

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Specified Fishing Agreements for U.S. Territorial Catch, Effort, and Allocation Limits
OMB Control No. 0648-0689

Abstract

This request is for the extension of a currently approved information collection. The governments of American Samoa, Guam, or Northern Mariana Islands may enter into specified fishing agreements with owners of U.S. pelagic longline fishing vessels, or their designated representative, to attribute longline fishing catch or effort to a U.S. participating territory. The proposed collection of information covers the preparation and submission of fishing agreement documents. The specified fishing agreements will identify the fishing vessels to be covered. Fishing vessels must be registered to a valid pelagic fishing permit to be eligible. The agreement would also specify the annual assignment limit allocated to the vessel(s). The Western Pacific Fishery Management Council and the National Marine Fisheries Service would review specified fishing agreements submitted by the territorial governments. NMFS does not require a specific format for an agreement.

The request also includes a change to the collection's title for improved clarity, from "Amendment 7 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region – U.S. Territorial Catch and Fishing Effort Limits" to "Specified Fishing Agreements for U.S. Territorial Catch, Effort, and Allocation Limits."

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 Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region (FEP) and regulations at [50 CFR 665.819](#) allow the Western Pacific Fishery Management Council (Council) to recommend and NMFS to implement catch or fishing effort limits for pelagic fisheries in the Territory of American Samoa, the Territory of Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) (hereinafter, "territory" or "territories"). The regulations further allow NMFS to authorize the government of each territory to allocate a portion of its catch or fishing effort limit to U.S. fishing vessels through specified fishing agreements between the vessels and the respective territories. Payments made by the vessels under these agreements support fisheries development in the territories.

Specified fishing agreements include the identity of fishing vessels subject to the agreement, the amount (weight) of fish or fishing effort to which the agreement applies, and any amount paid under the agreement. Additionally, an authorized official of the U.S. territory and each vessel owner or their designated representative must sign the agreements. There is no specified form for an agreement.

NMFS uses the information in the agreements to determine vessel eligibility, and ensure the amount of fish or fishing effort allocated under the agreement is consistent with the FEP, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), other

applicable laws, and the conservation needs of the fish stock.

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.

A specified fishing agreement is a voluntary agreement between a U.S. territory and U.S. fishing vessels permitted under the FEP, and provides the vessels identified in the agreement with access to a specified amount (weight) of management unit species (MUS) or fishing effort, not to exceed the amount made available for allocation by NMFS.

For each fishing year, which begins January 1, NMFS publishes in the Federal Register the catch or effort limit applicable to each U.S. participating territory and the amount of MUS that each territory may allocate to fishing vessels identified in specified fishing agreements. A U.S. territory may submit specified fishing agreements to NMFS by or before the deadline identified in the Federal Register publication.

NMFS uses the information in specified fishing agreements to determine whether the identified vessels possess valid federal fishing permits issued under [50 CFR 665.801](#), to ensure the amount of MUS or fishing effort is available for allocation, and that agreement is consistent with the Magnuson-Stevens Act, other applicable laws, and the conservation needs of the stock. NMFS also uses the information to inform the parties when we project a limit will be reached and the restrictions we will impose to prevent exceeding a limit. We also use the information to determine whether the agreements include payments into the Western Pacific Sustainable Fisheries Fund as established by Magnuson-Stevens Act Section 204(e)(7) ([16 U.S.C. 1824\(e\)\(7\)](#)) to support the territories' respective marine conservation plans established pursuant to Magnuson-Stevens Act Section 204(e)(4) ([16 U.S.C. 1824\(e\)\(4\)](#)). NOAA Office of Law Enforcement and the U.S. Coast Guard may also use the information in the agreements to ensure vessels comply with catch and fishing effort limits and other restrictions.

This collection may also include information involving an appeal by a party or parties to a specified fishing agreement related to the granting, denial, conditioning, or suspension of an agreement. Appeals must be in writing and state the reasons for the appeal. The NMFS Pacific Islands Regional Administrator uses the information to make a final determination on the appeal. NMFS expects a maximum of one appeal per year, if any. If there is an appeal, even if just by one party, we anticipate all parties would become involved in the appeal process. Appeal procedures are detailed in 50 CFR 665.13(m), 665.801(o), and 665.819(c)(8).

NMFS retains control over the information and safeguards it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 below 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, results may be used in scientific, management, technical or general informational publications. Should NMFS 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](#), as well as laws and policies controlling distribution of fisheries information.

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 collection of information in a specified fishing agreement involves no use of forms. The relevant regulations and requirements for submitting specified fishing agreements are at [50 CFR 665.819\(c\)](#). This collection of information does not require any knowledge of automated, electronic, mechanical, or other technology.

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

There are no preexisting collections, forms, or other documentation that suit the information collection required in this instance and none are being created.

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

Although a specified fishing agreement can only be submitted by the governments of American Samoa, Guam, and the Northern Mariana Islands, the collection of information burden may fall on small businesses and small entities (e.g., fishing vessel owners) that seek to enter into specified fishing agreements with those governments. However, the regulations provide an opportunity for an authorized official of the applicable territory and a designated representative of fishing vessel owners to sign an agreement for multiple vessel owners. Therefore, not all vessel owners need enter into separate fishing agreements. Historically, the territories have entered into fishing agreements with the Hawaii Longline Association representing multiple vessels.

An authorized official of the territory may submit a specified fishing agreement by mail or electronically by email on or before the specified deadline announced in the Federal Register.

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.

Without the collection of information, the territories could enter into fishing agreements with FEP permitted vessels, but NMFS would not know the identity of those vessels, and would not be able attribute catches or fishing effort made by those vessels to the territory to which the agreement applies. Instead, NMFS would attribute catch and effort by those fishing vessels to the geographic area where the vessels land their catch. As a result, catches by fishing vessels identified in a specified fishing agreement would continue to be allocated to the geographic area where catch is landed and not to the territory with which a fishing vessel has made an agreement.

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

This information collection will be conducted in a manner 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.

NMFS published a notice in the [Federal Register](#) on January 20, 2022 (87 FR 3082) to solicit public comments on this submission. NMFS received no comments.

NMFS also sent the Federal Register notice and request for comments to individuals from the fishing industry, territorial governments, and Council staff. NMFS received no comments.

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 collection.

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.

Under Section 402(b) of the Magnuson-Stevens Act and [NOAA Administrative Order 216-100](#), information submitted in accordance with regulatory requirements under the Act is confidential.

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 estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (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)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Negotiating and preparing fishing agreements		3		3		90		\$4,885.20
Negotiating and preparing agreements	Hawaii Longline Association	1	3	3	10	30	\$53.89	\$1,616.70
Negotiating and preparing territorial agreements	Territorial agencies (GU, CNMI, AS)	1	3	3	10	30	\$53.89	\$1,616.70
Preparing and reviewing agreements (HLA)	Lawyer/Legal counsel	1	3	3	5	15	\$55.06	\$825.90
Preparing and reviewing agreements (Territories)	Lawyer/Legal counsel	1	3	3	5	15	\$55.06	\$825.90
Appeals		1		1		15		\$814.20
Appeal (HLA)	Hawaii Longline Association	1	1	1	5	5	\$53.89	\$269.45
Appeal (Territory)	Territory agency	1	1	1	5	5	\$53.89	\$269.45
Appeal (Legal counsel)	Lawyer/Legal counsel	1	1	1	5	5	\$55.06	\$275.30
Totals				4		105		\$5,699.40

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).

There are no costs as all communications are conducted electronically.

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 Employees	ZP-0401-02	\$63,809	0.38%		\$245
	ZP-0480-04	\$152,956	0.14%		\$220
	ZP-0480-04	\$112,091	0.76%		\$862
	ZP-0480-05	\$146,627	0.096%		\$141
Contractor Cost					
Travel					
Other Costs					
TOTAL		\$475,483			\$1,468

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	
Negotiating and preparing agreements	3	5	3	5	90	30	The number of respondents this year has been revised because there are three territories (American Samoa, CNMI, and Guam). While historically we have only had agreements from American Samoa and CNMI, we are aware that Guam is interested in submitting an agreement in the near future. The burden hours have been increased to reflect time it takes staff from the territorial governments, the Hawaii Longline Association, and their respective lawyers to prepare these agreements.
Appeals	1	1	1	1	15	2	The burden hours have been increased to reflect time it takes staff from the territorial governments, the Hawaii Longline Association, and their respective lawyers to appeal.
Total for Collection	4	6	4	6	105	32	
Difference	-2		-2		73		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Negotiating, preparing, and potential appeal of agreements	\$4,885	NA	\$0	\$60	This is revised from prior renewals to fully account for the time it takes staff from the territorial governments, the Hawaii Longline Association, and their respective lawyers to prepare these agreements and, though not anticipated, appeal NFMS decision on an agreement. We gathered that information and applied wage estimates for Management Occupations and Lawyers from the U.S. Bureau of Labor Statistics. There are no longer miscellaneous costs for mailing because communications are conducted electronically. Labor costs not previously calculated.
Appeals	\$814	NA	0	\$5	
Total for Collection	\$5,699	NA	\$0	\$65	
Difference		5,699		-65	

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.

No formal publications based on these collections are planned at this time.

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 collection does not involve a form so the date cannot be displayed.

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

