

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Port State Measures Agreement Implementation
OMB Control No. 0648-XXXX

Abstract

The National Marine Fisheries Service (NMFS) seeks a new information collection affecting foreign fishing vessels and foreign vessels engaged in fishing related activities seeking access to U.S. ports. This request is associated with a proposed rule, RIN 0648-BG11, to establish expanded information submission requirements for these vessels, as well as to establish circumstances under which port entry and access is authorized or denied and to establish notification requirements for communicating port entry and access determinations.

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 Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (or “the IUU Fishing Act”), provides authority to implement, among other things, the United Nations Food and Agriculture Organization (UN FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement). The Port State Measures Agreement requires parties to control entry into their respective ports by foreign vessels, conduct inspections on foreign vessels, and restrict activities of vessels that are known to be or are suspected of engaging in illegal, unreported and unregulated (IUU) fishing or fishing related activities in support of such fishing.

In order to comply with requirements of Annex A of the [Port State Measures Agreement](#), entitled, “Information to be provided in advance by vessels requesting port entry,” NMFS is preparing a proposed rule to require the collection of additional information from foreign fishing vessels and foreign vessels engaged in fishing related activities bound for a U.S. port. The U.S. Coast Guard currently collects a majority of the information required by Annex A through the Notice of Arrival process, but the proposed action details the additional information submission requirements not currently collected by the U.S. Coast Guard, including:

- Type of Vessel: All eNOAD users will be required to submit their Vessel Class. For those that are “Fishing Vessel[s]” or “Fishing Support Vessel[s]”, users will be required to submit Vessel Type, and Vessel Sub-Type.
- Certificate of Registry Identification: Foreign fishing vessels and fishing support vessels will be required to submit information related to the flag State in which the vessel is registered and unique ID code.

- External Identification: Foreign fishing vessels and fishing support vessels will be required to submit information related to vessel identification documentation and information relating to the flag State or international records of vessels.
- RFMO Identification: Foreign fishing vessels and fishing support vessels will be required to submit information related to relevant Regional Fisheries Management Organizations (RFMOs) documentation (e.g. RFMO registration number).
- Vessel Monitoring System Information: Foreign fishing vessels and fishing support vessels will be required to submit information related to the Vessel Monitoring System (VMS) on board.
- Vessel Dimensions: Foreign fishing vessels and fishing support vessels will be required to submit vessel characteristics including length overall, beam, and draft in meters or feet
- Purpose(s) for Port Call: Foreign fishing vessels and fishing support vessels will be required to submit information related to vessel logistics (e.g. replenishing food and/or fuel, offloading catch, transshipping).
- Relevant Fishing Authorization(s): Foreign fishing vessels and fishing support vessels will be required to submit information related to the identifier, issuer, and validity of relevant fishing authorizations, including the fishing area(s), species, and gear types covered.
- Relevant Transshipment Authorization(s): Foreign fishing vessels and fishing support vessels will be required to submit information related to the identifier, issuer, and validity of relevant transshipment authorizations.
- Transshipment Information concerning Donor Vessel(s): Foreign fishing vessels and fishing support vessels will be required to submit information regarding donor vessel(s) including the name, flag State, ID number of the donor vessel(s), the date and location of transshipment, and the species, product form, catch area, and quality of the products received from the donor vessel(s).
- Total Catch Onboard: Foreign fishing vessels and fishing support vessels will be required to submit information related to the species, product form(s), catch area(s), and quantity of the total catch onboard.
- Catch to be Offloaded: Foreign fishing vessels and fishing support vessels will be required to submit information related to the species, product form(s), catch area(s), and quantity of the total catch to be offloaded.

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.

The additional data elements described in (1) will be collected through the U.S. Coast Guard's electronic Notice of Arrival and Departure (eNOAD) system. This information will be collected from all foreign fishing vessels and foreign vessels engaged in fishing related activities each time such a vessel is bound for a U.S. port. Captains will be able to transfer some information (as long as it has not changed) from previously submitted eNOAD reports that are listed in their FV's history. This information will be used by authorized NOAA and U.S. Coast Guard personnel to fulfill U.S. obligations to the Port State Measures Agreement and enhance regional and

international cooperation to prevent, deter, and eliminate IUU fishing and block the flow of IUU-caught fish into national and international markets.

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.

When the rule is finalized and takes effect, the additional information proposed to be collected will be collected electronically through the U.S. Coast Guard's eNOAD system. Coast Guard regulations require all foreign vessels to give advance notice prior to arrival at a U.S. port or place of destination through the eNOAD system; this new information collection would be incorporated into the existing eNOAD system. A selection of screenshots of the User Manual for the eNOAD system is included with this submission.

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

Currently, Coast Guard regulations require all foreign vessels to give advance notice prior to arrival at a U.S. port or place of destination, as defined in 33 CFR 160.202. In accordance with 33 CFR 160.206, vessels are required to report electronically through the eNOAD the vessel name, voyage, cargo, crewmembers, and other information to the Coast Guard's National Vessel Movement Center (NVMC) at least 96 hours before entering the port or place of destination, or in accordance with 33 CFR 160.212 if an exemption applies.

Though this existing information requirement is related to the proposed new information collection, the new information collection is specific to foreign fishing vessels and foreign vessels engaged in fishing related activities seeking access to U.S. ports. NOAA and the U.S. Coast Guard have worked collaboratively to ensure that the collection of the additional information required by Annex A of the Port State Measures Agreement is not duplicative by: 1) making use of an existing reporting system; and 2) making use of currently collected data elements to meet the Annex A requirements.

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

Ocean-going vessels are typically large ships with high operating costs and are managed by relatively larger firms given the capital and logistical requirements. Reporting requirements for smaller entities are generally proportionately less due to the fewer numbers of vessels they operate. Thus, no particular methods were used to minimize the burden on small entities.

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 the full suite of information as outlined in Annex A of the Port State Measures Agreement (attached), the U.S. would not be in compliance with its obligations as a signatory of the Port State Measures Agreement (attached).

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

The collection is consistent with the 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 proposed rule RIN: 0648-BG11 will be published coincident with the submission of this request. Comments on the proposed rule will be considered and, if appropriate, addressed in the development of the final rule.

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.

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 submitted to NMFS to fulfill its Port State Measures obligations is collected under the authority of the IUU Fishing Act. Data will be managed consistent with [NAO 216-100: Protection of Confidential Fisheries Statistics](#). NMFS does not release confidential information submitted in compliance with provisions of the Magnuson-Stevens Fishery Conservation and Management Act, other than in aggregate form or under circumstances required or authorized by law. Whenever data are requested or released to the general public, NMFS ensures that information on the financial business activity of a vessel is not identified.

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 sensitive questions are asked.

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

In 2017, the U.S. Coast Guard received 183,582 total vessel Notice of Arrival submissions, 675 of which were classified as fishing vessels. Of these fishing vessel submissions, 217 were from foreign fishing vessels or foreign vessels that have engaged in fishing related activities. As described in the rulemaking, only foreign fishing vessels or foreign vessels that have engaged in fishing related activities will be required to submit the full suite of additional data elements described in (1). The current estimate of burden hours it takes to complete the Notice of Arrival is one hour. Given this, filling in the new data fields described in (1) is expected to take at most ten additional minutes per eNOAD submission, totaling 70 minutes or 1.17 hours to complete the electronic Notice of Arrival for the affected vessels. For an estimate of 300 foreign fishing vessel arrivals submitting Annex A information, the burden attributable to this information collection would be 50 hours on an annual basis. Note that this estimate represents only the incremental burden of the Annex A report for directly affected fishing vessels. The balance of the burden of advance notice of arrival is still being accounted for under a U.S. Coast Guard information collection approved under OMB Control Number 1625-0100.

NMFS has used the Bureau of Labor and Statistics May 2021 mean hourly wage for Office and Administrative Support Workers (All Other) (43-9199) of \$20.47 to estimate the time value of the ship’s crew or shore side support personnel (ship’s agent) making the pre-arrival report. Assuming an incremental burden of 10 minutes per report, and using the Bureau of Labor and Statistics 2021 mean hourly wage of \$20.47, the total cost to comply with this information collection would be \$1,023.50 annually.

Summary and Total

Information Collection	Type of Respondent (e.g., 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)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Annex A reports	Vessel Operator/Ship’s agent	300	1	300	0.17	50	\$ 20.47	\$ 1,023.50
Totals				300		50		\$ 1,023.50*

The following table summarizes the time burden estimates for this information collection should the proposed rule change (eNOAD reporting of PSMA Annex A information) be implemented:

* PSMA Annex A reporting labor cost of time burden

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).

Given that Coast Guard regulations already require all foreign vessels to give advance notice prior to arrival at a U.S. port or place of destination, all foreign vessels will already have the required equipment and software required. As a result, the total cost burden to report the supplementary information required under Annex A of the PSMA is negligible.

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.

Federal costs for maintaining the electronic system for advance notice of arrival and departure of vessels are already accounted for and included in the Coast Guard operating budget. The cost estimate is provided in the supporting statement for approved information collection 1625-0100.

To incorporate the additional PSMA Annex A data requirements in the existing eNOAD data collection system, an initial software development cost of \$454,080.00 is expected. As estimated by the U.S. Coast Guard, this represents the incremental cost required to update and build out the existing eNOAD system to incorporate the new data requirements, as well as to verify the schema and refine it through testing, as needed. There are no projected additional hardware or software purchases associated with this project. Additionally, an annual system maintenance cost of approximately \$5,000.00 is expected for the first five years of implementation. These incremental operations and maintenance costs would cover data storage in the U.S. Coast Guard system and transmission of necessary data to NMFS.

There will be a mandatory socialization period to alert industry users of the new data requirements, but once the revised eNOAD system is deployed and users begin submitting data, processing the information received will not add costs to the Federal government. A process for sharing relevant eNOAD information is already established and neither NOAA nor U.S. Coast Guard will require any additional funding to continue this information sharing process.

Total annualized costs for new requirements for the first five years of implementation, including averaging the initial system development expenses is \$95,816.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					Accounted for in Coast Guard IC 1625-0100
Other Costs:					\$95,816
TOTAL					\$95,816

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

This is new information collection to require additional data elements for certain foreign vessels that are otherwise reporting under an existing collection approved under OMB Control Number 1625-0100.

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 results will not be published. However, for implementation reports as a signatory of the PSMA, NMFS may provide aggregated statistics on the number of foreign vessels screened for port access determinations.

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 expiration date for this collection will not be displayed on the U.S. Coast Guard's electronic Notice of Arrival and Departure (eNOAD) system as that system belongs to an existing collection approved under OMB Control Number 1625-0100.

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