

**SUPPORTING STATEMENT
FOREIGN FISHING REPORTING REQUIREMENTS
OMB CONTROL NO. 0648-0075**

A. JUSTIFICATION

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

This request is for renewal of the current information collection.

This information collection is necessary to comply with the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA), 16 U.S.C. 1801 *et seq* and the [Marine Mammal Protection Act](#) (MMPA), 16 U.S.C. 1361 *et seq*. Pursuant to regulations promulgated under the MSA at [50 CFR Part 600, Subpart F](#), foreign fishing vessels may be authorized to fish in United States (U.S.) waters.

Permits are provided to foreign fishing vessels authorized to fish in U.S. waters. Each foreign nation and the owners or operators of that nation's fishing vessels must comply with the MSA, requirements at 50 CFR Part 600 Subpart F, conditions included in any permit issued under the MSA, and conditions included in the relevant governing international fishery agreement, as well as any regulations promulgated to implement fishery management plans.

Certain amounts of fish specified in a fishery management plan as the "Total Allowable Level of Foreign Fishing" (TALFF) may be allocated to a foreign nation for harvest directly by permitted foreign vessels of that nation. Also, the vessels of a foreign nation may be permitted to engage in joint ventures, wherein U.S. vessels' catch of certain species can be transferred at-sea to permitted foreign vessels up to an amount specified as "Joint Venture Processing" (JVP) in a fishery management plan. TALFFs and JVP amounts are established by deducting the estimated domestic harvest from the optimum yield of a fish stock. Permits could also be issued to authorize foreign transport vessels to receive transshipments from U.S. or foreign vessels, of processed fish or fish products, destined for landing at foreign ports.

Reports from permitted foreign vessels are required in 50 CFR 600.502 and 600.507. National Marine Fisheries Service (NMFS) must collect information on catch by foreign fishing vessels and the U.S. catch delivered at sea to foreign fishing vessels (FFVs) in joint ventures. This information is necessary in order to know when to close directed and joint venture fisheries in a timely manner, to avoid exceeding the specified TALFF and JVP amounts. NMFS must also monitor directed foreign fishing/joint ventures to ensure that directed foreign catches or joint venture catches by U.S. vessels delivered to FFVs do not adversely affect supplies for domestic processors. To monitor the activities of permitted foreign vessels, it is necessary for these vessels to submit reports indicating their catch, effort, or received fish and whereabouts when in U.S. waters.

U.S. observers are placed aboard virtually all foreign vessels conducting directed fishing or participating in joint ventures. However, the observers cannot provide coverage around the clock and observer data are primarily a means of verifying reports submitted under requirements of 50 CFR Part 600, Subpart F.

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 required by 50 CFR 600.502 and 600.507 generally falls into reporting and recordkeeping categories, respectively:

Section 600.502 requires reports on the activities of FFVs. The operator of each FFV must report the FFV's movements and activities before or upon the event in messages submitted to the appropriate Coast Guard commander and NMFS office. The instructions for the messages are contained in the conditions of the FFV's permit. Similar messages are required if the FFVs will receive or have received fish from U.S. vessels. The following messages, identified by the word within quotes, are required:

- “BEGIN” messages must indicate date, time, position, and area the FFV will begin fishing in the Exclusive Economic Zone (EEZ). The message must be delivered at least 24 hours before the vessel begins to fish.
- “DEPART” messages must specify the date, time, position, and area the FFV will depart the EEZ to embark or debark an observer, to visit a U.S. port, to conduct a joint venture in internal waters, or to otherwise temporarily leave an authorized fishing area, but not depart the seaward limit of the EEZ. The message must be transmitted before the FFV departs the present fishing area and delivered within 24 hours of its transmittal.
- “RETURN” messages must specify the date, time, position, and area the FFV will return to the EEZ following a temporary departure, and the species, product, and quantity of all fish and fish products on board that were received in a joint venture in internal waters. The message must be transmitted before returning to the EEZ and delivered within 24 hours of its transmittal.
- “SHIFT” messages must specify the date, time, and position the FFV will start fishing, and the new area. The message must be transmitted before leaving the original area and delivered within 24 hours of its transmittal.
- “JV OPS” messages must specify the date, time, position, and area at which the FFV will start or end joint venture operations. These reports must be made in addition to other activity reports made under this section. Each message must be transmitted before the event and delivered within 24 hours of its transmittal.
- “TRANSFER” messages are submitted when an FFV anticipates a transshipping operation in which the FFV will receive fish or fisheries products. These reports must

specify the date, time, position, and area the FFV will conduct the transfer and the name and International Radio Call Sign (IRCS) of the other FFV or U.S. vessel involved. The message must be transmitted prior to the transfer.

- “OFFLOADED” messages must specify the date, time, position, and area the FFV offloads fish or fisheries products to another FFV or a U.S. vessel in a transfer, the other FFV’s or U.S. vessel’s name, and other information. The message must be transmitted within 12 hours after the transfer is completed and delivered within 24 hours of its transmittal and before the FFV ceases fishing in the EEZ.
- “RECEIVED” messages must specify the date, time, position and area the vessel received fish or fisheries products from another FFV in a transfer, the other FFV’s or U.S. vessel’s name and other information. The message must be transmitted within 12 hours after the transfer is completed and delivered within 24 hours of its transmittal and before the vessel ceases fishing in the EEZ.
- “CEASE” Each operator must specify the date, time, position, and area the FFV will cease fishing in order to leave the EEZ. The message must be delivered at least 24 hours before the FFV’s departure.
- “CHANGE” messages must be submitted if there are any changes to the FFV’s operations.
- “CANCEL” messages must be submitted if the operator wants to cancel a previous message. The message must be transmitted and delivered prior to the date and time of the event in the original message.

BEGIN and CEASE reports are required for actually placing and debarking observers, verifying that the reporting vessel has a valid permit for the planned activity before fishing, or scheduling exit boardings. The time and position data are needed for at-sea boardings by the Coast Guard to intercept reporting FFVs to verify the reported product on board and check for illegal gear.

TRANSFER, OFFLOADED, RECEIVED messages are critical to enforcement. They enable the Coast Guard to prepare for vessel boardings during transfers between fishing and cargo vessels to compare the respective amounts of products reported by the fishing vessel captain against products received and reported by the cargo vessel. Product recovery rates are used to convert product weight to raw weight to verify that raw fish reported to have been caught in the EEZ or received from U.S. fishing vessels are correctly recorded in vessel logs required by §600.507.

Messaged reports on joint venture operations (JVOPS) are used by the NMFS and the Coast Guard to verify that the reporting foreign vessel is authorized to receive U.S.-harvested fish, for placing observers, and to confirm that the operations are confined to the areas and times authorized.

CHANGE and CANCEL messages provide a mechanism for changing or canceling previous reports. These provide the vessel captain with a standard message for keeping Coast Guard and NMFS advised of last minute changes to avoid potential enforcement actions when unanticipated changes or errors occur in previously transmitted messages.

These messages, in combination with the SHIFT message, provide a means for Coast Guard and NMFS to monitor activities at-sea and areas of operation of foreign vessels; to plan occasional, unannounced boardings; to account for all fish aboard foreign vessels; and to distinguish fish taken in the EEZ from fish carried into the EEZ; to verify, by boardings, the information provided in transfer reports, the data maintained in vessel logs under §600.507, and compliance with regulations to protect U.S. fishery resources from illegal fishing.

Section 600.502(f) requires radioed weekly messages reporting catch, receipts of U.S.-harvested fish, and incidental catch of marine mammals. The nation's designated representative is responsible for transmitting these reports which originate with an FFV operator. These reports must be submitted to the appropriate NMFS Regional Administrator or Center Director on the Wednesday following the end of the reporting period. No reports are required if fish were not taken or received during the week.

Weekly reports must summarize weekly catches in round weight of each species or species group by area and days fished (CATREPS) and weekly receipts of U.S. harvested fish by round weight of species or species group (RECREPS). RECREPS must identify the U.S. vessels from which the fish were received, the numbers of vessels transferring and the codends received, the prohibited species received, and round weight of fish returned to U.S. fishermen. These reports, in conjunction with observer reports, provide timely information on which to base management actions.

Regional Administrators and Center Directors use weekly reports to monitor the rate at which FFVs are taking national allocations of fish and the total U.S. harvest available for receipt by FFVs; to project dates of fishery closures by country or management area to avoid exceeding the optimum yield of a species or species group; and to comply with the MSA requirement to protect the portion of the optimum yield set aside for domestic processors. Reports of receipts of U.S.-harvested fish are similarly used to determine when the aggregate JVP will be achieved. The data are similarly processed and JVP fisheries closed when analyses of weekly reports indicate JVPs will be achieved.

Weekly catch reports are compared with observer data to test their accuracy. They are used to develop rates of catch by species, area, and nation. Notices of projected closures are sent to country agents based on the above information. A comparison of the data reported by each vessel can also signal underreporting.

Marine mammal reports (MAMREP; section 600.502(f)(4)) must be transmitted if marine mammals are incidentally taken. The MAMREP must list the geographic position of the taking, the numbers of animals by species, and their condition. Reports of the take or receipts of marine mammals are required as part of NMFS responsibilities under the Marine Mammal Protection Act. The reports can support enforcement actions if a vessel has not been issued an appropriate Marine Mammal Permit Program certificate and either captures or receives a marine mammal during its operations.

Recordkeeping provisions are consolidated under section 600.507. They require that FFV owners and operators maintain timely and accurate records for inspection by an authorized officer or observer. The required logs include a communications log of the messages submitted in accordance with 600.502, a transfer log that includes quantities transferred or offloaded outside the EEZ, and a daily fishing log of fishing effort, catch and production. The forms for the daily fishing log and the daily joint venture are attached. FFVs that receive fish from foreign catching vessels for processing or U.S.-harvest fish from U.S. fishing vessels in a joint venture must maintain a daily consolidated fishing or joint venture log, in addition to the communications log and transfer log. These logs provide the record of such activities for inspection aboard the vessel and a history of its activities within and outside the EEZ. The logs are important enforcement tools when prosecuting violations to determine a history of any illegal activities.

Logbooks must be retained over a period of time because enforcement is not limited to the current year. Three years was selected as appropriate for retention since it is a reasonable period of time and violations occurring prior to the three-year period could be difficult to corroborate. The need for retention of logbooks was borne out in a case involving the Nichiro Company. This case concerned a long-term conspiracy between a Japanese transport vessel and Japanese trawlers. Although the case was settled for two million dollars and permit sanctions for 20 vessels, other vessels were not penalized because the information needed to corroborate the violations which would have been found in prior year logs (and which NOAA knew existed in some form) was not available to enforcement officials. NOAA and the Coast Guard consider retention of logs vital to the prosecution of violations.

Logbooks must be maintained in the formats prescribed, although section 600.507(i) provides for alternative formats if approved by the relevant Regional Administrator. Generally, foreign nations print and provide log forms for these FFVs. The data required to be logged is standard information recorded in any well-run fishing operation, and collection does not impose a significant burden. For example, the attached effort log form which contains information on the gear, time and position of the set, course, sea depth, depth of set, haul time and position, as well as mesh size, is information used by vessel captains and fishing companies to improve their fishing efficiency. That information is used by observers or authorized officers boarding a FFV for inspection to assess, for example, the potential for an unreported excess bycatch of prohibited species such as American lobster which may be found at a certain depth in the water column or whether undersized fish may be included in the frozen production because the mesh size was less than prescribed. Logs on the catch provide information during boardings to correlate and verify total catches by FFVs on a daily basis versus their production to account for all fish. The consolidated log includes the receipt of unprocessed fish from other FFVs and the log only applies to processing vessels or motherships. The joint venture log requires similar information on receipts from U.S. fishermen. Together the logs provide an account of removals from the EEZ and their disposition and are a necessary component of enforcement of the MSA.

The logs also provide information for inspection by U.S. observers and can be used to resolve conflicts between data recorded by the observer and by the vessel captain. The data are no different from data normally recorded in commercial fishing operations, except that they must be recorded in English.

Certain other reports are also required. Sec. 600.504(e)(2) requires that all records maintained on the FFV be available during a boarding to allow enforcement officers to review the correctness of the logs. Section 600.506(b) requires effort plans for general observer planning and for assessing observer fees which must be paid in advance of fishing. That section also allows for notification of changes in fishing plans by a FFV captain to avoid errors in planning or billing. This section also provides observers authority to inspect and copy logs and records during comparisons with the observer's records. Section 600.510 requires a vessel operator to report an incident of sighting, or accidental or emergency placement in the EEZ of any substance or article which may interfere with other vessels or gear, or catch fish and cause damage to marine resources, including mammals and birds. In the case of articles which may interfere with vessels or gear, such reports must be made to allow the Coast Guard to alert other vessels of such hazards and thereby prevent the unnecessary losses and expenses which could result for not only U.S. vessels but other foreign vessels as well. Since each foreign fishing nation agrees to reimburse U.S. fishermen for losses caused by gear, it is in the interest of all FFV captains involved in a gear conflict (or retrieving the gear of another FFV) to report such hazards or incidents. Section 600.512(b) requires the submission of a copy of any cruise report or other publication created as a result of scientific research conducted in the EEZ; however, no such research is expected to be conducted during the period for which PRA approval is sought and no estimate for this item is included in the burden estimate.

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 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 forms for weekly reports and logs are available at http://www.nmfs.noaa.gov/gpea_forms/forms.htm. Activity reports may be submitted via e-mail.

4. Describe efforts to identify duplication.

Data collected regarding catches, receipts from U.S. vessels, transshipments, etc., are unique to each foreign fishing nation's particular vessels and circumstances. Although observers would be aboard virtually all FFVs engaged in directed fishing or participating in joint ventures, they are unable to monitor catches or production around the clock because FFVs may conduct 24-hour fishing operations and operate more than one product line at the same time in separate areas of the FFV.

The activity reports required by §600.502 are unique. Foreign fishermen may keep for their own use catch reports and logs in their own language and in a variety of formats. The regulations in section 600.507 establish standard formats for submission of catch reports, receipt reports, and the logs kept aboard FFVs. This requirement is necessary to have this information in English and available to enforcement personnel and observers and in a standard format. This will avoid any claims of incorrect translations by the U.S. Government in enforcement cases.

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 collect the information would make it impossible for NMFS to carry out its responsibilities under the MSA. If this information were to be collected less frequently, the management of fisheries stocks would be impaired and the fish stocks might be harmed. The frequency of collection employed represents a minimum. If reporting were to be lengthened to a quarterly basis, the overrun could result in a very serious violation of the MSA and possibly cause damage to U.S. fish processors. Because of the dynamic nature of fishing and fish stocks, failure to accurately track foreign catch, joint venture receipts, the incidental catch of prohibited species, and the current and projected foreign catch rates might result in overfishing of that stock and subsequently reduce its availability. An incidental catch of species for which caps have been imposed, for example, river herring in the Atlantic mackerel joint venture fishery, even if the incidental catch is discarded by FFVs, could severely damage valuable U.S. stocks. The MSA prohibition on exceeding the optimum yield would, in the case of the Atlantic mackerel fishery, require a reduction of the amount available for other U.S. fishermen and fish processors.

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 was published on July 7, 2010 (75 FR 38975). No comments were received.

There are continuing communications, as appropriate, with NMFS personnel who administer the NMFS National Observer Program and with the designated agents and representatives of foreign fishing nations. These contacts provide ongoing opportunities for the exchange of ideas regarding the requirements of this information collection.

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

No gifts or payments are provided.

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

As stated on the forms, data submitted based on this information collection will be accorded confidentiality pursuant to 50 CFR Part 600, Subpart E.

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.

We are estimating an annual burden of 56 hours for reporting and recordkeeping under this collection. While there has not been any FFV fishing or participating in joint ventures in the U.S. EEZ in several years, it is possible that an FFV could be authorized to conduct such activities in the U.S. EEZ. For the purposes of estimating the annual reporting burden, we are assuming one vessel is permitted to harvest fish and participate in a joint venture for a period of 16 weeks.

With respect to the reporting requirements, we assume that an FFV would make 90 activity reports per year and 16 weekly reports per year, spending 6 minutes per report, for an estimated annual reporting burden of 11 hours $[(90+16)(6) = 636/60 = 10.6$ rounded up to 11].

For the annual recordkeeping requirements, we assume the FFV would need 30 minutes per day to maintain the appropriate logs. Assuming the vessel permitted to harvest fish and participate in a JV requires 30 minutes per record-keeping day for 90 days per year, the recordkeeping burden is estimated to be 45 hours $[(30)(90) = 2,700/60 = 45]$.

The total estimated annual responses and burden hours are, therefore, 196 and 56 (11 hours for reporting and 45 for recordkeeping).

There are no respondents to the other requirements and none are expected for the next three years, as no directed foreign fishing is likely to take place.

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).

The costs to the respondents include fax transmissions, copying and/or phone calls to the appropriate NMFS and Coast Guard offices – averaging \$2.00 per weekly report and daily log, totaling \$212.

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

There will be no costs beyond the normal labor costs of staff.

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

An adjustment to the estimated burden has been made to reflect a reduction in the anticipated level of activity by foreign vessels in the U.S. EEZ. Foreign vessels have not harvested fish or participated in joint ventures since 2003. For the one respondent, however, numbers of reports have been corrected to more accurate estimates.

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

The results will not be published.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.