

**SUPPORTING STATEMENT
NON-COMMERCIAL PERMIT AND REPORTING REQUIREMENTS
IN THE MAIN HAWAIIAN ISLANDS BOTTOMFISH FISHERY
OMB CONTROL NO.: 0648-0xxx**

A. JUSTIFICATION

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

The Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson Act](#)) established regional fishery management councils, including the Western Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the U.S. Exclusive Economic Zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. The fishery management plans are intended to regulate fishing to ensure sustained productivity and achievement of optimum yield from the resources for the benefit of the United States.

The Council prepared, and the Secretary approved, an amendment to the Fishery Management Plan (FMP) for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region, to be implemented through regulations at [50 CFR Part 665](#). The regulations will require all non-commercial participants (including vessel owners, operators, and crew) in the boat-based bottomfish fishery in the main Hawaiian Islands (MHI) to obtain a federal bottomfish permit. This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, determine qualifications for permits, 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 the National Marine Fisheries Service (NMFS) and fishermen.

All vessel owners or operators in this fishery will also be required to submit a completed logbook form at the completion of each fishing trip. These logbook reporting sheets will document the species and amount of species caught during the trip. The reporting requirements are crucial to ensure that NMFS and the Council will be able to monitor the fishery and have fishery-dependent information to develop an estimate of an Annual Catch Limit (annual Total Allowable Catch) for the fishery, evaluate the effectiveness of management measures, determine whether changes in fishery management programs are necessary, and estimate the impacts and implications of alternative management measures.

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

Information is collected via a permit application process. Permits are valid for one calendar year and may be renewed annually. Information from the permit application form will allow the

NMFS, Pacific Islands Region, to confirm the identity of the permit holder and applicant, and to determine whether the applicant qualifies for the permit. Vessel-related information such as vessel documentation or registration, ownership, managing ownership, etc., are used by the NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information may also be used by NOAA Enforcement, the USCG and the Council. Private information will not be disseminated to the public, and will be reported only in non-confidential or aggregate form.

Logbook Forms

The completed logbook forms are required to be submitted to the NMFS by vessel owners or operators within 48 hours of the end of each fishing trip. The reporting requirements provide the information needed by NMFS and the Council to regulate and monitor the fisheries managed under the FMP and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks or to address economic problems in the fishery. The information is also used to provide the basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Specifically, the information collected through the logbooks will enable the NMFS to develop a total allowable catch (TAC) for the fishery annually, and to effectively monitor the TAC for the bottomfish fishery (beginning in 2009 for the non-commercial sector). Without the information, the NMFS and the Council would be unable to determine whether management is achieving the objectives of the FMP and preventing overfishing, the principal requirement of the Magnuson-Stevens Act. Information from the logbooks is used by enforcement agents of the NMFS, State of Hawaii, and USCG to monitor compliance with fishing regulations and reporting requirements.

The information will not be disseminated to the public except in non-confidential or aggregate form in summary and analytical reports. Any of the information that might be used to support publicly disseminated information would first be aggregated and/or summarized to maintain the confidentiality of the information pertaining to the individual vessels.

NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with Federal law and regulations, and NOAA policies 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.

Permits

At this time, the information will be collected on paper forms and does not require any knowledge of automated, electronic, mechanical or other forms of information technology. There is the possibility of allowing participants to submit their permit applications online but this

would only be an option. A web-based national fisheries permit system is currently under development.

Logbook Forms

At this time, the information will be collected on paper forms and does not require any knowledge of automated, electronic, mechanical or other forms of information technology. An option for allowing participants to submit their logbook applications online is under development.

4. Describe efforts to identify duplication.

Permits

There is no similar State of Hawaii permit requirement for the non-commercial MHI bottomfish fishery.

Logbook Forms

There is no similar State of Hawaii catch and effort reporting program for the non-commercial MHI bottomfish fishery. The State of Hawaii has a voluntary creel survey program that covers shore-based and boat-based fisheries in the MHI that is general in scope and does not provide full coverage of the non-commercial bottomfish fishery.

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

Permits

This would not require collection of information from small businesses or other small commercial entities.

Logbook Forms

This would not require collection of information from small businesses or other small entities.

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

Permits

Without this collection or if it is collected less frequently, the NMFS will be unable to properly evaluate activity, participation, and reporting compliance in the non-commercial MHI bottomfish fishery. It will be difficult to monitor the fisheries and their participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for fisheries management programs. Without this information enforcement agents will not be able to identify current fishery participants for compliance monitoring purposes and the NMFS would be unable to consult with permit holders on regulatory changes. For example, when the TAC for the fishery is reached, the NMFS would need to contact participants to inform them the fishery will be closed.

Logbook Forms

Logbook reporting is needed in the non-commercial MHI bottomfish fishery to get an accurate count of the effort level and amount of harvest in this fishery. Currently, the only estimates of harvest in the fishery come from the commercial bottomfish fishery and for effective fishery

management, it is essential to have the complete picture of effort and harvest from all participants.

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

None.

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-AU22, was published for comment in the Federal Register on February 1, 2008 (73 FR 6101). No comments were received that affected the information collection requirements. A final rule was published in the *Federal Register* on April 4, 2008 (73 FR 18450).

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

No payments or gifts are provided

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

Under Section 402(b) of the Magnuson-Stevens Act, amended in 2006, and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. This includes personal and proprietary information contained in the permits and logbooks.

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 are asked of a sensitive nature.

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

The NMFS expects to receive an estimated 800 – 5,000 non-commercial MHI bottomfish permit applications each year. It would take an estimated 20 minutes for an applicant to complete a permit application for a maximum burden of 1,667 hours per year for permit applications.

Preparation of a permit appeal would take an estimated two hours and no more than ten per year would be expected, for an estimate burden of 20 hours.

The NMFS expects that 800 - 1800 vessels may make between 10 – 50 trips per year, averaging 1 day per trip, and generating a maximum of 90,000 (1800 x 50) daily trip logsheets per year. A trip report would take about 20 minutes per logsheet, resulting in a maximum burden of 30,000 hours per year for reporting.

Total responses: $5,000 + 10 + 90,000 = 95,010$.

Total hours: $1,667 + 20 + 30,000 = 31,687$.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers 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. Paper forms provided by the NMFS will be used by the respondents for providing information. Use of electronic forms is an option that will be provided later, but would be voluntary on the respondent’s part and presumably would be used only if the respondent already possessed the requisite equipment. The maximum estimated cost to respondents for postage, faxes, copies, etc., related to this collection is $\$7.80 \times 5,000 = \$39,000$ per year.

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

The estimated annual cost to the Federal government to administer this collection of information is up to \$510,800 per year. This includes the cost to process permit applications and issue permits at \$50,000 per year (5,000 permits x 30 min/permit x \$20/hr), printing daily catch and effort logsheet forms at \$10,800 per year (90,000 logsheets x \$0.12 per sheet), and processing of log forms at \$450,000 per year, which is calculated by the cost of staff time for receiving and entering logsheet form data (90,000 logsheets x 15 min/logsheets x \$20/hr).

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

This is a new program.

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

No formal scientific publications based on these collections are planned at this time. NMFS and the Council will use the data (*primarily in an aggregated, non-confidential format*) for developing allowable catch limits for the MHI bottomfish fishery, management reports, and fishery management plan amendments and evaluations. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

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.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.