

**SUPPORTING STATEMENT**  
**PERMIT AND REPORTING REQUIREMENTS FOR NON-COMMERCIAL FISHING**  
**IN THE ROSE ATOLL, MARIANAS TRENCH, AND PACIFIC REMOTE ISLANDS**  
**MARINE NATIONAL MONUMENTS**  
**OMB CONTROL NO. 0648-xxxx**

This is a resubmission with the Final Rule, for request for a new information collection for non-commercial fishing in Pacific Islands marine national monuments, contained in the proposed rule “Western Pacific Fisheries; Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments” (RIN 0648-BA98). There are no changes from the original request. Comments on the information collection requirements were received, but NOAA’s response to these comments explained why they believed additional requirements were unnecessary at this time (see Question 8 and highlighted section of the draft Final Rule).

**A. JUSTIFICATION**

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

The National Marine Fisheries Service (NMFS) and the Western Pacific Fishery Management Council (Council) manage commercial and non-commercial fisheries in federal waters of the exclusive economic zone (EEZ; generally 3-200 nautical miles (nm) from shore) around the U.S. Pacific Islands through five fishery ecosystem plans (FEP) authorized under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Three of the FEPs are archipelagic and include the American Samoa FEP, the Hawaii Archipelago FEP, and the Mariana Archipelago FEP (which covers federal waters around Guam and the Commonwealth of the Northern Mariana Islands (CNMI)). The fourth FEP manages fisheries around the U.S. Pacific Remote Island Areas (PRIA), which includes Howland, Baker and Jarvis Islands, Palmyra and Johnston Atolls, Kingman Reef, and Wake Island. The fifth FEP manages pelagic fisheries around all of the U.S. Pacific Islands, and on the high seas.

On January 6, 2009, President George W. Bush issued three Presidential Proclamations, each establishing a marine national monument in the Pacific Islands under the authority of the Antiquities Act of 1906. Proclamation 8335 established the Marianas Trench Marine National Monument (74 FR 1557, January 12, 2009) in Guam and the CNMI. Proclamation 8336 established the Pacific Remote Islands Marine National Monument (74 FR 1565, January 12, 2009) in the PRIAs. Proclamation 8337 established the Rose Atoll Marine National Monument in American Samoa (74 FR 1577, January 12, 2009). Within each Monument, the proclamations direct the Secretary of Commerce (Secretary), to prohibit commercial fishing. Each proclamation also authorizes the Secretary to allow sustainable non-commercial sustenance, recreational and traditional indigenous fishing pursuant to the Magnuson-Stevens Act.

Consistent with the proclamations, the Council recommended amendments to the FEPs for American Samoa, the Marianas, the Pacific Remote Islands, and pelagic fisheries to allow non-commercial fishing and establish Federal permits and catch reports to aid in the monitoring of non-commercial fishing in the Monuments. NMFS implemented the Council’s recommendation by creating the requirements under [50 CFR 665](#). Specifically, the regulations require both the owner and the operator of a fishing vessel to obtain a fishing permit from NMFS and requires the vessel operator to submit a NMFS catch report at the completion of each fishing trip.

**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*

NMFS collects information about applicants and their vessels on permit applications. Once issued, permits are valid for one calendar year. Information from the permit application allows NMFS to confirm the identity of the applicant, and to determine whether the applicant qualifies for the permit. NMFS uses vessel information, such as documentation or registration, ownership, managing ownership, etc., to determine whether the applicant is an owner of a U.S. documented/registered vessel. NMFS may provide information to NOAA Office of Law Enforcement (OLE), the U.S. Coast Guard (USCG), and the Council. NMFS will not disseminate private information to the public, and information will be reported only in non-confidential or aggregate form.

*Catch Reports*

Vessel operators fishing non-commercially in the Monuments must provide NMFS with a completed catch report for each day fished within 30 days of the completion of a Monument fishing trip. The catch reports provide the information that NMFS and the Council need to monitor fishing, and evaluate and assess the status of stocks and dependent fisheries. NMFS and the Council use the information to determine whether changes in management are needed to sustain the productivity of the stocks or to address economic issues. Without the information, NMFS and the Council would be unable to determine whether the Monument management program is achieving the objectives of the FEPs and the Magnuson-Stevens Act. Information from the catch reports is used by fishery and enforcement officials of NMFS, USCG, American Samoa, Guam, CNMI to monitor compliance with fishing requirements.

NMFS aggregates and/or summarizes any publicly disseminated information to maintain the confidentiality of the information pertaining to the individual vessels. NMFS retains control over the information and safeguard it from improper release, 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. The information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#) prior to dissemination.

**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.**

At this time, the information will be collected only on paper forms (however, Federal Monument fishing permit applications would be available online at [http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_index.html](http://www.fpir.noaa.gov/SFD/SFD_permits_index.html)). The collection of information does not require any knowledge of automated, electronic, mechanical or other technology.

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

There is no single comprehensive permit or catch reporting requirement for non-commercial fishing activities in American Samoa (Rose Atoll Monument) or CNMI (Marianas Trench Monument). In both islands areas, NMFS currently requires permit and reporting for only certain species (e.g., lobsters), gear types (e.g., longline) or sectors (e.g., commercial). The new information collection for non-commercial fishing in the Monuments will replace any other reporting requirements that apply within federal waters of the Rose Atoll Monument and the Islands Unit of the Marianas Trench Monument to ensure comprehensive and non-duplicative permits and reporting for non-commercial fishing.

In the PRIA, NMFS requires permits and catch reporting for all federally-managed stocks, and will continue to rely on existing permits and catch reporting, previously approved by OMB under OMB Control Nos. 0648-0214, 0648-0360, 0648-0462, 0648-0463, 0648-0490, 0648-0584, and 0648-0586. However, Proclamation 8336, establishing the Pacific Remote Islands Monument, provides for recreational fishing, including passenger-for-hire charter fishing, a type of fishing activity that was not included under the PRIA FEP and existing collection requirements. For this reason, a new non-commercial fishing permit, including recreation charter and non-commercial individual fishing vessel catch reporting is needed.

#### **5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

It is not yet known what percentage of permittees will be charter boat vessel owners, as opposed to individuals. However, most charter boat vessels are small businesses, based upon Small Business Administration (SBA) criteria that their annual gross revenue, from all sources, does not exceed \$7.0 million. Regardless, the minimum information necessary is required, and the means of reporting outlined below will minimize certain aspects of the burden.

##### *Permits*

Federal Monument fishing permit applications would be available online and from PIRO at [http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_index.html](http://www.fpir.noaa.gov/SFD/SFD_permits_index.html) to reduce the burden of time spent applying or ordering by mail. Applications may be downloaded, printed, and then mailed to NMFS. Permits will be issued by NMFS and delivered via U.S. mail.

##### *Catch Reports*

NMFS would provide blank catch report forms and instructions via U.S. mail with issued Federal Monument fishing permits to reduce time spent obtaining blank forms via an office visit. Fishermen may contact the Pacific Islands Fisheries Science Center in Honolulu in writing by email, FAX, or mail for help in completing the Monument catch reports.

#### **6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

##### *Permits*

Without this collection, or if it is collected less frequently than proposed, NMFS will be unable to properly evaluate eligibility to participate in non-commercial fisheries in the Monuments. It will be difficult to monitor the fisheries and their participants, determine entry and exit patterns,

and provide information needed to ensure full impact analysis for fisheries management programs. Without this information, enforcement agents will not be able to identify fishermen for compliance monitoring, and NMFS would be unable to consult with permit holders on regulatory changes.

#### *Catch Reports*

Catch reporting is needed to get an accurate count of the effort level and amount of harvest, occurring in the Monuments and to ensure that fishing is sustainable as required by the Presidential Proclamations.

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

None.

#### **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.**

The proposed rule, RIN 0648-BA98, published in the Federal Register on February 21, 2013 (78 FR 12015) solicited public comments on this submission.

Three comments on the information collection requirements were received, but NOAA's response to these comments explained why they believed additional requirements were unnecessary at this time.

#### Comment 4

The final rule should contain one or more additional mechanisms to ensure enforcement of the ban on commercial fishing and ensure that customary exchange does not cross the line into commercial fishing. Such mechanisms could include (1) limit customary exchange to fishing practices that were part of the cultural, social, or religious tradition of local communities at the time the proclamations were issued, consistent with the Proclamations' allowance for "traditional indigenous fishing," (2) establish bag limits for noncommercial fishing, (3) cap the amount of money that can be received through customary exchange, or (4) require fishermen to report fishing trip expenses and cash sales.

#### Comment 5

Absent some means of tracking expenses and reimbursements, it will be impossible to determine whether vessel owners or operators participating in customary exchange are being reimbursed for trip or non-trip expenses beyond those that the regulations contemplate. Therefore, there should be additional requirements on the customary exchange provision to ensure that reimbursements do not exceed actual trip expenses. This could include requirements for vessel owners and operators to report per trip expenses and monetary reimbursements as part of the logbook reporting requirements.

### Comment 6

To ensure that the practice of customary exchange does not lead eventually to commercial fishing, and to aid enforcement in determining when cash reimbursements exceed actual trip expenses, the final rule should require recordation of monetary reimbursements and trip expenses.

### NOAA Response

The Council and NMFS considered these suggested mechanisms when developing the customary exchange provisions. Given only a low level of commercial fishing in the past, and only a low level of non-commercial fishing anticipated under this final rule, the Council and NMFS concluded that additional requirements are unnecessary at this time. There is a lack of scientific data to support the effectiveness of bag limits as a management tool for harvests of small amounts of pelagic species in the Monuments. Additional requirements to report fishing trip expenses and cash sales run counter to cultural values and benefits of sharing fish, and could change fishing motivation and/or practice of customary exchange. Logbooks will be required to monitor non-commercial fishing activity in the Monuments, and NMFS and the Council may consider additional requirements or restrictions in the future, if necessary.

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

No payments or gifts are provided.

### **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, under Section 402(b) of the Magnuson-Stevens Act 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 permits and catch reports.

### **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.**

NMFS does not ask questions of a sensitive nature.

### **12. Provide an estimate in hours of the burden of the collection of information.**

#### *Permits*

NMFS estimates up to 35 permits annually, with up to 10 fishing permit applications each for the Rose Atoll and the Marianas Islands Unit and up to 15 permit applications a year for the Pacific Remote Islands Monument. At this time, NMFS cannot estimate what portion of applications will be businesses, including small businesses vs. individual/households.

NMFS estimates that each of the 35 fishing permit applicants are expected to spend 15 minutes completing the application for a maximum information collection burden of 8.75 (9) hours per year.

### *Catch Reports*

NMFS estimates the time requirement for completing Federal catch reports to be approximately 20 minutes per vessel per fishing day. Assuming 35 vessels take one trip per year to the Monument, and each fishing trip lasts three days, the program would generate up to 105 reports (35 trips x 3 days) annually. Thus, the total collection of information burden estimate for catch reporting (based on 105 reports at 20 minutes each) is 35 hours per year.

Total: 9 hr (permits) + 35 hr (catch reports) = 44 hr.

### **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).**

There is no start-up capital cost for complying with this requirement. Respondents will use paper forms provided by NMFS for providing all information. Based on an annual estimate of 35 permit applications and 105 catch reports (total of 140 submissions), the maximum estimated cost to respondents for postage, faxes, copies, etc., related to this collection is \$130 per year (rounded down to \$129 in ROCIS) or \$0.92 per response.

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

#### *Permits*

The estimated annual cost to the Federal government to administer this information collection is up to \$438. This includes the cost of processing permit applications and issuing permits based on 35 applications x 30 min./application x \$25/hr.

#### *Catch Reports*

The estimated annual cost to the Federal government to administer this information collection is up to \$670. This includes the cost of printing blank daily catch report forms of \$13 (based on 105 forms x \$0.12 per form), and processing of forms of \$657, which is calculated by the cost of staff time for receiving and entering catch reports (105 forms x 15 min/form x \$25/hr).

**Total Cost:** \$438 + \$670 = \$1,108.

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

This is a new information collection.

### **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. NMFS and the Council will use the information (primarily in an aggregated, non-confidential format) for developing management reports and fishery management plan amendments and evaluations. 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.**

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

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

This collection does not use statistical methods.