

**SUPPORTING STATEMENT
PACIFIC ISLANDS REGION CORAL REEF ECOSYSTEMS PERMIT FORM
OMB CONTROL NO. 0648-0463**

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 United States (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 partially approved and implemented by National Marine Fisheries Service (NMFS) through regulations at 50 CFR Part 665, a Fishery Management Plan for Coral Reef Ecosystems of the Western Pacific Region (FMP). Key management measures of the FMP include the establishment of a Federal permit program for harvesting coral reef management unit species; record keeping and reporting requirements; no-take and low-use Marine Protected Areas (MPA); gear restrictions and listings of allowed and prohibited fishing gear; mitigation requirements addressing wreck removals and pollution mitigation for fishing vessels operating in or traversing any MPA; and a framework procedure for making regulatory adjustments to the Western Pacific coral reef ecosystems management program.

This request is for an extension of Office of Management and Budget (OMB) Control No. 0648-0463.

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 (Special Coral Reef Ecosystem Fishing Permit). Any person, who intends to fish for coral reef management unit species in a low-use MPA, target Potentially Harvested Coral Reef Taxa in the EEZ, or transship coral reef management unit species, must have a special coral reef fishing permit issued under the FMP. Permits are valid for one calendar year and may be renewed annually.

The information from the permit application form will allow the NMFS Pacific Islands Region, in consultation with the Council, to determine whether the permit applicant qualifies for a special permit. Vessel-related information such as vessel size, name of the operator, vessel's insurer, etc., may be used by NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information, which profiles the current fishery, may also be used by NMFS enforcement and other offices of NMFS, USCG and the Council. Other

information requested in the application form will be used to assess the impact fishing activity on harvested stocks of coral reef biota and their habitat. The data include location of fishing grounds; types of fishing gear and method of collection used; fishing effort, target and incidental species; and disposition of the catch. The permit applicant is also asked to furnish general information on the objectives of the harvesting operation and a description of possible impacts on protected species, habitat, and the ecosystem. This information enables NMFS and the Council to gain a broad perspective on the harvesting operation if a permit is granted.

As requested, summaries of permit application information are provided to the Council and interested parties to generally describe the fishery and give an overview of the nature and magnitude of the impacts of the FMP regulations on the permit holders.

This collection also includes information involving appeals of permit denials. The appellant must provide documentation to show why a special permit should have been granted. The information is used by the NMFS Regional Administrator in making a final determination on permit issuance under the FMP. The frequency of appeals for permit denials is expected to be no more than 2 per year.

The information will not be disseminated to the public except in non-confidential or aggregate form in summary and analytical reports. Any 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.

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 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 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, although facsimile transmission is used to a considerable extent. NMFS is developing a web-based permits program that would allow applicants to apply for permits, including special coral reef ecosystem permits. It is expected that such a program may be implemented within the next year.

In the meantime, fillable permit applications may be downloaded from http://www.fpir.noaa.gov/SFD/SFD_permits_11.html.

4. Describe efforts to identify duplication.

During the course of developing the FMP, NMFS and the Council worked with representatives of the State of Hawaii and U.S. Pacific Island government fisheries agencies to craft a permit application form with intent to minimize duplication with respective information collections. These agencies offered advice in the final specifications for the application form itself, as well as the information elements being recorded. However, in no instance was it possible to use state/territorial collections to replace the federal special coral reef fishing permit form.

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 Western Pacific fisheries under the management purview of NMFS and the Council, including fishers who harvest coral reef resources, are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only a 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.

If the permit application data are not available or are collected less frequently, NMFS and the Council will not be able to properly evaluate an application for a special permit issued under the FMP. Also, it would be difficult to monitor the fishery and its participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for the coral reef ecosystems management program. Fisheries enforcement agents will not be assured of being able to identify the current participants in the fishery for purposes of compliance monitoring and enforcement of the regulations. Contact between NMFS and fishermen will be less frequent; NMFS will be unable to consult with permit holders on coral reef fishery-related issues or advise them of regulatory changes.

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

N/A.

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 October 10, 2008 (73 FR 60244) solicited public comments on this submission. No public comments were received.

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

N/A.

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

Under Section 402(b) of the Magnuson-Stevens Act, as 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 permit application. These assurances are included on the permit application form.

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.

	Annual Burden: (Hours)
a) 12 respondents (permit applicants) x 2 hr/response	= 24
b) 2 respondents (appellants) x 3 hr/response	= 6
<u>Total</u>	= <u>30</u>

The total annual cost to respondents for personnel time is estimated at \$750 per year. This was derived by multiplying the number of hours of burden each year (30 hours) times an hourly cost rate of \$25 (estimated rate of a vessel operator or designated agent of a vessel owner).

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 Question 12 above).

There is no “start up” capital cost for complying with this requirement. The estimated cost to respondents to mail (i.e., postage) and make file copies of the application form, permit, appeal documents, etc. is \$100 per year.

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

The estimated cost of this collection to the Federal government is about \$70 per permit or appeal action. This entails reviewing the application/appeal, determining sufficiency of respondents’ documents, awarding the permit, coordinating appeal actions, organizing application and appeal-

related information, sending out permit renewal timing notices, responding to inquiries, etc. The total Federal cost is estimated at \$1000 per year.

15. Explain the reasons for any program changes or adjustments.

N/A.

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. However, the information contained in the permit application will be analyzed by NMFS and the Council to determine eligibility for permit issuance and the need for management changes to conserve coral reef stocks and protect endangered or threatened marine animals and their habitats. 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

This collection does not employ statistical methods.