

**SUPPORTING STATEMENT
FOREIGN FISHING VESSEL PERMIT APPLICATIONS
OMB CONTROL NO.: 0648-0089**

A. JUSTIFICATION

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

This information collection is necessary to comply with the Magnuson-Stevens Fishery Conservation and Management Act (**MSFCMA**), 16 U.S.C. 1801 et. Seq., as amended. Section 204(b) of the MSFCMA provides that each foreign nation with which the United States has entered into a governing international fishery agreement may submit applications each year for any of its vessels that it wishes to be allowed to fish in the Exclusive Economic Zone (EEZ): 1) to participate in a joint venture (JV), wherein U.S. vessels catch and transfer to foreign processing vessels in the EEZ certain species for which U.S. demand is low relative to the abundance of the species; or 2) to participate in directed fishing operations wherein foreign vessels use their own gear to catch fish).

In addition: 3) Section 204(d) of the MSFCMA provides that any person may submit an application requesting a transshipment permit authorizing a foreign vessel to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the EEZ or, with the concurrence of a state, within the boundaries of that state, to a point, outside the United States.

All information collected is necessary to carry out the permitting provisions of Section 204 of the MSFCMA. Implementing regulations are found at **50 CFR Part 600, Subpart F**. All information collected is either (1) specifically required under the MSFCMA, or (2) deemed necessary for National Oceanic and Atmospheric Administration (NOAA), the Regional Fishery Management Councils, and the U.S. Coast Guard to develop recommendations on the disposition of each application and/or for purposes of general administration and/or enforcement.

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.

Respondents receive all application instructions and forms as a package. The package starts off with the "General Instructions For Foreign Fishing Applications Requesting Permits To Be Issued Under Section 204 Of The Magnuson-Stevens Fishery Conservation And Management Act." This consists of summary instructions for applicants of both 204(b) and 204(d) permits. These general instructions are followed by a blank vessel identification form, which all applicants must fill out. Included next are "Instructions for Completing Fishing Vessel Identification Forms (VIF)." With respect to the information requested on the VIF, which is the same for pre-printed (from previously submitted form) and blank VIF, items 1, 3, 6, 7, 8, 9, 11, 12, 15 and 16 are required by Section 204 of the MSFCMA and are also necessary for purposes of vessel identification, and administration and enforcement of the foreign fishing vessel permit

program. Items 2, 4 and 5 have been deemed necessary for purposes of vessel identification. Item 10 is required by Section 201(c) (2)(F) of the MSFCMA. Item 13 has been deemed necessary to track a vessel's permit history for violation problems. Item 14 has been deemed necessary as a ready-reference to flag a request as a JV request. Items 17 and 18 are necessary to evaluate and process applications under Section 204(d) of the MSFCMA (e.g., NMFS would need to obtain the concurrence of the Governor of any state within the boundaries of which transshipment points have been requested). For pre-printed VIF, if any, applicants need only verify/correct pre-printed information.

An application package for 204(d) transshipment permits consists of the appropriate number of completed VIF and a cover letter, as discussed in the summary general instructions referenced earlier.

An application package for 204(b) directed fishing permit consists of the appropriate number of completed VIF, the basic application form and instructions, and, if joint ventures are requested, certain other information, as discussed below. All 204(b) applications must contain a completed "Basic Application Form to Request Vessel Permits to Be Issued under Section 204(b) of the Magnuson-Stevens Fishery Conservation and Management Act." Officials of applicant nations must complete this basic application form to identify the fisheries requested, the species requested and the tonnages requested for directed and/or joint venture (JV) fishing, all of which is required both by the MSFCMA and for the purposes and parties identified in item 1., above. The space at the bottom of the basic application form to denote whether or not supplemental joint venture information is attached is included for purposes of clarity and efficiency, as well as a "double-check." Next in the application package are the "Supplemental Questions To Be Answered And Attached To Applications For Joint Venture Permits To Be Issued Under Section 204(b)." The instructions list 11 questions designed to elicit supplemental information deemed necessary to process JV requests, the answers to which must be attached to the basic application form requesting JV operations.

The supplement must provide the names and types of foreign and U.S. vessels, companies and coordinators taking part in the operation, the geographic areas and the time/season of the operation, the planned production and ultimate markets, the procedures which applicants will use to reduce bycatch of other species, the planned disposition of such species as may be transferred, the methods of transfer-at-sea to be employed, and the relation, if any, of the proposed project to other fishing operations. Applicants are also provided an opportunity to reveal the prices they are considering offering to U.S. fishermen for their catches. If applicants elect to provide such price information, they may request that the price information be considered confidential. The supplemental information provided by applicants is used to identify the JV participants (items 1, 2, 3 and 4), establish the scope of proposed operations (items 5 and 6), and to analyze benefits accruing to U.S. fishermen from the proposed JV and the impact of the proposed JV on U.S. fishery resources (items 7, 8, 9, 10 and 11). Next in the application package are "Attachment 1" (explanation of codes to be used in completing the application) and "Attachment 2," (examples of requests in which the codes are used appropriately) which are referred to, as appropriate, in the instructions on filling out VIF.

It is anticipated that 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. NOAA Fisheries 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 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.

Since applications can involve vessels which received permits in prior years, and information on these vessels is therefore available based on previously submitted VIF, NMFS prepares computer-generated pre-printed VIF for such vessels prior to disseminating application packages to foreign representatives. As a result of this practice, in cases where application is being made for previously permitted vessels, applicants need only verify or correct the information on pre-printed VIF to ready them for submission with their other application documents.

The majority of applications involve government to government transactions and diplomacy and tradition dictate the use of original documents with written original signatures and such documents are often embossed beneath the signature area with the applicant nation's seal. Documents are often delivered in person to the State Department (notified of all such international transactions) and NMFS by the applicant nation's fisheries attaché and these visits often provide opportunities to discuss various issues in person and have been and continue to be the preferred way to do business.

4. Describe efforts to identify duplication.

There are no other collections which duplicate the information required to complete foreign fishing application packages. The completed applications define unique applications based on an applicant's particular fishing strategies, and change annually.

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

This collection will not have a significant impact on small businesses, organizations or governmental entities.

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

Failure to collect the information would make it impossible for NMFS to carry out its responsibilities under the MSFCMA. The frequency is required by law.

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 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 notice published in the Federal Register on December 3, 2007 (72 FR 67913) solicited public comment on this renewal. 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 made.

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

An assurance of confidentiality is provided to applicants in connection with question 11 of the supplemental information required to be submitted with JV requests. If applicants elect to voluntarily submit the price information requested in question 11 only on the condition that it remain confidential, NMFS abides by the request to keep the information confidential. Regulations at 50 CFR 600 Subpart E governs the confidentiality of commercial or financial information submitted under the authority of the MSFCMA.

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.

We are estimating a lower annual burden of 7.25 hours for this collection due to reduced levels of foreign fishing. This figure is calculated as follows:

- 1 204(b) Directed application @ 1.5 hours each = 1.5 hours
- 1 204(b) JV application @ 2 hours each = 2 hours
- 5 204(d) applications @ .75 hours (45 minutes) each = 3.75 (4) hours

Totals = 7 respondents, 7 responses, and 8 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).

Copying and mailing costs are nominal at an estimated \$30. Application fees are estimated at \$2,848. The total cost is \$2,878.

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

Estimated Federal costs for processing applications and issuing permits are as follows:

<u>Category</u>	<u>Department of Commerce</u>	<u>Department of State</u>
Computer	180	45
FR Printing	654	-
Mailing/Copying	-	55
Salaries/Benefits	<u>1,900</u>	<u>680</u>
Totals	\$2,734	\$780

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

Compared to the prior approval, the reduction of 5 vessels, 5 responses, 4 hours and \$1,722 reflects a reduction in the level of foreign fishing activity occurring in the EEZ and estimates have been adjusted accordingly. Note: ROCIS shows a cost decrease of \$2,122, as when the ICR was imported into ROCIS, the rounded off cost of \$5,000 was used, rather than \$4,600.

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

N/A.

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.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not use statistical methods.