

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic and Atmospheric Administration (NOAA)
Report of Whaling Operations
OMB Control No. 0648-0311

This request is for the extension of a currently approved information collection. Information to be submitted under this collection is needed to comply with U.S. obligations under the International Convention for the Regulation of Whaling. Reports from Native American whaling captains engaging in aboriginal subsistence whaling managed by the International Whaling Commission (IWC) help ensure that quotas are not exceeded and contribute information to monitoring of harvested species like bowhead and gray whales. This request is for an extension of this information collection.

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.

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 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 NOAA Assistant Administrator for Fisheries 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 NOAA National Marine Fisheries Service (NMFS). There are two Native American whaling commissions. These are the Alaska 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 such hunt is currently authorized.

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.

Whaling captains may report catches by telephone, email, or fax to the AEWC. 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 harvested species (bowhead and gray whales) and to understand the population dynamics of both species. The IWC reporting requirements for aboriginal subsistence whaling have not changed, and thus the requirements for this ongoing information collection have not changed over time.

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 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.

Whaling captains may report catches by telephone, email, or fax. The AEWC 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 AEWC of catches is acceptable.

Because of the remoteness of 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. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

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 impacts small businesses or other small entities, describe any 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 AEWG, to which the subsistence whalers of the 11 villages comprising the AEWG have given authority to regulate their whaling. The reporting burden on the AEWG 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 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 information were not collected, the U.S. Government would be in violation of its obligations to the IWC. If the information were collected less frequently, quotas might be exceeded inadvertently. The most egregious violation could be exceeding the catch limit authorized by the IWC.

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

This 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. 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 May 28, 2021 (86 FR 28763) solicited public comments on this renewal. One comment was received during the public comment period, but was not determined to be relevant to the scope of this collection.

The last formal consultation with the AEWG on reporting requirements was in 2019, when the most recent Cooperative Agreement was signed. NOAA last informally consulted with the AEWG in 2021. The existing reporting format was devised by the AEWG and they are free to change the format.

NOAA last informally consulted with the Makah Tribe in 2021. The Tribe 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 on whaling activity reporting requirements 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 decision to provide any payment or gift 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 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.

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 AEWC 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 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.

There are no questions of a sensitive nature required by these regulations.

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

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)
Whale Strike Report	Aboriginal Whaling Captain	165 ¹	1	93	30 min.	47	\$16	\$752
Interim Whale Strike Reports	Native American whaling commission	1	10	10	5 min to type each individual whaling report (93) and 5 min to submit reports to NMFS (10)	9	\$16	\$144
Consolidated End of Season Whale Strike Report	Native American whaling commission	1	2	2	2.5 hours	5	\$16	\$80
Totals				105		61		\$976

¹There are approx. 165 whaling captains, but many of them do not strike or land a whale in any given year. Each year, there may be anywhere from **30-93 individual respondents**. An individual captain may submit anywhere from approx. **0-7 whale strike reports** annually and the maximum possible annual responses is **93**, as this is current maximum number of bowhead whales allowed to be struck by Alaska Eskimo whalers

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).

Annual costs to the respondents are practically zero. The whalers can call in their reports to the AEWC, so there may be a telecommunication cost if reports are not submitted by email, but this is assumed to be negligible. The AEWC has a computer for other reasons and likewise has a fax machine and telephones for general activities and are not assumed as a burden in this collection. All reports to NMFS from the AEWC have been via email in the recent past.

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.

The annualized costs to the U.S. Government are calculated as follows:
 Approximately 0.5% of total annual hours (2,080 hrs) of a ZP-III position = \$450

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP III-01	\$90,000	0.5		\$450
Other Federal Positions					
Contractor Cost		N/A			N/A
Travel					N/A
Other Costs:					N/A
TOTAL					\$450

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

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	
Whale Strike Report (formerly Captains' Reports)	165	165	93	75	47	38	Renaming "Whale Strike Report" for improved clarity. Increase in burden due to increase in maximum number of bowhead whales

							allowed to be struck by Alaska Eskimo whalers
Commission Reports	0	1	0	12	0	12	Splitting into two ICs for improved clarity – interim and consolidated end of season whale reports
Interim Whale Strike Reports	1	n/a	10	n/a	9	n/a	Formerly encompassed in “Commission Reports” IC. Increase in estimated burden time based on new estimates.
Consolidated End of Season Whale Strike Report	1	n/a	2	n/a	5	n/a	Formerly encompassed in “Commission Reports” IC.
Total for Collection	165	165	105	87	61	50	
Difference	0		18		11		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Whale Strike Report (formerly Captains' Reports)	\$752	n/a	0	14	Labor costs not previously calculated - adjusted to reflect current Bureau of Labor Statistics occupational and employment data. Anticipated costs reduced to \$0 as most reports are expected by email and those potentially received by telephone by the commission do not assume the burden of telecommunications costs.
Commission Reports	0	n/a	0	86	
Interim Whale Strike Reports	\$144	n/a	0	n/a	
Consolidated End of Season Whale Strike Report	\$80	n/a	0	n/a	
Total for Collection	\$976	-	0	\$100	
Difference	\$976		-\$100		

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