

**SUPPORTING STATEMENT
U.S.-CANADA ALBACORE TREATY REPORTING SYSTEM
OMB CONTROL NO. 0648-0492**

A. JUSTIFICATION

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

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

Enacted in early 2004, House Resolution 2584 amended the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) to authorize the issuance of regulations as needed to carry out the obligations of the United States under the 1981 Treaty Between the Government of the U.S. and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty). The Treaty annexes were amended in 2002 with the support of the U.S. albacore fishing industry, which felt that the original Treaty was offering greater benefits for Canadian interests than for U.S. interests. Regulations were promulgated (69 FR 31531) effective June 1, 2004, to implement the provisions of the amended Treaty annexes. Efforts to establish the current 2017-2019 regime are expected to conclude prior to June 2017.

The regulations require vessel operators to annually report their desire to be on the list of vessels provided to Canada each year, indicating eligibility to fish for albacore in waters under the fisheries jurisdiction of Canada, report in advance their intention to fish or transit before crossing the border between the U.S. and Canada, or vice versa, record fishing effort in Canadian waters in a logbook, and mark their fishing vessels to facilitate effective enforcement.

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 National Marine Fisheries Service's (NMFS) West Coast Region (WCR) and Department of Fisheries and Oceans Canada (DFO) will use reports taken during the year to carry out Treaty obligations. The Treaty annexes include a program of limits on reciprocal fishing by vessels of one Party in the waters of the other Party. In order to comply with these limits, NMFS and DFO must be able to monitor the activity of U.S. and Canadian fishing vessels as they move across the border and fish in the waters subject to the fisheries jurisdiction of the other Party.

Treaty annexes simplified the reporting system for U.S. vessels to hail directly to the Canadian Coast Guard station at Prince Rupert, British Columbia, via several possible methods (e.g. satellite, cell phone, and sideband radio), 24 hours a day and 7 days a week. The communication costs are borne by the vessel owner or operator initiating the call. The reports provide information that is available to both Parties on a periodic basis during the fishing season so that each Party can determine whether the fishing by its fleet in waters of the other Party is in compliance with obligations under the Treaty. NMFS implemented this reporting system

through regulations at [50 CFR Section 300 Subpart L](#) and [50 CFR Parts 600.525](#) and [50 CFR Parts 600.530](#).

The regulations also formalized the process for creating a list of vessels that are eligible to fish in Canadian waters under the Treaty. Lastly, vessel owners and operators also must ensure that their fishing vessels are marked with a “U” in accordance with the Treaty to facilitate U.S. vessel identification by enforcement platforms at sea and in the air.

Summaries of fishery information (e.g., number of vessels participating, months of fishing by U.S. vessels and their catch in Canadian waters, total U.S. catch) will be provided to DFO and U.S. fishery interests and will be released to the public consistent with confidentiality requirements and Information Quality Guidelines.

The National Oceanic and Atmospheric Administration (NOAA) 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. 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.

The NMFS Permits Office has developed a registration system for U.S. vessels requesting to be on the list of vessels authorized under the Treaty. This information is currently accepted by phone, fax or email. This system has a burden time of 5 minutes and will be available 24 hours a day, 7 days a week. For other information collections, fishery participants will have multiple options for reporting vessel activity, including hails directly to the Canadian Coast Guard station at Prince Rupert, British Columbia, via several possible methods (e.g., satellite and cell phone, VHF, and sideband radio). The Canadian Coast Guard station at Prince Rupert, British Columbia, in turn, uses the same means to provide confirmation numbers to the person making a report of vessel border crossings. NMFS and DFO are able to use periodically provided spreadsheet reports to monitor and assess the amount of fishing by the respective fleets in the other Party’s waters. NMFS’ “Albacore Treaty” webpage is used to inform the public about Treaty reporting and other management program requirements and includes the most recent compliance guide (http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/us_canada_albacore_treaty).

4. Describe efforts to identify duplication.

A vessel that fishes commercially for albacore within the U.S. exclusive economic zone (EEZ) off the coast of California, Oregon, and Washington must have a valid Pacific Highly Migratory Species (HMS) permit. Regulations for this permit are found in [50 CFR Part 660.707](#). Most vessels that fish for albacore pursuant to the Treaty also fish in the U.S EEZ and therefore have a Pacific HMS permit. NMFS is working to eliminate the duplication of vessel ownership and vessel characteristic data being submitted separately for the Treaty registration and with the

Pacific HMS permit application. An online registration system ([National Permits System](#)) has been developed that will allow the vessel owner to verify information previously supplied with the Pacific HMS Permit application for the purpose of registering under the Treaty.

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

All fishing operations involving vessels in the albacore fishery can be categorized as small businesses. The reporting burdens of making sure the vessel is on the annual list provided to Canada, reporting prior to border crossings, and marking vessels, as required under the proposed rule, are a very small portion of the overall cost of fishing. The use of the Canadian Coast Guard station at Prince Rupert, British Columbia, to take reports 24 hours a day and 7 days a week by multiple means allows vessel operators to select the most cost-effective way for each individual operation to meet the requirement for vessel reports. No special measures are needed to offset any disproportionate effect on small businesses.

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

If the collection is not conducted, there will be no way to implement the obligations of the Treaty in a fair, equitable, and effective manner.

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 [Federal Register](#) Notice published on January 3, 2017 (82 FR 93), solicited public comment. No comments were received.

NMFS asked for comments from Pacific HMS Permit holders authorized to fish in Canadian waters under the Treaty for 2016. Four public comments were submitted in regards to this request, but only one included relevant suggestions to the collection of information and was used to provide guidance to NMFS in regards to any needed modifications. Suggestions were received expressing observations regarding the burden of hours for vessel markings and logbook entries. Vessel markings were previously estimated as a burden of 5 min. This was adjusted to 2 hours, 55 minutes, to account for obtaining the vinyl letter “U”, preparing the surface, and applying the letter to the vessel. Logbook entries were previously estimated as a burden of 5 minutes. This burden was adjusted to 10 minutes to account for determining catch locations. Burden hours have been adjusted accordingly. Another commenter expressed support for the information

collection.

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

There are no payments or gifts to respondents.

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

Data collected by NMFS is protected by the [Trade Secrets Act](#) and [NAO 216-100](#): Protection of Confidential Fisheries Statistics. Data such as personal addresses and phone numbers will remain confidential information, per the Magnuson-Stevens Act. The business contact information of federal permit holders is, however, public information.

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 are asked of a sensitive nature.

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

Based on activity from 2014 to 2016, the average number of respondents is estimated to be 135. There are four elements to this collection.

a) Vessel owners who want to be eligible to fish in Canadian waters under the Treaty must ensure that their vessels are on the annual list of vessels exchanged with Canada. This will require the owner to register online, call, email or fax NMFS, taking approximately 5 minutes. If all 135 vessel owners request to be on the annual list, the **total annual responses will be 135 and the annual burden for this element will be 11 hours, 15 minutes (11 hours)** (135×5 minutes/60 minutes).

b) Regulations require reporting border crossings directly to the Canadian Coast Guard station at Prince Rupert, British Columbia. Assuming one round trip (two border crossings, and thus, two calls per trip) for each of the 135 average active vessels each year, and with each call taking an average of 5 minutes, the imposed burden would be **270 responses and 22 hours, 30 minutes (23 hours)** per year ($135 \times 2 \times 5$ minutes/60 minutes).

c) Regulations require logbook reporting requirements for fishing under the Treaty in Canadian waters. Assuming that all of the estimated 135 vessels fish every day for one month (e.g., up to 30 days) and complete 1 logbook entry per day (at 10 minutes per entry or 5 hours per month), the responses will be 30 per vessel, or **4,050 total responses, and the burden will be a maximum average of 675 hours per year.**

d) The vessel marking requirement consists of adding the letter “U” after the vessel marking

number required under regulations at [50 CFR 660.704](#) if the vessel enters Canadian waters. This is estimated to take 2 hours, 55 minutes per vessel once every three years. Given the estimate of 135 vessels per year, an estimated **annualized 45 responses and burden of 131 hours** is anticipated.

Thus, the total responses are estimated to be 4,500, and the burden is estimated to be 840 hours per year for the next 3-year period.

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 are no significant capital or equipment costs associated with this reporting burden.

- a) The estimated cost of making the initial call or fax to be placed on the authorized list is approximately \$2.00 or less (5 minutes x \$0.40 per minute), totaling \$270 if all 135 vessels register through one of these methods.
- b) The estimated cost of reporting border crossings by phone or ship-to-shore radio is up to \$1,620, based on up to 270 reports at an average of \$6 per call. This includes connection fees and per minute charges (if the reports of border crossing are made via sideband radio, no costs are estimated).
- c) Logbooks: Mailing costs for submitting logbooks are estimated to be up to \$331 per year (30 pages per 135 vessels = 4,050 total logbook pages; at 6 pages to the ounce, this would require mailing of 675 ounces at \$ 0.49 per ounce or \$330.75 (\$331)).
- d) The estimated cost of the vessel-marking requirement is \$2.00 per vessel for 135 vessels, or up to \$270.00 every 3 years, annualized to \$90.

Thus, total annual costs are estimated at \$2,311 (\$270 + \$1,620 + \$331 + \$90). Actual costs are anticipated to be much less, as not all 135 vessels are expected to fish in a given year.

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

Fishing operations in Canadian waters are conducted by Pacific HMS permit holders. Permit holders are subject to logbook regulations detailed in OMB Control Number 0648-0223, which meet Treaty record keeping requirements. Therefore, there are no additional costs are estimated for this program.

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

Adjustments:

The average number of potential participants has increased from 100 to 135.

Burden hours increased for vessel markings (5 minutes to 2 hours and 55 minutes) and logbook

entries (5 minutes to 10 minutes), based on public recommendations.

In addition, an explanation of partial overlap of logbook requirements with another information collection's requirement, included in the 2014 extension, was not accurate.

For these reasons, the hours changed from 158 to 840. Hours for request to be on the list for Treating fishing increased from 8 to 11, for border crossing notification, from 17 to 23, for vessel marking, from 8 to 131, and vessel logbook reporting, from 125 to 675.

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

There are no plans at this time for publications based on the collections.

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.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.