

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
U.S.-Canada Albacore Treaty Reporting System
OMB Control No. 0648-0492

Abstract

This is a request for an extension to the existing reporting requirements of the collection of information *U.S. – Canada Albacore Treaty Reporting System*.

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

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.

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. 1 Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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, email, or the National Permits System. 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 (<https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/united-states-canada-albacore-treaty>)

4. Describe efforts to identify duplication. Show specifically why any similar information

already available cannot be used or modified for use for the purposes described in Question 2

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.

This information collection utilizes the same logbook as the U.S. Pacific Highly migratory Species Hook and Line Logbook, OMB Control Number 0648-0223, as all 0648-0492 and 0648-0223 respondents are Highly Migratory Species permit holders. However, only the fish caught in Canadian waters but landed in the U.S. is reported under this collection.

5. If the collection of information impacts small businesses or other small entities, describe any 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 consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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.

This collection will be conducted in a manner that is consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications 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.

A [Federal Register](#) Notice published on February 24, 2020 (85 FR 10414), solicited public comment. No comments were received.

NMFS asked for comments from Pacific HMS Permit holders authorized to fish in Canadian waters in 2019 of the Treaty Regime. Ten public comments were received in response to this request, but only one included relevant suggestions to the collection of information. This comment suggested that the burden estimate was too high. After evaluation, it was determined that the comment did not compliment the burden that was stated in the 60-day notice and was not used to make any modifications to this collection.

Comments were invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) 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 technology.

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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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 or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions are asked of a sensitive nature.

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

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
Vessel Registration	Fishermen	118	1	118	5 min	10 hours	\$25.25	\$252.50
Vessel Marking	Fishermen	1	1	1	3 hours	3 hours	\$25.25	\$75.75
Logbook Entry	Fishermen	118	1	118	5 min	10 hours	\$25.25	\$252.50
Hail - in / out	Fishermen	118	1	118	10 min	20 hours	\$25.25	\$505.00
Totals				355		43 hours		\$9,696.00

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Vessel Registration	118	118	118	\$0	\$0
Vessel Marking	1	1	1	\$20	\$20
Logbook Entry	118	118	118	\$0	\$0
Hail - in / out	118	118	118	\$2	\$236
TOTALS			355		\$256

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Positions	ZP-II	\$49,390	5%		\$2,469.50
Contractor Cost					
Travel					
Other Costs					
TOTAL		\$49,390			\$2,469.50

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

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	
Vessel Registration	118	135	118	135	10	11	Less vessels are registering for the fishery
Vessel Marking	1	135	1	45	3	131	The previous collection estimated that all vessels added markings every year.
Logbook Entry	118	135	118	4050	10	675	This collection only covered time dedicated to Treaty recordkeeping. Logbook burden approved under collection 0648-0223 was previously included.
Hail - in/out	118	135	118	270	20	23	The previous collection counted each hail as a separate event.
Total for Collection							

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Vessel Registration	\$252.50	NA	\$0	\$270	Sent via email or mobile phone; service cost is nominal
Vessel Marking	\$75.75	NA	\$20	\$90	The previous collection estimated that all vessels added markings every year.
Logbook Entry	\$252.50	NA	\$0	\$331	Logbooks costs are accounted for in collection 0648-0223
Hail - in/out	\$505.00	NA	\$236	\$1620	The previous collection counted each hail as a separate event.
Total for Collection					

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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.

The expiration date will be displayed on this OMB collection.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).