

**SUPPORTING STATEMENT
NON-COMMERCIAL PERMIT AND REPORTING REQUIREMENTS
IN THE MAIN HAWAIIAN ISLANDS BOTTOMFISH FISHERY
OMB CONTROL NO. 0648-0577**

A. JUSTIFICATION

This request is for extension of a currently approved information collection.

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

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) established regional fishery management councils, including the Western Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the 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.

Regulations established under the Fishery Ecosystem Plan for the Hawaii Archipelago (FEP) require all non-commercial participants (including vessel owners, operators, and crew) in the boat-based bottomfish fishery in the EEZ around the main Hawaiian Islands (MHI) to obtain a federal bottomfish permit. They are exempt if they hold a current State of Hawaii Commercial Marine License. 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 enhances communication between NOAA National Marine Fisheries Service (NMFS) and fishermen. Regulations are at [50 CFR 665](#).

All permitted vessel owners or operators in this fishery must submit a completed logbook form at the completion of each fishing trip. These logbook reporting sheets will document the species and amount of species caught during the trip. The reporting requirements are crucial to ensure that NMFS and the Council will be able to monitor the fishery and have fishery-dependent information to develop an estimate of an Annual Catch Limit for the fishery, evaluate the effectiveness of management measures, determine whether changes in fishery management programs are necessary, and estimate the impacts and implications of alternative management measures.

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

Information is collected via a permit application process. Permits are valid for one calendar year and may be renewed annually. Information from the permit application form will allow the 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 the NMFS to determine whether the applicant is an owner of a U.S. documented/undocumented vessel. The information may also be used by NOAA's Office of Law Enforcement, the United States Coast Guard (USCG), and the Council. Private information will not be disseminated to the public, and will be reported only in non-confidential or aggregate form.

Logbook Forms

The completed logbook forms are required to be submitted to the NMFS by vessel owners or operators within 72 hours after the end of each fishing trip. The reporting requirements provide the information needed by NMFS and the Council to regulate and monitor the fisheries managed under the FMP and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks or to address economic problems in the fishery. The information is also used to provide the basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Specifically, the information collected through the logbooks will enable the NMFS to develop an Allowable Catch Limit (ACL) for the fishery annually, and to effectively monitor the ACL for the bottomfish fishery. Without the information, the NMFS and the Council would be unable to determine whether management is achieving the objectives of the FEP and preventing overfishing, the principal requirement of the Magnuson-Stevens Act. Information from the logbooks is used by enforcement agents of the NMFS, State of Hawaii, and USCG to monitor compliance with fishing regulations and reporting requirements.

An individual who is denied a permit may submit an appeal. The appeal process is described in [50 CFR 665.203\(k\)](#), Appeals of Permit Actions:

“(1) Except as provided in subpart A of 15 CFR part 904, any applicant for a permit or a permit holder may appeal the granting, denial, or revocation of his or her permit to the Regional Administrator.

(2) In order to be considered by the Regional Administrator, such appeal must be in writing, must state the action appealed, and the reasons therefore, and must be submitted within 30 days of the appealed action. The appellant may request an informal hearing on the appeal.

(3) The Regional Administrator, in consultation with the Council, will decide the appeal in accordance with the FEP and implementing regulations and based upon information relative to

the application on file at NMFS and the Council, the summary record kept of any hearing, the hearing officer's recommended decision, if any, and any other relevant information.

(4) If a hearing is requested, or if the Regional Administrator determines that one is appropriate, the Regional Administrator may grant an informal hearing before a hearing officer designated for that purpose. The applicant or permit holder may appear personally and/or be represented by counsel at the hearing and submit information and present arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall recommend in writing a decision to the Regional Administrator.

(5) The Regional Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. The Regional Administrator's decision on the application is the final administrative decision of the Department of Commerce, and is effective on the date the Administrator signs the decision.”

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

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.

Permits

At this time, the information will be collected on paper forms and does not require any knowledge of automated, electronic, mechanical or other forms of information technology. An option to allow fishermen to submit applications or renew permits online will be implemented soon. The application form is available in fillable, printable PDF format at: http://www.fpir.noaa.gov/SFD/SFD_permits_index.html.

Logbook Forms

At this time, the information will be collected mainly on paper forms that do not require any knowledge of automated, electronic, mechanical or other forms of information technology. Fishermen may also submit logbook information through an optional online process at: https://ias.pifsc.noaa.gov/apex_ncbf/f?p=NCBF.

4. Describe efforts to identify duplication.

Permits

There is no similar State of Hawaii permit requirement for the non-commercial MHI bottomfish fishery.

Logbook Forms

There is no similar State of Hawaii catch and effort reporting program for the non-commercial MHI bottomfish fishery. The State of Hawaii has a voluntary creel survey program that covers shore-based and boat-based fisheries in the MHI that is general in scope and does not provide full coverage of the non-commercial bottomfish fishery.

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

Permits

This would not require collection of information from small businesses or other small commercial entities except if they own a vessel used for non-commercial bottomfishing.

Logbook Forms

This would not require collection of information from small businesses or other small entities except if they own a vessel used for non-commercial bottomfishing.

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, the NMFS will be unable to properly evaluate activity, participation, and reporting compliance in the non-commercial MHI bottomfish fishery. 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 current fishery participants for compliance monitoring purposes and the NMFS would be unable to consult with permit holders on regulatory changes. For example, when the annual quota for the fishery is reached, the NMFS would need to contact participants to inform them the fishery may be closed.

Logbook Forms

Logbook reporting is needed in the non-commercial MHI bottomfish fishery to get an accurate count of the effort level and amount of harvest in this fishery. Currently, the only estimates of harvest in the fishery come from the commercial bottomfish fishery and for effective fishery management, it is essential to have the complete picture of effort and harvest from all participants.

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.

A Federal Register Notice soliciting public comment was published on May 23, 2014 (79 FR 29741).

In addition, comments were solicited from five fishermen. Two comments were received. One comment simply supported the collection of information. The other comment stated:

With only two registered NC BF fishermen, my suggestion would be to cease the effort which was doomed from day one as it caused those fishermen to obtain the \$50 State of Hawaii Commercial Marine license (CML), that is cheaper than holding both a federal MHI NC BF permit and National Saltwater Angler Registry (NSAR).

That migration has corrupted the participant and catch data for the true CML bottomfish fishermen. Additionally the data collected between the federal trip report that is more comprehensive, did not match that of the State of Hawaii' CML trip reporting requirements contributing to poor reporting.

My recommendation would be to eliminate the program and if not the program, the paperwork as it amounts to a waste of taxpayer dollars. It will cost those two remaining fishermen more as the operating costs would ultimately be only distributed among them.

Response: NMFS and the Fishery Council are aware of these issues. In the meantime, we are still obligated to implement the regulations, so until those change, we must continue to renew this collection.

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

Under Section 402(b) of the Magnuson-Stevens Act, 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 permits and logbooks.

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 are asked of a sensitive nature.

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

The NMFS expects to receive an estimated 100 non-commercial MHI bottomfish permit applications each year. It would take an estimated 10 minutes for an applicant to complete a permit application for a maximum burden of 16.7 (17) hours per year for permit applications. Preparation of a permit appeal would take an estimated two hours and no more than one per year would be expected, for an estimate burden of 2 hours. The NMFS expects that 50 vessels may make between 1 – 5 trips per year, averaging 1 day per trip, and generating a maximum of 250 (50 x 5) daily trip logsheets per year. A trip report would take about 20 minutes per logsheet, resulting in a maximum burden of 83.3 (83) hours per year for reporting.

Total responses: $100 + 1 + 250 = 351$

Total hours: $17 + 2 + 83 = 102$.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers 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. Paper forms provided by the NMFS will be used by most of the respondents for providing information. Online submission of logbook information is an option, but would be voluntary on the respondent's part and presumably would be used only if the respondent already possessed the requisite equipment.

The permit fee is \$41, with the total cost for 100 applications being \$4,100. The maximum estimated cost to respondents for postage, faxes, copies, etc., related to this collection is about \$234 per year. The total cost would be \$4,334.

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

The estimated annual cost to the Federal government to administer this collection of information is up to \$3,063 per year. This includes the cost to process permit applications and issue permits at \$1,250 per year (100 applications x 30 min/application x \$25/hr), printing daily catch and effort logsheet forms at \$250 per year (1,000 logsheets x \$0.25 per sheet), and processing of log forms at \$1,563 per year, which is calculated by the cost of staff time for receiving and entering logsheet form data (250 logsheets x 15 min/logsheets x \$25/hr).

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

The total burden hours for permit applications were decreased from 110 to 102, due to re-evaluation of the time spent completing the forms, resulting in an estimated 10 minutes, rather than 15 minutes, per application.

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 data (*primarily in an aggregated, non-confidential format*) for developing allowable catch limits for the MHI bottomfish fishery, management reports, and fishery ecosystem plan amendments and evaluations. However, 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

No statistical methods are employed.