

**SUPPORTING STATEMENT
TRANSSHIPMENT REQUIREMENTS UNDER THE WCPFC
OMB CONTROL NO. 0648-0649**

A. JUSTIFICATION

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

This is a resubmission, with the final rule, of a revision per RIN BH77. No changes were made based on public comments.

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 (U.S.) as a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (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.

As a Contracting Party to the Convention and a member of the WCPFC, the U.S. is obligated to implement the Conservation and Management Measures (CMMs) adopted by the WCPFC. The National Marine Fisheries Service (NMFS) has been delegated the responsibility for implementing CMMs and other decisions of the WCPFC via rulemaking.

In December 2009, the WCPFC adopted CMM 2009-06¹, “Conservation and Management Measure on the Regulation of Transshipment”. Specific obligations under CMM 2009-06 include the following: (1) require operators of vessels that offload or receive transshipments, at sea or in port, to provide specific information detailing the location of transshipment and particular products being transshipped; (2) require that notice be submitted to the WCPFC at least 36 hours prior to each transshipment on the high seas in the area of application of the Convention (Convention Area) or at least 36 hours prior to each transshipment on the high seas of fish caught in the Convention Area and transshipped on the high seas elsewhere, and within 12 hours of the completion of the transshipment in the case of an emergency transshipment that would otherwise be prohibited; and (3) require that observers be carried on vessels to monitor transshipments, with the specific observer requirements depending on the length of the receiving vessel and the type of fish being transferred.

The provisions of CMM 2009-06 apply to all transshipments that take place in the WCPFC Convention Area of any highly migratory fish species (HMS) covered by the Convention, as well as all transshipments of HMS taken in the Convention Area that take place outside that area. Among the objectives of the CMM is to establish procedures to obtain and verify data on the quantity and species transshipped in the Convention Area to ensure accurate reporting of catches, so that stock assessments of HMS include better data. The CMM is premised on the recognition that unregulated and unreported transshipment of catches of HMS at sea contributes to inaccurate

¹ All CMMs may be found at this link: <http://www.wcpfc.int/conservation-and-management-measures>

reporting of the catches of such stocks, and supports illegal, unreported, and unregulated (IUU) fishing activities.

In December 2010, the WCPFC adopted CMM 2010-02, “Conservation and Management Measure for the Eastern High-Seas Pocket Special Management Area.” This measure applies to the area of the high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north, and requires HMS vessels to submit reports with specific information, including catch data, at least six hours prior to entry and no later than six hours prior to exiting this area of the high seas. The measure seeks to reduce IUU fishing. The WCPFC amended this measure in 2016 (see CMM 2016-02, “Conservation and Management Measure for the Eastern High-Seas Pocket Special Management Area,”) so that the entry and exit reports are no longer required. However, CMM 2016-02 included a new provision that requires all transshipment activity in the Eastern-High Seas Pocket Special Management Area to be prohibited.

CMM 2009-02 “Conservation and Management Measure on the Application of High Seas FAD² Closures and Catch Retention,” adopted by the WCPFC in December 2009, contains reporting requirements for discards of fish from purse seine vessels.

In December 2013, the WCPFC adopted CMM 2013-01³, “Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean”. Specific obligations for the United States under CMM 2013-01 include limiting the number of sets made on FADs each year to specified levels. If NMFS determined that the limit is expected to be reached, it would issue a notice in the *Federal Register* announcing the applicable dates of specific FAD-related prohibitions.

In December 2017, the WCPFC adopted CMM 2017-01⁴, “Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean”. Specific obligations for the United States under CMM 2017-01 include limiting the number of fishing days used by the U.S. purse seine fleet in the U.S. Exclusive Economic Zone and on the high seas to specified levels. If NMFS determines that a limit is expected to be reached, it would issue a notice in the *Federal Register* announcing the applicable dates of a purse seine fishing closure. Unlike CMM 2013-01, CMM 2017-01 does not include a FAD-set limit.

NMFS implemented the requirements of CMM 2009-06, CMM 2010-02, the catch discard reporting requirements of CMM 2009-02, and the FAD-related requirements of CMM 2013-01 via rulemaking. NMFS is implementing the provisions of CMM 2017-01 via rulemaking. The regulations regarding purse seine fishing effort limits would apply to U.S. purse seine vessels operating in the Convention Area. The regulations modify the “daily FAD report” reporting requirement so that it would be a “daily purse seine fishing effort report” to gather information for the purse seine fishing effort limits.

² Fish Aggregating Device

³ All CMMs may be found at this link: <http://www.wcpfc.int/conservation-and-management-measures>

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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.

Transshipment CMM (CMM 2009-06)

The owner or operator of any U.S. commercial fishing vessel that offloads or receives transshipment in the Convention Area of HMS or a transshipment of HMS caught in the Convention Area is required to complete and submit to NMFS a form (“Pacific Transshipment Declaration Form”) for each transshipment that takes place. Information specified on the form will need to be recorded within 24 hours after the time of completion of the transshipment. Due dates for submittal of the completed original form will depend on the nature of the transshipment and whether the vessel owner or operator is subject to existing regulations for transshipment data collection. For vessels licensed under the South Pacific Tuna Treaty (pursuant to [50 CFR § 300.32](#)), the original form will be required to be submitted to the NMFS Pacific Islands Regional Administrator by the due date specified for submitting the existing original transshipment logsheet form to the Treaty Administrator (currently the Pacific Islands Forum Fisheries Agency) at [50 CFR § 300.34\(c\)\(2\)](#). Vessels registered under [50 CFR § 660.707](#) will be required to submit the original form to the NMFS Pacific Islands Regional Administrator by the due date specified for the logbook form at [50 CFR § 600.708](#). Vessels subject to the requirements of [50 CFR § 665.801\(e\)](#) are required to submit the original form to the NMFS Pacific Islands Regional Administrator by the due date specified for submitting the transshipment logbooks at [50 CFR § 665.14\(c\)](#). For transshipments on the high seas and emergency transshipments, vessels must submit a copy of the form by fax or email to the NMFS Pacific Islands Regional Administrator no later than 10 calendar days after the completion of the transshipment; the original form must be submitted no later than 15 days after the vessel first enters into port. For all other transshipments, vessels must submit the original form to the NMFS Pacific Islands Regional Administrator no later than 72 hours after the vessel first enters port. Required information includes offloading and receiving vessel information, gear type, description of the products being transshipped (including species, processed state and amount in metric tons of each species), date and location of catch and transshipment, WCPFC observer information, if applicable, and quantity and geographic origin of both the product being transshipped and product already on board the receiving vessel. The Pacific Transshipment Declaration Form is attached to this supporting statement for reference.

Owners or operators of any U.S. commercial fishing vessel are required to submit notice to the WCPFC Executive Director containing specific information at least 36 hours prior to each transshipment on the high seas in the Convention Area or of fish caught in the Convention Area and transshipped on the high seas elsewhere. In the case of an emergency transshipment that would otherwise be prohibited, owners or operators of any U.S. commercial fishing vessel are required to submit notice to the WCPFC Executive Director containing specific information within 12 hours of the completion of the transshipment. The notice is to be provided by fax or email and includes the following information: (1) the name of the offloading vessel and the vessel identification markings located on the hull or superstructure of the offloading vessel; (2) the name of the receiving vessel and the vessel identification markings located on the hull or superstructure of the receiving vessel; (3) description of the product being transshipped, including species, processed state, and amount in metric tons of each species; (4) date and

projected location of transshipment; and (5) required for the offloading vessel only, geographic location of the HMS catches to be transshipped. A copy of the notice should also be provided to NMFS.

Owners or operators of any U.S. commercial fishing vessel anticipating a transshipment where an observer is required are required to provide notification to NMFS at least 72 hours (not including weekends and holidays) before leaving port of the need for an observer. The notification includes the name of the vessel, name of the operator, intended departure and return date, and a telephone number at which the owner or operator may be contacted.

Data collected is used by NMFS and the WCPFC to verify the quantity of HMS transshipped in the Convention Area to ensure accurate reporting of catches, to enhance stock assessments of HMS stocks and to obtain information needed by NMFS, the National Oceanic and Atmospheric Administration's (NOAA) Office of Law Enforcement (OLE), and the WCPFC to monitor the activities of the vessels fishing in the Convention Area and the performance of the fisheries. The information is collected by NMFS on behalf of the U.S. Government and will be provided to the WCPFC in accordance with the CMM.

Purse Seine Discard Reports (CMM 2009-02)

The owner or operator of any U.S. purse seine vessel is required to complete and submit to the WCPFC Executive Director a form ("U.S. Purse Seine Discard Form") containing specific information regarding the discard at sea of any catch within 48 hours after any discard. Completed forms will have to be submitted by fax or email and include the following information: (1) vessel name; (2) international radio call sign; (3) license number (WCPFC Area Endorsement Number); (4) name of vessel operator; (5) nationality of vessel operator; (6) name of observer on board; (7) date and time of discard; (8) location of discard; (9) date and time of set; (10) location of set; (11) type of set; (12) reason for discard; (13) amount of fish discarded by species; and (14) amount of retained fish from the set by species. A copy of the form is also to be provided to NMFS by fax or email within 48 hours after any discard and a hard copy of the form will have to be provided to the observer on board the vessel.

This collection of information is used to ensure accurate reporting of catches, to create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small bigeye tuna and yellowfin tuna.

Daily Purse Seine Fishing Effort Reports (CMM 2017-01)

Under existing requirements, U.S. purse seine vessel owners and operators are required to submit to NMFS "Catch Report Forms", also known as "Regional Purse Seine Logs" or "RPLs," after each trip, about five of which are made per vessel per year, which include information on the fishing activity of the vessel. However, NMFS does not receive that logbook information until after the vessel returns to port. Previously, there had been a reporting requirement regarding the number of FAD sets to estimate an annual FAD set limit, but there is no longer a FAD set limit in place. As a result, it has been difficult for NMFS to project fishing effort with respect to the specified annual limits in a timely and reliable manner. For that reason, NMFS is modifying the FAD set reporting requirement.

For the purpose of estimating and projecting fishing effort limits with respect to the annual limits the owner and operator of the vessel may be required to submit a report to NMFS with the following information within 24 hours at the end of each day that the vessel is on a fishing trip in the Convention Area: the activity of the vessel, location, and type of set if a set was made during that day.

The information collected will be used by NMFS to estimate and project the number of fishing days used by the U.S. purse seine fleet fishing in the WCPO and to determine when a specific annual limit is expected to be reached. The collected data will be disseminated to the public only in aggregated form – such as for the purpose of notifying the public of the total effort tally to date, or in synthesized form - such as incorporated into analyses presented in scientific or enforcement technical reports.

NOAA complies with [Section 515 of Public Law 106-554](#) (the Information Quality Act), for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies. If the transshipment and other data are used as supporting information disseminated to the public they will be in aggregate or synthesized form, such as in scientific and enforcement technical reports (e.g., regarding total catch/ total fishing effort, discards, and transshipment patterns). See Question 10 for information about confidentiality.

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 majority of Pacific Transshipment Declaration Forms are collected in physical form; they will not be automated, electronic, or mechanical, although forms for high seas transshipments or emergency transshipments may also be submitted by fax or email to meet the required deadline. Prior notice for high seas transshipment, prior notice of emergency transshipments, and the U.S. Purse Seine Discard Forms are provided directly to the WCPFC Secretariat by fax or email. NMFS understands that some vessels (other than Purse Seine Vessels) may not be equipped with fax or email capabilities, in which case owners and operators of these vessels could, for example, have crew members radio the required information to a shore contact or to another vessel, which could then submit the notice to the required recipients by fax or email. Vessel owners/operators required to provide pre-trip notifications to NMFS for observer placement are able to do so by email or telephone, and are expected to do so by telephone in virtually all cases.

If required, daily purse seine fishing effort reporting must be submitted by email or other electronic means, such as electronic logbook reporting systems, that may from time to time be specified by the NMFS Regional Administrator, Pacific Islands Regional Office.

All forms and related instructions are made available to the public on the NMFS Pacific Island Regional Office website (www.fpir.noaa.gov).

4. Describe efforts to identify duplication.

NMFS carefully considered whether there were collections by other Federal agencies or state or territorial agencies that might meet the information needs presented above. It was concluded that

no other collections, besides the requested collecting information, would meet these reporting requirements.

Under existing regulations, owners and operators of vessels licensed under the regulations ([50 CFR 300.32](#)) implementing the South Pacific Tuna Treaty (Treaty) must submit a transshipment logsheet form for each transshipment made (OMB Control No: 0648-0218). The current provisions of the Treaty require the submission of the existing specific transshipment logsheet form. With this collection, affected vessel owners and operators are required to complete and submit both the form required by the Treaty and the Pacific Transshipment Declaration Form so long as the existing requirements to implement the Treaty remain in effect. NMFS anticipates that the Pacific Transshipment Declaration Form will eventually replace the existing transshipment logsheet form required by the regulations implementing the Treaty.

Under existing regulations, owners and operators of vessels registered to receive transshipments of longline-caught fish in the U.S. Exclusive Economic Zone (EEZ) are required to submit a transshipment logbook (this reporting requirement is part of a separate information collection, OMB Control No. 0648-0218) containing report form provided by NMFS for each day of transshipment activity ([50 CFR 665.14\(c\)](#) and [50 CFR 665.801\(e\)](#)). With this collection, NMFS has replaced the transshipment logbook form currently in use with the Pacific Transshipment Declaration Form. Thus, owners and operators of vessels receiving transshipments of longline-caught fish in the U.S. EEZ will be required to submit only one form for a given transshipment.

Owners and operators of vessels that would be subject to regulations implementing the Inter-American Tropical Tuna Commission (IATTC) “Amendment to Resolution C-11-09 on Establishing a Program for Transshipments by Large-Scale Fishing Vessels” ([Resolution C-12-07](#)) that offload or receive transshipments in the IATTC Area are also required to complete and submit to NMFS a Pacific Transshipment Declaration Form – the development of these regulations is the subject of a different rulemaking. In such cases where a vessel is subject to the transshipment requirements of the WCPFC and the IATTC (e.g., transshipment of fish caught in the WCPFC Area while in the IATTC Area), owners and operators are required to submit only one Pacific Transshipment Declaration Form to the address specified by NMFS.

Under existing regulations, vessels fishing for HMS in the management area of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species must maintain on board the vessel an accurate and complete record of catch, effort and other data on report forms provided by the NMFS West Coast Regional Administrator (OMB Control No. 0648-0148). The current version of the form that is used by albacore troll vessels (the only fleet managed under that Fishery Management Plan that is currently active in the Convention Area) includes information about at-sea transshipments. However, the information in the existing logbook form requires only general information regarding transshipments – the date, offloading vessel, and amount. With this collection, vessel owners and operators subject to the requirements at 50 CFR Part 660 and the requirements of the WCPFC management measures are required to submit the existing transshipment form, as well as the Pacific Transshipment Declaration Form.

The purse seine discard reporting requirement, which applies only to purse seine vessels, will overlap with an existing reporting requirement at [50 CFR § 300.34\(c\)\(1\)](#) for vessels licensed under the Treaty. The existing requirement to maintain and submit “catch report forms,” also known as “Regional Purse Seine Logsheets” or “RPLs”, calls for information on fishing effort

and catches, including information on the amount of fish, by species, that is discarded each day, including the reason for each such discard. The timing and recipients of the existing reports differ in some respects. The report must be submitted to the WCPFC and to NMFS within 48 hours after each discard event, with a hard copy provided to the observer on board the vessel. The existing report must be submitted to and received by NMFS within two days after the vessel next reaches port. In addition, it must be submitted to the Treaty Administrator (currently the Pacific Islands Forum Fisheries Agency) within 14 days after the vessel next reaches port. Furthermore, the existing report must be sent on a particular form that is specified under the Treaty and cannot be changed in U.S. regulations unless and until the Treaty is amended accordingly. Because of these differences, the requirement not only overlaps with the existing requirement but duplicates it to a large extent, unless and until the Treaty is amended in such a way that the duplication can be removed.

Under existing regulations, owners and operators of vessels licensed under the regulations ([50 CFR § 300.34\(c\)\(1\)](#)) implementing the South Pacific Tuna Treaty (Treaty) must maintain and submit “catch report forms”, also known as “Regional Purse Seine Logsheets” or “RPLs”, which includes information on fishing activity. Thus, the daily purse seine fishing effort report element of this collection would duplicate one aspect of an existing information collection. However, NMFS does not receive the logbook information until after the vessel returns to port, which is too late for the purpose of estimating and projecting fishing effort limits in a timely and reliable manner, so the duplication is necessary.

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

Most of the fishing operations subject to this collection of information are considered small businesses. Efforts have been made to avoid duplication in reporting requirements and all data collected have been deemed necessary by the Contracting Parties to the Convention, including the United States.

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 would not meet its obligations as a Contracting Party to the Convention and a member of the WCPFC, and would consequently fail to satisfy the provisions of the WCPFCIA. These requirements are based on the recognition that unregulated and unreported transshipments of catches of HMS at sea contribute to inaccurate reporting of catches of such stocks and supports IUU fishing activities and that data regarding the implementation of the purse seine catch retention requirement are needed. The lack of transshipment data from the U.S. HMS fleets operating in the Convention Area and the lack of discard data for the U.S. purse seine fleet would provide a disincentive to the other fishing nations in the region to provide accurate transshipment data and purse seine discard data for their fleets. Thus, the effective management of the fishery resources under the WCPFC would be compromised. Without the daily purse seine fishing effort report element of this collection, the U.S. government would not be able to estimate and project when a fishing effort limit would be reached by U.S. purse seine vessels in the Convention Area in a timely and reliable manner, thereby making it difficult to determine when the effort limits mandated by the WCPFC have been reached and to prohibit fishing when they have been reached.

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

The collection is consistent with OMB guidelines except that the transshipment report, notice of high seas transshipment or emergency transshipment, pre-trip notification for observer placement, purse seine discard reports, and daily purse seine fishing effort reports will be completed for each relevant activity and as such, more frequently than quarterly. This frequency of information collection is mandated by the decisions of the WCPFC and has been determined to be necessary to ensure compliance with its conservation and management measures.

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.

Efforts were made to solicit comments via email from 3 affected stakeholders regarding the information collections. Three responses were received. All three responses included suggestions on improvements to either the purse seine discard form or the transshipment declaration form. NMFS has made edits based on all suggestions to improve the forms. Suggestions included condensing the transshipment form to one page to reduce paperwork, and removing species names to allow vessels to write in species code or species name as needed.

NMFS published a proposed rule on May 10, 2018 (83 FR 21748) to implement the provisions of CMM 2017-01, including the modification to the existing FAD set reporting requirement to provide daily purse seine fishing effort reports. Nine sets of comments were received on the proposed rule. One purse seine industry representative provided comments stating that he did not understand why the proposed rule requires the daily reporting on FAD sets, given the number of FAD sets is not restricted in the Convention Area. The commenter stated he saw no reason for daily reporting, particularly since each FAD set will always be reported at the end of each fishing trip.

NMFS is providing a response to the comment indicating that as stated in the preamble to the proposed rule, NMFS is revising the existing regulations regarding daily reporting on FAD sets so that NMFS can direct U.S. purse seine vessel owners and operators to provide reports on the fishing activity of the vessel (*e.g.*, setting, transiting, searching), location, and type of set, in order to obtain better data for tracking the fishing effort limits. Thus, the changes in the final rule are for tracking the purse seine fishing effort limits and are not connected to a FAD set limit. As the commenter correctly notes, the final rule would not implement a FAD set limit.

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

No payment or gifts to respondents are provided.

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

As stated on the forms, information submitted to NMFS will be managed as confidential data, as appropriate, consistent with the requirements of NOAA Administrative Order 216-100, Section 506(d) of the WCPFCIA, and regulations under 50 CFR Part 300. Transshipment information, discard information, and information on purse seine fishing effort will be safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. However, NOAA and NMFS have no direct control over the confidentiality policies and practices of the WCPFC, so once the information is transmitted to the WCPFC, NMFS and NOAA cannot provide any assurance of confidentiality. Although the WCPFC does have policies and procedures in place to control the dissemination of sensitive data, such policies and procedures are not necessarily the same as those of NMFS.

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.

This collection of information contains the following five elements: (1) transshipment reports; (2) notice for high seas transshipment or emergency transshipment; (3) pre-trip notification for observer placement; (4) purse seine discard report; and (5) daily purse seine fishing effort reports. For the purposes of this collection, respondents are expected to include the following: (1) 40 purse seine vessels, which is the maximum number of licenses available under the South Pacific Tuna Treaty; (2) 156 longline vessels, which is the number of longline vessels permitted to fish under the Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region or the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species as of June 2015; and (3) 18 troll vessels, which is the maximum number of West Coast-based albacore vessels that fished in the Convention Area in any one of the last five years prior to the approval of the original information collection and which NMFS continues to consider an appropriate projection for the medium-term future. **The total estimated number of vessels that will be subject to this collection of information is 214.**

(a) Transshipment Report:

NMFS estimates the time needed to complete and submit the Pacific Transshipment Declaration Form to be approximately 60 minutes per response. It is estimated that there will be 322 responses per year. Estimated annual responses are broken down as follows: (1) 259 purse seine transshipments, which is based on the average annual number of purse seine transshipments that took place within the Convention Area between 2008 and 2009; (2) 24 longline transshipments, which is based on the average annual number of longline transshipments that took place within the Convention Area between 1993 and 2009; (3) 39 troll transshipments, which is based on the

average annual number of transshipments that took place within the Convention Area between 1990 and 2009.

Total estimated responses per year: 322 transshipments/yr x 1 response/transshipment = 322

Total estimated burden per year: 322 responses/yr x 60 min/response = 322 hours

(b) Notice for High Seas Transshipment or Emergency Transshipment:

NMFS estimates the time needed for vessel owners/operators to submit notice for high seas transshipment or emergency transshipment to be approximately 15 minutes per response. U.S. purse seine vessels are currently prohibited from conducting transshipments on the high seas (50 CFR 300.216(b)), so notices for that fleet will only need to be given in the case of an emergency transshipment. For the purpose of this Supporting Statement, it is projected that the purse seine fleet may require up to 5 emergency transshipments per year, for a total of 5 responses per year. Assuming that longline transshipments generally take place on the high seas (data are unavailable to indicate the location of past transshipments, but anecdotal information suggests that the majority of transshipments take place at sea) it is estimated that the longline fleet will submit a total of 24 responses per year. It is estimated that troll vessels will conduct an average of 39 transshipment operations per year, all of which take place on the high seas, for an estimated 39 responses per year.

Total estimated responses per year: 68 transshipments/yr x 1 response/transshipment = 68

Total estimated burden per year: 68 responses/yr x 15 min/response = 17 hours

(c) Pre-trip Notification for Observer Placement:

NMFS estimates the time needed for vessel owners/operators to submit notice for observer placement to be 1 minute per response. Under the existing requirements at 50 CFR 300.216, U.S. purse seine vessels are prohibited from transshipping at sea in the Convention Area, so no transshipment observers will be needed and no responses are expected. Based on historical transshipment patterns, about 12 responses per year are expected from vessels in the longline fleet. Existing regulations under 50 CFR 665.803(a) require U.S. longline vessels to provide notice to the NMFS Pacific Islands Regional Administrator at least 72 hours (excluding weekends and Federal holidays) before the vessel leaves port on a fishing trip that takes place within the U.S. EEZ. It is expected that vessel owners/operators will use those currently required notices as an opportunity to provide this notification. Consequently, it is estimated that this pre-trip notification will require only an additional 1 minute per response, on average, for vessels in the longline fleet. For the troll fleet, it is expected that all transshipments at sea would be made to foreign-flagged receiving vessels that would be required to carry observers – that is, that the offloading troll vessels would not have to carry observers under this requirement, and that this collection would place no additional burden on the troll fleet.

Total estimated responses per year: 12 transshipments/yr x 1 response/transshipment = 12

Total estimated burden per year: 12 responses/yr x 1 min/response = 12 minutes (rounded up to 1 hour).

(d) Purse Seine Discard Report:

NMFS estimates the time needed to complete and submit the U.S. Purse Seine Discard Form to be approximately 30 minutes per response. Based on discard data for 2008, the last year for which complete data are available, an estimated 612 responses per year are expected from purse seine owners/operators.

Total estimated responses per year: 612 discards/yr x 1 response/discard = 612

Total estimated burden per year: 612 responses/yr x 30 min/response = 306 hours.

(e) Daily Purse Seine Fishing Effort Report:

NMFS estimates the time needed to complete and submit a daily purse seine fishing effort report to be approximately 10 minutes per response. Based on the average number of days at sea by vessels in the U.S. WCPO purse seine fleet in 2010 and 2011, the last two years for which complete data are available, an estimated 10,200 responses per year are expected from purse seine vessel owners/operators.

Total estimated responses per year: 10,200 days-at-sea/yr x 1 response/day-at-sea = 10,200

Total estimated burden per year: 10,200 responses/yr x 10 min/response = 1,700 hours.

Total responses: 11,214; total burden hours: 2,346.

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).

(a) Transshipment Report:

Owners and operators of vessels responsible for submitting the Pacific Transshipment Declaration Form will have the option to fax or email the form without signatures for transshipments on the high seas or emergency transshipments, but the original, signed paper form must be submitted to the NMFS Pacific Islands Regional Administrator in all cases. The estimated cost to respondents for electronic communications, postage, and photocopying is \$1.00 per response. At 322 expected responses per year, the total estimated cost is **\$322 per year.**

(b) Notice for High Seas Transshipment or Emergency Transshipment:

Notice for high seas or emergency transshipment must be provided by fax or email. The estimated cost to respondents for electronic communications is \$1.00 per response. At 68 expected responses per year, the total estimated cost is **\$68 per year.**

(c) Pre-trip Notification for Observer Placement:

The estimated cost for the pre-trip notification for observer placement is \$1.00 per notification, which will generally be made by telephone. At 12 expected responses per year, the total estimated cost is **\$12 per year.**

(d) Purse Seine Discard Report:

Owners and operators of vessels responsible for submitting the U.S. Purse Seine Discard Form will fax or email the form directly to the WCPFC Executive Director and fax or email the form to NMFS. A hard copy of the form will have to be provided to the observer on board the vessel. The estimated cost to respondents for electronic communications, postage, and photocopying is

\$1.00 per response. At 612 expected responses per year, the total estimated cost is **\$612 per year.**

((e) Daily Purse Seine Fishing Effort Report:

Owners and operators of vessels responsible for submitting daily purse seine fishing effort reports will email the information directly to NMFS or submit it by other electronic means. The estimated cost to respondents for electronic communications is \$1.00 per response. With an expected 10,200 responses per year, the total estimated communications cost is **\$10,200 per year.**

Total Cost: \$11,214 per year.

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

The estimated annual cost to the Federal Government to administer this collection of information is estimated to be \$8,030. This includes: (1) the cost of printing the Pacific Transshipment Declaration Forms and U.S. Purse Seine Discard Forms, estimated at \$120 per year (1,000 responses x \$0.12 per form); (2) the cost of processing (receiving and entering data into database) all Pacific Transshipment Declaration Forms, notices of high seas transshipments and emergency transshipments, pre-trip notifications for observer placement, and U.S. Purse Seine Discard Forms, estimated at \$4,510 per year (902 responses x 15 min/response x \$20/hr in labor costs); and (3) the cost of processing (receiving and entering data into database) all daily purse seine fishing reports, estimated at \$3,400 (10,200 responses per year (x 1 min/response x \$20/hr in labor costs).

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

Program changes:

The previous daily FAD reports are being changed to daily purse seine fishing reports. This is because previously, there had been a reporting requirement regarding the number of FAD sets to estimate an annual FAD set limit, but there is no longer a FAD set limit in place. As a result, it has been difficult for NMFS to project fishing effort with respect to the specified annual limits in a timely and reliable manner. For that reason, NMFS is modifying the FAD set reporting requirement so that it will be a daily purse seine fishing report.

There is no change to burden for the changed report.

Removal of the Notice of Entry or Exit for Eastern SMA removes 14 responses and 4 hours.

All other responses, hours and costs remain the same.

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. NMFS and the WCPFC will use the data primarily in aggregated, non-confidential format. Subsequent use of the data collected over a series of 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.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.