

SUPPORTING STATEMENT
HIGHLY MIGRATORY SPECIES PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0327

A. JUSTIFICATION

This request is for a revision and extension of a current information collection.

The National Marine Fisheries Service (NMFS) is proposing to add a new Swordfish General Commercial vessel permit in conjunction with publication of the proposed rule RIN: 0648-BC31, for Amendment 8 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). Amendment 8 to the 2006 Consolidated HMS FMP would establish and implement a new open-access, commercial vessel permit that would allow for a limited number of swordfish caught on rod and reel, handline, harpoon gear, green-stick, or bandit gear to be retained and sold. This new permit would increase the current burden associated with collection 0648-0327, which includes other similar permits for vessels and dealers. The rule for the Swordfish General Commercial permit is at the proposed stage, and NMFS has not yet determined how to proceed regarding a new or modified permit. We do, however, wish to solicit public comment on the estimates for burden in conjunction with the proposed rulemaking and thus are including those estimates through the PRA process. Final decisions on the new or modified permit will be made only after considering public comment.

The collection of information consists of vessel and dealer permits which are part of the NMFS program to manage Atlantic HMS, including tunas, billfish, sharks, and swordfish. The HMS fishery management program is implemented under the [Atlantic Tunas Convention Act](#) (16 U.S.C. 971) and [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) (16 U.S.C. 1801), the 2006 Consolidated HMS FMP, and the regulations at [50 CFR part 635](#) and [part 300 subpart M](#). The specific permits covered under this collection are listed in the Table 1 below.

In 2011, NMFS added a new vessel permit to this collection, for smoothhound shark (approved in a change request). The Smoothhound Shark permit requirement is not yet effective. Amendment 3 to the 2006 Consolidated HMS FMP (Amendment 3) (75 FR 30484, June 1, 2010; corrected by 75 FR 50715, August 17, 2010) will bring smoothhound sharks under federal management and require a smoothhound shark permit for the retention of the species. The final rule implementing Amendment 3 published in June 2010, but the effective date for all smoothhound shark management measures was delayed to provide time for the NMFS Southeast Regional Office of Protected Resources to finalize a Biological Opinion (BiOp) under Section 7 of the [Endangered Species Act \(ESA\)](#) for the Amendment 3 management measures. Since publication of the final rule implementing Amendment 3, the [Shark Conservation Act of 2010](#) (Public Law 111-348) became law. This legislation directly impacts the smoothhound shark fishery. Since NMFS still needs to complete the BiOp for Amendment 3, and because the Agency needs to consider and implement congressionally-mandated smoothhound fishery management measures under the Shark Conservation Act, on November 10, 2011, NMFS indefinitely postponed the effective date of the Amendment 3 smoothhound management measures, including the smoothhound shark permit requirement (76 FR 70064). The Agency anticipates that smoothhound shark permit requirement will become effective before the expiration of this renewal. Notice of the effective date of the smoothhound shark management

measures contained in Amendment 3 will be provided to the public through a variety of channels.

Table 1. Permits Covered under 0648-0327

| Dealer Permits |
|---|
| HMS International Trade Permit |
| Atlantic Tunas Dealer |
| Vessel Permits |
| Atlantic Tunas (except for tuna longline) |
| HMS Charter/Headboat |
| HMS Recreational |
| Smoothhound Shark (not yet effective) |
| Incidental HMS Squid Trawl |
| Swordfish General Commercial |

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 Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971), the [Tunas Convention Act](#) (TCA, 16 U.S.C. 955), the MSA (16 U.S.C. 1853), and the implementing regulations at 50 CFR part 635 and part 300 subpart M.

Section 971d(c) of ATCA provides the statutory authority to promulgate regulations as may be necessary and appropriate to implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). As a contracting party to 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). The United States (U.S.) must implement specific quotas established by ICCAT and support ICCAT rebuilding and fishery management programs. ICCAT recommendations have also established statistical and catch document programs to track the trade of bluefin tuna (Atlantic, Pacific, and Southern 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 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 MSA and the Consolidated HMS FMP, and several of these fisheries are subject to catch quotas with the goal of recovering the stocks to a level commensurate with maximum sustainable yield. Section 303(b) of the MSA 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 require the permits listed above. 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. One of the main purposes for issuing annual 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 Management Division works with two regions within NMFS (Northeast and Southeast) and the Office of Science and Technology to issue Atlantic HMS permits. Under these current HMS regulations, it is possible that the same business will hold more than one HMS permit. For example, dealers may hold both the Atlantic tunas dealer permit and the HMS international trade permit. Conversely, vessels in the HMS recreational fishery can be identified as holding only one HMS vessel permit. 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, birthdate or corporation filed date, social security number or Federal ID number, names of additional owners, and contact information (e.g. address, phone, etc.)
- Vessel name, registration, and port
- Vessel characteristics (including length) and construction type
- Gear type/category
- Signature and payment/delivery information.

Transfers of tuna purse seine limited access permits require the following additional information: previous year's original valid/expired permit.

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 HMS. 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 MSA 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.

Note: the most recent Northeast Region Initial Permit Application form does not include a checkbox for smoothhound shark because the permit is not yet effective. When this permit is implemented, a checkbox will be added, as approved in the 2011 change request.

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: the Federal Taxpayer Identification Number (TIN) requirement is included in this revision, specifically for support of the cost recovery requirement in the Southeast Region Gulf of Mexico Red Snapper IFQ Program, OMB Control No. 0648-0551. Dealers with HMS dealer permits are likely to participate in the cost recovery program for red snapper. Collection of the TIN is necessary to ensure that we are collecting from the person who owes the debt. 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 MSA (16 U.S.C. 1852 et seq.) as amended in 2006, and the collection of TINs in such an instance is supported by 31 U.S.C. Section 7701).* Requiring TINs on permit applications is the only method we have for identifying TINs for those involved, or who may become involved, in the IFQ program.

For dealer permits, submission of the appropriate hard copy application is required, as indicated 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 NOAA's Information Quality Guidelines. The MSA and other confidential requirements would apply to any such proposed release. 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 the 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.

The public can request an application for Atlantic tunas, HMS Charter/headboat, Swordfish General Commercial, and HMS recreational vessel permits via both telephone (888-872-8862) and secure Internet automated systems (<https://hmspermits.noaa.gov/>). Applicants may fill out and submit an application electronically via an Internet automated system. 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. 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 Web site or faxed or mailed back to the vessel owner.

Alternatively, fillable, printable applications for these permits can be obtained directly from the Internet site or through the mail via an automated Internet or phone request 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 Adobe .pdf files.

For dealer permits, renewal is facilitated by providing a pre-filled renewal application. Vessel permits for Atlantic tunas, HMS Charter/headboat, Swordfish General Commercial, and HMS Recreational also provide pre-filled fields for both Internet and phone renewal.

4. Describe efforts to identify duplication.

The HMS Advisory Panel meets twice per year to discuss issues pertinent to management of HMS fisheries, including permits. This panel includes representatives from fishing and processing industries, environmentalists, the academic community, and the Atlantic, Gulf of Mexico, and Caribbean states and/or territories. 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 multi-species) for which other 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

Tuna Dealer permits are species-specific for purchasing tunas from fishing vessels (see table below). In addition, HMS dealers who import, export, or re-export species covered by the HMS International Trade permits (ITPs) 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.

Table 2. Dealer permit requirements.

| 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) |
| Southern bluefin tuna | None | HMS ITP |
| Pacific bluefin tuna | Covered under 0648-0205 | HMS ITP |
| Swordfish | Covered under 0648-0205 | HMS ITP |
| Shark fins | Covered under 0648-0205 | 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 (all respondents are considered small businesses). 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 reporting obligations under ICCAT, possibly resulting in violations of ICCAT recommendations, including catch and capacity reporting requirements. 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.

Estimates of the status of the Atlantic HMS stocks 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 rebuilding programs could be jeopardized. Furthermore, it would be difficult for the United States to formulate domestic policy consistent with the MSA, 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.

If this information collection were not conducted, NMFS would not gather the annual permitting information that provides an 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 (regional fishery management organizations, e.g. ICCAT) statistical document programs. This allows NMFS to communicate program requirements, including time-sensitive changes, and collect necessary data for required regional fishery management organization reports. If reports are not submitted, the United States could be penalized by quota reductions as discussed above.

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 proposed rule, 0648-BC31, will be published coincident with this submission to solicit comments on the proposed burden.

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, the HMS Advisory Panel meets twice annually to provide input on HMS regulatory and operations programs.

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

There are no payments or gifts to respondents.

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

As stated on the forms, the information collected is confidential under section 402(b) of the MSA, 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 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.

Numbers of respondents, responses, burden hours and recordkeeping/reporting costs for each permit are given in the table below (*see next page*). For most permit types, the number of respondents is estimated based on actual 2010 data.

| Permit Type | Annual Respondents/ Respondents (Requested) | Time per Response (hrs) | Annual Burden (hrs) | Cost (\$) (@\$15/hr) |
|---|--|--|--------------------------------|---------------------------------|
| INITIAL -- Atlantic Tunas (General, Harpoon & Trap categories), HMS Charter/headboat | 9,075 | 30 min | 4,538 | 68,070 |
| RENEWAL -- Atlantic Tunas (General, Harpoon & Trap categories), HMS Charter/headboat | 2,270 | 6 min. | 227 | 3,405 |
| INITIAL -- HMS Angling | 2,108 | 30 min | 1,054 | 15,810 |
| RENEWAL -- HMS Angling | 18,972 | 6 min. | 1,897 | 28,455 |
| RENEWAL -- Atlantic Tunas Purse seine limited access | 5 | 6 min. | 1 | 15 |
| SUBTOTAL (Tuna Permits) | 32,430 | N/A | 7,717 | 115,755 |
| INITIAL -- Incidental HMS squid trawl permit (burden approved in 2011 change request) | 79 | 15 min | 20 | 300 |
| RENEWAL -- Incidental HMS squid trawl permit (will be covered under NE Region Permits) | 0 | 0 | 0 | 0 |
| INITIAL -- Smoothhound shark permit (burden approved in 2011 change request) | 4,000 | 30 min | 2,000 | 30,000 |
| RENEWAL -- Smoothhound shark permit (separate renewal not required, just gear line on NE Permit) | 0 | 0 | 0 | 0 |
| INITIAL -- Atlantic Swordfish General Commercial Permit | 4,084 | 30 min | 2,042 | 30,630 |
| RENEWAL -- Atlantic Swordfish General Commercial Permit | N/A | 0 | 0 | 0 |
| TOTALS (VESSEL) | 40,593 | N/A | 11,779 | 176,685 |
| INITIAL - Atlantic Tunas | 50 | 15 min. | 13 | 195 |
| RENEWAL - Atlantic Tunas | 377 | 5 min. | 31 | 465 |
| HMS ITP | 241 | 5 min. | 20 | 300 |
| TOTALS (DEALER) | 668 | N/A | 64 | 960 |
| GRAND TOTALS* | 41,261 | N/A | 11,843 | 177,645 |

13. Provide an estimate of the total annual recordkeeping/reporting cost burden to the respondents resulting from the collection (excluding the value of the burden hours in Question 12 above)

| Permit Type | Annual Responses (Requested) | Estimated Permit Cost (\$) | + Application Submission and/or Permit Delivery Cost | Total Recordkeeping and Reporting Cost (\$) |
|---|------------------------------|----------------------------|--|---|
| VESSEL PERMITS | | | | |
| Atlantic Tunas, HMS Charter/headboat, HMS recreational, purse seine limited access – Internet application & self printed/faxed/mailed (99% of 32,430) | 32,106 | \$20 | \$0.0 | \$642,120 |
| Atlantic Tunas, HMS Charter/headboat, HMS recreational – hardcopy application (0.95% of 32,430) | 308 | \$20 | \$0.50 | \$6,314 |
| Atlantic Tunas, HMS Charter/headboat, HMS recreational – overnight delivery (.05% of 32,430) | 16 | \$20 | \$3.55 | \$377 |
| Atlantic Swordfish General Commercial permit – Internet application & self printed/faxed/mailed (99% of 4,084) | 4,043 | \$20 | \$0.0 | \$80,860 |
| Swordfish General Commercial permit – hardcopy application (0.95% of 4,084) | 39 | \$20 | \$0.50 | \$799.50 |
| Swordfish General Commercial permit – overnight delivery (.05% of 4,084) | 2 | \$20 | \$3.55 | \$47.10 |
| Smoothhound shark – hardcopy application (not yet effective) | 4,000 | \$0 | \$0.50 | \$2,000 |
| Incidental HMS squid trawl permit – hardcopy application | 79 | \$0 | \$0.50 | \$40 |
| SUBTOTAL | 40,593 | N/A | N/A | \$732,557 |
| DEALER PERMITS | | | | |
| Atlantic Tunas | 427 | \$0 | \$0.50 | \$214 |
| HMS ITP | 241 | \$25 | \$0.50 | \$6,146 |
| SUBTOTAL | 668 | | | \$6,360 |
| TOTALS | 41,261 | | | \$738,918 |

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 included in the permit fee, and there will be no cost to the Federal government.

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

Program change:

A new permit is being added to this collection. It is an open-access, commercial permit called the Swordfish General Commercial permit.

Program Change – Total Increases: Responses, 4,084; Hours, 2,042, Recordkeeping/reporting Costs: \$81,707.

Currently approved responses, burden hours and cost: 37,177, 9,801 and \$657,211.

Requested: 41,261 responses; 11,843 hours and \$738,918.

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 region. 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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.