

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

A. JUSTIFICATION

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

This request is for extension of a currently approved information collection.

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.

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.

Vessel operators who wish to participate in the Treaty fishery must submit annual applications for vessel licenses. This information is provided in “License Application Forms”, also known as Treaty “Schedule 1” forms, and through supplementary information submitted without forms. They also must submit annual applications for inclusion on the Forum Fisheries Agency (FFA) Vessel Register, which includes registration of vessels’ vessel monitoring system (VMS) units, also known as automatic location communicators or mobile transceiver units. This information is provided in “FFA Vessel Register Application for Registration” forms, and through supplementary information submitted without forms. Once a vessel is licensed, the vessel operator must submit periodic written reports of catch and effort. This information is provided in “Catch Report Forms”, also known as “RPLs,” after each trip, estimated at five times per year. They also must submit period written reports of transshipments and unloadings of fish. This information is provided in “Purse Seine Transshipment and other Unloading Logsheets” forms after each unloading, estimated at six times per year.

The supplementary information that must be provided (not on a form) along with the information specified on the License Application Form and the FFA Vessel Register Application for Registration form includes the following: the licensing period for which the license is requested; the name of an agent, located in Port Moresby, Papua New Guinea, who will receive and respond to any legal issue on behalf of the vessel, in accordance with the Treaty; documentation from an insurance company stating that the vessel will be insured against all risks and liabilities normally covered by maritime liability insurance for the requested licensing period; if subject of proceedings under bankruptcy laws of the U.S., a statement that the owner/charterer will be competent to fulfill any and all financial responsibilities under the Treaty; a copy of the vessel’s

current USCG Certificate of Documentation; electronic versions of full color photographs of the vessel in its current form and appearance, including a bow-to-stern side view photograph and a photograph of every area of the vessel that is marked with its international radio call sign; a schematic stowage/well plan for the vessel; and a copy of the VMS unit installation certificate.

As part of the license application process, an applicant may, optionally, and in advance of submitting a complete application, provide specific information in an “expression of interest” (not on a form). In the case that more applications are received than there are licenses available, this information will be used by National Marine Fisheries Service (NMFS) to determine eligibility for licenses. For new licenses (non-renewals), the information required to be provided in the expression of interest includes: (1) the licensing period for which the license is requested; (2) current name, international radio call sign, and annual USCG Certificate of Documentation number of the vessel (if known); (3) full name and address of each owner/master of the vessel; (4) a copy of the vessel’s current USCG Certificate of Documentation, or if not issued, then a statement of whether application has been or will be made for one, including any endorsements sought; (5) a list of licensing periods, if any, during which a license for the vessel was issued under this section; and (6) a statement of the total amount of tuna species landed or transshipped by the vessel within the United States for each of the calendar years 1988 through the current year. For license renewals, only items (1) and (2) are required in the (optional) expression of interest.

The information is collected by the NMFS on behalf of the U.S. Government, which then forwards it to the FFA, which acts as the Treaty Administrator on behalf of the Pacific Island Parties to the Treaties, and which is located in Honiara, Solomon Islands. Vessel license applications, which consist of optional “expressions of interest” followed by complete license applications involving the License Application Forms, include information used by NMFS to determine eligibility for licenses. The information in vessel license applications and in applications for the FFA Vessel Register/VMS registration is used by the FFA to determine the operational capability and financial responsibility of vessel owners/operators interested in participating in the Treaty fishery. Information obtained from vessel catch and effort reports and transshipment and unloading reports are used by the FFA to assess the performance of the fishery and the status of relevant tuna resources in the region and to track the amount of fish caught within each Pacific Island State’s exclusive economic zone (EEZ) for fair disbursement of Treaty monies.

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. Although the information collected is not expected to be disseminated directly to the public, the information will support information which will be disseminated to the public. 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.

Most of the information collected and the forms for submitting the information are requirements under the Treaty. Some of the vessel license application information is not required to be collected under the Treaty, but is collected so that NMFS can determine eligibility for licenses. At the current time, the simplest and least burdensome method to obtain the information is directly from the vessel operator or management firm. At present, there is no existing system that would be as efficient and as simple as using the required forms. NMFS has engaged the FFA in discussions to move the fishery to fully automated (electronic) reporting. NMFS staff in Pago Pago, American Samoa, provides those vessel operators who are interested and capable with electronic versions of the catch report forms and NMFS accepts electronic versions of those reports in lieu of written reports. To reduce the burden on respondents, NMFS supplies the necessary information collection 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.

Duplication is avoided through consultations and cooperation between the U.S. Government (through NMFS), the FFA, and the Pacific Island States that are party to the Treaty. There are no other data collection programs in place; therefore, there is no duplication with other programs. There are no programs currently in place that contain the information requested on the forms. The FFA has been informed that any modifications to existing information collection or forms must be vetted with the U.S. Government and industry at the annual Treaty consultations for the appropriate Paperwork Reduction Act (PRA) review.

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

No specific methods are used to minimize the burden for small business entities.

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, the U.S. Government will not meet its obligations under the Treaty, and the lack of fishing information will result in poor management of the fishery resource.

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

The frequency and format of most elements of the information collection are mandated by the terms and conditions of the Treaty. A vessel owner/operator is required to supply vessel license application information once per year. A vessel owner/operator may also – optionally – provide what is called an expression of interest, which consists of an initial subset of the license application information prior to the annual deadline for complete applications (although optional, it is expected that most applicants will exercise this option, as it would enhance the likelihood of being issued a license). Vessel owners/operators are also required to provide information related to fishing activities upon completion of each fishing trip and each unloading, which may occur more frequently than quarterly. It is estimated that the average number of fishing trips is five per

vessel per year and the average number of unloadings is six per vessel per year. If the information is not collected as required, the vessel owner/operator would be in violation of the Treaty's implementing regulations and subject to fines and prosecution. Also, the U.S. Government would fail to satisfy its obligations under the Treaty, and management of the fishery stocks would be impaired. The type and substance of information collected from vessel operators generally conform to 5 CFR 1320.6. Respondents are required to supply information at the completion of each fishing trip and unloading, which may occur more frequently than quarterly, and are requested to provide information in metric equivalents (e.g., metric tons of fish caught and/or unloaded).

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 August 23, 2016 (81 FR 57565) solicited public comments. No comments were received.

Efforts were made to solicit comments via email from five affected stakeholders regarding the collection of information. Five responses were received. One respondent estimated his time burden to be less than what NMFS estimates. The other four acknowledged the need for the requirements and agreed with the accuracy of the collection and provided burden estimates that were similar to NMFS' estimates of the burden. Three of the comment providers expressed the desire for increased harmonization between the FFA, the Parties to the Nauru Agreement (PNA), and NMFS, as that would prevent increases in burden in the future. NMFS acknowledges these comments and intends to work with the FFA and PNA in the future to streamline paperwork processes as opportunities arise to make such changes, particularly in any renegotiations of the Treaty. NMFS notes that the FFA and PNA are both organizations made up of many other member countries and changes to administrative processes may be slow to occur.

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.

Most of the data are collected for use by the FFA. Some of the data are used by NMFS to determine eligibility for licenses. [NOAA Administrative Order 216-100](#) governs confidential data collected by NMFS. In addition, the South Pacific Tuna Act of 1988 (16 U.S.C. 973j) provides for confidentiality of catch and unloading information provided by vessel operators.

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, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private, are required in the information collection.

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

Total annual burden hours:

- (a) Expression of interest (optional) –
 - (i) non-renewals – 1 response/yr x 2 hr/response x 1 respondents = 2 hours.
 - (ii) renewals – 1 response/yr x 15 minutes/response x 40 respondents = 10 hours.
- (b) License application form – 1 response/yr x 1 hr/response x 40 respondents = 40 hours.
- (c) FFA Vessel Register application/VMS registration form – 1 response/yr x 45 minutes/response x 40 respondents = 30 hours.
- (d) Catch report form – 5 responses/yr x 1 hr/response x 40 respondents = 200 hours.
- (e) Unloading logsheet – 6 responses/yr x 30 minutes/response x 40 respondents = 120 hours.
- (f) Maintenance of VMS units – cost only; see Question 13.

Total burden estimates are 41 respondents, 561 responses, and 402 hours.

Labor costs:

- (a) Expression of interest (optional) –
 - (i) non-renewals – 1 response/yr x 2 hr/response x \$8.00/hr (clerical) x 1 respondents = \$16.00.
 - (ii) renewals – 1 response/yr x 15 minutes /response x \$8.00/hr (clerical) x 40 respondents = \$80.00.
- (b) License application form – 1 response/yr x 1 hr/response x \$8.00/hr (clerical) x 40 respondents = \$320.00.
- (c) FFA Vessel Register application/VMS registration form – 1 response/yr x 45 minutes /response x \$8.00/hr (clerical) x 40 respondents = \$240.00.
- (d) Catch report form – 5 responses/yr x 1 hr/response x \$26.00/hr (vessel master) x 40 respondents = \$5200.00.
- (e) Unloading logsheet – 6 responses/yr x 30 minutes /response x \$25.00/hr (vessel master) x 40 respondents = \$3000.00.

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).

The total annual cost burden to the respondents is \$153,081, or \$3,827 per respondent, on average.

- (a) Mailing costs – expressions of interest (non-renewals and renewals) - \$1 per forms package x 41 respondents = \$41.
- (b) Mailing costs – license applications - \$1 per forms package x 40 respondents = \$40.
- (c) VMS registration fee - \$3,025/yr x 40 respondents = \$121,000.

(d) Maintenance of VMS units - \$800/yr x 40 respondents = \$32,000.

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

The estimated annualized cost to the Federal government is \$14,858.

- (a) License application forms – 1 page of information @ \$0.10/page x 40 respondents = \$4.
- (b) FFA Vessel Register application/VMS registration forms – 3 pages of information @ \$0.10 each x 40 respondents = \$12.
- (c) Mailing and handling of applications – \$1 per forms package x 40 respondents = \$40.
- (d) Staff review and processing of expressions of interest –
 - (i) non-renewals – 2 hr/response (3 pages of information) @ \$26/hr [GS-9] x 1 respondents = \$52.
 - (ii) renewals – 0.25 hr/response (1 page of information) @ \$26/hr [GS-9] x 40 respondents = \$260.
- (e) Staff review and processing of license applications – 0.30 hr/response (3 pages of information) @ \$26/hr [GS-9] x 40 respondents = \$312.
- (f) Catch report form – 3 pages of information x \$0.14 per page x 5 responses per year x 40 respondents = \$84.
- (g) Unloading logsheet – 1 page of information x \$0.14 per page x 6 responses per year x 40 respondents = \$34.
- (h) Mailing and handling of catch report forms and unloading logsheets – \$5 per forms package x 40 respondents = \$200.
- (i) Staff review and processing of catch report forms and unloading logsheets – 21 pages of information x 0.30 hr/page x \$55/hr [GS-13] x 40 respondents = \$13,860.

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

Though the number of license holders has fluctuated by one or two vessels in the past three years, the expected number of respondents for the information collection remains at 40, which is the maximum number of general licenses that may be issued under the Treaty in any given licensing period, plus an average of one prospective license applicant that submits an expression of interest each year but that does not subsequently submit a complete application package or receive a license. Some costs were adjusted to reflect fee schedules which resulted in a minor increase in record keeping costs. Also, the request for planned purse seine participation in the fishery was removed as no longer applicable.

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 expiration date for Office of Management and Budget (OMB) approval.

18. Explain each exception to the certification statement.

All forms used in the information collection are developed and supplied by the FFA. They do not indicate the retention period for record-keeping requirements, or inform respondents of the information called for under 5 CFR 1320.8(b)(3). It is not known whether the forms were developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected.

No PRA information will be displayed on or be attached to forms distributed directly by the FFA. NMFS does distribute some of the license application and FFA Vessel Register/VMS registration forms, and the PRA information in a separate document will be sent with those forms.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used for this collection.