

SUPPORTING STATEMENT

REPORTING REQUIREMENTS FOR THE OCEAN SALMON FISHERY OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

OMB CONTROL NO. 0648-0433

A. JUSTIFICATION

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

Based on the management regime specified each year by the National Marine Fisheries Service, designated regulatory areas in the commercial ocean salmon fishery off the coasts of Washington, Oregon, and California may be managed by numerical quotas (by salmon species). Quotas are necessary to ensure that the allowable levels of ocean harvest of salmon are not exceeded in these areas. To accurately assess catches relative to quota attainment during the fishing season, catch data by regulatory area must be collected in a timely manner. Requirements to land salmon within specific time frames and in specific areas may be implemented in the preseason regulations to aid in timely and accurate catch accounting for a regulatory area.

If unsafe weather conditions or mechanical problems prevent compliance with landing requirements, fishermen are exempt from these landing requirements so long as the appropriate notifications are made by at-sea radio and cellular telephone, and information on catch and other required information is given. The preseason regulations will specify annually the contents and procedure of the notifications, and the entities receiving the notifications. The information collection is intended to be general in scope by leaving the specifics of the notifications for annual determination, thus providing flexibility in responding to salmon management concerns in any given year.

This federal collection of information concerning alternative reporting in unsafe conditions has implemented uniform reporting requirements across the entire geographic range of the commercial ocean salmon fishery and, thus, resolves the problem associated with reliance on each state to independently implement the same requirements in the territorial waters off of each state (Washington, Oregon, and California).

Authority for the collection is provided by: (1) [50 CFR 660.408](#), and (2) the [Magnuson-Stevens Fishery Conservation and Management Act of 1996, 16 USC 1801 et seq., as amended through 2007](#), which states at 16 USC 1855(d) that "The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act."

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 alternative reporting information will be collected by a federal or state entity to be specified annually, and then transmitted to the appropriate state fishery agencies in a timely manner. The specific contents of the reports and the procedure for submitting the reports will be specified annually, and will likely include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and estimated time of arrival.

Regular landings information, although required by NMFS, is already being collected by the states and thus is not counted in this collection as burden. The state fishery managers will use the information collected on vessel name, port of delivery, and estimated time of arrival to facilitate monitoring of the actual catch reports submitted in accordance with state landing requirements under existing state data collection and reporting systems.

The information collected will allow accurate accounting of commercial salmon catches for those regulatory areas subject to quota management. The state fishery managers will use the salmon catch data and associated vessel effort data to assess total catches by regulatory area and to determine when a quota for a regulatory area may be attained. Therefore, catch data needs to be available in a timely manner for implementation of inseason management actions such as fishery closures. The best available catch and effort data and projections are presented by the state fishery managers in telephone conference calls involving the NMFS Northwest Regional Administrator and representatives of the Pacific Fishery Management Council. Based on the data, projections, and recommendations presented by the state fishery managers, the NMFS Northwest Regional Administrator implements the appropriate inseason management action in the exclusive economic zone (EEZ) (3-200 nautical miles of shore), with the state managers taking concurrent action in territorial waters (0-3 nautical miles of shore).

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and 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.

Information is submitted via the available technology for at-sea radio and cellular telephone transmissions for reporting during unsafe collections.

During normal conditions information is collected in person from fishermen as they are landing their catch in port.

Specific information on the reporting requirements is made available in a booklet of federal regulations which is printed, or published online, each year. This booklet, when printed, is

mailed to licensed commercial fishermen in each state (Washington, Oregon, and California).

4. Describe efforts to identify duplication.

Currently, commercial fishing vessels possessing salmon taken in the area north of Cape Falcon, Oregon (the regulatory area currently subject to quota management), and delivering to a port outside of the area, are required to notify the U.S. Coast Guard and receive acknowledgment of such notification prior to leaving the area. The notification includes the name of the vessel, port where delivery would be made, approximate amount of salmon (by species) on board, and estimated time of arrival.

Information on notification was given to the Washington Department of Fisheries and the Oregon Department of Fish and Wildlife and is required for quota assessment. The states of Washington and Oregon implemented this reporting requirement at the request of the Pacific Fishery Management Council during the annual preseason process of setting management measures for the upcoming fishing season. Current *state* reporting systems do not regularly collect this specific type of inseason radio report. Furthermore, each state would have to be relied on to independently implement the same exact requirements in the territorial waters off of each state (Washington, Oregon, and California). The possibility would then exist for regulatory inconsistency and confusion coastwide.

Federal regulations affecting the EEZ would not be duplicative of state regulations because state regulations subsequently would either conform or defer to federal regulations. Concurrent federal and state regulations are desirable for regulatory consistency and enforceability.

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

The burden on small entities to report information during unsafe conditions is minimized by requiring notification when unsafe conditions prevent normal compliance with landing requirements and notification procedures. This burden is more than offset by its purpose which is to provide a safe alternative to regulatory requirements when unsafe weather conditions or mechanical problems may put fishermen at risk. During normal conditions the collection is taken in person while the fishermen are already in port, lessening the burden on them since they will already be in port offloading their catch.

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

Given the tremendous fishing power of the commercial salmon fleet, it is possible for a quota to be greatly exceeded if the necessary inseason action, i.e., fishery closure, is not taken quickly. By exceeding a quota, salmon stocks of concern could be severely impacted. Fish mortalities above the levels estimated preseason are of particular consequence for those stocks listed under the Endangered Species Act. Conversely, if the information collected indicates that an earlier projection of quota attainment is premature, the commercial fishery would be allowed to continue as regularly scheduled without unnecessary disruption. Furthermore, if a fishery has been closed under a quota based on overestimate of actual catch, the fishery could be reopened in a timely manner for all or part of the remaining original season.

If the collection could not be conducted, a safe alternative to regulatory requirements would not be available to fishermen when dealing with unsafe weather conditions or mechanical problems. The collection is made on occasion as necessary, so thus could not be conducted less frequently.

The consequences of this collection not occurring would be the inaccurate management of the fishery during the fishing season. During normal conditions the collection of information by the states of Washington, Oregon, and California provide fishery managers with up-to-date catch information which is essential to the management of the fisheries.

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

NA.

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 January 4, 2011 (76 FRN 329). No comments were received.

The public, as well as federal and state fishery management and enforcement agencies, is consulted during all phases of the preseason process for setting the annual management measures in March and April. Public meetings, public hearings, and written comments provide interested persons the opportunity to express their views on the availability of data, the frequency of collection, the clarity of instructions, the amount of burden to be imposed, and ways to minimize the burden.

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

Payment or gift to respondents is not provided by the information collection.

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

The information will be collected by specified federal or state entities and forwarded to the appropriate state fishery agencies. Assurance of confidentiality to respondents is based on the policies of the federal and/or state agencies involved. The information collected by NMFS is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

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.

Not applicable.

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

The estimated burden of the collection of information during unsafe condition is as follows:

The number of respondents will vary each year depending on the management regime adopted and the regulatory areas subject to the collection of information, but is expected to average 40 annually; these respondents are expected to respond once each fishing season. Therefore, a total of 40 responses are expected annually. Response time per respondent is expected to vary from 10 to 20 minutes, with an average of 15 minutes. **Total annual response time is estimated to be 10 hours (40 x 15/60).**

Labor costs are based on the wage of \$50 per hour (based on the high end of the \$20,000-\$100,000 range of the annual income of salmon trollers). The information collection would not impose additional operational expenses to the respondents because their normal operations include maintaining catch records for state reporting requirements and operating a radio and/or cellular phone to monitor, receive, and transmit communications. Using the estimate that 20 percent of the 10 total burden hours (i.e., 2 hours) would impose actual costs to respondents, total annual costs to all respondents are estimated to be \$100, or an average of \$2.50 for each of the 40 respondents annually (\$100/40).

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).

During unsafe conditions respondents will submit their reports during time in transit at zero cost to the respondents.

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

If the entity collecting the information is a federal agency, the annual costs to the federal government would be based on the costs of receiving the reports. The U.S. Coast Guard and the states of Washington, Oregon, and California are expected to receive these reports during the course of normal operations. Therefore, no additional costs are expected to be imposed on the federal government.

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

There are no changes.

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

The results of the collection 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.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used.