

**SUPPORTING STATEMENT
HIGH SEAS FISHING PERMIT APPLICATION INFORMATION
OMB CONTROL NO. 0648-0304**

A. JUSTIFICATION

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

This information collection is necessary to comply with the High Seas Fishing Compliance Act (HSFCA), [16 U.S.C. 5501 et seq.](#), which, among other things, requires U.S. vessels that operate on the high seas to possess a permit issued in accordance with Section 104 of the HSFCA. Information obtained under this collection is necessary to carry out the permitting provisions of Section 104 of the HSFCA. Implementing regulations are found at [50 CFR Part 300, Subpart B](#). The information collected is either (1) specifically required under the HSFCA, and/or (2) deemed necessary 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 applicable NOAA Information Quality Guidelines.

Applicants request an HSFCA permit by submitting a completed application form. A copy of the applicant vessel's current United States Coast Guard (USCG) certificate of documentation or state registration number is required for purposes of identification and to establish that the applicant vessel is currently documented as a United States (U.S.) vessel. The certificate/registration also provides the applicant vessel's official number, port of record, when and where the vessel was built and the vessel's length, all of which are required by the HSFCA.

The majority of the additional information items in Sections 1, 3 and 4 is either required by the HSFCA or deemed necessary for purposes of identification of the vessel, owner, and operator. The date of birth of the owner is requested to link to other fishery permit databases. A number of National Marine Fisheries Service (NMFS) permitting systems use date of birth as a key field. The crew size is required to provide enforcement personnel with advance information as to crew size to be accounted for during a boarding or other inspection.

The Tax Identification Number (TIN) is required for compliance with 31 U.S.C. 7701, which states at (c) (1) "The head of each Federal agency shall require each person doing business with that agency to furnish that agency such person's taxpayer identifying number." The Act further states, at 31 U.S.C. 7701 (c) (2)(B), "For purposes of this subsection, a person shall be considered doing business with a Federal agency if the person is an applicant for, or recipient of, a federal . . . permit . . . administered by the agency." The HSFCA application form includes a statement advising the applicant that any TIN provided will not be released to the public.

The information in Section 2 is required to determine the nature and scope of activities to be carried out by U.S. vessels under the HSFCA so that NMFS can insure applicants are reporting

their catches in accordance with the reporting requirements of the various authorized high seas fishing activities.

The first information item in Section 5 is required to assist in ascertaining whether the applicant vessel has flown a foreign flag within the last three years. The supplemental information, to be submitted if the vessel has flown a foreign flag, will be used to identify and verify from Food and Agriculture Organization (FAO) data whether the applicant vessel, when under foreign flag, violated any natural resource statutes or had a permit or license suspended or revoked.

The second information item in Section 5 is required to assist in verifying whether the applicant vessel has violated natural resource statutes in the last three years. Any such violations occurring while the vessel flew a U.S. flag should be revealed during a check of the Enforcement Management Information System (EMIS - the standard reference database used in fisheries enforcement), however this item provides a means to verify the information contained in EMIS, and is an opportunity for applicants to provide any additional details deemed relevant. This item is also designed to be an opportunity for the applicant to correct any misinformation that may be contained in EMIS. Similarly, if violations occurred while under foreign flag, this item is an opportunity to report relevant violations and any additional details deemed appropriate, in order to verify that any violation data held by FAO are accurate and valid.

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. 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 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.

The collection does not involve the use of automated or electronic forms of technology. At this time application documents must be original and bear an original signature. The forms are available at http://www.nmfs.noaa.gov/ia/services/docs/hsfca_renewal1.pdf. There is currently no capability for electronic signature, but it is anticipated that there may be such a capability when the National Permits System, a centralized application portal and database, is fully implemented.

4. Describe efforts to identify duplication.

There are no other collections that can substitute for the information required to complete HSFCA applications. The completed applications define unique applications based on an applicant's particular fishing strategies.

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 Section 104 of the HSFCA. The frequency for renewals is 5 years, a period set by the HSFCA.

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 Federal Register Notice, published January 9, 2008 (73 FR 1599) 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 involved.

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

No confidentiality is promised except regarding Tax ID Numbers.

A Privacy Act System of Records Notice for COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries was published in the Federal Register on April 17, 2008 (73 FR 20914). There were no comments received. This Notice became effective on June 11, 2008 (73 FR 33065).

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.

The estimated annual burden for this collection is 100 hours. The estimate is calculated as follows (permits are valid for 5 years):

1000 vessels/5 years = 200 per annum.

200 per annum x 30 minutes per application = 100 hrs.

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).

The cost to the public is \$13,484.00. This is based on a \$67.00 fee for 200 annual applicants, and \$84.00 for mailing applications (200 applications x \$0.42).

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

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

a. Average of one hour and 45 minutes per application @ rate of GS 7/5 (w/23.5 percent overhead) for review, verification, data input, permit preparation, copying, filing, etc. = \$46.00 per application.

b. Average of 15 minutes per application @ rate of GS 12/5 (w/23.5 percent overhead) for management review, approval, etc. = \$12.00 per application.

These estimates result in an annual estimated cost of \$11,600.00 (200 x \$58.00).

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

The previous cost was \$10,074.00. The increase in postage from \$0.37 to \$0.42 and the increase in the fee from \$50.00 to \$67.00 resulted in an overall adjusted increase of \$3,410.00.

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

The results are not published.

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 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.