

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
South Pacific Tuna Act
OMB Control No. 0648-0218

Abstract

This request is for extension of a currently approved information collection. The National Marine Fisheries Service (NMFS) collects vessel license, vessel registration, catch, and unloading information from operators of U.S. purse seine vessels fishing under the provisions of the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty). The Treaty provides access for U.S. purse seine vessels to fish in the exclusive economic zones (EEZs) of Pacific Island Parties to the Treaty (PIPs). The PIPs include Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. This collection of information is required to meet U.S. obligations under the Treaty.

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 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, signed in Port Moresby, Papua New Guinea, in 1987, and its annexes, schedules and implementing agreements, as amended (Treaty), authorizes United States (U.S.) purse seine vessels to fish within of a large region of the Pacific Ocean, including the national fishing zones of the 16 Pacific Island States that are party to the Treaty. The [South Pacific Tuna Act of 1988](#) (16 U.S.C. 973g and 973j) and U.S. implementing regulations ([50 CFR Part 300, Subpart D](#)) authorize the collection of information from participants in the Treaty fishery.

- 2. 1Indicate 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**

Vessel operators who wish to participate in the Treaty fishery must submit annual applications for vessel licenses. This information is provided in “License Application Forms”, also known as Treaty “Schedule 1” forms, and through supplementary information submitted without forms. They also must submit annual applications for inclusion on the Forum Fisheries Agency (FFA) Vessel Register, which includes registration of vessels’ vessel monitoring system (VMS) units, also known as automatic location communicators or mobile transceiver units. This information is provided in “FFA Vessel Register Application for Registration” forms, and through supplementary information submitted without forms. Once a vessel is licensed, the vessel operator must submit periodic written reports of catch and effort. This information is provided in “Catch Report Forms”, also known as

“RPLs,” after each trip, estimated at five times per year. There is also a supplemental instruction sheet for the RPL, which includes whale shark encirclement reporting. They also must submit periodic written reports of transshipments and unloadings of fish. This information is provided in “Purse Seine Transshipment and other Unloading Logsheets” forms after each unloading, estimated at six times per year.

The supplementary information that must be provided (not on a form) along with the information specified on the License Application Form and the FFA Vessel Register Application for Registration form includes the following: the licensing period for which the license is requested; the name of an agent, located in Port Moresby, Papua New Guinea, who will receive and respond to any legal issue on behalf of the vessel, in accordance with the Treaty; documentation from an insurance company stating that the vessel will be insured against all risks and liabilities normally covered by maritime liability insurance for the requested licensing period; if subject of proceedings under bankruptcy laws of the U.S., a statement that the owner/charterer will be competent to fulfill any and all financial responsibilities under the Treaty; a copy of the vessel’s current USCG Certificate of Documentation; electronic versions of full color photographs of the vessel in its current form and appearance, including a bow-to-stern side view photograph and a photograph of every area of the vessel that is marked with its international radio call sign; a schematic stowage/well plan for the vessel; and a copy of the VMS unit installation certificate.

As part of the license application process, an applicant may, optionally, and in advance of submitting a complete application, provide specific information in an “expression of interest” (not on a form). In the case that more applications are received than there are licenses available, this information will be used by National Marine Fisheries Service (NMFS) to determine eligibility for licenses. For new licenses (non-renewals), the information required to be provided in the expression of interest includes: (1) the licensing period for which the license is requested; (2) current name, international radio call sign, and annual USCG Certificate of Documentation number of the vessel (if known); (3) full name and address of each owner/master of the vessel; (4) a copy of the vessel’s current USCG Certificate of Documentation, or if not issued, then a statement of whether application has been or will be made for one, including any endorsements sought; (5) a list of licensing periods, if any, during which a license for the vessel was issued under this section; and (6) a statement of the total amount of tuna species landed or transshipped by the vessel within the United States for each of the calendar years 1988 through the current year. For license renewals, only items (1) and (2) are required in the (optional) expression of interest.

The information is collected by the NMFS on behalf of the U.S. Government, which then forwards it to the FFA, which acts as the Treaty Administrator on behalf of the Pacific Island Parties to the Treaties, and which is located in Honiara, Solomon Islands. Vessel license applications, which consist of optional “expressions of interest” followed by complete license applications involving the License Application Forms, include information used by NMFS to determine eligibility for licenses. The information in vessel license applications and in applications for the FFA Vessel Register/VMS registration is used by the FFA to determine the operational capability and financial responsibility of vessel owners/operators interested in participating in the Treaty fishery. Information obtained from vessel catch and effort reports and transshipment and unloading reports are used by the FFA to assess the performance of the fishery and the status of relevant tuna resources in the region and to track the amount of fish caught within each Pacific Island State’s exclusive economic zone (EEZ) for fair disbursement of Treaty monies.

NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement 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, the information will support information that will be disseminated to the public. Should NOAA Fisheries Service 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](#).

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.

NMFS accepts email submission of all information. At present, there is no existing system that would be as efficient and as simple as using the required forms, although NMFS has engaged the FFA in discussions to move the fishery to fully automated (electronic) reporting.

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.

Duplication is avoided through consultations and cooperation between the U.S. Government (through NMFS), the FFA, and the Pacific Island States that are party to the Treaty. There are no other data collection programs in place; therefore, there is no duplication with other programs. There are no programs currently in place that contain the information requested on the forms. The FFA has been informed that any modifications to existing information collection or forms must be vetted with the U.S. Government and industry at the annual Treaty consultations for the appropriate Paperwork Reduction Act (PRA) review.

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

No specific methods are used to minimize the burden for small business 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.

If the information is not collected, the U.S. Government will not meet its obligations under the Treaty, and the lack of fishing information will result in poor management of the fishery resource.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The frequency and format of most elements of the information collection are mandated by the terms and conditions of the Treaty. A vessel owner/operator is required to supply vessel license application information once per year. A vessel owner/operator may also – optionally – provide what is called an expression of interest, which consists of an initial subset of the license application information prior to the annual deadline for complete applications (although optional, it is expected that most applicants will exercise this option, as it would enhance the likelihood of being issued a license). Vessel owners/operators are also required to provide information related to fishing activities upon completion of each fishing trip and each unloading, which may occur more frequently than quarterly. It is estimated that the average number of fishing trips is five per vessel per year and the average number of unloadings is six per vessel per year. If the information is not collected as required, the vessel owner/operator would be in violation of the Treaty’s implementing regulations and subject to fines and prosecution. Also, the U.S. Government would fail to satisfy its obligations under the Treaty, and management of the fishery stocks would be impaired. The type and substance of information collected from vessel operators generally conform to 5 CFR 1320.6. Respondents are required to supply information at the completion of each fishing trip and unloading, which may occur more frequently than quarterly, and are requested to provide information in metric equivalents (e.g., metric tons of fish caught and/or unloaded).

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.

Notice soliciting comments was published in the *Federal Register* (87 FR 54481) on September 6, 2022. No comments were received.

NMFS also reached out to several stakeholders in an effort to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. No responses were received.

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

No payment or gifts to respondents will be provided.

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.

Most of the data are collected for use by the FFA. Some of the data are used by NMFS to determine

eligibility for licenses. [NOAA Administrative Order 216-100](#) governs confidential data collected by NMFS. In addition, the South Pacific Tuna Act of 1988 (16 U.S.C. 973j) provides for confidentiality of catch and unloading information provided by vessel operators.

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.

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)
Expression of Interest		21	1	21		7		170.85
Expression of Interest - Initial	45-1011	1	1	1	2	2	24.42	48.84
Expression of Interest - Renewal	45-1011	20	1	20	0.25	5	24.42	122.1
License Application Form	45-1011	20	1	20	1	20	24.42	488.4
FFA Vessel Registration Application/VMS Registration Form	45-1011	20	1	20	0.75	15	24.42	366.3
Catch Report Form	45-1011	20	5.5	110	1	110	24.42	2686.2
Unloading Logsheet	45-1011	20	5.5	110	0.5	55	24.42	1343.1
Totals				281		207		5054.94

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).

All forms in this collection are submitted electronically. The only costs associated are the costs of FFA registration (\$6131 per respondent) and VMS hardware maintenance (\$800 per respondent). The registration fee charged by the FFA is not within the control of NMFS and has increased significantly since the last renewal of this collection.

Information Collection	# of Respondents (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)
FFA Vessel Registration Application/VMS Registration Form	20	1	20	6,931	138,620

TOTALS		281	138,620
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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 Oversight					
Staff review and processing of expressions of interest	GS 9 Step 1	52,912	0.005		\$ 265
Staff review and processing of license applications	GS 9 Step 1	52,912	0.006		\$ 317
Staff review and processing of catch report forms and unloading logsheets	GS 9 Step 7	63,491	0.75		\$ 47,618
Contractor Cost					
Data entry of catch report forms and unloading logsheets		40,000	0.375		\$15,000
Travel					
Other Costs: Printing and Mailing Unloading Logsheets					
					\$ 120
TOTAL		209,315			\$ 63,320

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	
Expression of Interest - Initial	1	1	1	1	2	2	n/a
Expression of Interest - Renewal	20	40	20	40	5	10	Number of respondents changed to reflect recent downsizes to the fleet and assumptions on size of future fleet. The change in number of respondents in turn affected the number of estimated responses and burden hours.

License Application Form	20	40	20	40	20	40	Number of respondents changed to reflect recent downsizes to the fleet and assumptions on size of future fleet. The change in number of respondents in turn affected the number of estimated responses and burden hours.
FFA Vessel Register Application/VMS Registration Form	20	40	20	40	15	30	Number of respondents changed to reflect recent downsizes to the fleet and assumptions on size of future fleet. The change in number of respondents in turn affected the number of estimated responses and burden hours.
Catch Report Form	20	40	110	292	110	292	Number of respondents changed to reflect recent downsizes to the fleet and assumptions on size of future fleet. Number of responses was also adjusted using the average recent number of annual trips per vessel. These two changes in turn affected the estimated burden hours.
Unloading Logsheet	20	40	110	324	55	162	Number of respondents changed to reflect recent downsizes to the fleet and assumptions on size of future fleet. Number of responses was also adjusted using the average recent number of annual trips per vessel. These two changes in turn affected the estimated burden hours.
Total for Collection	101	201	281	737	207	536	
Difference	-100		-456		-329		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Expression of Interest - Initial	48.84	48.84	0	1	n/a
Expression of Interest - Renewal	122.1	244.2	0	40	A decrease in the number of respondents to better reflect current and assumed future fleet levels resulted in decreases to estimated labor costs. Miscellaneous costs are eliminated as all information is now submitted electronically.
License Application Form	488.4	976.8	0	40	A decrease in the number of respondents to better reflect current and assumed future fleet levels resulted in decreases to estimated labor costs. Miscellaneous costs are eliminated as all information is now submitted electronically.
FFA Vessel Register Application/VMS Registration Form	366.3	732.6	138,620	153,000	A decrease in the number of respondents to better reflect current and assumed future fleet levels resulted in decreases to estimated labor costs. FFA registration fee has increased since previous renewal.
Catch Report Form	2686.2	7130.64	0	292	A decrease in the number of respondents to better reflect current and assumed future fleet levels resulted in decreases to estimated labor costs. Miscellaneous costs are eliminated as all information is now submitted electronically.

Unloading Logsheet	1343.1	3956.04	0	162	A decrease in the number of respondents to better reflect current and assumed future fleet levels resulted in decreases to estimated labor costs. Miscellaneous costs are eliminated as all information is now submitted electronically.
Total for Collection	5,054.94	13,089.12	138,620	153,535	
Difference	-8,034.18		-14,915		

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 for 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.

All forms except the RPL supplemental instructions for whale shark encirclement reporting used in the information collection are developed and supplied by the FFA. They do not display the expiration date for Office of Management and Budget (OMB) approval. NMFS has created and previously submitted a cover sheet that will display the OMB number and expiration date along with the description of the information collection and a privacy act statement. This cover sheet is shared by NMFS with applicants when they are provided the FFA application.

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