

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 05/02/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 02/28/2001.

TITLE: Eastern Pacific Tuna Vessel Register Information

AGENCY FORM NUMBER(S): None

ACTION : APPROVED
OMB NO.: 0648-0431
EXPIRATION DATE: 05/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	420	564	2
Difference	420	564	2
Program Change		564	2
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

SUPPORTING STATEMENT

Register for U.S. Vessels Fishing for Highly Migratory Species in the Eastern Pacific Ocean

1. Justification

The U.S. is a member of the Inter-American Tropical Tuna Commission (IATTC), which was created under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949. The IATTC was established to provide an international arrangement to ensure conservation and management of yellowfin tuna and other species of fish taken by tuna fishing vessels in the eastern tropical Pacific Ocean (EPO). Each member nation is responsible for regulating its own fisheries to carry out IATTC recommendations. As a member of the IATTC, the U.S., through the National Marine Fisheries Service, takes action to implement IATTC recommendations that have been approved by the Department of State (DOS). Under the Tuna Conventions Act, NMFS is authorized to promulgate regulations to implement IATTC recommendations that have been approved by the DOS.

At its annual meeting in June 2000, the IATTC adopted a resolution calling on member nations to provide detailed information about its vessels that fish for species under IATTC purview in the EPO (also known as the Convention Area, which is defined in the regulations at 50 CFR 300 Subpart B). Species under IATTC purview include yellowfin, bigeye, and other tunas and associated species. The IATTC would then compile the member nations' information in a regional vessel register for the EPO.

The purpose of the register is to support monitoring compliance with IATTC recommendations. A principal concern among some of the member nations of IATTC (including the U.S.) has been the uneven degree of enforcement among member nations. The perception of the U.S. fleet is that the U.S. is more assertive in this regard than many other nations. The intent is that a regional register will facilitate identification of vessels from member nations as well as non-members that may be fishing in a manner that undermines the effectiveness of the IATTC program. Further, some of the information will be used to assess fleet capacity in the Convention Area. The IATTC has been concerned about excessive capacity, especially in the purse seine fishery, and has agreed to develop a long range fleet capacity management program. The new collection will support that effort.

Most of the information to be provided to IATTC can be obtained from existing data sources such as Coast Guard documentation records, state vessel registration files, and High Seas Fishing Compliance Act (HSFCA) license records. However, some data needed by IATTC are not now being collected, and not all vessels are equally covered by existing record keeping programs. Therefore, the proposed rule would require that owners of different types of vessels provide selected data so NMFS can provide the required data to the IATTC. The one item all will have to provide is a picture of the vessel with its vessel registration number showing. There are no pictures on file for any of the fleets covered by this collection, and this will constitute the largest portion of this collection.

For purposes of this justification, it is assumed that all vessels that landed highly migratory species into West Coast ports fished in the Convention Area. However, it is quite possible that many such vessels (especially troll albacore vessels, the largest fleet involved) only fished north of the Convention Area. If so, they would not be required to provide information under this collection, although they will be asked to cooperate with the survey in any event.

2. Users and Uses of the Information

The principal users of the data will be the IATTC and member nations. Staff will take the information from all member nations and compile a single regional vessel register of all vessels authorized to fish for species under IATTC purview in the EPO. This will support enforcement by providing a better basis for determining if member or non-member vessels are fishing in a manner that undermines the effectiveness of the IATTC. That is, if vessels are observed fishing in a manner in violation of the IATTC recommendations, it can be determined quickly if that vessel is from a member nation (determined by the picture with registration number) or non-member nation. In the former event, the case can be referred to the member nation for investigation and action, with an ultimate report to the full IATTC. In the latter event, IATTC staff would refer the case to the non-member government with a request that that nation either commit to abiding by IATTC measures or have the vessel removed from the area. This should increase the likelihood of compliance with IATTC measures in the future and thus enhance the effectiveness of the fishery conservation and management program.

Information about the current status and capacity of the international fleet also may be used by IATTC staff in development of the long-range fleet capacity management program.

It should be noted that the Pacific Fishery Management Council is developing a fishery management plan for highly migratory species (including tuna) fisheries off the West Coast, and the information from this effort also will be useful for that planning. NMFS will provide the Pacific Council with the fleet information so the fisheries can be monitored and the effectiveness of its management program can be evaluated in the future. This will also be important for judging the need for possible limited entry programs in the U.S. fisheries for highly migratory species off the West Coast.

3. Use of Improved Information Technology

NMFS is evaluating the potential for the data elements to be provided through electronic as well as paper filing. As will be described later, most of the data to be provided to the IATTC are already available for most vessels under existing Federal and State reporting requirements. Only the unique data (including a photograph) will be collected for all types of fishing vessels.

4. Consideration of Other Collections

NMFS carefully evaluated the extent to which other NMFS data collections by collections by other agencies would meet the information needs of IATTC and concluded that most data are already

available. Coast Guard vessel documentation records, for example, provide vessel registration number, port of registry, place and date of construction, length, beam and moulded depth, and gross tonnage for vessels larger than 5 tons of capacity. For vessels that fish on the high seas, the applications for HSFCA licenses, which are administered by NMFS, provide previous vessel names (if any), previous flag (if any), International Radio Call Sign (if assigned one), and hold capacity in volume. State vessel registration records would in most respects duplicate the Coast Guard and HSFCA records but would cover any small vessels engaged in the fisheries. However, the use of these data sources does not fully satisfy IATTC requirements for all fleets. The troll albacore fleet, for example, consists of about 1,000 vessels that fish heavily in the exclusive economic zone but occasionally beyond it, and many though not all of these vessels fish in the EPO. Existing collections do not collect the required data from all these vessels.

Therefore, the approach proposed in this collection is to identify all owners of vessels that have been recorded as landing highly migratory species in West Coast ports; to determine which of these have likely fished in the EPO; to review existing records to determine the extent to which needed data are already available for those vessels that fish in the EPO; and to obtain from those vessel owners only those data that are not already available for any particular vessel type using a partially completed data collection form. The form to be used (see attachment) is adapted from a form prepared by the IATTC to simplify the collection of data by all member nations in a standardized format for ease of computerization. A cover letter would ask owners to check a box to confirm if they fish in the Convention Area, and only those who do so will be asked to complete the form as appropriate. Those who do not fish in the Convention Area will be asked to complete the information but the letter will indicate they are not under any obligation to do so. They may return the form to NMFS with no further action. To the extent data are already available, NMFS will enter those data on the form for the vessel owner to confirm. Where there are blanks, the owner will be asked to provide the missing information. The regulations for the fishery would only require owners to respond to any such request for information.

5. Consideration of Problems for Small Businesses

Most of the U.S. vessels in the eastern Pacific fisheries are small business entities of similar size (less than 100 mt carrying capacity) and are affected comparably. No special measures are needed to accommodate different sized businesses. Only the minimum data to meet the need for fishery-dependent data are collected through these programs. By using a partially completed form, the data collection should be simplified for all recipients.

6. Consequence of Not Collecting the Data or Collecting Them Less Frequently

If the data are not available from this collection, NMFS will be unable to provide the information that the U.S. is obligated to provide to the IATTC under the resolution adopted by the IATTC and approved by the DOS. The IATTC will then be hampered in carrying out its responsibilities and the U.S. could be viewed as not fully supporting the actions of the IATTC. In this context, it should be

noted that the U.S. was a strong supporter of the effort to establish the vessel register and enhance compliance monitoring in the Convention Area. Further, the Pacific Council would have less current and reliable information for its FMP and ultimate determination of management measures.

This collection will only be a one-time event for most vessel owners. NMFS will conduct occasional checks of Federal vessel documentation and State registration records as well as fishery licensing records to determine the need to contact individual owners to obtain information on changes in vessel characteristics or involvement in the fisheries. Owners will be required to furnish corrected information if requested. Once the initial collection is done, then the owners need only provide information as any changes occur (e.g., sale of a vessel).

It is not possible to estimate the number of owners who will have to provide corrected or new information each year, but the number is expected to be small as the fisheries involved do not change dramatically from year to year. As additional information on this aspect becomes available, it will be provided in future modifications of this collection.

7. Consistency with OMB Guidelines

The collection is consistent with the OMB Guidelines.

8. Consultations

In developing these reporting requirements, NMFS consulted with the fishing industry, state agencies, enforcement officials, the Pacific Fishery Management Council, and others, including:

Mr. Peter Fluornoy
International Law Offices
740 N. Harbor Drive
San Diego, CA 92101
619-226-6455

Mr. Wayne Heikkala
Western Fishboat Owners
Association
P.O. Box 138
Eureka, CA 95502
707-443-1098

Mr. Pete Dupuy
Ocean Pacific Sea Food
18212 Rosita Street
Tarzana, CA 91356
818-343-9927

Mr. Robert Fletcher
Sportfishing Association
Of California
2917 Canon Street
San Diego, CA 92106

Mr. Mike Gonzales
Senior Agent in Charge
SW Office of Law Enforcement
501 W. Ocean Boulevard
Long Beach, CA 90802
562-980-4049

Mr. Chuck Janisse
Federation of Independent
Seafood Harvesters
1567 Spinnaker Dr.
Ventura, CA 93001
805-640-9165

Ms. Cinda Shedore
F/V Cinda S
22343 Siletz Hwy
Siletz, OR 97380
541-444-2879

Mr. Steve Lassley
CA Association of Harpoon
Swordfish Fishermen
Sun Mirage
1426 San Bernardino Ave
Spring Valley, CA 91977

Mr. Douglas Fricke
Boat Seafoods
110 Valley Road
Hoquiam, WA 98550
360-533-2069

In addition, a public hearing will be conducted on the proposed rule and comments will be taken on the collection to ensure that the final form is understood and easy to use.

9. Payments or Gifts

No payments or gifts are involved in this collection.

10. Confidentiality

None of the data to be collected are believed to constitute confidential data.

11. Sensitive Questions

No questions are asked of a sensitive nature.

12. Estimated Information Collection Burden

Because different data sets are already available for different fleets, the burden is estimated by fleet type. The estimated burden for industry under this collection is as follows, assuming that all vessel owners (including those who have not fished in the Convention Area but who respond voluntarily):

ALL VESSEL OWNERS:

1,290 respondents x 1 hour for picture taking, picture development, and mailing = 1,290 hours

BY FLEET:

LONGLINE:

20 respondents x 12 minutes = 4 hours
30 respondents x 15 minutes = 7.5 hours

HARPOON:

30 respondents x 20 minutes = 10 hours

PURSE SEINE:

30 respondents x 5 minutes = 2.5 hours
70 respondents x 20 minutes = 23.3 hours

ALBACORE:

100 respondents x 10 minutes = 16.6 hours
900 respondents x 20 minutes = 300 hours

SWORDFISH AND SHARK DRIFTNET:

100 respondents x 20 minutes = 33.3 hours

BAITBOAT:

10 respondents x 20 minutes = 3.3 hours

TOTAL FOR ALL RESPONDENTS = 1,690.5 hours

As noted above, however, for most vessel owners, this will be a one-time collection over the 3-year period. Therefore, the burden has been annualized to be 563.5 hours per year.

The estimated one-time monetary cost to all respondents is estimated at \$12,000. This was derived by multiplying the number of hours of burden for all vessel owners (563) times an hourly cost rate of \$20, the estimated total cost for administrative staff support in an office setting, and rounded up to the nearest \$1,000.

13. Estimated Costs

There is no "start-up" capital cost for complying with this requirement.

The estimated cost for picture taking and development and mailing of the information to NMFS is estimated to be \$3 per picture of each vessel involved (1,290 vessels) plus \$1 for mailing, or a total of \$5,160. The annualized cost would be \$1,720.

14. Estimated Cost to Government

The estimated annual cost of this collection to the Federal Government is \$7,500 to prepare the mailing, review responses and follow up on non-responses, compile reports, process the information, and provide it to the IATTC.

15. Program Changes or Adjustments

This is a new collection.

16. Publications

No formal scientific publications based on this collection are planned at this time. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

17. Display of Expiration Date

The expiration date will be shown on all forms used under this collection.

18. Exceptions to the Certification Statement

No exceptions to the certification statement are proposed.

Eastern Pacific Ocean Vessel Registry Information

Date form is completed:

<i>Vessel Name</i>
<i>Fishing Method</i>
<i>Owner(s) Name</i>
<i>Manager(s) Name</i>
<i>Other Operators</i>
<i>Company Name</i>
<i>Address</i>
<i>City</i>
<i>State</i>
<i>Postal Code</i>
<i>Country</i>
<i>Phone</i>
<i>Fax</i>
<i>Cell Phone</i>
<i>Email</i>
<i>Registration Number</i>
<i>International Radio Call Sign</i>
<i>Registry: Flag</i>
<i>Registry: Port</i>
<i>Capacity: Cubic Meter</i>
<i>Capacity: Metric Ton</i>
<i>Gross Tonnage</i>
<i>Main Engine(s) [HP]</i>
<i>Length</i>
<i>Beam</i>
<i>Moulded Depth</i>
<i>Year Built</i>
<i>Where Built</i>
<i>Previous Flag</i>
<i>Previous Name</i>
<i>Attach to Form:</i> Photograph of the Vessel showing the Registration Number
<i>Notes</i>

Eastern Pacific Ocean Vessel Registry Information

PAPERWORK REDUCTION ACT INFORMATION

This information is being collected to ensure that timely and accurate records about the fishing vessels of the U.S. that participate in fisheries under Inter-American Tropical Tuna Commission (IATTC) purview in the eastern Pacific Ocean are available. This will enable NMFS to provide information needed by the IATTC for a regional vessel register that will be used to support compliance and management analyses. Responses to the collection are required to allow NMFS to satisfy international obligations to provide this information to the IATTC. The information will also be useful to the Pacific Fishery Management Council program to develop a fishery management plan for highly migratory species fisheries off the West Coast. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

The public reporting burden for this collection is estimated to vary between 60-80 minutes per response, including the time for reviewing the form and instructions, searching data sources, furnishing missing data elements on the survey form, obtaining the necessary photograph, and mailing the information to NMFS. None of the information is deemed to be confidential. Send comments regarding this burden estimate or any other aspect of this collection of information to Rebecca Lent, Ph.D., Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

OMB Number 0648-
Expiration Date: