

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
South Pacific Tuna Act
OMB Control No. 0648-0218

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.

This request is for a renewal and revision of a currently approved information collection. The revisions to the existing collection are in response to comments received on the proposed rule titled “Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission” (RIN 0648-BH59).

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 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. Among other purposes, this collection of information is used to collect fishing effort and catch information from vessel operators via vessel logbooks.

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. Under U.S. regulations at 50 CFR 300.218(f) and 50 CFR 300.218(h), implementing decisions of the Western and Central Pacific Fisheries Commission (WCPFC) under the authority of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. § 6901 *et seq.*) net sharing activities and whale shark encirclements, respectively are also required to be

reported on the RPLs. In response to comments received on the proposed rule, RIN 0648-BH59, net sharing activities would no longer be required to be reported on the RPLs in the area of overlapping jurisdiction (overlap area) between the WCPFC and the Inter-American Tropical Tuna Commission (IATTC).

Vessel owners and operators must also submit periodic 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 U.S. Coast Guard (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 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 uses the information regarding purse seine net sharing activities and whale shark encirclements collected on the RPLs to manage the fishery, in accordance with WCPFC decisions. Under the final rule for RIN 0648-BH59, NMFS is removing specific regulations implementing WCPFC decisions from application in the overlap area and applying specific regulations implementing IATTC decisions. Thus, the net sharing reporting requirements would no longer apply in the overlap area. The whale shark reporting requirements would continue to apply under regulations implementing IATTC decisions, under which whale shark encirclements could be reported on the RPL or on the IATTC Bridge Log (see OMB Control Number 0648-0148).

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 or as a member of the WCPFC, 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 or the WCPFC. 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. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe 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 November 12, 2019 (84 FR 61040) solicited public comments. No comments were received.

Efforts were made to solicit comments via email from four affected stakeholders regarding the collection of information. One response was received. The respondent acknowledged the need for the requirements but 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 or for fishery management purposes. [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. (add rows as necessary)

For wage costs: use www.bls.gov/oes , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Expression of Interest - Initial	45-1011	1	1	1	2	2	24.42	48.84
Expression of Interest - Renewal	45-1011	40	1	40	0.25	10	24.42	244.2
License Application Form	45-1011	40	1	40	1	40	24.42	976.8
FFA Vessel Registration Application/VMS Registration Form	45-1011	40	1	40	0.75	30	24.42	732.6
Catch Report Form ¹	45-1011	40	7.3	292	1	292	24.42	7,130.64
Unloading Logsheet	45-1011	40	8.1	324	0.5	162	24.42	3,956.04
Totals				737		536		13,089.12

¹ This form includes information on net sharing and whale shark encirclements. See Forms table below for more information.

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). (add rows as necessary)

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Expression of Interest - Initial	1	1	1	1.00	1.00
Expression of Interest - Renewal	40	1	40	1.00	40.00
License Application Form	40	1	40	1.00	40.00
FFA Vessel Registration Application/VMS Registration Form	40	1	40	3,825.00	153,000.00
Catch Report Form	40	7.3	292	1.00	292.00
Unloading Logsheet	40	8.1	324	0.50	162.00
TOTALS			737		153,535.00

14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Staff review and processing of expressions of interest	GS 9 Step 1	52,912	0.005		\$265
Staff review and processing of license applications	GS 9 Step 1	52,912	0.006		\$317
Staff review and processing of catch report forms and unloading logsheets	GS 9 Step 7	63,491	0.75		\$47,618
Contractor Cost					
Data entry of catch report forms and unloading logsheets		40,000	0.375		\$15,000
Travel					
Other Costs: Mailing applications and unloading sheets, Printing Unloading logsheets					\$120
TOTAL					\$63,320

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Catch Report Form	40	40	292	200	292	200	Number of responses changed to reflect average number of forms submitted per vessel from 2014-2018
Unloading Logsheet	40	40	324	240	162	120	Number of responses changed to reflect average number of forms submitted per vessel from 2014-2018
Total for Collection	201	201	616	440	454	320	
Difference	0		176		134		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Expression of Interest - Initial	48.84	80	1	1	Labor Costs updated using current BLS Occupational Employment Data.
Expression of Interest - Renewal	244.2	16	40	40	Labor Costs updated using current BLS Occupational Employment Data.
License Application Form	976.8	320	40	40	Labor Costs updated using current BLS Occupational Employment Data.
FFA Vessel Register Application/VMS Registration Form	732.6	240	153000	153000	Labor Costs updated using current BLS Occupational Employment Data.
Catch Report Form	7130.64	5200	292	0	Labor Costs updated using current BLS Occupational Employment Data. Forms are mainly submitted electronically but costs changed to reflect cost if forms are physically mailed.
Unloading Logsheet	3956.04	3000	162	0	Labor Costs updated using current BLS Occupational Employment Data. Forms are mainly submitted electronically but costs changed to reflect cost if forms are physically mailed.
Total for Collection	1,3089.12	8,856	153,535	153,081	
Difference	\$4,233.12		\$454.00		

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. The whale shark encirclement reporting instructions will display the expiration date for OMB approval of the information collection.

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.