

**SUPPORTING STATEMENT
REPORT OF WHALING OPERATIONS
OMB CONTROL NO. 0648-0311**

A. JUSTIFICATION

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

This request is for extension of this information collection.

The information to be submitted under this collection of information is necessary to comply with obligations under the International Convention for the Regulation of Whaling (1946). The Schedule of the Convention is binding on the United States and requires that this information be submitted for all whaling operations authorized by the International Whaling Commission (IWC), including the aboriginal subsistence whaling being conducted by Native Americans. The [Whaling Convention Act](#) (16 U.S.C. 916 et seq.) authorizes the collection of this information. Regulations codifying the provisions of this act are at [50 CFR Part 230](#). Information on the retrieval and use of dead whales (“stinkers”) is requested in order to have a record of all whales brought to shore and to ensure that whales killed under the IWC quotas are not claimed to have been found dead.

The required reports from whaling captains must include at least the following information:

- (1) The number, dates, and locations of each strike, attempted strike, or landing;
- (2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- (3) The length and sex of a fetus, if present in a landed whale; and
- (4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage.

The reports are to be submitted to the Native American whaling commissions, which then submit them to NMFS. There are two Native American whaling commissions. These are the Alaskan Eskimo Whaling Commission (AEWC), which oversees whaling in the eleven traditional whaling villages in Alaska, and the Makah Whaling Commission, which oversees any whaling activities in Neah Bay, WA on the Makah reservation. Any Makah whale hunt must first satisfy domestic legal requirements; no hunt is currently authorized.

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 reports from the individual whaling captains are used on a daily basis during the whaling seasons by the relevant Native American Whaling Commission to monitor the hunt and ensure

that quotas are not exceeded. In addition, the information is reported yearly to the IWC, which uses it to monitor compliance with its regulations. Biological information on the size and sex of the whale, length and sex of any fetus, etc. are used on an “as needed” basis by scientists and by the Scientific Committee of the IWC as part of an ongoing effort to monitor the recovery of the harvested species (bowhead and gray whales) and to understand the population dynamics of both species.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. See response to Question 10 of this Supporting Statement for 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.

Whaling captains may report catches by telephone or fax if they are available, but this is not required. The AEWG currently faxes or emails summaries of whaling activities to NOAA. The basis for adopting these means of collection is pragmatic: given the small number of reporting individuals, any available method for notifying the AEWG of catches is acceptable. Because of the remote villages in which whaling takes place, however, the use of new information technology to reduce the burden on the public would be effective only to the degree that it is available and affordable to subsistence hunters.

In the past, the Makah whaling operation has been very small-scale (one whale killed in 1999). There would be no limitations on how the information would be submitted if this hunt were to resume.

4. Describe efforts to identify duplication.

NOAA is the agency responsible for managing whaling. Therefore, there is no other source of this information, and no other agency requires similar reports.

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

This collection of information has no impact on small businesses. Whaling is not a business. The meat from aboriginal subsistence whaling cannot be sold. Traditional native handicrafts from whalebone can be sold, but the reporting of whaling operations will have no effect on such sales.

The collection of information will affect some tribal governments. The Makah Tribal Council has been involved in the collection of information about Makah whaling. Although the issue of whaling itself has had a major impact on the Makah Tribal Council due to the opposition of anti-whaling groups, this collection of information would not have a significant impact if Makah whaling were to resume. So far, the Makah has killed only one whale under a Whaling Convention Act authorization since the IWC approved its request for a quota in 1997.

At present, the only authorized whalers belong to the Alaska Eskimo Whaling Commission, to which the Eskimo whalers have given authority to regulate their whaling. The reporting burden on the AEWC is considered insignificant. The time required to report is not great, and these entities would need to gather much of the information in any case in order to monitor quota compliance.

No other tribes have expressed an interest in whaling to the United States (U.S.) Government.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

If the information were not collected, the U.S. Government would be in violation of its obligations to the IWC. The most egregious violation could be exceeding the catch limit authorized by the IWC.

If the information were collected less frequently, quotas might be exceeded inadvertently.

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

The collection of information would be inconsistent with the first two OMB guidelines for information collections (not requiring respondents to report information more often than quarterly, and not requiring respondents to prepare a written response in fewer than thirty days after they receive a request). In order to ensure that the quota is not exceeded, whaling captains need to report to the Native American Whaling Commission as soon as a strike is made. The whaling seasons in Alaska are short, and in good years the small quotas given to each village can be filled within a few days. The collection is otherwise consistent with the OMB guidelines.

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, published on February 27, 2015 (80 FR 10667) solicited public comments on this renewal. Additionally, notification of the comment period and a request for comment was emailed directly to four non-NOAA constituent groups. Four comments were received during the public comment period, all solicited separately, but the Marine Mammal Commission comment was also sent to DOC in direct response to the FRN:

- (1) The Makah Tribal Council stated it had no comments on the renewal of this information collection. *Response:* Comment noted.
- (2) The Marine Mammal Commission stated that the specified information is crucial to overseeing compliance with the requirements of the U.S. Whaling Convention Act, and the United States' obligations under the International Convention for the Regulation of

Whaling and the International Whaling Commission's Schedule. The Commission views the collection of information's burden to be reasonable and considers it appropriate for the relevant Native whaling organization to be responsible for reporting the information. *Response:* Comment noted.

- (3) The AEWEC stated that it can take longer to create the final report under this collection of information than is currently estimated; however, they did not have an exact estimate of the burden at this time. They plan to estimate the time it takes to finalize these reports over the next three years and will provide that information for consideration when the collection of information is next up for renewal. *Response:* No changes will be made to the estimate of burden at this time. The burden may be updated in the future if and when the AEWEC provides an updated estimate of the time it takes to create the final reports.
- (4) The Animal Welfare Institute indicated that the information collected in this collection of information is both valuable in regard to domestic monitoring of the hunts and also to allow the United States to meet its reporting duties to the International Whaling Commission. They stated that they do not support a potential hunt by the Makah Tribe. They further recommended additional types of information NOAA should require be collected and reported. *Response:* This comment is noted. This collection of information does not apply to the Makah Tribe since no hunt is currently authorized. With respect to the recommendation for additional types of information to collect, changes to the collection of information would require changes to the existing regulations under 50 CFR Part 230 and the Cooperative Agreement between NOAA and the AEWEC. Such changes would require extensive consultation; therefore, such additional requirements for information collection cannot be made at this time. NOAA will consider the recommendation for additional information collection when the NOAA-AEWEC Cooperative Agreement is renewed in 2018.

The last formal consultation with the AEWEC on reporting requirements was in 2015, when the most recent annual amendment to the cooperative agreement was signed. NOAA last informally consulted with the AEWEC in 2015. The existing reporting format was devised by the AEWEC and they are free to change the format.

NOAA last informally consulted with the Makah Tribe in 2015. It agreed to provide the information needed by the IWC and contained in this collection of information if they resumed whaling activities. NOAA would consult with the Makah Tribe prior to any resumption of whaling. NOAA last formally consulted with the Makah Tribal Council in 2001 when the last cooperative agreement was signed with regard to whaling.

There is a great deal of contact between NOAA and both Native American Whaling Commissions in which any problems in reporting could be handled as they arise.

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

No payments or gifts to respondents is offered or considered.

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

Confidentiality of the information provided cannot be assured. The summaries of the information are reported to the International Whaling Commission and are a matter of international record. The individual reports are releasable under the Freedom of Information Act. However, the Native American Whaling Commission has not identified confidentiality of the data supplied under this collection of information as an issue.

The AEWG provides NOAA with the names of the whaling captains and the approximate location of strikes. Because the ice conditions vary each year and the migration patterns are unpredictable, releasing information on location of strikes does not reveal any “secrets” about good places to find whales.

The public watches the Makah closely. If the Makah were to resume whaling, the location of any strike would be well known.

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.

There are no questions of a sensitive nature required by these regulations.

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

The estimate of hours provided in the February 27, 2015, Federal Register Notice (80 FR 10667) was incorrect. The burden outlined in that Federal Register Notice over-estimated the true burden of this collection of information. The estimate is corrected in the text below.

Burden per whale strike report:

- Whale measurement: 5 minutes
- Visual inspection to determine sex: 1 minute
- Visual inspection to determine sex of fetus: 1 minute
- Notation of approximate location, to the level of detail provided by the Native American Whaling Commission: 2 minutes
- Call to the Commission to report the catch: 10 minutes
- If a whale is struck but not landed, a description of the circumstances is required: 15 minutes, but in this case, no measurement requirement.

An estimate of 30 minutes per whale struck is, therefore, judged to be a reasonable average of how long it should take to report a whale. The same estimate applies to “stinker” reports. For reasons that can be imagined, “stinkers” are rarely landed. In most years there are no “stinker” reports.

There are approximately 157 whaling captains. However, many of them do not strike or land a whale in a given year. The current maximum number of bowhead whales allowed to be struck by Alaska Eskimos is 75. The total number of whales struck each year should therefore be at most

75, and, in practice is less than that number in most years. **Therefore, the maximum number of whales harvested that would require responses would not exceed 75, and the hourly burden would be 75 x 30 minutes, or 37.5 (38) hours** (the February 2015 Federal Register Notice incorrectly estimated this burden based on all 157 whaling captains, instead of the maximum of 75 strikes, and reports, per year)

There are no specific forms required for the submission of information by the whaling captains, nor is there a specific form for the Native American Whaling Commissions to report to NOAA. Each Commission developed the current format of the reports.

The Native American Whaling Commissions must compile the captains' reports and submit them to NOAA. Using their own spreadsheets containing the required data elements, it is estimated to take about 5 minutes to type in each whale report. **Based on a maximum of 75 whale reports, this would amount to 6 hours, 15 minutes (6 hours) per year.**

The cooperative agreement with the AEWEC requires that they provide a full report (i.e. their spreadsheet current as of the date provided) to NOAA following the conclusions of the spring and fall hunts on the information required above (2 reports). Additionally, there are requirements for interim reports (again, updated spreadsheets) occasionally throughout the hunting season to provide information on the number of whales struck and landed. This requirement is monthly for the AEWEC during the spring and fall seasons (a total of 10 months and 10 reports per year). These reports can be written or oral, but the AEWEC currently provides these reports via fax or email. Submitting the information to NOAA is estimated to take 5 minutes twelve times per year (two end of season reports, and ten reports during the seasons), or **one hour per year.**

The total amount of time required for Native American Whaling Commissions reporting is judged, therefore, to be about **7 hours, 15 minutes per year.**

The summary of the burden is:

157 captains (maximum) make a total of a maximum of 75 responses/yr x 30 minutes/response.
Total = 37.5 (38) hours

AEWEC records the captains' reports and submits current information to NOAA in 12 reports per year:

75 whale maximum x 5 minutes each to record = 6 hours, 15 minutes (6 hours)

12 reports submitted each year x 5 minutes each to send = 1 hour

Total = 7 hours, 15 minutes (7 hours).

Total Burden = 158 respondents (157 captains and one commission), approximately 87 responses (75 captains' responses and 12 reports by the commission), and 45 hours. This total burden is a correction to the estimate provided in the February 2015 Federal Register notice, which incorrectly estimated this burden based on all 157 whaling captains, instead of the maximum of 75 strikes, and reports, per year.

13. Provide an estimate of the total annual recordkeeping/reporting cost burden to the respondents resulting from the collection (excluding the value of the burden hours in Question 12 above).

Annual costs to the respondents are practically zero. The whalers can call in their reports to the AEWG, so there is a telephone cost. The AEWG has a computer for other reasons and likewise has a fax machine and telephones for general activities. The only costs would be telephone calls and the cost of the fax reports. Total costs are estimated at \$100 or less.

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

The annualized costs to the U.S. Government are calculated as follows:

Twelve reports submitted to be filed: 18 minutes x 12 = 3.6 hours
Compilation of reports for submission to IWC: 2 hours.

Total time: 5.6 hours (6 hours) @ \$39.90/hour = \$239.40.

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

There are no program changes or adjustments.

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

The required information will be submitted to the IWC, which publishes a summary of the report each year in its Annual Report. The Annual Report is compiled by the IWC Secretariat staff and is published at the IWC's expense.

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.

The collection is contained only in regulations. Because a form has been determined to be impractical, display of the expiration date is not warranted.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

There will be no statistical sampling or analysis.