

**SUPPORTING STATEMENT
PACIFIC ISLANDS REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO.: 0648-0490**

INTRODUCTION

This Supporting Statement describes requirements to be added to the existing information collection under OMB Control No.: 0648-0490. The figures on OMB 83-I, blocks 13 and 14 are comprehensive for the collection. At this time, we are also changing the title from “Southwest Region Permit Family of Forms - Pacific” to “Pacific Islands Region Family of Forms”, to be consistent in reflecting the separation of the Pacific Islands into their own region.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) established regional fishery management councils, such as the Western Pacific Fishery Management Council (WPFMC), to develop fishery management plans (FMPs) for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce (Secretary), are implemented by Federal regulations and enforced by the National Marine Fisheries Service (NMFS) and U.S. Coast Guard, in cooperation with State agencies to the extent possible. FMPs regulate fishing to ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S.

The WPFMC has management jurisdiction over fisheries in federal waters of the Pacific Ocean seaward of American Samoa, Guam, Hawaii, the Commonwealth of the Northern Mariana Islands (NMI), and the Pacific remote island areas.¹ WPFMC has prepared, and the Secretary has approved and implemented through regulations, FMPs for crustacean, precious coral, pelagic, and bottomfish/seamount groundfish fisheries and coral reef ecosystems in the western Pacific region. Each of these FMPs contains a requirement that commercial fishery participants obtain Federal permits for the fishery. There are three types of permits: basic fishery permits (e.g., western Pacific general longline fishing and receiving permits, precious coral permits), limited access permits for selected fisheries (e.g., Hawaii-based pelagic longline fishery, American Samoa pelagic longline fishery), and experimental fishing permits.

This clearance request is for a revision to the currently approved collection of information under the Pacific Islands Region Permit Family of Forms (OMB Control No.: 0648-0490). It is necessitated by Amendment 9 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region: “Measures to limit large-vessel fishing effort in the bottomfish fishery in federal waters around Guam,” and Amendment 8 to the Bottomfish and Seamount Groundfish Fisheries Management Plan, Amendment 12 to the

¹Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll and Kingman Reef

Crustaceans Fisheries Management Plan, and Amendment 6 to the Precious Corals Fisheries Management Plan of the western Pacific region, entitled: “New Permit and Reporting Requirements Following the Inclusion of Fisheries under Federal Management Plans in the Western Pacific Region.” The latter three amendments are collectively referred to as the Omnibus amendment.

The objectives of Amendment 9 are to: ensure that adequate information is routinely collected on the bottomfish fishery taking place in federal waters around Guam, including the export-oriented activity targeting onaga (*Etelis coruscans*); maintain adequate opportunities for small-scale commercial, recreational, and subsistence bottomfish fishermen; provide for sustained community participation in the Guam bottomfish fishery; and encourage consistent availability of locally caught bottomfish products to Guam consumers. Clearance for reporting requirements collection of information is being submitted under a separate request for OMB Control No.: 0648-0214.

The objectives of the Omnibus amendment include: improving the database for future bottomfish management decisions through data reporting requirements and cooperative Federal, State, Territory data collection programs (Bottomfish FMP); to collect and analyze biological and economic information about lobster fisheries and improve the statistical base for conservation and management (Crustaceans FMP); and to encourage the acquisition and analysis of new information concerning the distribution, abundance, and ecology of precious corals (Precious Corals FMP). Clearance for reporting requirements collection of information is being submitted under a separate request for OMB Control No.: 0648-0214.

This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, and to help measure the impacts of management controls on the participants in the fishery. The permit program is also an effective tool in the enforcement of fishery regulations and serves as a link between NMFS and fishermen.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Information is collected via a permit application process. Any person who intends to target bottomfish management unit species (BMUS) outside the 50-mile closure of Guam, or transship BMUS from Guam, must have a Guam bottomfish large vessel fishing permit issued by NMFS under the Bottomfish and Seamount Groundfish FMP. Any person who intends to target crustacean or precious coral management unit species (MUS) in the NMI, must have a NMI lobster permit or a NMI precious corals permit issued by NMFS under the corresponding FMP. Any person who intends to target bottomfish or crustacean MUS in the PRIA, must have a PRIA bottomfish permit or a PRIA lobster permit issued by NMFS under the corresponding FMP. Permits are valid for one calendar year and may be renewed annually.

Importantly, the information from the permit application form will allow the NMFS, Pacific Islands Region, to determine whether the permit applicant qualifies for the permit. Vessel-related

information such as vessel size, name of the operator, vessel's insurer, etc., may be used by NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information may also be used by NMFS enforcement, the U.S. Coast Guard (USCG), and the WPFMC.

This collection also includes information involving appeals of permit denials. The appellant must provide documentation to show why a permit should have been granted. The information is used by the NMFS Regional Administrator in making a final determination on permit issuance under the FMP. The frequency of appeals for permit denials is expected to be 1 per year, if any.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. 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 #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. 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 techniques or other forms of information technology.

None of the federal permit application forms for western Pacific fisheries, including this collection, are currently submitted in electronic form although facsimile machines are used to a considerable extent. NMFS is developing a web based permits program that would allow applicants to apply for permits online. It is expected that such a program can be implemented during the next two years.

4. Describe efforts to identify duplication.

NMFS worked with the WPFMC and its fishermen advisors to craft a permit program with the intent to minimize duplication with respective information collections. It is not possible to rely on the Government of Guam's or the Commonwealth of the Northern Mariana Island's fishing permit programs because there is no comparable collection of information for the fisheries as requested in this submission.

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

All of the vessels in the western Pacific fisheries under the management purview of the WPFMC, including fishermen who harvest bottomfish, crustacean, and precious coral MUS, are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only a minimum amount of data needed for permit issuance and consistent with this collection are sought in the permit application process.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the permit application data are not available or are collected less frequently, NMFS will not be able to properly evaluate an application for a bottomfish, crustacean, or precious corals permit issued under the corresponding FMPs. Also, it would be difficult to monitor the fishery and its participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for the fisheries management programs. Fisheries enforcement agents will not be assured of being able to identify the current participants in each fishery for purposes of compliance monitoring and enforcement of the bottomfish, crustacean, and precious coral regulations. Contact between NMFS and fishermen will be less frequent; NMFS will be unable to consult with permit holders on bottomfish, crustacean, and precious coral fishery-related issues or advise them of regulatory changes.

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

The collection is consistent with the OMB Guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency 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.

During the proposed rule making process, public comment will be solicited on this revised collection to OMB Control No.: 0648-0490, under proposed rules RIN 0648-AT94 and RIN 0648-AT95. Comments will be sought on the proposed information collection on Guam bottomfish large vessel permits, the NMI crustacean and precious coral permits, and the PRIA bottomfish and crustacean permits.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Under Section 402b of the Magnuson-Stevens Act and National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. Personal and proprietary information in this collection is not released to the public.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

Thirteen respondents will be added to the current 187 respondents, bringing the total to 200. The current number of responses per year is 195 for permits. An addition of 13 responses per year will be added, bringing the total to 208.

For 13 vessels x 30 minutes per permit, the annual additional burden will be 6.5 or 7 hours. Including one permit appeal process per year (1 appeal x 2 hours per appeal) brings the total annualized burden from 85 to 94 hours.

Estimate of Permit Burden Hours

	Number of Permits	Hours per Permit	Burden Hours
Guam/Bottomfish	5	0.5	2.5
NMI/Crustaceans	1	0.5	0.5
NMI/Precious Corals	1	0.5	0.5
PRIA/Bottomfish	5	0.5	2.5
PRIA/Crustaceans	1	0.5	0.5
Subtotal	13		6.5
	Number of Appeals	Hours per Appeal	Burden Hours
Permit Appeals	1	2	2
Total			8.5

The total annual cost to respondents for personnel time is estimated at \$180 per year. This was derived by multiplying the number of hours of burden each year (9 hours) times an hourly cost rate of \$20 (estimated rate of a vessel operator or designated agent of a vessel owner).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There is no “start up” capital cost for complying with this requirement. The estimated cost to respondents to mail (i.e., postage) and make file copies of the application form, permit, appeal documents, etc. is \$100 per year.

14. Provide estimates of annualized cost to the Federal government.

The estimated cost of this collection to the Federal government is about \$70 per permit or appeal

action. This entails reviewing the application/appeal, determining sufficiency of respondents' documents, awarding the permit, coordinating appeal actions, organizing application and appeal-related information, sending out permit renewal timing notices, responding to inquiries, etc. The total Federal cost is estimated at \$910 per year (for 13 permits).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a revision to a currently approved information collection (OMB Control No.: 0648-0490). An additional 13 permits expected annually, as well as one appeal, would add 9 burden hours and \$910 in recordkeeping/reporting costs, annually.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No publication based solely on this collection of information is planned at this time. However, the information contained in the permit application will be analyzed by NMFS to determine eligibility for permit issuance and the need for management changes to conserve bottomfish, crustacean, and precious coral stocks and protect endangered or threatened marine animals and their habitats. These analyses will be included in annual stock assessment and fishery evaluation reports as required under these FMPs. The information from this collection may ultimately be published in scientific journals.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The expiration date is displayed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions are proposed.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.