

SUPPORTING STATEMENT
ATLANTIC HIGHLY MIGRATORY SPECIES PERMIT FAMILY OF FORMS
OMB CONTROL NO.: 0648-0327

INTRODUCTION

This Supporting Statement is submitted as part of a Paperwork Reduction Act (PRA) request to revise information collection Office of Management and Budget (OMB) Control No.: 0648-0327. The collection consists of vessel and dealer permits which are part of the National Marine Fisheries Service (NMFS) program to manage Atlantic highly migratory species (HMS) including tuna, billfish, sharks, and swordfish. The covered permits are listed in the table below. The fishery management program is implemented under the Atlantic Tunas Convention Act (ATCA) ([16 U.S.C. 971](#)) and Magnuson-Stevens Fishery Conservation and Management Act ([16 U.S.C. 1801](#)), the Consolidated HMS Fishery Management Plan, and the regulations at [50 CFR part 635](#) and [part 300.182](#).

Dealer Permits
HMS International Trade Permit
Atlantic Tunas Dealer
Shark Dealer
Swordfish Dealer
Vessel Permits
Atlantic Tunas
HMS Charter/Headboat
HMS Recreational
Shark (Directed, Incidental)
Swordfish (Directed, Incidental, Hand Gear)

A. JUSTIFICATION

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

The purpose of this collection of information is to comply with the statutory obligations of the Atlantic Tunas Convention (ATC; 16 U.S.C. 971), the Tuna Conventions (TC, 16 U.S.C. 955), and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA; 16 U.S.C. 1853), and the implementing regulations at 50 CFR part 635 and part 300 subpart M.

Section 971d(c)(3) of the ATCA provides the statutory authority to promulgate regulations as necessary to implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). As a member nation of ICCAT, the United States is obligated to implement ICCAT recommendations and take part in the collection of biological statistics for research purposes (fishing effort and catch). As one of the member nations fishing for Atlantic HMS, the United States must abide by the specific catch quotas or caps assigned by ICCAT and support ICCAT rebuilding and fishery management programs. ICCAT recommendations have also established restrictions on international trade, such as statistical document programs to track the trade of bluefin tuna, swordfish, and frozen bigeye tuna. Statistical documents programs recommended by the Commission for the Conservation of

Southern Bluefin Tuna and the Indian Ocean Tuna Commission are also implemented under the authority of ATCA to effectively implement ICCAT statistical document programs.

The United States is also a member of the Inter-American Tropical Tuna Commission (IATTC), and authorized under the Tunas Convention Act to implement resolutions approved by IATTC. Like ICCAT, IATTC has adopted a resolution for a frozen bigeye tuna statistical document program.

The Atlantic tunas, swordfish, billfish and shark fisheries are also managed under the MSFCMA and the Consolidated HMS Fishery Management Plan, and several of these fisheries are subject to restrictive catch quotas with the goal of recovering the stocks to a level commensurate with maximum sustainable yield. Section 303(b) of the MSFCMA provides statutory authority to require permits for fisheries governed by management plans issued by the Secretary of Commerce.

Regulations at 50 CFR part 635 and 300 subpart M requires the permits listed above under Section A. Justification. The importance of the information collected by permit issuance and the use of the permit system is explained in question #2.

In addition, in a proposed rule (Regulation Identifier Number (RIN): 0648-AU88) to improve enforcement of the HMS International Trade Permit (ITP) program, NMFS would require that shark fin traders obtain the HMS ITP, as a means to identify the individuals involved in this activity, and assist monitoring trade of this valuable commodity. Export of shark fins drives much of the U.S. shark fishery, including overfishing of several species and landing prohibited species. Dealers may receive up to \$50 per pound for shark fins (dry weight). Dusky sharks (which are currently prohibited) and sandbar sharks have been determined to be overfished with overfishing still occurring, and porbeagle sharks have been determined to be overfished. Dusky sharks (before they were prohibited) and sandbar sharks have been heavily commercially exploited because of the high value of their fins. NMFS is currently proposing management measures to rebuild these stocks and stop overfishing, and has already implemented regulations to control the shark fishery by limiting the amount of shark fins that can be landed relative to the amount of shark meat that is landed. However, the high prices obtained for shark fins result in extreme pressure to circumvent the regulations. Once shark fins pass beyond the dealer acting as first-receiver/landing, it is difficult to track compliance with landing regulations. The regulatory adjustment requiring shark fin traders to obtain an ITP is expected to result in an increase in the number of individuals requiring the HMS ITP (estimated 10-100).

The proposed rule would also modify the description of the entity required to obtain the ITP to harmonize NMFS and Customs and Border Protection (CBP) regulations that address U.S. trade by foreign entities. This regulatory adjustment is not expected to affect the number of permit applicants.

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.

Permits can be used to accomplish many functions, which are discussed further below. One of the main purposes for permitting by NMFS is to identify the participants in a particular trade or industry. NMFS manages fisheries on a regional basis; likewise, permits are issued by regional offices and the permit databases are regionally distributed. HMS works with two regions and the Office of Science and Technology to issue HMS permits. Under these current HMS operations, it is difficult to identify businesses that hold more than one HMS permit. An exception to this rule are the permits covering the HMS longline fisheries, some of which are required to be held in unison. In 2006, 604 permit holders held the 1,131 permits issued for this fishery (includes portions of shark, swordfish and Atlantic Tunas vessel permits). Conversely, the HMS recreational fishery can be identified as holding only one HMS vessel permit (approximately 25,238 in 2006). All other respondents could hold more than one dealer or (commercial) vessel permit.

This revision pertains to the International Trade Permit, described below:

Dealer Permits

The general information collected for dealer applications includes all or some of the following information:

Business & owner name and contact information (e.g. phone, address, business website, etc.),
Birth date for the sole proprietor or applicant,
Business report or articles of incorporation (other than sole proprietorship);
Facilities where product is received or other business addresses/contact information
Applicant name and contact information
Federal Tax I.D. Number
Type of dealer permit requested
Other NMFS dealer permit identification
Applicant signature and date

Note: the currently approved Federal Tax I.D. Number requirement is included in this revision, specifically for support of the cost recovery requirement in the Southeast Region Gulf of Mexico Red Snapper Individual Fishing Quota (IFQ) Program, OMB Control No.: 0648-0551. Dealers applying for the International Trade Permit may be eligible to acquire these quota shares. Collection of the Tax Identification Number (TIN) is necessary to ensure that we are collecting from the person who owes the debt. If the fee submission and payment are not received, the agency must begin collection processes and those collection processes cannot be initiated or accomplished without the TIN. *Because the TIN in this instance is collected for NMFS cost recovery, there is demonstrable practical utility. In addition, cost recovery is mandated by the Magnuson-Stevens Act (16 U.S.C. 1853a et seq.) as amended in 2006, and the collection of TIN in such an instance is supported by 31 U.S.C. Section 7701).* This is the only method we have for identifying TIN for those involved, or who may become involved, in the IFQ program.

Application for all dealer permits requires submission of the appropriate hard-copy application indicated as below in Number 3. In general, the purpose and use of dealer permits is to (1)

identify fish dealers and the characteristics of their operations; (2) increase compliance (e.g., impose permit sanctions pending collection of required reports or unpaid penalties); (3) provide a mailing list for the dissemination of important information to the industry; and (4) provide a universe for data collection samples.

Although the information collected is not expected to be disseminated directly to the public, it may be used in the development or review of fishery management plans or subject to release through a Freedom of Information Act request, and is therefore subject to National Oceanic and Atmospheric Administration (NOAA)'s Information Quality Guidelines. 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 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. 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.

Dealer permit applications must be submitted in hard copy. Electronic versions of the applications are available to be printed and filled out by hand or as form-fillable .PDF files. Renewal is facilitated by providing a pre-filled renewal application.

4. Describe efforts to identify duplication.

The HMS Advisory Panel meets at least once per year to discuss issues pertinent to management of HMS fisheries, including permits. This panel includes representatives from fishing and processing industries, environmentalists, and state representatives. Through this forum and the federal rule-making process, information including any potential duplication of permitting requirements is identified.

Dealer Permit

HMS Dealer permits are species specific for purchasing HMS from fishing vessels (see below). In addition, HMS dealers who import, export, or re-export species covered by the HMS ITP are required to hold that permit as well. So, although U.S. dealers may be required to hold more than one permit for purchasing and trading HMS, each permit covers a different function, and none of the permits are duplicative in the activities they cover.

SPECIES	PERMIT FOR PURCHASE FROM VESSEL	PERMIT FOR TRADE
Atlantic bluefin tuna	Atlantic Tunas Dealer Permit	HMS ITP
Atlantic bigeye tuna	Atlantic Tunas Dealer Permit	HMS ITP (frozen only)
Atlantic sharks	Atlantic Shark Dealer Permit	HMS ITP (proposed for shark fins only)
Atlantic swordfish	Atlantic Swordfish Dealer Permit	HMS ITP
Southern bluefin tuna	None	HMS ITP

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

Annual permitting does not have a significant impact on small businesses, organizations or government bodies. The minimal burden per application is outlined in Question #12. Impacts have been minimized for several vessel permits by providing application and renewal services over the internet and telephone, as discussed in Question # 3.

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

If this information collection were not conducted, the United States would have difficulty in complying with international obligations under ICCAT, possibly resulting in violations of ICCAT catch recommendations. ICCAT penalties may include reduction in the assigned country catch quota equal to a minimum of 125% of the excess harvest. In addition, trade restrictions may be imposed on countries that fail to restrict catch to the level of the assigned quotas. This is particularly important for those species for which an international rebuilding program is in place such as bluefin tuna, swordfish, and blue and white marlins.

Estimates of the status of the Atlantic HMS resources would be less accurate without this information, since all contracting parties to ICCAT must submit catch and effort information on an annual basis. Without such catch and effort statistics, the conservation and management objectives of ICCAT with respect to the tuna and swordfish rebuilding programs could be jeopardized. Furthermore, it would be difficult for the United States to formulate domestic policy consistent with the MSFCMA, which must be based on sound socio-economic and biological data and analyses. NMFS would be less able to prepare documents such as Regulatory Impact Reviews, or Environmental Impact Statements, etc., as required under the Magnuson-Stevens Act, National Environmental Policy Act, and other applicable laws.

Annual permitting thus provides a more accurate vessel and dealer list and facilitates quota monitoring and data collections necessary to meet ICCAT obligations. Widening the timeframe for collection of information on HMS fisheries participants (e.g., every two years rather than annually) would provide a less accurate sampling frame that is the basis for fleet size calculations used for annual catch and effort estimates. Many vessels change hands or are moved from year to year. It is also necessary to permit dealers annually in order to ensure accurate records of landings and to communicate regulatory changes efficiently and effectively.

Likewise, annual permitting for trade participants provides NMFS with a comprehensive list of individuals involved in trade of species included in regional fishery management organization (RFMO, e.g. ICCAT) statistical document programs. This allows NMFS to communicate program requirements, including time-sensitive changes, and collect necessary data for required RFMO reports. If reports are not submitted, the United States could be penalized by quota reductions as discussed above. The permitting of shark traders will assist NMFS in understanding shark fin trade and improving domestic management of sharks. If not permitted, NMFS would continue to lack information on the industry driving the shark fishery.

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

Collection of information will 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 proposed rule, RIN: 0648-AU88, amending regulations so that the HMS ITP may be required for shark fin traders, will be published for public comment.

All of the permits covered under this collection were established via the federal rulemaking process which required analyses of the impacts of the permits and provided an opportunity for public comment. In addition, a federal advisory committee (the HMS Advisory Panel) meets at least annually to provide input on HMS regulatory and operations programs.

The HMS Advisory Panel met most recently in October of 2007, and continues to support improved recreational monitoring as a high priority, which would not be possible without this collection.

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

There are no payments or other remunerations to respondents.

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 section 402(b) of the MSFCMA, as amended in 2006. It is also confidential under NOAA Administrative Order 216.100, which sets forth procedures to protect confidentiality of fishery statistics.

A Privacy Act System of Records Notice, COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries, will be published in the Federal Register in April, 2008.

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 sensitive questions are asked.

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

Although this revision applies only to the International Trade Permit, we are taking this opportunity to update burden and cost estimates for all permits. Burden hours, number of respondents and opportunity costs for each permit are given in the table below. For most permit types, the number of respondents is estimated by actual 2006 data, increased by 10% to account for any potential increases in number of permits issued over the period covered by this request. Exceptions for this include limited access permits for which the number of respondents was not increased⁽¹⁾, and the HMS ITP⁽²⁾. For the HMS ITP, the number of actual 2006 permits plus an estimated increase of 100 HMS ITP were added to account for potential increase in HMS ITP issued to shark fin traders.

Permit Type	Annual Responses (2006)	Annual Responses (Future/current)	Time per Response (hrs)	Annual Burden (hrs)	Cost (\$) (@\$15/hr)
VESSEL PERMITS					
INITIAL -- Atlantic Tunas (General, Harpoon & Trap categories), HMS Charter/headboat, HMS Angling	9,710	10,681	0.5 (30 min.)	5,341	80,115
RENEWAL -- Atlantic Tunas, HMS Charter/headboat (General, Harpoon & Trap categories), HMS Charter/headboat, HMS Angling	25,124	27,636	0.1 (6 min.)	2,764	41,460
RENEWAL -- Atlantic Tunas limited access (Purse seine & Longline categories)	241	241 ¹	0.1 (6 min.)	24	360
SUBTOTAL	35,075	38,558	N/A	8,129	121,935
Shark and Swordfish	959	959 ¹	0.33 (20 min.)	316	4,747
SUBTOTALS (VESSEL)	36,034	39,517	N/A	8,445	126,682
DEALER PERMITS					
INITIAL - Atlantic Tunas	100	110	0.25 (15 min.)	28	420
RENEWAL - Atlantic Tunas	306	336	0.083 (5 min.)	28	420
Shark and Swordfish (shark = 225)	470	517	0.083 (5 min.)	43	645
HMS ITP	230	330 ⁽²⁾	0.083 (5 min.)	27	405
SUBTOTALS (DEALER)	1,106	1,293	N/A	126	1,890
TOTALS		40,810	N/A	8,571	128,572

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).

Permit Type	Annual Responses (Future)	Estimated Permit Cost (\$)	Application Submission and/or Permit Delivery Cost	Total Recordkeeping and Reporting Cost (\$)
VESSEL PERMITS				
Atlantic Tunas, HMS Charter/headboat, HMS recreational – internet application & self printed/faxed/mailed (99% of 38,558)	38,173	\$28	0	1,068,844
Atlantic Tunas, HMS Charter/headboat, HMS recreational – hardcopy application (0.95% of 38,558)	366	\$28	\$0.50	10,431
Atlantic Tunas, HMS Charter/headboat, HMS recreational – overnight delivery (.05% of 38,558)	19	N/A	\$3.55	67
Shark and Swordfish	959	\$50	0.50	48,430
SUBTOTAL	39,517	N/A	N/A	1,127,772
DEALER PERMITS				
Atlantic Tunas	446	\$113	0.50	50,621
Shark and Swordfish	517	\$100	0.50	51,958
HMS ITP	330	\$25	0.50	8,415
SUBTOTAL	1,293			110,994
TOTALS	40,810			1,238,766

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

The cost of all these permits will be reimbursed by an administrative cost recovery fee, and there will be no cost to the Federal government.

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

Program Changes – Changes to dealer permitting that resulted in changes to the number of respondents, responses, or costs in this request as compared to the previous version are the result of: 1) the new requirement for shark traders to obtain the HMS ITP; and 2) a new fee (\$113) for the Atlantic Tunas Dealer Permit.

Program Adjustments – Adjustments to the number of respondents, responses, or costs as compared to the previous version are the result of: 1) the use of more recent data for estimation of the number of permit holders; 2) an estimated addition of 10% more permit holders by the end of the reporting period; 3) adjustment in cost of ITP from \$100 to \$25; 4) changes in the percentage of renewal v. initial permits.

Description	Number of Responses			Number of hours			Recordkeeping/reporting Cost		
	Previous	Current	Change	Previous	Current	Change	Previous	Current	Change
Add Charge for ATDP	N/A	N/A	N/A	N/A	N/A	N/A		50,398	50,398
Add shark fin traders to HMS ITP	0	100	100	0	8	8	N/A	2550	2550
TOTAL for PROGRAM CHANGE On 83i			100			8			53
DEALER PERMITS									
ATDP	509	446	-63	52	56	4	255	223	-32
Shark & SWO	583	517	-113	48	43	-5	58,592	51,958	-6634
HMS ITP	960	230	-730	80	19	-61	24,480	5865	-90,615
VESSEL PERMITS									
Shark & SWO	974	959	-15	321	316	-5	49,187	48,430	-757
Atlantic Tunas, HMS Recreational, & HMS Charter/headboat	42,494	38,558	-3,936	7989	8129	140	926,068	1,079,275	153,207
TOTAL for PROG ADJ on 83i			-4857			73			127
TOTAL per 83i	45,520	40,810	-4757	8490	8571	81	1,059	1,239	180

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

No publication of information is planned other than annual summary tables of the total number and type of permit issued by state and. Such tables may appear in reports to ICCAT, Stock Assessment and Fishery Evaluation reports, Environmental Assessments, Regulatory Impact Reviews, etc.

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 control number and expiration date for OMB approval are displayed on all hardcopy forms (applications and/or instructions) and under the permit information screen on the web site.

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

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.