

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Reporting and notification requirements in West Coast Pacific Bluefin Tuna Fishery
OMB Control No. 0648-0778

Abstract

This request is for revision of a previously approved information collection in association with final rule 0648-BJ26 to implement Inter-American Tropical Tuna Commission Resolution C-20-02 (Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean, 2021). The National Marine Fisheries Service (NMFS) is proposing to implement this resolution, which establishes an annual catch limit of 425 mt of commercial Pacific Bluefin tuna, using trip limits. The information collection would assist in management of the trip and catch limits. NMFS is proposing to require Pacific bluefin tuna sales be entered into the California Department of Fish Wildlife electronic landing database within 24 hours and request that vessel operators provide a voluntary pre-landing call with an estimate of weight of Pacific bluefin tuna to be landed. In addition, this revision proposes to revise the approved information collection by removing the requirement for purse seine vessels to provide a pre-trip notification.

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.

At its December 2020 meeting, the Inter-American Tropical Tuna Commission (IATTC) adopted Resolutions C-20-02 (Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean, 2021) on Pacific bluefin tuna (PBF). NMFS West Coast Region (WCR) is preparing a final rule under the Tuna Conventions Act of 1950 (TCA) to implement this Resolution. This final rule would ensure that the United States meets its international obligations.

Resolution C-20-02 maintains annual commercial catch limit from the previous IATTC Resolution (C-18-01), which applied to 2019 and 2020. This catch limit is consistent with IATTC Scientific Staff recommendations, as well as stakeholder recommendations to the U.S. Delegation to the IATTC.

The final rule 0648-BJ26 will implement catch and trip limits in 2021 for U.S. commercial vessels that catch PBF in the eastern Pacific Ocean (EPO). The 2021 catch limit is 425 metric tons. Based on a Pacific Fishery Management Council recommendation, NMFS would also impose trip limits to manage the annual limits. This is a change from the trip limit scheme imposed in 2019-2020, and furthermore removes an existing collection-of-information. In 2019-2020, regulations required PBF buyers in California submit an electronic landing receipt and purse seine vessels submit a pre-trip notification; this collection-of-information expires July 2022. The regulations for 2021 will no longer require a pre-trip notification from purse seine vessels, but will maintain the electronic landing receipt requirement and voluntary pre-landing call. The removal of the pre-trip notification requirement reduces the burden by 4.25 hours. The following is the proposed trip limit scheme for 2021:

- January – March: If catches reach 250 mt, then the trip limit is reduced to 15 mt; and if cumulative catches reach 325 mt, then the trip limit is reduced to 2 mt for the remainder of the

year or until the annual limit is met and the fishery is closed.

- April – June: If catches reach 275 mt, then the trip limit is reduced to 15 mt; and if cumulative catches reach 350 mt during the second quarter, then the trip limit is reduced to 2 mt for the remainder of the year or until the annual limit is met and the fishery is closed.
- July – September: If catches reach 300 mt, then the trip limit is reduced to 15 mt; and if cumulative catches reaches 375 mt, then the trip limit is reduced 2 mt for the remainder of the year or until the annual limit is met and the fishery is closed.
- October – December: If cumulative catches reach 325 mt, then the trip limit would be reduced to 15 mt; and if cumulative catches reach 375 mt, then the trip limit is reduced to 2 mt for the remainder of the year or until the annual limit is met and the fishery is closed.

2. 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.

Electronic landing receipt (E-ticket): To monitor catch limits, NMFS will impose electronic landing receipt (e-ticket) submission timeline requirements. Submittal of E-tickets, as required under California Code of Regulations (Title 14, §197), that include PBF sales would be required within 24 hours. This California Code of Regulations requires submission of E-tickets within three business days. However, this final rule will establish an advanced timeline of 24 hours for more timely accounting of catch to take in-season action appropriately. This information, already required by the State of California, will be required by buyers of PBF. As is done normally under processes developed by the State of California, e-ticket information is shared with the Pacific Fisheries Information Network, which is a public database.

Voluntary pre-landing notification: NMFS encourages owners or operators of purse seine vessels fishing in the U.S. West Coast EEZ to call NMFS at 562-432-1850 in advance of landing with an estimate of how much PBF was caught on the trip. This information would facilitate near real-time tracking of catch on which to base in-season action.

NMFS will ensure that public dissemination of any information obtained from e-tickets or calls prior to landing accords with NMFS confidentiality standards. 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.

Sample Table: Information Requirements and Needs and Uses of Information Collected

| Item # | Requirement | Statute | Regulation | Form # | Needs and Uses |
|--------|----------------------------|-------------------------|---------------|--------|---|
| 1 | E-ticket | 35 U.S.C. § 951 et seq. | 50 CFR 300.25 | NA | Used by government to inform catch estimates used to determine need for in-season action. California Department of Fish and Wildlife provides e-ticket data to PacFIN, which is public. |
| Item # | Requirement | Statute | Regulation | Form # | Needs and Uses |
| 2 | Voluntary pre-landing call | 35 U.S.C. § 951 et seq. | 50 CFR 300.25 | NA | Used by government to inform catch estimates used to determine need for |

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.

E-ticket: Submission of E-tickets requires the use of an electronic system established and administered by the Pacific States Marine Fisheries Commission and California Department of Fish and Wildlife. As mentioned above (see question 2), the California Code of Federal Regulations will require E-tickets for all fisheries by July 1, 2019, and NMFS will only impose an advanced timeline for submission.

Voluntary pre-landing notification: This notification will be communicated to NMFS via telephone, therefore it may require the use of electronic technology (e.g., cellular phone) to complete the notification.

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

E-tickets: The E-ticket submission is already required by California Department of Fish and Wildlife, and although NMFS is proposing to require that the submission timeline be advanced, it is not duplicating the e-tickets that must be submitted by the fish buyers.

Voluntary pre-landing notification: Similar requirements do not already exist for the PBF fishery.

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

The collection of information involves small entities. All impacted businesses are small entities. The e-ticket requirement for landing receipts with PBF sales would not be an additional requirement, but an existing requirement on an advanced timeline. It is not expected that this would place an additional burden on the 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.

The E-ticket submission is intended to assist NMFS in monitoring catch to take appropriate in-season action when necessary. Otherwise, NMFS may be unable to act quickly to reduce trip limits or close the fishery. The voluntary landing notification would also provide additional details about catch to date to assist in managing the catch and trip limits.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

The e-ticket submission may require respondents to report information to the agency more often than quarterly, but it is dependent on when PBF are landed is already required by the California Code of Regulations.

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.

NMFS received one comment on the proposed rule, which published on January 5, 2021, and the

comment period closed February 4, 2021 (86 FR 279). The comment and agency response are described below, but the comment did not address estimates of burden. Additionally, NMFS is not changing the action from the proposed action.

The commenter urged NMFS to consider including a pre-trip notification that was part of the 2019-2020 Pacific bluefin tuna regulations in the final rule for 2021. The commenter cited events in 2017 during which the United States exceeded its commercial Pacific bluefin tuna catch limit to argue that the management scheme proposed, without the pre-trip notification, could lead the U.S. to exceed its limits again. NMFS notes that the Council, its advisory bodies and NMFS considered the events in 2017, as well as 2019-2020 management approach with the pre-trip notification. As indicated by the Council's highly migratory species advisory bodies at the November 2020 Council meeting, the pre-trip notification did not provide an accurate estimate of catch on which to base inseason action. The pre-trip notification was also considered burdensome by the fleet. As noted in the proposed rule, the pre-trip notification and associated assumptions led NMFS to take inseason action too early in 2019, requiring a reversal. Additionally, there are notable differences between management in 2017 to the management scheme in this final rule: (1) e-tickets required within 24 hours of a Pacific bluefin tuna landing, which was first implemented in 2019; (2) inseason action procedures to announce the action on the NOAA Fisheries website, which was first implemented in 2019, and allows for quicker implementation of the inseason action; and (3) the initial trip limit in 2017 was 25 mt, whereas in this final rule it is 20 mt. It is anticipated that the adaptive management measures proposed in this final rule would allow for operational flexibility while maintaining catches within limits, without the pre-trip notification.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this program.

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.

NMFS will only publicly disclose catch in accordance with confidentiality rules under the Magnuson-Stevens Fishery Conservation and Management Act.

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 of a sensitive nature will be asked.

12. Provide estimates of the hour burden of the collection of information.

The e-ticket submission is an existing requirement under California Code of Regulations and managed by the California Department of Fish and Wildlife, therefore imposing no additional burden. The voluntary pre-landing call submission is detailed in the table below.

| Information Collection | Type of Respondent (e.g., Occupational Title) | # of Respondents/year (a) | Annual # of Responses / Respondent (b) | Total # of Annual Responses (c) = (a) x (b) | Burden Hrs / Response (d) | Total Annual Burden Hrs (e) = (c) x (d) | Hourly Wage Rate (for Type of Respondent) (f) | Total Annual Wage Burden Costs (g) = (e) x (f) |
|----------------------------|---|---------------------------|--|---|---------------------------|---|---|--|
| Voluntary pre-landing call | Fishing vessel | 17 | 3 | 51 | 3 minutes | 2.55 hours | 15.07 | 38.42 |
| Totals | | | | 51 | | 2.55 hours | | \$38.42 |

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).

The e-ticket submission is an existing requirement under California Code of Regulations and managed by the California Department of Fish and Wildlife, therefore there is no additional burden. The voluntary pre-landing call submission is detailed in the table below.

| Information Collection | # of Respondents/year (a) | Annual # of Responses / Respondent (b) | Total # of Annual Responses (c) = (a) x (b) | Cost Burden / Respondent (h) | Total Annual Cost Burden (i) = (c) x (h) |
|----------------------------|---------------------------|--|---|------------------------------|--|
| Voluntary pre-landing call | 17 | 3 | 51 | 0.75 | 12.75 |
| TOTALS | 17 | 3 | 51 | \$0.75 | \$12.75 |

***There are no capital costs or operating and maintenance costs associated with this information collection.**

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.

E-tickets will be submitted to the California Department of Fish and Wildlife, vessel operators or owners, and PacFIN. There is no anticipated cost to the Federal government.

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

The only program changes made to the previously approved collection of information are to remove the pre-trip notifications, which are not part of the proposed rule to implement IATTC Resolution C-20-02 applicable to 2021.

| 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 | |
| Pre-trip Notification | 0 | 17 | 0 | 51 | 0 | 4 | Removed IC as part of 0648-BJ26 requested revision |
| Voluntary pre-landing call | 17 | 17 | 51 | 51 | 3 | 3 | |
| Total for Collection | 17 | 17 | 51 | 102 | 3 | 7 | |
| Difference | 0 | | -51 | | -4 | | |

| Information Collection | Labor Costs | | Miscellaneous Costs | | Reason for change or adjustment |
|------------------------|-------------|----------|---------------------|----------|--|
| | Current | Previous | Current | Previous | |
| Pre-trip notification | NA | NA | 0 | 0 | Removed IC as part of 0648-BJ26 requested revision |
| Voluntary pre- | \$38.42 | NA | 13 | 13 | Labor costs not |

| | | | | | |
|----------------------|---------|----|----|----|---------------------|
| landing call | | | | | previously included |
| Total for Collection | \$38.42 | NA | 13 | 13 | |
| Difference | \$38.24 | | 0 | | |

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.

The information collected is not intended result in a publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This information collection has no forms.

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\(b\)\(3\)](#).