

**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 conducted by Native Americans. The [Whaling Convention Act](#) (16 U.S.C. 916 - 916l) 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, email, 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; there has been no authorized hunt since one whale was 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 aboriginal subsistence whaling. Therefore, there is no other source for 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 bones and baleen 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 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 AEW, to which the subsistence whalers of the 11 villages comprising the AEW have given authority to regulate their whaling. The reporting burden on the AEW 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.

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 26, 2018 (83 FR 8243) solicited public comments on this renewal. One comment was received during the public comment period and three other comments were received upon additional solicitation of public comments:

- (1) The Marine Mammal Commission stated that the extension of these requirements is

necessary to enable the United States Government to meet its obligations under the International Convention for the Regulation of Whaling and the Whaling Convention Act. The Commission supports continuation of these information collection requirements. *Response:* Comment noted.

- (2) Alaska Eskimo Whaling Commission provided extensive comments regarding the estimated costs of meeting the United States' obligations under the Whaling Convention Act in order to comply with International Whaling Commission requirements and standards for aboriginal subsistence whaling. *Response:* These comments are noted, but include costs beyond those directly attributable to the 0648-0311 information collection regarding reporting on whaling operations.
- (3) The Animal Welfare Institute indicated that it "strongly believes that the extension of this current information collection request is appropriate in order to satisfy the obligations of the United States to the International Whaling Commission. The information collection request should be amended to expand the information collected from aboriginal subsistence whaling captains to include, at a minimum, data on time to death (or time to prayer) of any killed whale, the number of whales struck (including those who are and are not landed), the circumstances associated with the strike and loss of any whale, and the distribution of whale meat/products outside of the eleven existing Alaskan whaling village via sharing networks to persons in other cities, villages, towns in Alaska and in the other 49 states. Some of this information, such as struck and loss data and landing data is already provided to the IWC but, if not part of the existing information collection request, this should be specifically added to the information required to be supplied by whaling captains."

With respect to the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information, AWI stated that it "...is unable to assess the accuracy of the agency's estimate of the burden imposed by this reporting requirement (which includes 30 minutes for reports on whales struck or on recovery of dead whales, five minutes for the North American whaling organization to type in each report, and five hours for the organization to consolidate and submit the reports to the United States government). These burden estimates appear to be reasonable but will likely need to be increased if whaling captains are requested to provide additional information as proposed by AWI."

Regarding ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information, AWI indicated its support of "...the use of automated technology to expedite the compilation and reporting of the information submitted by whaling captains and their associated organization. Presumably, the United States has already created generic forms to be used by the whaling captains and their whaling organization to provide the currently requested information. AWI suggests that those forms be revised to include the expansion in the information to be collected as proposed in this letter. Furthermore, the United States, if it hasn't already done so, may want to evaluate the potential development of a smart phone/iPad application (ap) to simplify the reporting of the requested information from whaling captives to their associated whaling organizations."

Response: Comments are noted, particularly with respect to the suggestions regarding the minimization of burden. Regarding the expansion of the information collection to include

additional data about the bowhead harvest, 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 AEW. 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-AEW Cooperative Agreement is renewed in 2018.

- (4) The Makah Tribe stated: “If the Makah Indian Tribe is whaling when this notice is next issued, the notice should be modified to be more inclusive of the Makah Tribe as a Native American whaling organization in addition to the Alaska Eskimo Whaling Commission. We also recommend that the notice clarify that it does not relate to reporting of stranded whales that die from either natural causes or human causes other than a whale hunt.”
Response: Comment noted and flagged for the next renewal of this information collection in 2021.

The last formal consultation with the AEW on reporting requirements was in 2013, when the most recent Cooperative Agreement was signed. NOAA last informally consulted with the AEW in 2018. The existing reporting format was devised by the AEW and they are free to change the format.

NOAA last informally consulted with the Makah Tribe in 2018. 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 can be addressed 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 AEW provides NOAA with the names of the whaling captains and the approximate location of strikes. Because the ice conditions vary each year and whale migration patterns are unpredictable at a small scale, 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.

Burden per whale strike report:

- 30 minutes for reports on whales struck or on recovery of dead whales, including providing the information to the relevant Native American whaling organization
- 5 minutes for the relevant Native American whaling organization to type in each report
- 1 hour for the relevant Native American whaling organization to complete monthly reporting
- 5 hours for the relevant Native American whaling organization to consolidate and submit reports.

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. “Stinkers” are rarely landed; in most years, there are no “stinker” reports.

There are approximately 165 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.**

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 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. Consolidation of individual harvest reports into one consolidated report is expected to take the Whaling Commissions an estimated maximum of 5 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 (two 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 AEWG 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 AEWG 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 **12 hours, 15 minutes per year**.

The summary of the burden is:

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

AEWG 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

Consolidation of annual harvest report = 5 hours

Total = 12 hours, 15 minutes (12 hours).

Total Burden = 166 respondents (165 captains and one Commission), approximately 87 responses (75 captains' responses and 12 reports by the Commission), and 50 hours.

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 may be a telecommunication cost if reports are not submitted by email. 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 was an adjustment of 5 hours, due to corrected calculations.

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

NOAA does not anticipate any subsequent statistical sampling or analysis.