

JUSTIFICATION FOR CHANGE
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Transshipment Requirements Under the WCPFC
OMB Control No. 0648-0649

The Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC) adopted decisions addressing management of the area overlapping jurisdiction between the WCPFC and the IATTC (overlap area) in 2012 (IATTC Recommendation C-12-11, “IATTC-WCPFC Overlap Area,” and the WCPFC decision documented in “Summary Report of the Ninth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean,” Manila, Philippines, 2-6 December, 2012, paragraph 80). NMFS initially implemented those decisions in 2016 (see final rule published April 26, 2016; 81 FR 24501). NMFS recently promulgated a rule to change management in the overlap area (see final rule RIN 0648-BH59; published June 22, 2020; 85 FR 37376).

Pursuant to final rule RIN 0648-BH59, reporting requirements under this collection are being revised to remove some WCPFC regulations and implement regulations of the IATTC in the overlap area. There is no change to the instructions or forms associated with this collection. The forms will no longer be required in the overlap area, which is a very small area of where the forms are currently required.

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 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.

Transshipment: 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.

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.

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 area of application of the Convention (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.

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 emergency transshipment and high seas transshipment notification requirements and transshipment observer notification requirements would no longer apply in the overlap area, and the requirements to complete and submit a Pacific Transshipment Declaration Form would also no longer apply in the overlap area, so long as the fish is caught and transshipped entirely within the overlap area. The Pacific Transshipment Declaration Form and the emergency and high seas transshipment notifications would be required for fish caught in the Convention Area outside the overlap area and then transshipped within the overlap area. However, the removal of these requirements in the overlap area would not affect the estimates of cost or burden of this information collection requirement. It is unknown whether any transshipments would take place in the overlap area, and thus the cost and burden estimates are based on the likelihood of transshipments taking place anywhere in the Convention Area, including the overlap area.

Purse Seine Discard Reports: 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.

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 discard reports would no longer apply in the overlap area. However, the removal of this requirement in the overlap area would not affect the estimates of cost or burden of this information collection requirement. It is unknown how many discards would take place in the overlap area, and thus the cost and burden estimates are based on the likelihood of discards taking place anywhere in the Convention Area, including the overlap area.

Daily Purse Seine Fishing Effort Reports: 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.

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.

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, these requirements would no longer apply for fishing activity within the overlap area. However, the removal of this requirement in the overlap area would not affect the estimates of cost or burden of this information collection requirement. It is unknown how much fishing activity would take place on a given day solely in the overlap area, and thus the cost and burden estimates are based on the likelihood of daily fishing effort taking place anywhere in the Convention Area, including the overlap area.