

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

**INTRODUCTION**

This request is for revision and extension of this information collection.

**A. JUSTIFICATION**

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

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) established the Western Pacific Fishery Management Council (Council), to develop fishery ecosystem plans (FEP) for fisheries in the United States (U.S.) exclusive economic zone (EEZ) in the central and western Pacific. These plans, if approved by the Secretary of Commerce, are implemented in Federal regulations by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and enforced by NOAA's Office of Law Enforcement (OLE) and the U.S. Coast Guard (USCG), in cooperation with state and territorial agencies. FEPs regulate fishing to prevent overfishing and to ensure the long-term productivity and social and economic benefit of the resources. Regulations implementing these plans are at 50 C.F.R. 665.

NMFS has jurisdiction over fisheries in Federal waters of the Pacific Ocean seaward of American Samoa, Guam, Hawaii, the Northern Mariana Islands (NMI), and the Pacific Remote Island Areas (PRIA)<sup>1</sup>. The Council prepares, and the Secretary approves and implements through regulations, FEPs for American Samoa, Hawaii, and Northern Mariana Islands (Guam and NMI) archipelagos, PRIA, and pelagic fisheries in the western Pacific. Each of these FEPs contains requirements that commercial fishery participants obtain Federal permits for federally-managed fisheries in their area.

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.

Program changes are due to elimination of Hawaii longline shallow-set certificate requests and northwest Hawaiian islands (NWHI) bottomfish limited entry permits due to regulatory changes in the past three years, and moving western Pacific (WP) crustacean permit applications to another collection, OMB Control No. 0648-0586, Permitting, Vessel Identification, and Reporting Requirements for Deepwater Shrimp Fisheries in the Western Pacific Region.

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<sup>1</sup>Howland, 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., is 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 OLE, the USCG, and the Council.

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 FEP. The frequency of appeals for permit denials is expected to be a maximum of four 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 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. However, applicants for western Pacific fishing permits will be able to download, complete and print an Adobe fillable application form via the Pacific Islands Region's website at <http://www.fpir.noaa.gov/>. NMFS is implementing a Web-based permits program that would allow applicants to apply for or renew permits online.

**4. Describe efforts to identify duplication.**

NMFS carefully reviewed the possibility of 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 FEPs. Also, it will be difficult to monitor the fisheries and their participants, determine entry and exit patterns, assess catch history to determine appropriate allocations for potential catch share programs, 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.**

Not Applicable.

**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 soliciting comments was published on April 22, 2011 (76 FR 22675). 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.**

As stated on all forms, 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. A Privacy Act System of Records Notice for all NMFS Sustainable Fisheries Permits was

published 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 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 167 unduplicated respondents (vessels) in this collection: 130 Hawaii longline, 20 American Samoa longline, 6 Western Pacific general longline, 3 Pacific Remote Island Areas troll and handline, 5 Western Pacific bottomfish, and 3 Western Pacific precious coral. A respondent may apply for more than one (1) permit.

The decrease in responses (from 438 to 225) and hours (from 192 to 124) is due to elimination of Hawaii longline shallow-set certificate requests and northwest Hawaiian islands (NWHI) bottomfish limited entry permits due to regulatory changes in the past three years, moving western Pacific (WP) crustacean permit applications to another collection, OMB Control No. 0648-0586, Permitting, Vessel Identification, and Reporting Requirements for Deepwater Shrimp Fisheries in the Western Pacific Region and adjustments to some permit numbers (Table 1).

**Table 1. Permit Application-Related Burden**

	<b>Number of Responses (Previous responses in parentheses)</b>	<b>Time per Response</b>	<b>Burden</b>
<b>WP Federal Fisheries Permit Application:</b>			
Hawaii Longline Limited Entry Permit	150 (174)	30 min.	75 hours
Hawaii Longline Closed Area Exemption	0	2 hours	0
WP Longline General Permit	6 (12)	30 min.	3 hours
WP Receiving Vessel Permit	25 (10)	30 min.	12.5 hours (13)
PRIA Troll & Handline Permit	10 (10)	30 min.	5 hours
WP Bottomfish (Guam and PRIA) Permit	10 (10)	30 min.	5 hours
<b>American Samoa Longline Limited Entry Permit</b>	20 (50)	45 min.	15 hours
<b>Permit Appeals</b>	4 (4)	2 hours	8 hours
<b>Experimental Fishing Permits</b>	0	2 hours	0
<b>Total</b>	<b>225 (270)</b>		<b>124 hours</b>

**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 are 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 and additional permits, renewals, and transfers of American Samoa longline limited entry permits. Only these two (2) permits currently have fees:

Hawaii longline limited entry permit =  $\$43 \times 150 = \$6,450$

American Samoa longline limited entry permit =  $\$55 \times 20 = \$1,100$

Total application processing fees = \$7,550.

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 \$8,000.**

**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 \$4,679:  $\$4,219 (225 \times 45 \text{ min/permit} \times \$25/\text{hr}) + \$450 (\text{postage}) + \$10 (\text{supplies})$ .

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

**Program Changes:**

The elimination of Hawaii shallow-set certificate requests and NWHI bottomfish limited entry permits and the transfer of WP crustacean permits to OMB Control No. 0648-0586 resulted in a decrease of 168 responses and 38 hours.

There was a decrease of \$264 in permit fees that were previously charged for the NWHI bottomfish limited entry permits.

**Adjustments:**

Changes in burden estimates for remaining permits are based on updated estimates for numbers of applications, resulting in a net decrease of 45 responses and 30 hours.

Processing fee amounts were increased but responses decreased, for a net decrease of \$1,184.

**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 FEP. 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.**

No exceptions are proposed.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.