

**SUPPORTING STATEMENT
U.S.-CANADA ALBACORE TREATY REPORTING SYSTEM
OMB CONTROL NO. 0648-0492**

A. JUSTIFICATION

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

Enacted in early 2004, House Resolution (H.R.) 2584 amended the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) to authorize the issuance of regulations as needed to carry out the obligations of the United States (U.S.) under the 1981 Treaty Between the Government of the United States and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty) (applicable documents included in this submission). That Treaty had been amended in 2002 with the support of the U.S. albacore fishing industry, which felt that the original Treaty was offering greater benefits for Canadian interests than for U.S. interests. Regulations were promulgated ([69 FR 31531](#)) effective June 1, 2004, to implement the provisions of the amended Treaty. An effort limitation regime expired at the conclusion of the 2008 fishing season.

Consultations in December 2008 resulted in amendment to Treaty annexes but no regulatory changes were necessary. Minor technical changes resulted in a change regarding to whom U.S. vessels would make their hail reports for maritime border crossings to fish in Canadian waters. U.S. vessel masters no longer hail to a third party contractor and instead are responsible for making hails directly to the Canadian Coast Guard station at Tofino, British Columbia. The regulations require vessel operators to: 1) report their desire to be on the list of vessels provided to Canada each year, indicating eligibility to fish for albacore in waters under the fisheries jurisdiction of Canada; 2) report in advance their intention to fish or transit before crossing the border between the U.S. and Canada, or vice versa; 3) record fishing effort in Canadian waters in a logbook; and 4) mark their fishing vessels to facilitate effective enforcement. Without such reports, the U.S. will not be able to meet its obligations under the Treaty.

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 Southwest Region (SWR), National Marine Fisheries Service (NMFS) and the Canadian Department of Fisheries and Oceans (DFO) will use reports taken during the year to carry out Treaty obligations. The Treaty amendments include a program of limits on reciprocal fishing by vessels of one Party in the waters of the other Party. In order to comply with these limits, the SWR and DFO must be able to monitor the activity of U.S. and Canadian fishing vessels as they move across the border and fish in the waters subject to the fisheries jurisdiction of the other Party.

Treaty amendments in December 2008 simplified the reporting system for U.S. vessels to hail directly to the Canadian Coast Guard station at Tofino, British Columbia via several possible methods (satellite and cell phone, and VHF and sideband radio), 24 hours a day and 7 days a week. The communication costs are borne by the vessel owner or operator initiating the call. The reports provide information that is available to both Parties on a periodic basis during the fishing season so that each Party can determine whether the fishing by its fleet in waters of the other Party is in compliance with obligations under the Treaty. NMFS implemented this reporting system through regulations at [50 C.F.R. Section 300 Subpart L](#) and [50 C.F.R. Parts 600.525 and 600.530](#). The regulations also formalized the current process for providing Canada with a list of vessels that is eligible to fish in Canadian waters under the Treaty. This is an element of the Treaty that had been handled informally in the past; there has been no regulatory mechanism to require U.S. vessel operators to submit information or requests to be on the list provided by the U.S. The SWR used coastwide records of albacore landings to identify vessels that have participated in the fishery in the past year and provided a “universe” of potentially interested participants. With the limits set by the Treaty, it is more important that there be a more structured process to ensure that only eligible vessels engage in fishing, and that all interested vessel operators or owners be known. Finally, vessel owners and operators also have to ensure that their fishing vessels are marked in accordance with the Treaty to facilitate vessel identification by enforcement platforms at sea and in the air.

The vessel marking is a simple addition of the letter “U” (for U.S.) to the marking required under the new Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS), Fishery Management Plan (FMP), recently approved and implemented by regulations ([50 CFR 660.704](#)) issued under the Magnuson-Stevens Act. Summaries of fishery information (e.g., number of vessels participating, months of fishing by U.S. vessels and their catch in Canadian waters, total U.S. catch) will be provided to the DFO and U.S. fishery interests and will be released to the public consistent with confidentiality requirements and Information Quality Guidelines.

As explained in the preceding paragraphs, the information gathered has utility. NOAA 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 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.

Logbooks are mailed out to respondents. For other information collections, fishery participants will have multiple options for reporting vessel activity, including hails directly to the Canadian Coast Guard station at Tofino, British Columbia via several possible methods (satellite and cell phone, and VHF and sideband radio). The Canadian Coast Guard station at Tofino, British

Columbia in turn uses the same means to provide confirmation numbers to the persons making reports of vessel border crossings. NMFS and DFO are able to use periodically provided spreadsheet reports to monitor and assess the amount of fishing by the respective fleets in the other Party's waters so that the need for closure notices or other actions can be determined in a timely manner. NMFS and DFO also use electronic means as well as phone and fax to distribute information to the fishing fleets. The SWR Web site (<http://swr.nmfs.noaa.gov>) is the primary NMFS Web site used to inform the public about reporting and other management program requirements. Instructions for making vessel reports are available online. The SWR and NWR are also working with state agencies and the Pacific Council to use their web sites to increase the distribution of information about permit and other requirements.

4. Describe efforts to identify duplication.

The SWR compiled information on U.S. vessels engaged in HMS fisheries for initiation of a permit system under the HMS, FMP. That information includes a component for West Coast vessels that have been active in the West Coast albacore fishery. In addition, during the season, the NWR has for many years been compiling and updating the vessel list that is provided to Canada under the Treaty prior to Treaty amendments in 2001. The SWR and NWR together have made use of this information to minimize duplication. Similarly, the vessel-marking requirement is a minor addition to, rather than duplication of, markings required under the HMS, FMP to support enforcement. There is no other system in place for in-season reports by U.S. or Canadian vessels prior to crossing the border to fish under the Treaty.

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

All fishing operations involving vessels in the albacore fishery can be categorized as small businesses. However, the reporting burdens of: 1) making sure the vessel is on the list provided to Canada, 2) reporting prior to border crossings, and 3) marking vessels as required under the proposed rule are slight relative to the overall cost of fishing. The use of the Canadian Coast Guard station at Tofino, British Columbia to take reports 24 hours a day and 7 days a week by multiple means allows vessel operators to select the most cost-effective way for each individual operation to meet the requirement for vessel reports. No special measures are needed to offset any disproportionate effect on small businesses.

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

If the collection is not conducted, there will be no way to implement the obligations of the Treaty in a fair, equitable, and effective manner. Closures would have to be set based on past history of fishing; there would be a high probability of either premature closure (which would deny fishing opportunities that are to be provided under the Treaty) or a late closure, which would effectively preclude achieving the fishery control the benefits of the amended Treaty. In the latter case, U.S. interests could be seriously disadvantaged and pressure would rise to terminate the Treaty.

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 notice published in the Federal Register on November 4, 2010 (75 FR 67948) solicited comments from the public. No comments were received.

NMFS consulted with the U.S. troll albacore fishing industry in development and implementation of the reporting system in place. The fishing industry includes individual fishermen, associations of fishermen from the U.S. and Canada, and processors. The most recent consultations took place during meetings to develop and evaluate reporting alternatives in late 2008.

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

There are no payments or gifts to respondents.

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

As stated on the logbook forms, NMFS will maintain data as confidential consistent with the Magnuson-Stevens Fishery Conservation and Management Act as well as the [Trade Secrets Act](#).

Fishermen are aware that reports by side-scan radio are subject to interception at sea, so the reporting options being provided include landline and cell telephone as well as fax and email. Data such as personal addresses and phone numbers will remain confidential information. The business contact information of holders of Federal permits is, however, public information.

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 are asked of a sensitive nature.

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

Based on recent activity in 2009 and 2010, respondents are estimated to be 100 or less. There are four elements to this collection.

- 1) Vessel owners who want to be eligible to fish in Canadian waters under the Treaty must ensure that their vessels are on the list of vessels exchanged with Canada. This will require a call, email or fax to NMFS that will take approximately 5 minutes. If 100 vessel owners so request, the **total annual responses will be 100 and the annual burden for this element will be 8 hours, 20 minutes (8) hours** (100 x 5 minutes/60 minutes).
- 2) Regulations require reporting border crossings directly to the Canadian Coast Guard station at Tofino, British Columbia so that NMFS can track fishing against its limit. Assuming one round trip (two border crossings, and thus, two calls per trip) for each of an average of 100 active vessels each year, and with each call taking an average of 5 minutes, this imposes a burden of **200 responses and 16 hours, 40 minutes (17) hours** per year (100 x 2 x 5 minutes/60 minutes). Note that some vessels are expected to engage in two or more crossings each year, while most vessels will not engage in any crossings.
- 3) Regulations require logbook reporting for fishing under the Treaty in Canadian waters. Assuming that all of the estimated 100 vessels fish every day for one month (i.e., up to 30 days per month) and complete 1 logbook page per day (at 5 minutes per page or 2 hours, 30 minutes per month)*, the responses will be 30 per vessel or 3,000 and the burden will be a maximum average of 250 hours per year. It is estimated that 50 percent of these vessels already respond to the mandatory logbook requirement under the West Coast Highly Migratory Species Fishery Management Plan, so the net maximum burden for which approval is requested under OMB Control No. 0648-0492 is **125 hours (1,500 responses)**. In most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which this estimate is based.
- 4) The vessel marking requirement under the revised regulations consists of adding the letter “U” after the vessel marking number required under regulations at 50 CFR 660.704, if the vessel enters Canadian waters. This is estimated to take 5 minutes per vessel. Given the estimate of 100 vessels per year, an estimated **annual 100 responses and burden of 8 hours, 20 minutes (8) hours** is anticipated.

Thus, the total responses are estimated to be 1,900 and the burden, 158 hours per year for the next 3-year period. NMFS is working with the albacore fishery to evaluate the potential of electronic recordkeeping and reporting for this fishery. This could reduce the collection burden in the future.

* The form states that for 30 days, response time is one hour beyond the time for normal business logkeeping. That is, normal time for 30 days would be closer to one hour, 30 minutes, or 3 minutes per day.

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 significant capital or equipment costs associated with this reporting burden.

1) The estimated cost of making the initial call or fax to be placed on the authorized list is approximately \$2.00, or less (5 minutes x \$0.40 per minute), **totaling \$200.00 for 100 vessels.**

2) The estimated cost of reporting border crossings by phone or ship-to-shore radio is up to **\$1,200**, based on up to 200 reports at \$6.00 per call. This includes connection fees and per minute charges.

3) Logbooks:

a) Mailing costs for submitting logbooks are estimated to be up to **\$110 per year** (30 pages per 50 vessels = 1,500 total logbook pages; at 6 pages to the ounce, this would require mailing of 250 ounces at \$ 0.44 per ounce or \$110).

4). The estimated cost of the vessel-marking requirement is \$0.50 per vessel for 100 vessels, or up to **\$50.00 per year.**

Thus, total annual costs are estimated at \$1,560 (\$200 + \$1,200 + \$110 + \$50). Actual costs are anticipated to be much less, as not all 100 vessels are expected to fish in a given year.

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

Due to Treaty amendments and technical changes to the reporting scheme, there are no longer any additional costs to the Federal government.

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

Estimated hours remain the same at 158 hours per year for the next 3-year period.

Program change: Due to the exclusion of the Shipcom (the contractor provider for the hail-in monitoring system) vessel registration costs that are no longer in effect, costs have decreased by \$1,243.

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

There are no plans at this time for publications based on the collections.

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.