

**SUPPORTING STATEMENT
PACIFIC ISLANDS REGION SEABIRD-FISHERIES INTERACTION REPORTING
OMB CONTROL NO. 0648-0456**

This request is for revision and extension of a previously approved information collection.

A. JUSTIFICATION

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

The National Marine Fisheries Service (NMFS) implemented Federal regulations at [50 CFR 665.815\(b\)](#) requiring Hawaii-based longline fishermen to safely handle and release short-tailed albatrosses (*Phoebastria albatrus*) (STAL) caught incidentally to fishing operations. These regulations satisfy the Terms and Conditions of the U.S. Fish and Wildlife's (FWS) November 2000 "Biological Opinion for the Effects of the Hawaii-based Longline Fleet on the Short-tailed Albatross (*Phoebastria albatrus*) [FWS 1-2-1999-F-02R]" (revised November 18, 2002, October 8, 2004, and January 6, 2012) (BiOp) issued pursuant to Section 7 of the [Endangered Species Act](#) (ESA). These regulations require, pursuant to the BiOp's Terms and Conditions, that for each STAL take incident, when a bird is brought on board a vessel, vessel operators record the incident's date, time, location, STAL tag data and provide injury and health descriptions on a Short-tailed Albatross Recovery Data Form. This data collection fulfills that requirement.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

If a STAL is hooked or entangled by a Hawaii longliner, 50 CFR 665.815(b) requires that injured or dead STALs be brought on board the vessel. Additionally, the captain must: (a) contact NMFS, the U.S. Coast Guard (USCG), or FWS immediately, (b) complete a Short-tailed Albatross Recovery Data Form, and (c) attach identical information tags to the carcass and specimen bag if the STAL is dead and turn over the carcass to FWS within 72 hours after returning to port.

Once notified, one of the agencies will arrange ship-to-shore dialogue with a veterinarian. The information recorded by the vessel operator on the Short-tailed Albatross Recovery Data Form will provide the veterinarian with a report of the injured STAL's condition. Additionally, the form will serve as a record for FWS.

When a dead STAL is returned to port and turned over to FWS, the Short-tailed Albatross Recovery Data Form will serve as record for FWS.

There have been no reports or observations of STALs incidentally taken by Hawaii-based longliners. This collection was established under the November 2002 BiOp so that procedures are in place in case this unlikely event occurs. Estimates of the burden to fishermen are based on the January 2012 BiOp's estimated take of three STALs every five years.

Based on public comments (see A8) and internal review, minor revisions to the Short-tailed Albatross Recovery Data Form have been made. Fields providing information on hook type and

size, time during operations the bird was captured, and whether photographs were taken were added. The places for recording information regarding location of the injury, entanglement and hooking were reorganized on the form. Also, Vessel Name and Official Number fields were added. These changes are intended to provide information necessary to understand incidental take of seabirds in Hawaii longline fisheries. Instructions were added to the form to make it easier to use. Finally, the agency address was updated.

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. This 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 NMFS 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.

NMFS continues to investigate information technology advances that simplify collections and reduce burdens on fishermen. Most communications between at-sea Hawaii longliners and NMFS are by telephone (i.e., marine operator), single side-band radio, or, when a NMFS observer is present, through a satellite telephone. Some Hawaii longliners may also communicate through vessel monitoring system (VMS) units by voice or email; however, the majority of longliners lack on-board computers needed to enable VMS units for ship-to-shore messaging. At this time, NMFS expects most information in this data collection will be gathered non-electronically.

4. Describe efforts to identify duplication.

NMFS carefully considered whether there were other collections by FWS or other Federal agencies that might meet the information needs presented above. It was concluded that no other collections would meet the at-sea notification, recovery data collection, or specimen identification requirements contained in the BiOp.

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

All of the vessels in the Hawaii-based longline fishery are small business entities of similar sizes and are affected comparably. No special measures are needed to accommodate different sized businesses. Only a minimum amount of data, as required by the terms and conditions of the BiOp, are collected through this program.

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

If this information is not collected, NMFS will not be in compliance with the BiOp. Also, without this collection, the ability of NMFS and FWS to effectively respond to any potential take of a STAL in the Hawaii longline fishery would be compromised.

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

This collection is consistent with the OMB guidelines, except that its frequency may exceed the minimum quarterly reporting schedule. This is because the collection is varied and unscheduled; its implementation requires immediate action and use of the information.

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.

NOAA published a Federal Register Notice soliciting comments on the revision and extension of this collection on February 2, 2015 (80 FR 5515). No public comments were received as a result of this solicitation. NMFS then solicited comments from two stakeholders. One person responded, providing seven comments.

Comment 1: The commenter suggested that NMFS add several data elements to the form including the period during operations when the take occurred (e.g. soak, haul), injury location on the bird, hook shape (type), hook size, whether the hook was ingested, bait species, bait length, and whether the bait was ingested,

Response: NMFS has modified the form to include data elements for the period of operation that a take occurred, hook type, and hook size. This information informs the timing and gear when the incidental take occurred and may be used to further understand fisheries interactions with STAL. NMFS did not add data elements for injury location or whether the hook was ingested because the form already addresses these elements. NMFS did not add data elements for bait species, bait length, or whether bait was ingested. Bait type and size would be difficult to determine if mixed baits are used. Finally, it would be difficult to determine if a bird had ingested the bait associated with a particular take, especially, if the bird is alive. If a bird is dead, vessel operators are instructed to tag, bag, and freeze the bird. FWS may be able to determine if the bird had been eating baits when the specimen is examined.

Comment 2: The commenter suggested having fishermen measure hook shank diameter and the degree of point offset with calipers.

Response: NMFS cannot require that fishermen measure hook shank diameters and degree of point offset with calipers. Requiring the use of calipers for measuring hooks would require a regulatory amendment, which is beyond the scope of this revision and extension.

Comment 3: The commenter suggested that fishermen be required to return fishing gear associated with STAL takes to NMFS.

Response: Providing fishing gear associated with a STAL take is beyond the scope of this PRA renewal, which provides for the collection of information, rather than the collection of fishing gear.

Comment 4: The commenter suggested that instructions on recording hooking, entanglement, and injury location information be moved from one part of the form to another.

Response: NMFS agrees and has changed the form as suggested.

Comment 5: The commenter suggested that NMFS request that a photograph be taken of any captured STAL.

Response: NMFS has added a data element to the form inquiring whether the crew took a picture of the bird prior to release and requesting a copy of the picture. NMFS cannot require that crews photograph birds as this would require a regulation change to require vessel operators to have a camera onboard for this purpose. This suggestion is beyond the scope of this PRA revision/extension.

Comment 6: The commenter suggested changing the regulations at 50 CFR 665.815(b) to modify STAL handling requirements.

Response: Regulation changes are outside the scope of this PRA revision/extension.

Comment 7: The commenter indicated that the estimated burden of one hour to fill out the form seemed reasonable and accurate.

Response: NMFS agrees.

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

No payments or gifts are involved in this collection.

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

As stated on the Short-tailed Albatross Recovery Data Form, data provided concerning the vessel operators are handled as confidential under Section 402b of the [Magnuson-Stevens Act](#) and [NOAA Administrative Order 216-100](#). Personal and propriety information is not released to the public.

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 will be asked in this data collection.

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

Annual burden for complete response:

(a) At-sea notification: 1 vessel x 1 notification/year x 60 min/notification = 1 hour

(b) Reports: 1 vessel x 1 report/year x 60 min/report = 1 hour

(c) Specimen Tag: 1 vessel x 1 identification tags/year x 60 min/tag = 1 hour

Total = 3 hours

Estimated annual respondents: 1; response, 1; hours, 3. The number of respondents is based on an estimated incidental take of a total of one STAL annually in the Hawaii-based longline fishery. The take level is consistent with the January 2012 Biological Opinion issued by FWS on the effects of the fishery on the STAL.

The total annual labor cost to respondents is estimated at \$96 per year. This was derived by multiplying the number of hours of burden each year (3 hours) times an hourly cost rate of \$32, the estimated hourly wage rate for a vessel captain.

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 is no “start-up” capital cost for complying with this requirement. The estimated total annual cost to respondents is \$80 (1 respondent x \$80/year) – primarily ship-to shore communication cost but also including mailing or faxing forms.

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

The estimated annual cost to the Federal government to administer this collection is \$100 per year, which includes the cost for printing the Short-tailed Albatross Recovery Data Forms and specimen identification tags, and the cost of staff time for receiving/transmitting the data forms to FWS.

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

The only change was that revisions to the form were made.

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

No formal scientific publications based on these collections are planned at this time. The data will be used for fisheries management, protected species reports, FMP amendments, and evaluations by NMFS, FWS, and the Council. Additionally, subsequent use of the data collected over the next few years may include scientific papers and publications.

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

This collection does not employ statistical methods.