is required.

“Part Two” is a Vessel Identification Form (VIF). It requests information necessary to identify the vessel, vessel ownership interests, the name of the vessel operator and master, the crew complement, vessel communication numbers and types, and details of the vessel monitoring system to be used on the vessel and report this information to the Executive Secretary of CCAMLR.

“Part Three” is a Harvesting Information Form (HIF). It requests narrative identifying each AMLR target species proposed for harvest, the total tonnage requested (a figure), the CCAMLR statistical area to be fished, the gear to be used and the type and amount of bycatch anticipated. This information is required in order to determine whether the proposed fishery is consistent with CCAMLR conservation and management measures. The harvesting permit notes the obligation of a permit holder to provide harvesting data to CCAMLR.

The application to harvest and/or transship AMLR includes a section to be completed if a vessel owner is seeking authorization to harvest AMLR and a section if a vessel owner is seeking authorization to transship toothfish. The applicant can complete one or both sections. A permit is issued to the applicant in one of two forms, depending upon whether the vessel is both harvesting AMLR and receiving transshipments of toothfish or only receiving transshipments of toothfish.

The forms associated with applying for a harvesting and/or transshipment permit are:

- Application for Permit to Transship AMLR
- Harvesting Information Form
- Vessel Identification Form
- Additional Information for Vessels Participating in a New or Exploratory Fishery

C. Radio Contact

It may be necessary for operators of harvesting vessels to provide vessel position or other information via radio when requested by the NMFS, the U.S. Coast Guard, an authorized officer, or CCAMLR inspector. This is a routine and necessary law enforcement requirement when dealing with vessels at sea. It consists generally of providing radio call signals and a set of position coordinates immediately preparatory to a boarding-at-sea for inspection of the vessel and the vessel’s activities by law enforcement officials. Such radio contacts are infrequent and brief and therefore only one burden hour in total for five vessels is requested for this purpose.

D. Centralized Vessel Monitoring System

Based upon the results of a trial conducted during the 2003/2004 fishing season, the Commission revised the requirements for its vessel monitoring system (VMS) and adopted a conservation measure to implement centralized vessel monitoring system (C-VMS). This conservation measure requires vessels fishing in CCAMLR managed waters to use a VMS that automatically transmits the vessel’s position at least every four hours to a land-based fisheries monitoring center of its Flag State.

Each Contracting Party to the Convention must forward the VMS reports and messages received to the CCAMLR Secretariat as soon as possible, but not later than four hours after receipt for exploratory longline fisheries or following departure from the Convention Area for all other fisheries.

The use of the Centralized satellite-linked VMS is required of all U.S. vessels harvesting Antarctic marine living resources (AMLR) in the area of the Convention for the Conservation of Antarctic Marine Living Resources and for all shipments of toothfish regardless of wherever harvested seeking entry into the U.S. All U.S. vessels must operate VMS to and from their homeport in order to ensure VMS coverage throughout the entire fishing operation. This is especially important for U.S. vessels harvesting toothfish.

At the CCAMLR meeting in 2004, Conservation Measure 10-04 was amended to make provision for a C-VMS. Prior to amendment, the measure required that each Contracting Party ensure that its fishing vessels are equipped with a satellite-linked vessel monitoring device allowing for the continuous reporting of their position in the Convention Area for the duration of the license issued by the Flag State. The vessel-monitoring device automatically communicates at least every four hours to the land-based fisheries monitoring center of the Flag State of the vessel.

As amended, by means of RIN 0648-AP74 in 2006, the Conservation Measure now additionally requires that each Contracting Party forward VMS reports and messages received to the Secretariat as soon as possible: i) but no later than 4 hours after receipt for those exploratory longline fisheries subject to conservation measures in force; or ii) following departure from the Convention area for all other fisheries. Additionally, the Contracting Party may elect to have C-VMS data communicated directly to the Secretariat in parallel with those reports received by the Flag State. Data from individual vessels shall be used for compliance purposes only, i.e., active surveillance presence, and /or inspections, including for the purposes of verifying the content of a Dissostichus Catch Document (DCD).

The United States has experienced numerous problems with shipments of toothfish that were reported as having been harvested outside the Convention Area but were suspected of having been harvested illegally from inside the Convention area. The VMS data for these shipments did not meet the minimum requirements of CM 10-04. It is the U.S view that the C-VMS system should be applied both inside and outside the Convention Area as well as port-to-port. As a consequence, the U.S. required participation in C-VMS for each shipment of toothfish seeking entry into the U.S. Applications for pre-approval for which the C-VMS was not active will be denied entry.

To give effect to the CCAMLR conservation measures on VMS and to facilitate enforcement of time-area and fishery closures, NMFS regulations require the owner or operator of a vessel permitted to fish for or transship AMLR to install a NMFS-approved VMS unit on board the vessel. Its use is required by all U.S. vessels harvesting AMLR and for all shipments of toothfish regardless of wherever harvested seeking entry into the U.S.

Installation time is estimated at four hours per vessel and maintenance is estimated at two hours per vessel. Certification of installation and activation is estimated at 5 minutes per vessel. Response time per VMS transmission is estimated at 0.034 seconds, and with six transmissions

per vessel per day, for five vessels over a 180-day season, there would be 5,400 responses for the total fleet (6 x 5 x 180) and transmission time would be 184 seconds or 3 minutes (0.034 x 5,400)

E. Vessel marking

The vessel's official number must be displayed on the port and starboard sides of the deckhouse or hull, and on a weather deck. It identifies each vessel and should be visible at a distance at sea and from the air. The official number provides law enforcement personnel or inspectors with a means to monitor fishing, at-sea processing, and other related activities, to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel. The National Marine Fisheries Service, the U. S. Coast Guard, and other marine agencies in issuing violations, prosecutions, and other enforcement actions generally use the identifying number. The United States, however, does not currently maintain an enforcement presence in the CCAMLR area.

The United States does designate scientists and/or officers aboard its Antarctic Marine Living Resources (AMLR) research vessels to serve as International CCAMLR Inspectors. CCAMLR Inspectors are authorized, by international agreement, to board vessels harvesting in the Convention area and to inspect for compliance with CCAMLR conservation and management measures. Vessels that fish in the Convention area are readily identified when the vessels are marked; vessel-marking violations are more readily prosecuted, allowing for more cost-effective enforcement. Cooperating fishers also use the number to report suspicious activities that they observe. Regulation-compliant fisheries ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

F. Gear Marking

Under 50 CFR 300.108, the operator of vessel fishing pursuant to an AMLR harvesting permit in the CCAMLR Convention Area must mark all fishing gear with the vessel's official number, Federal permit or tag number, an official CCAMLR marker, or some other specified form of identification. The regulations further specify how the gear is to be marked, e.g., location or color. International CCAMLR Inspectors rely on this information to assure compliance with fisheries management regulations. The National Marine Fisheries Service, the U. S. Coast Guard, and other marine agencies in issuing violations, prosecutions, and other enforcement actions generally use the identifying number. Gear that is not properly identified can be confiscated. The United States, however, does not currently maintain an enforcement presence in the CCAMLR area. The United States does designate scientists and/or officers aboard its Antarctic Marine Living resources (AMLR) research vessels to serve as International CCAMLR Inspectors. CCAMLR Inspectors are authorized, by international agreement, to board vessels harvesting in the Convention area and to inspect for compliance with CCAMLR conservation and management measures, including gear restriction and gear marking requirements. Gear marking helps ensure that a vessel harvests fish from its own traps/pots/other gear and that traps/pots/other gear are not illegally placed or used. Gear violations are more readily prosecuted, and this allows for more cost-effective enforcement.

NMFS regulations do not require the owner of the gear to confirm the specific markings used. There is no information on file. The markings allow identification of the gear owner in situations

involving damage, loss and civil proceedings. There is no dissemination of information to the public.

G. Scientific Observers

CCAMLR adopted a Scheme of International Scientific Observation in 1992 at its eleventh annual meeting. Observers placed on board fishing vessels pursuant to the scheme observe and report on the operations of fishing activities and their effects on target and associated species of living marine resources. Observers undertake tasks and record their observations pursuant to protocols and using formats approved by the CCAMLR Scientific Committee. These tasks include recording details of vessel operation; taking catch samples; recording biological data by species caught; recording bycatch; recording entanglement and incidental mortality of birds and mammals; recording procedures by which declared catch weight is measured; collecting and reporting factual data on sightings of fishing vessels in the Convention Area, including vessel type identification, position and activity; and collect information on lost fishing gear and garbage disposal by fishing vessels at sea. NMFS regulations require that all U.S. vessels fishing in the Convention Area, including vessels fishing for krill, and all U.S. vessels conducting longline testing outside the Convention Area prior to longline fishing within the Convention Area, carry one or more scientific observers as required by CCAMLR conservation and management measures or NMFS regulations.

For this already established observer program, the only information collection subject to the Paperwork Reduction Act is the vessel owner, operator or fisher's request for an observer or observers. In preparation for a trip, the applicable person makes a telephone call either to the Southwest Fisheries Science Center/Antarctic Marine Living Resources or directly to an observer provider.

III. Import-Related Permits and Documents

A. Dealer permits

The United States uses Antarctic harvesting permits to monitor and control the harvesting and associated activities of its vessels in the Convention Area. But in order to fully meet its treaty obligations, the United States must also monitor and control the importation of Antarctic marine living resources.

Import is defined in Section 303 of the Act as "to land on, bring into, or introduce into any place, subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States." No resources harvested in violation of a conservation measure in force with respect to the United States can be imported into this country.

Any person importing AMLRs into the United States must either have a harvesting permit or a dealer permit. The dealer permit is combined with the re-export permit so that an applicant can apply for either or both on the same application. The dealer permit application requests the applicant to provide a name, company, and business address; to briefly describe the resource and note the amount to be imported annually. A copy of the permit must accompany any resources imported under its authority.

Some of the holders of AMLR dealer permits are foreign entities. NMFS regulations require foreign entities to designate a registered agent as a condition of securing a dealer permit to enable NMFS to better track and monitor trade in AMLR, to identify potential trade in Illegal, Unreported, and Unregulated (IUU) fishing for AMLR, and identify an agent for service of process.

An applicant wishing to import and/or re-export AMLR other than toothfish receives a permit authorizing such activity (which is limited to the amount of AMLR specified in the application and a finite period of time usually not more than twelve months) and, if importing, the import ticket the applicant is required to complete and submit.

An applicant wishing to import and/or re-export toothfish receives a permit valid for one year which is a prerequisite, but not an authorization, for trading in toothfish. As discussed in section (i) below, a dealer importing and/or re-exporting frozen commodities of toothfish must also obtain a pre-approval authorization to import or a Dissostichus Re-export Document authorization to export toothfish. Dealers importing and/or re-exporting fresh, air-shipped toothfish are exempt from the pre-approval requirement but must submit a report of each of these fresh shipments within 24 hours of clearing U.S. Customs.

Dealers, who wish to re-export any product harvested in the CCAMLR Convention Area or, in the case of toothfish, wherever harvested, can also apply for a re-export permit using the same application as described above and checking the box marked “re-export permit.” There are no additional burden hours associated with, or additional information required, to apply for a re-export permit.

This will aid NMFS in the development and maintenance of a comprehensive data base listing all dealers who not only import but also re-export their product, enabling NMFS to notify all known dealers in a timely fashion regarding time/area closures as well as any changing requirements. A copy of this re-export permit must accompany any shipment exiting the United States.

The form associated with applying for a dealer permit is the Application for Dealer Permit to Import and/or Re-export Antarctic Marine Living Resources

B. Completion of Dissostichus Catch Documents (DCD) by Vessel Masters

For U.S. harvesting vessels, NMFS issues a non-transferable DCD that is uniquely identified for a vessel. Once the master of the harvesting vessel records the Dissostichus (Patagonian or Antarctic toothfish) catch information and conveys it to NMFS by the most rapid method of communication, NMFS records the catch information, via a CCAMLR web-based system, onto the unique DCD. Upon transshipping or landing toothfish, the master of the harvesting vessel obtains the signature(s) of; (a) the master of the vessel to which the catch is transferred; or (b) a responsible official designated by NMFS in the permit and the dealer who receives the catch at the port of landing. After the DCD is signed, the master of the harvesting vessel or the transshipping vessel provides a copy to NMFS using the most rapid electronic means possible. NMFS completes an Electronic-Dissostichus Catch Documents (E-DCD) using the CCAMLR Electronic Catch Document Scheme (E-CDS) web-based system.

C. Pre-Approval Applications for Toothfish

E-DCDs are required to accompany all imports of toothfish. Paper documents are no longer accepted. There are no burden hours associated with the use of Electronic Catch Documents (E-DCD) for U.S. dealers who are importing toothfish.

No shipment of toothfish species can be released for entry into the customs territory of the United States unless accompanied by a complete, validated and electronically transmitted Dissostichus Catch Document issued through the E-CDS web-based system hosted by the CCAMLR Secretariat. A flag state issues a non-transferable DCD that is uniquely identified for a vessel. Once the master of the harvesting vessel records the catch information and conveys such catch information to their Flag State, it is recorded via the web-based system onto the unique Dissostichus Catch Document. Upon transshipment or landing toothfish, the landing state accesses the E-CDS web-based system and completes the landing information. At the time of export, the exporting state will also access and complete the export information required by the E-CDS system. Once an export has been completed, the E-CDS system, through the CCAMLR Secretariat, will notify the importing country of the impending import. In this case, NMFS' CDS officer will be notified via email that an export to the U.S. is in route. NMFS then has the capability of accessing the document associated with that particular import and matching the Electronic Catch Document up with the corresponding request for pre-approval. If all matches then NMFS approves the import.

Any dealer who imports toothfish must first obtain the document number and the export reference number on the E-DCD corresponding to the import shipment. The dealer enters these reference numbers on the pre-approval application for the shipment.

Under the pre-approval system for toothfish imports, any person who imports toothfish is required to submit to NMFS the DCD that accompanies each permitted shipment as well as an application to NMFS requesting pre-approval to allow import of all shipments that contain frozen toothfish. Toothfish caught on the high seas outside the Convention Area in Food and Agriculture Organization (FAO) Statistical Areas 51 or 57 may not be imported.

NMFS allows additional time within which dealers are required to supply U.S. Customs Number 7501 "Entry" number). The dealer is required to fax or express mail the documentation described above, along with a check for the required fee, so that NMFS receives it at least 15 business days prior to the anticipated date of import. However, some dealers have difficulty obtaining a U.S. Customs 7501 number 15 days in advance of a shipment's arrival. For this reason, NMFS has revised the Application for Pre-approval of Catch Documents specific to the requirement for the 7501 number only. NMFS allows dealers to supply the 7501 number within 3 working days of a shipment's arrival. All other information on the Application for Pre-Approval is due 15 days prior to the shipment's arrival.

A separate DCD with a unique export reference number is required for each export. More than one DCD/export can be submitted under one pre-approval application; however, one DCD cannot be used to request pre-approval for several shipments. The quantity of toothfish listed on the DCD must match the quantity listed on the pre-approval application within a variance of 10 percent. The dealer is required to fax or express mail the documentation described above so that NMFS receives it at least 15 business days prior to the anticipated date of import. NMFS reviews

the documentation submitted, notifies the dealer whether the import will be allowed or denied, and issues either a certificate of approval or a denial letter to the applicant.

Pre-approval applications for all frozen product must include an application fee of \$200.00. We estimate we may receive 1,600 applications annually, with 40 percent (640) expected to meet the pre-approval requirement, including the \$200.00 application fee.

The remaining fresh, air-shipped, shipments of toothfish, which do not require a pre-approval, should continue to be reported within 24 hours of import using the Fresh Toothfish Reporting form which is identical in format to the Pre-approval form.

The forms associated with applying for pre-approval are:

Application for Pre-Approval of Catch Documents of Toothfish
Reporting Form for catch Documents of Accompanying Fresh, Air-shipped Shipments of
Toothfish

D. Re-Export Documentation for Toothfish

In the case of re-exports of toothfish, an exporter completes a re-export document by indicating the amount from the original import, specific to a DCD that is contained in the particular re-export shipment, the number of the original DCDs, the name of the importer and point of import, and the exporter's name, address and permit number. The exporter then signs the re-export document and obtains validation by an authority designated by NMFS. The original re-export document is transmitted with the export shipment together with copies of the original DCDs as applicable to that shipment.

The form associated with the re-export of toothfish is the Dissostichus Re-export Document. This document can then also be transferred to the electronic system by NMFS.

E. Import Ticket

Within 24 hours of any import of AMLR other than toothfish, the importer must submit a completed import ticket describing the resources imported. The import ticket requests the name and address of the individual and company importing the resource, the resource imported and the date, the quantity of the resource, the harvesting vessel or vessels, the flag nation, the U.S. Customs CF7501 number, the areas fished, the approximate harvest date, and number of the harvesting permit or license. The use of the import tickets referencing a pre-issued dealer permit facilitates the expeditious shipment of resources by the permit holder, while allowing the United States to monitor what is actually imported versus what is requested in the permit application.

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 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

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.

Electronic copies of NMFS harvesting and dealer fillable forms are available at http://www.nmfs.noaa.gov/gpea_forms/forms.htm and may be emailed. VMS data are electronically transmitted. DCDs are electronically generated, completed and transmitted. The requirement that each vessel display an identification number on its deckhouse or hull, and its weather deck, does not lend itself to advanced technology. The requirement that fishing gear be marked with an identifying number does not lend itself to information technology.

4. Describe efforts to identify duplication.

There is no duplication with collection efforts.

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

Since all of the respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data are requested.

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

No or less frequent collection of data would not provide DOC/NOAA with data it must have for adequate and timely monitoring and reporting on the harvesting and importation of AMLR resources. The National Marine Fisheries Service and the U.S. Coast Guard could not enforce the fisheries management measures and CCAMLR Inspectors could not conduct gear inspections, if the gear and vessel are not marked.

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

Not applicable.

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 June 4, 2009 (74 FR 26837) solicited public comments.

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 made.

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

As stated on the collection forms, the data collected will be kept confidential as required by section 402(b) of the Magnuson-Stevens Act and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released.

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.

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

There are 86 unique respondents, 6,536 responses, 295 hours and \$7,361 in labor costs for this request.

	Requirements	Respondents	Responses	Hrs	Labor \$ @\$25/hr
a)	One five-year CEMP permit application @ 1 hour, and one annual report @ 1 hour	1	2	2	\$50
b)	Two applicants for new or exploratory fishery @ 28 hours	2*	2	56	\$1,400
c)	Five harvest and/or transshipment applications @ 2 hours each	5	5	10	\$250
d)	Radio transmissions in total for five vessels @ 1 hour	5*	10	1	\$25
e)	VMS installation and operation and transmission for 5 vessels @ 4 hours each to install (estimated 5-yr useful life) = 20 hours averaged over 5 years = 4 hours/yr; 2 hr/yr each to maintain = 10 hours/yr; one-time installation and activation checklist, 5 x 5 minutes = 25 minutes averaged over 5 years = 5 minutes or 0.08 hours/yr;	5*	5	14	\$350
f)	Fifteen minutes are required to paint each of three places on the vessel, or overall 45 minutes per vessel. Given adverse weather conditions, each number will need to be repainted or repaired annually. Five vessels x 3 markings/vessel x 15 minutes/marking = 3 and 3/4 (4) hours	5*	15	4	\$100

g)	Five vessels (two longline vessels, one crab vessel and two trawl vessels). Buoys/floats (used on longlines) may take 5 minutes each to paint/mark. Traps/pots may be marked or tagged in 2 minutes each. A tag sewn onto the net in about 2 minutes marks trawl gear. Total time varies with the type and amount of gear used. The number of floats used when longline gear is deployed depends largely on ice conditions. It usually ranges between 3-5 floats, so a value of 8 (2 vessels each using 4 floats) is used for purposes of this authorization. Approximately 300 pots were carried aboard the crab fishing vessels, which previously fished the CCAMLR area. The trawl vessel which has participated in the krill fishery uses 3 tags on its pelagic trawl while deployed: one at the head, one mid-net and one at the cod end. Using this information as a basis for requesting burden hours 10 hours and 52 minutes annually is requested (8 buoys x 5 minutes for 40 minutes; 300 pots x 2 minutes for 600 minutes; and 3 places on two nets x 2 minutes for 12 minutes)	5*	314	11	\$275
h)	Five vessel representatives x 1 request for observer(s)	5*	5	25 min (0 in ROCIS)	\$11
i)	Ninety-two dealer import and/or re-export permit applications @ 15 minutes each (includes designating a registered agent)	80	92	23	\$575
j)	Two toothfish harvesting vessel masters submitting catch data for two harvests x 30 minutes each	2*	4	2	\$50
k)	Eighty dealers x 8 pre-approval applications (or reporting forms if fresh product) x 15 minutes each	80*	640	160	\$4,000
l)	Twelve dealers x 2 re-export catch documents @ 15 minutes each	12*	24	6	\$150
m)	Five dealers x 4 import tickets @ 15 minutes each	5*	20	5	\$125
TOTALS		86	1,138	294	\$7,350

* Respondents in this column are not additive: unique respondents are the CEMP applicant, 5 vessels/vessel representatives and 80 dealers. All asterisked figures indicate the same set or a subset of one of these three respondent categories.

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).

A) Vessel VMS equipment purchase and installation = \$2,250.00, annualized based on estimated 5-yr useful life = $\$450 \times 5 = \$2,250.00$ annualized cost for the fleet.

B) Annual vessel VMS maintenance per vessel = $\$350 \times 5 = \$1,750$ annualized maintenance, for the fleet.

C) Annual vessel transmission costs: $\$0.05$ per day x 6 transmissions/day/vessel = $\$0.30 \times 180$ days: $\$54.00 \times 5$ vessels = $\$270$ for the fleet.

D) Five VMS certifications mailed @ $\$0.39$ each: $\$1.95$, annualized over five years to $\$0.39$.

E) Five vessels: paint and painting equipment, $\$10$ annually = $\$50$ total annually.

F) Five vessels: equipment to mark gear, $\$10$ annually = $\$50$ total annually.

Eighty dealers x 8 pre-approval applications @ $\$200.00$ each: $\$128,000.00$.

G) Five vessel representatives x 1 telephone call @ $\$0.50$ each: $\$2.50$.

Total = \$ 132,372.89 (\$132,373).

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

Requirement	Hours
a) Processing one CEMP application @ 1 hour	1

Requirement	Hours
b) Processing two new/ exploratory fishery application @ 2 hours.	4
c) Processing five harvest/transship applications @ 2 hours each	10
d) Receiving radio transmissions (negligible costs)	0
e) Receiving VMS transmissions (negligible cost)	0
f) Gear marking (no cost)	0
g) Vessel marking (no cost)	0
h) Processing 80 dealer import permit applications @ 30 minutes each Processing 12 re-export permit applications @ 2 hours each	88
i) Completing DCDs and E-DCDs 8@ 30 minutes each	4
j) Processing 640 pre-approval applications @ 2hours each	1280
k) Processing 24 re-export catch documents @ 30minutes each	12
l) Processing 20 import tickets @ 30 minutes each	10
Total hours	1.409

Data processing @ \$12.00 per hour for 1,409 hours	\$ 16,908.00
Overhead/benefits @ 35%	\$ 5,918.00
Total	\$ 22,826.00

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

Adjustments:

The 5,400 responses and 3 minutes total VMS transmission time per year have been removed, as per Office of Management and Budget (OMB) guidance, automatic transmission time is no longer counted as burden. Due to rounding off, however, there is no change in burden hours.

The 25 minutes for observer requests is rounded off to zero in ROCIS; thus, the current hours are reduced by 1.

The \$10 cost each for vessel and gear marking had been overlooked in the previous submission. Including them in this request adds \$100 to the annualized reporting and recordkeeping costs.

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

The Ecosystem Monitoring and Management Working Group of the CCAMLR Scientific Committee compiles the research and required permit reports submitted by Member States on CEMP site activity and presents these findings in a published form to the Commission. These published reports are available to Member delegations and to interested individuals from the Commission. NMFS does not plan to make available results of any of the information collections discussed above on the Internet. The Executive Secretary of CCAMLR publishes information on harvesting vessel licenses, harvesting activity, and toothfish trade on password-protected sections of the CCAMLR website.

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.

No OMB expiration date will be displayed on the DCD because it is a CCAMLR form. Also, no OMB expiration date will be displayed on the NOAA-issued permits, because past display of the OMB expiration date proved problematic when permit holders confused the OMB expiration date with the expiration date of the permit.

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

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.