

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

INTRODUCTION

This Supporting Statement describes a renewal of the existing information collection under OMB Control No.: 0648-0490.

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 (FMP) for fisheries in the United States (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 Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) and U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMP regulate fishing to prevent overfishing and to ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S. Regulations implementing these plans are at **50 C.F.R. 665**.

The WPFMC and NMFS have 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 (PRIA)¹. WPFMC has prepared, and the Secretary has approved and implemented through regulations, FMP for crustacean, precious coral, pelagic, bottomfish/seamount groundfish, and coral reef ecosystem fisheries in the western Pacific. Each of these FMP contains a requirement that commercial fishery participants obtain Federal permits for the fishery. There are three types of permits: open access fishery permits (e.g., western Pacific general longline fishing and receiving permits, pelagic troll & handline permits, lobster 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 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 NMFS and fishermen.

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

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. Permits are valid for one calendar year and may be renewed annually, except for the American Samoa longline limited entry permit, which is effective for three years. Information from the permit application form will allow 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 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 WPFMC.

The collection includes annual requests by eligible Hawaii longline limited entry permit holders for shallow-set certificates. The certificates are required to conduct shallow-set (swordfish) longline fishing. A limited number of certificates are issued annually to those who request certificates.

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 Pacific Islands Regional Administrator in making a final determination on permit issuance under the FMP. The frequency of appeals for permit denials is expected to be 4 per year, if any.

It is anticipated that business 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 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.

None of the federal permit application forms for western Pacific fisheries, including this collection, are currently submitted in electronic form. However, applicants for western Pacific fishing permits will be able to obtain and print an application form via the Pacific Islands Region's website at <http://www.fpir.noaa.gov/>. 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 in the near future.

4. Describe efforts to identify duplication.

NMFS carefully considered whether there were collections by other Federal agencies or state or territorial agencies that might meet the information needs presented above. It was concluded that no other collections, besides the requested information, would meet these reporting requirements.

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 Federally-managed fisheries in the western Pacific region are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. The minimum amount of data needed for permit issuance and consistent with this collection is 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.

Without this collection or if it is collected less frequently, NMFS will be unable to properly evaluate permit applications issued under the western Pacific FMP. Also, 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 NMFS would be unable to consult with permit holders on regulatory changes.

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

This collection is considered to be consistent with Office of Management and Budget (OMB) Guidelines.

8. Provide information on 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 describing this renewal was published on November 21, 2007 (72 FR 65564). No comments were received.

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 collection.

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 Magnuson-Stevens Act, as amended in 2006. It is also confidential under NOAA Administrative Order 216.100, which sets forth procedures to protect confidentiality of fishery statistics. Assurance of this confidentiality is provided on all forms.

Additional protections: Records are stored in computerized databases or CDs in locked rooms; paper records are stored in file folders in locked metal cabinets and/or locked rooms. Records are stored in buildings with doors that are locked during and after business hours. Visitors must register with security guards and must be accompanied by Federal personnel at all times. Records are organized and retrieved by NMFS internal identification number, name of entity, permit number, vessel name or vessel identification number, or plant name. Electronic records are protected by a user identification/password. The user identification/password is issued to individuals as authorized by authorized personnel.

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, Security of Automated Information Resources, OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act and follows NIST SP 800-18, Guide for Developing Security Plans for Federal Information Systems; NIST SP 800-26, Security Self-Assessment Guide for Information Technology Systems; NIST SP 800-53, Recommended Security Controls for Federal Information Systems.

A Privacy Act System of Records Notice for all NMFS Sustainable Fisheries Permits was published on April 17, 2008 (73 FR 20914). If there are no comments to be addressed, it is expected that this system of records will become effective by the end of May 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 questions of a sensitive nature are asked.

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

There are an estimated 276 unduplicated respondents (vessels) in this collection: 164 Hawaii longline, 60 American Samoa longline, 12 Western Pacific general longline, 8 NW Hawaiian Islands bottomfish, 10 Pacific Remote Island Areas troll and handline, 10 Western Pacific lobster, 10 Western Pacific bottomfish, and 2 Western Pacific precious coral. The increase in responses (from 384 to 438) and hours (from 157 to 192) is due to an increase in vessels, adjustments to some permit numbers and to expected renewals of American Samoa longline limited entry permits (Table 1).

Table 1. Permit Application-Related Burden

	Number of Responses (Previous responses in parentheses)	Minutes per Application	Burden
WP Federal Fisheries Permit Application:			
Hawaii Longline Limited Entry Permit	174 (174)	30	5,220 min (87 hours)
Hawaii Longline Closed Area Exemption	0	120	0
Shallow-set Certificate Request	150 (150)	10	1,500 min (25 hours)
WP Longline General Permit	12 (14)	30	360 min (6 hours)
WP Receiving Vessel Permit	10 (2)	30	300 min (5 hours)
PRIA Troll & Handline	10 (0)	30	300 min (5 hours)
Lobster (all WP areas)	10 (2)	30	300 min (5 hours)
NWHI Bottomfish (Mau & Hoomalu zones)	8 (8)	60	480 min (8 hours)
WP Bottomfish (Guam, NMI, PRIA)	10 (10)	30	300 min (5 hours)
American Samoa Longline Limited Entry Permit	50 (20)	45	2,250 min (37.5 hours)
Permit Appeals	4 (4)	120	480 min (8 hours)
Experimental Fishing Permits	0	120	0
Total	438		11,490 min (192 hours)

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 costs associated with the permits. No special equipment or materials are required to apply for permits. Non-refundable application processing fees are charged for renewals and transfers of Hawaii longline limited entry permits; additional permits, renewals, transfers, and upgrades of American Samoa longline limited entry permits; and renewals of Northwestern Hawaiian Islands (NWHI) Mau Zone bottomfish permits.

Hawaii longline limited entry permit = \$41 (x 174 = \$7,134)
 American Samoa longline limited entry permit = \$32 (x 50 = \$1,600)
 NWHI Mau Zone limited entry permit = \$33 (x 8 = \$264)
 Total application processing fees = \$8,998.

The estimated cost to respondents for postage, faxes, copies, etc., related to this collection is estimated at \$450 per year. The total cost burden is estimated at \$9,448.

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

The estimated cost to the Federal government to administer this collection, which includes database management, is \$10,805 = \$9,855 (438 x 45 min/permit x \$30/hr) + \$850 (postage) + \$100 (supplies).

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

There are changes to respondents (an additional 44 vessels), and to burden and cost, primarily relating to the renewal of three-year American Samoa longline limited entry permits that expire in 2008 (an additional 30 renewals expected). Additional burden and cost estimates are based on updated estimates for all permit applications (as shown in Table 1, increases are expected for three other types of permits, and a decrease for one), with a net increase of 54 responses.

Processing fee amounts were also revised (decreased), so that while there will be additional responses, each with its associated cost as described in #13, there is an overall net decrease of \$1,364.

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 fish 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 FMP. 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 will be 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.