

**JUSTIFICATION FOR CHANGE
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
OMB CONTROL NO. 0648-0387**

The National Marine Fisheries Service (NMFS) will publish a final rule (RIN 0648-AY75) amending regulations under the authority of the Tuna Conventions Act of 1950, to revise the current United States (U.S.) vessel carrying capacity limit for the purse seine fishery in order to be consistent with the amount authorized under international resolutions adopted by the Inter-American Tropical Tuna Commission (IATTC). The purse seine fishery targets tuna species in the IATTC Convention Area. The rule to implement these tuna conservation measures would amend the Pacific tuna fisheries regulations at 50 CFR part 300, subpart C.

Under IATTC resolutions, the U.S. has been allocated a total carrying capacity for its purse seine fleet in the Convention Area of 31,775 cubic meters (m³), or about 27,147 metric tons (mt). This would allow for a maximum of about 20 large vessels or less, depending on the size of the individual vessels and the number of small vessels participating in the fishery, to be on the IATTC Vessel Register and participate in the fishery. However, U.S. regulations currently limit the carrying capacity to 8,969 mt, or about 10,498 m³. This allows for about seven or eight large vessels to participate in the fishery. The proposed rule would amend those regulations by (i) replacing the self-imposed 8,969 mt capacity limit with a 31,775 m³ limit, and (ii) removing the exemption that allows small purse seine vessels to operate in the IATTC Convention Area and target tuna without being on the IATTC Vessel Register. These revisions would ensure that the U.S. is satisfying its obligations under the Tuna Conventions Act while allowing for controlled operational flexibility for the U.S. industry consistent with the IATTC management framework.

If the proposed rule is adopted, it is possible, although highly unlikely, that the participation in the purse seine fishery operating in the eastern tropical Pacific Ocean (ETP) could increase threefold. However, the current capacity limit of 8,969 mt has never been fully utilized since it was established in 2005, and when excess U.S. capacity has been available in the past, there has not been a surge to use this capacity. Thus, it is apparent that there has not been a high demand for additional vessels to enter the fishery and NMFS does not expect there to be a significant increase in the numbers of vessels applying to be on the IATTC Vessel Register (Vessel Register), the list of vessels authorized to fish for tuna and tuna-like species in the ETP and thus required to submit vessel information to NMFS.

In the unlikely event that there was an increase in the number of applicants for ETP vessel permits due to the increase in the carrying capacity of the fleet, the total estimated burden hours would increase. In addition, removing the exemption for small vessels may result in an increase in the number of owners of small purse seine vessels requesting active or inactive status on the Vessel Register. Thus, it is estimated that there would be a total of 10 respondents who are owners of purse seine vessels applying for ETP vessel permits (previously the estimate was three), five respondents who are owners of small purse seine vessels requesting active status (previously the estimate was one), and five respondents who are owners of small purse seine vessels requesting inactive status (previously the estimate was one) as a result of this rulemaking. All other estimates of respondents remain the same, thus the total number of respondents will increase by 15 (7+4+4).

Respondents (116; previously 101)

- Owners/managing owners of large purse seine vessels (applicants for ETP vessel permits): 10 (previously 3)
- Owners/managing owners of small purse seine vessels (requesting active status): 5 (previously 1)
- Owners/managing owners of small purse seine vessels (requesting inactive status): 5 (previously 1):

Additional respondents: 15

Additional responses: 15

Additional hours: 7

7 permits applications x 35 minutes = 4 hours, 5 minutes (4 hours)

4 active status requests x 35 minutes = 2 hours, 20 minutes + 4 inactive status requests x 5 minutes = 20 minutes) = 2 hours, 40 minutes (3 hours).

Additional reporting/recordkeeping cost: \$38.86 (7 applications and 4 active status requests x \$3.30 (\$3.00 fax + \$0.30 per photograph) = \$36.30; 4 inactive status requests x \$0.64 ((\$0.44 postage; \$0.10 per envelope; \$0.10 per copy) = \$2.56) – total to be rounded up to \$39.

The information required for the ETP vessel permit form would not change except for requesting an additional metric be reported for the well volume carrying capacity if available (i.e., cubic meters) (see the attached form with the proposed change highlighted). If this estimate is not provided by the vessel owner, the cubic meters measurement would be estimated by NMFS, so there would not be any increase in the time burden due to this change. The information required for owners requesting active or inactive status would not change.