

**SUPPORTING STATEMENT  
ATLANTIC HIGHLY MIGRATORY SPECIES VESSEL CHARTERING PERMITS  
OMB CONTROL NO.: 0648-0495**

**A. JUSTIFICATION**

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

The National Marine Fisheries Service (NMFS) issues Atlantic Highly Migratory Species (HMS) Chartering Permits to applicable vessels to allow U.S. fishing vessels to fish for HMS within the Exclusive Economic Zone (EEZ) of other nations in a manner consistent with another country's regulations. The permits collect data consistent with an International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation ([Recommendation 02-21](#)) that states that at the time of the chartering arrangement, the chartering and flag Contracting parties shall provide specific information concerning the charter to the ICCAT Executive Secretariat, including vessel details, target species, duration, and consent of the flag Contracting Party or Cooperating non-Contracting Party, Entity, or Fishing Entity. Current regulations require U.S. vessels, which are not bareboat charters, to submit information regarding their chartering arrangements, that such vessels have a fishing license issued by the chartering nation, and that the vessels are not on the ICCAT Illegal, Unreported, and Unregulated (IUU) list.

This supporting statement is submitted as part of a Paperwork Reduction Act (PRA) request for the renewal of the collection of information from U.S. vessels regarding their chartering arrangements that target tuna and tuna-like species. NMFS requires that vessel owners apply for and obtain an Atlantic HMS Chartering Permit before fishing under a chartering arrangement with a foreign entity. Under the Atlantic Tunas Conservation Act ([ATCA](#)), NMFS has the authority to promulgate regulations as may be necessary and appropriate to implement ICCAT recommendations. The measure that requires PRA approval is the submission of information to NMFS to apply for a chartering permit that would exempt the vessel from some domestic regulations as needed. All of the chartering permit holders would be reporting catch for these trips as part of reporting requirements already approved under Office of Management and Budget (OMB) Control No.: 0648-0371. Additionally, applicants are required to submit written notification upon termination of the chartering agreement.

**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.**

The information collected from Chartering Permit applications is used to ensure that vessels entering into chartering agreements with other countries comply with ICCAT conservation and management measures. Specifically, NMFS uses information submitted from vessel owners in applications and notifications of the termination of chartering arrangements to monitor the activities and durations of such arrangements targeting HMS in the Atlantic Ocean. NMFS reports this information annually to the Executive Secretariat of ICCAT as a means of demonstrating compliance with ICCAT's conservation and management recommendations and to improve the reporting and monitoring of HMS fishing activities. In addition, chartering

arrangements ensure that chartered vessels have a fishing license issued by the chartering nation and are not be on the ICCAT IUU list as established by the *Recommendation by ICCAT to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [02-23].

The required written submission includes the following data elements, as shown in the attached permit application form:

1. The name (in both native and Latin alphabets) and registration of the chartered vessel;
2. The name and address of the owner(s) of the vessel;
3. The description of the vessel, including the length, type of vessel and the gear description;
4. Species of fish covered by the charter and quota allocated to the chartering Party;
5. The duration of the chartering arrangement;
6. Copies of fishing licenses, permits, or other authorizations issued by the chartering Contracting Party for the vessel to fish under the arrangement, a copy of the High Seas Fishing Compliance Act Permit pursuant to 50 C.F.R. § 300.10 et seq., as well as documentation regarding the legal establishment of the chartering company; and
7. The measures adopted by the chartering country to implement ICCAT provisions.
8. Additionally, chartering permit holders are required to notify NMFS upon termination of the chartering arrangement. A brief note is all that is required for this; no form is specified.

During the past three years, NMFS has issued only one Chartering Permit. Because of this, the notification frequency is anticipated to be low. Technically, the reporting requirement could impact any vessel targeting HMS, but NMFS expects the primary focus to involve pelagic longline vessels of which there were 110 active in 2005. NMFS estimates that there would likely be fewer than 10 chartering arrangements applied for and reported, via logbooks, per year. If this information was not collected, NMFS would not be able to fulfill its obligations to ICCAT under the recommendation.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information and is needed for NMFS to be in compliance with ICCAT's conservation and management recommendations. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (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.**

This collection of information involves the use of a submitted form and appropriate information. The application is available online on the HMS Management Division's website (<http://www.nmfs.noaa.gov/sfa/hms/>) in a screen-fillable format. The application can be filled

out electronically, printed out and mailed in to the address shown on the application or faxed to the fax number listed on the application (see attachment). These notification options offer the least amount of burden, as well as minimal incurred cost to users.

**4. Describe efforts to identify duplication.**

The HMS Management Division of NMFS is the sole collector of chartering data regarding U.S. vessels and HMS in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. NMFS, in turn, is then responsible for reporting information regarding HMS and chartering agreements to the ICCAT Executive Secretariat. Therefore, there is no duplication in the collection or reporting of data that occurs as a result of this data collection.

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

All HMS fishermen qualify as small businesses. No measures to minimize burden on small businesses are necessary. A written application and subsequent notification of termination would not have a significant impact on individuals, small businesses, organizations or government bodies. Reporting of this information would not require any significant incremental investment in information processing technology or infrastructure. The reporting process is expected to include an average burden of less than 40 minutes per application and 5 minutes per termination notice.

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

The establishment of a monitoring system for chartering arrangements is necessary in order to implement an ICCAT recommendation. If the collection is not conducted, NMFS will be unable to provide the necessary information to ICCAT to support ongoing conservation and management programs. Furthermore, if the United States is seen as non-compliant with ICCAT recommendations, its position within ICCAT could be weakened and restrictions could be placed on the United States or its vessels.

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

The collection of information would be made in a manner consistent with 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.**

A Federal Register notice requesting comments on this submission was published on December 29, 2006 (71 FR 250). No comments were received.

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

NMFS does not provide gifts or payment to individuals upon submitting reports.

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

The information collected is confidential under Title II, Section 203(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (P.L. 109-479). All data submitted are treated in accordance with NMFS Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

**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 information of a sensitive nature is requested.

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

NMFS expects that there will be very few applications for chartering arrangements submitted. During the past three years, NMFS has issued only one Chartering Permit. Because of this, the notification frequency is anticipated to be low. In addition, the number of active pelagic longline fishing vessels since the inception of this Chartering Permit has declined (from 199 active vessels in 2004 to 110 vessels in 2005). Therefore, NMFS does not anticipate a high number of chartering arrangements.

Each of the anticipated 10 vessel owners would need to complete an application that includes the first seven items listed in response #2. Of these items, the first three items should require a minimal amount of time to answer (~ a total of 5 minutes). The next three items are items that should already be negotiated and discussed before the vessel determines it needs a chartering permit. Thus, these items should also require only a minimal amount of time for response (~ a total of 5 minutes). The seventh item on the list may take more time to answer (~ 30 minutes). Thus, NMFS estimates that it will take a vessel owner approximately 40 minutes to fill out an application. Additionally, chartering permit holders will be required to notify NMFS upon termination of the chartering arrangement. NMFS estimates that it will take vessel owners 5 minutes to notify NMFS of termination of the chartering arrangement. The total annual burden for the application and termination notice for each vessel is:

$40 \text{ minutes/application/vessel} + 5 \text{ minutes/termination notice/vessel} = 45 \text{ minutes/vessel}$

Thus, the total annual burden for both the application and termination notification on an annual basis for the anticipated 10 vessels is:

$45 \text{ minutes/vessel} * 10 \text{ vessels} = 7.5 \text{ hours/year}$

Total annual burden estimate for 10 applications and 10 notifications (upon termination of chartering agreements), is less than 8 hours. All catch reports will be submitted with logbooks that are approved under OMB Control No.: 0648-0371.

**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).**

$\$0.39 * 2$  (one application; one termination notification) \* 10 vessels/year =  $\$7.80$ /year. Total annual cost burden estimate is  $\$7.80$  per year.

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

There would be no significant costs to the Federal government. The cost associated with entering and processing the submitted reports is negligible.

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

The chartering arrangement application is an extension of a currently approved collection. There are no program changes or adjustments needed at this time.

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

The information from the submitted applications and logbook reports could be used for emergency and standard rulemaking, environmental impact statements, regulatory impact reviews, and other NMFS documents. The data will be presented in aggregate form, which will not lead to the identification of individuals.

**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.**

N/A.

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

No exceptions are requested.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information will not employ statistical methods.