

**SUPPORTING STATEMENT
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 renew 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 of 1975 (ATCA) (16 U.S.C. 971), the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as reauthorized in 2006 (16 U.S.C. 1801), the 2006 Consolidated HMS Fishery Management Plan, and the regulations at 50 CFR part 635 and part 300 subpart M.

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 statutes and regulations listed above.

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 required 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 implement specific quotas established by ICCAT and support ICCAT rebuilding and fishery management programs. ICCAT recommendations have also established restrictions on international trade, such as statistical and catch document programs to track the trade of bluefin tuna, swordfish, and frozen bigeye tuna. Statistical document 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 consignment document programs.

The United States is also a member of the Inter-American Tropical Tuna Commission (IATTC), and authorized under the Tunas Convention Act of 1950 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 parts 635 and 300 subpart M requires permits to implement the measures listed above, among other things. The importance of the information collected prior to permit issuance and the use of the permit system is explained in Question 2.

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 issuing permits 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. The HMS office works with two regions (Northeast and Southeast) and the Office of Science and Technology to issue HMS permits. Under these current HMS operations, it is possible that the same business will hold more than one HMS permit. For example, HMS pelagic longline vessels are required to hold separate tuna, shark and swordfish fishing permits to conduct commercial pelagic longline fishing operations. In 2006, 604 permit holders held 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.

Vessel Permits

The general information collected for vessel permits includes all or some of the following:

Vessel owner, corporate status, birth date or corporation filed date, Federal Tax ID number, names of additional owners, and contact information (e.g. address, phone, etc.);

Vessel name, registration, and port;

Vessel characteristics and construction type;

Gear type/category;

Signature and payment/delivery information.

Shark and swordfish Limited Access Permit Applications collect the following additional information:

Lease information (if applicable).

Transfer of tuna, shark and swordfish limited access permits require the following additional information: Previous year's original permit.

Shark, swordfish, and tuna limited access permits require submission of a signed hard-copy application in addition to the information indicated above. All other vessel permits can be obtained by submitting a hard-copy application, or using the automated permitting system (toll free telephone 1-888-USA-TUNA or website www.hmspermits.gov). The application necessary for each permit is identified below.

Collection of information through annual vessel permits provides current information on the vessel owners participating in these fisheries, thus facilitating quota monitoring necessary to avoid exceeding catch quotas for tunas, swordfish and sharks and landings caps for marlins. For example, NMFS requires that vessel permits be displayed to dealers and that permit numbers be recorded on dealer reports in order to validate landings of bluefin tuna.

A current permit holder list aids NMFS in the communication and enforcement of fishery regulations through distribution of management program brochures, fish identification guides, and regulatory compliance guides. In addition, a permit "universe" facilitates collecting catch and effort information about recreational fisheries, as required by law. NMFS constructs sampling frames for dockside and telephone surveys from permit holder lists and uses the list to select vessels for logbooks and/or at-sea observers (addressed under separate collections). Such surveys, logbooks and observer reports provide essential information for management of the Atlantic tunas and HMS fisheries in the United States, particularly in terms of quota allocation decisions which follow ICCAT and MSFCMA recommendations, such as allocating fishing opportunities consistent with traditional fishing patterns and considering the economic values to various user groups. NMFS operates a mandatory angler catch reporting program for bluefin tuna (addressed under a separate collection) that is linked to the permit number to avoid false reporting and facilitate enforcement.

Another purpose of the vessel permit requirement is that it serves as a useful tool in support of enforcement of fishery regulations. That is, the permit can be revoked as a penalty for a violation of fishery conservation measures.

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: Collection of the Federal Taxpayer Identification Number (TIN) requirement, recently re-approved for OMB Control No. 0648-0327, is included in this renewal, 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 with HMS dealer permits are likely to participate in the cost recovery program for red snapper, which would require that the dealers collect cost recovery payments from the vessels and forward them to NMFS.

Collection of the TIN is necessary to ensure that NMFS cost recovery payments are collected from the individual who owes the debt and properly forwarded to NMFS by the dealer. 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. 1852 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 NMFS has 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 Question 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 response to 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 subject 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.

Both telephone and internet are available for submission of Atlantic tunas, HMS Charter/headboat, and HMS recreational vessel permits. These automated systems are available on a 7 day/24 hour basis, and are available at no additional charge to the permit holder beyond the cost of the permit (See Questions 12 and 13 for relative costs). After an electronic application has been submitted, a vessel owner can track the application process and permit status via the internet (www.hmspermits.gov). Once application processing is complete, a permit can be printed off the website or faxed or mailed back to the vessel owner. Alternatively, hard copy applications for these permits can be obtained directly from the internet site or through the mail via an automated internet or phone request, and can be filled out by hand and submitted by mail. Automated information is available on a toll free telephone line (888-USA-TUNA).

All other 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 Portable Document Format (.PDF) files.

For Dealer Permits, renewal is facilitated by providing a pre-filled renewal application. Vessel permits for Atlantic tunas, HMS Charter/headboat, and HMS Recreational also provide a simpler opportunity for renewal by providing pre-filled fields for both internet and phone renewal.

4. Describe efforts to identify duplication.

The HMS Advisory Panel meets at least once per year (usually twice) 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.

Vessel Permits

No other Federally-issued fishing permits are required for the activities covered by the permits in this collection. State permits may be necessary for fishing in some states' waters for certain species. HMS permitted vessels may participate in other federally regulated commercial fisheries (i.e., Northeast Region multi-species) for which permits are issued. NMFS is investigating means to consolidate the permitting process so that permits for multiple fisheries may be issued/renewed through a single application process (i.e., one stop shopping).

Dealer Permits

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 International Trade Permit (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 (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 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 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 are sold, transferred, or moved to new locations from year to year. It is also necessary to issue annual dealer permits 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 documenting shark fin trade and improving domestic management of sharks. If not permitted, NMFS would continue to lack information on an important facet of the commercial 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 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 on April 28, 2008 (73 FR 22921) solicited public comment on this information collection. No comments were received.

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 April of 2008, 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, was published in the Federal Register on April 17, 2008 (73 FR 20914).

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.

Burden hours, number of respondents and opportunity costs for each permit are given in the table below. For most permit types, the numbers of respondents are 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 vessel 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 was increased by 100 HMS ITP to account for a potential increase in permits including those newly issued to shark fin traders required on July 2, 2008 (73 FR 31380, June 2, 2008). The cost of processing individual permits is estimated at \$15 per hour.

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	.25 (15 min.)	28	420
RENEWAL - Atlantic Tunas	306	336	.083 (5 min.)	28	420
Shark and Swordfish (shark = 225)	470	517	.083 (5 min.)	43	645
HMS ITP	230	330 ⁽²⁾	.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	\$.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	.50	48,430
SUBTOTAL	39,517	N/A	N/A	1,127,772
DEALER PERMITS				
Atlantic Tunas	446	\$113	.50	50,621
Shark and Swordfish	517	\$100	.50	51,958
HMS ITP	330	\$25	.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 Items 13 or 14 of the OMB 83-I.

There are no changes.

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 federal governments. 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 Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.