

**SUPPORTING STATEMENT FOR CHANGE REQUEST
SOUTH PACIFIC TUNA ACT
OMB CONTROL NO. 0648-0218**

A. JUSTIFICATION

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

The Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, signed in Port Moresby, Papua New Guinea, in 1987, and its annexes, schedules and implementing agreements, as amended (Treaty), authorizes United States (U.S.) purse seine vessels to fish within of a large region of the Pacific Ocean, including the national fishing zones of the 16 Pacific Island States that are party to the Treaty. The [South Pacific Tuna Act of 1988](#) (16 U.S.C. 973g and 973j) and U.S. implementing regulations ([50 CFR Part 300, Subpart D](#)) authorize the collection of information from participants in the Treaty fishery. This collection of information is covered by OMB Control No. 0648-0218. Among other purposes, this collection of information is used to collect fishing effort and catch information from vessel operators via vessel logbooks.

The National Marine Fisheries Service (NMFS) is issuing a final rule that would implement provisions regarding “net sharing” (i.e., the transfer of fish that have not yet been loaded on board any fishing vessel from the purse seine net of one vessel to another fishing vessel) for U.S. purse seine vessels fishing in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area).

Under the Western and Central Pacific Fisheries Convention Implementation Act ([WCPFCIA](#); 16 U.S.C. § 6901 *et seq.*), the Secretary of Commerce has the authority to develop and implement regulations to carry out the obligations of the United States as a Contracting Party to the Convention and a Member of the Western and Central Pacific Fisheries Commission (WCPFC). The Convention, which established the WCPFC, provides for the conservation and management of target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks.

The regulations at 50 CFR 300.223(d) implementing the catch retention requirements of WCPFC Conservation and Management Measure 2008-01 (CMM 2008-01) require U.S. purse seine fishing vessels to retain all catch of bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), and skipjack tuna (*Katsuwonus pelamis*) unless: (1) the fish are unfit for human consumption; (2) there is insufficient well space to accommodate all the fish captured in a given set, provided that no additional sets are made during the trip; or (3) serious malfunction of equipment occurs. In addition, the regulations at 50 CFR 300.216 prohibit purse seine vessels from conducting transshipments at sea in the Convention Area. However, on occasion a vessel will have insufficient well space to accommodate all the fish caught in a set.

In such circumstances, under the subject final rule, it would be allowable to transfer the excess fish in the net to another vessel (i.e., before the fish are loaded on board the vessel in whose net the fish were caught) for the purpose of reducing discards. Such net sharing would only be

allowed to take place between U.S. purse seine vessels on the last set of the transferring vessel's trip.

Given the possibility of net sharing among U.S. purse seine vessels, it is important to design these logbooks such that net-shared catches are neither missed nor double-counted. For that reason, the vessel logbook element of this information collection is being slightly changed in order to: (1) have the two involved vessel operators indicate in their respective vessel logbooks whether a net share has occurred for a given set; and (2) clarify that net-shared catches are to be recorded in the logbook of the transferring vessel, and not in the logbook of the vessel that accepts the net share.

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.

Under the existing collection of information, U.S. purse seine vessel operators must submit periodic written reports of catch and effort. This information is provided in vessel logbooks called "Catch Report Forms", also known as "RPLs," after each trip, estimated at five times per year per vessel. Under the new net sharing provisions, the owners and operators of U.S. purse seine vessels that transfer fish through net sharing would be required to ensure that the amount, by species, of fish transferred, as well as the net sharing activity, is recorded on the catch report forms. The owner and operators of U.S. purse seine vessels that accept fish through net sharing would be required to ensure that the net sharing activity is recorded on the catch report forms.

Data collected will be used by NMFS to verify the quantity of HMS transferred by net sharing in the Convention Area to ensure accurate reporting of catches, to enhance stock assessments of HMS stocks and to obtain information needed by NMFS, NOAA Office of Law Enforcement (NOAA OLE) to monitor the activities of the U.S. purse seine vessels fishing in the Convention Area and compliance with the catch retention and transshipment requirements. The information will be collected by NMFS on behalf of the U.S. Government.

NMFS will provide, with a cover letter, a compliance guide containing detailed instructions regarding how to fulfill the new reporting requirements, which will be mailed to affected vessel owners or their representatives and posted on the NMFS Pacific Islands Regional Office Web site, as far in advance of the effective date of the final rule as possible. At the time of this submission, the compliance guide is still under development. Since this requirement is for U.S. Purse Seine vessels only, the printed form will not be revised; the instructions will state where on the form to add the net sharing information.

The information collected will not be disseminated to the public, yet it will support information which will be disseminated to the public. If the data collected are used to support information disseminated to the public they will be as synthesized or interpreted information, and included in scientific and enforcement technical reports subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#). 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 all applicable information quality guidelines.

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.

NMFS supplies the necessary catch report forms and instructions to vessel operators and collects the completed forms either in person, by mail or by fax.

4. Describe efforts to identify duplication.

There is no existing requirement to collect information on net sharing activities of U.S. purse seine vessels.

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

The minimal information needed will be required and will be incorporated into an existing reporting mechanism.

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

If the information is not collected, NMFS will be unable to track U.S. purse seine net sharing activities for statistical and enforcement purposes, and there will be a greater likelihood of U.S. purse seine catches being under- or over-estimated, which would decrease the utility of the estimates for stock assessment and other purposes.

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 proposed rule, RIN 0648-BA85, was published on February 15, 2012 (77 FR 8759), which solicited public comments on the addition of the net sharing reporting requirements to the existing collection of information. No comments were received that affect this collection of information. NMFS did not make any other efforts to obtain the views of persons outside the agency.

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

No payment or gift to respondents has occurred.

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

As stated on the PRA statement that accompanies the FFA forms, the information is collected by NMFS and transmitted to the Forum Fisheries Agency (FFA) pursuant to the Treaty and the South Pacific Tuna Act of 1988 (SPTA). Confidentiality of the information collected in the catch report forms or RPLs is maintained by NMFS pursuant to section 973j of the SPTA (Appendix 3), and is treated in accordance with [NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics](#). However, NOAA and NMFS have no direct control over the confidentiality policies and practices of the FFA, so once the information is transmitted to the FFA, NMFS and NOAA cannot provide any assurance of confidentiality.

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 required in the information collection.

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

This estimate is for the entire collection of information; the net sharing reporting requirements do not change this estimate from the existing estimate.

Total annual burden hours:

Total burden estimates for the entire collection of information are 42 respondents, 536 responses, and 389 hours (total for catch report form, 190; for license application form, 38; for VMS-related burden, 29; for unloading logsheet, 114; for expression of interest for license, 18 hours).

Total labor costs for the entire collection of information, at approximately \$21 per hour, are \$8,188.

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).

This estimate is for the entire collection of information; the net sharing reporting requirements do not change this estimate from the existing estimate.

The total annual cost burden to the respondents for the entire collection of information is \$116,512, or \$2,774.09 per respondent (total for catch reports, \$190; for license application forms, \$19; for VMS-related costs, \$116,033; for unloading logsheets, \$228; for expressions of

interest for license, \$42).

14. Provide estimates of annualized cost to the Federal government (Entire Collection of Information).

This estimate is for the entire collection of information; the net sharing reporting requirements do not change this estimate from the existing estimate.

The estimated annualized cost to the Federal government for the entire collection of information is \$14,273.

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

There would be no change to the estimates in burden or costs; the estimates provided above are unchanged from the existing estimates. As there is no existing requirement to report net sharing events, the frequency of net sharing cannot be estimated with precision. NMFS estimates that approximately ten percent of all U.S. purse seine trips include a net sharing event. The information on net sharing would be collected as a component of existing reporting requirements. Therefore, there would be no increase in the number of respondents or number of responses. Also, the information collected would be one small component of the existing catch report form. Thus, NMFS estimates that the overall time needed to collect the information would remain the same (i.e., the catch report form is estimated to take a total of 60 minutes to complete per fishing trip and the net sharing reporting requirements are estimated to take under a minute of time as part of that catch report form completion process).

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

The information collected is not for publication.

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.

All forms used in the information collection are developed and supplied by the FFA. They do not display the OMB Control Number or expiration date.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used for this collection.