

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

INTRODUCTION

This request is for a revision and extension of this information collection. Changes have been made to the forms and instructions. The forms have been reformatted, the requirement to collect TIN has been added (EIN for businesses (the majority of respondents) and SSN for individuals) and declaratory language has been added for signatures.

A. JUSTIFICATION

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

The Magnuson-Stevens Fishery Conservation and Management Act 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)¹. 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 facilitates communication between NMFS and fishermen.

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.

¹Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll, Midway Atoll, and Kingman Reef.

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 and permit transfer 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. Appeal procedures are detailed in 50 CFR 665.13(m) and 50 CFR 665.801(o). Instructions are also included in denial letters; there is not a single template, as each letter is unique, but some draft denial letters are included in this submission.

It is anticipated that business information collected will be disseminated to the public or used to support publicly disseminated information. 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 has implemented online renewal for Hawaii longline limited access permits and will implement this for other permits in the future.

4. Describe efforts to identify duplication.

NMFS carefully considered whether there were 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 July 17, 2014 (79 FR 41671). No comments were received.

Comments were received from one employee of the state government and two respondents.

1. Comment from Reginald M. Kokubun (HI Division of Aquatic Resources)

Thank for allowing me the opportunity to comment on the applications forms. I know SSN is primarily used by agencies to provide I.D. verification. As you know, in our CML management

the SSN is collected because of the Attorney General's Child Support Enforcement Agency. Is this the case with OMB and your permit management system? If not, could another set of identification criteria be used to replace SSN, which is a heart burn for many people to disclose?

Response: The collection of SSNs and EIN (employer identification number), collectively known as Taxpayer Identification Number, is required by the Debt Collection Improvement Act, where we are required to determine if the applicant owes a debt to the Federal Government. The debt could be a fine owed because of a fishing violation, delinquent taxes, or child support payments, among other things. If there is an outstanding debt that has not been collected or is not on a payment schedule, we are not allowed to issue a permit to the person. We do not use it for identification.

2. Comment from John Hall, Zephyr Fisheries LLC:

I have no comment on the FR notice regarding the use of forms by NOAA.

3. Comment from Krista Corry, Tuna Ventures Inc.

I don't know if I was supposed to be on this list but the applications look pretty straight forward to me. I see that either SSN or EIN is required. I personally do not like to give out my SSN if at all possible so the EIN is a good solution. I do have a question for you. Your email stated the transfers must be notarized. Is this transfers to a different person or to a different boat? When I transfer between vessels am I now required to do this? I don't believe so but I wanted to clarify.

Response: The transfer would be of the permit, as in transfer from the permit holder to another person. We do not consider registering a replacement vessel to a permit a transfer. The "transfer" of a longline exclusion zone exemption from one vessel to another is likewise considered the registration of a replacement vessel, not a transfer.

We understand your concern about giving out your SSN. It is only required if the permit holder is an individual. If the permit holder is a company, then we require the EIN, which is issued to businesses. The EIN cannot substitute for an SSN if the permit holder is an individual. It is a Federal requirement for us to collect that information, because the Debt Collection Improvement Act requires us to identify individuals to whom we are issuing a permit who may owe a debt to the Federal government. If they have an outstanding debt, we cannot issue the permit.

(Note: the notarization requirement was deleted.)

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 243 respondents (vessels) in this collection: 150 Hawaii longline, 31 American Samoa longline, 6 Western Pacific general longline, 30 Western Pacific receiving vessel, 10 Pacific Remote Island Areas troll and handline, 10 Western Pacific bottomfish, 2 Western Pacific precious coral, and 4 permit appeals.

The increases in responses (from 225 to 243) and hours (from 124 to 137) are due to changes to number of respondents and adjustment to burden estimates of applications (Table 1).

Table 1. Permit Application-Related Burden

Pacific Islands Federal Fisheries Permit Applications	Number of Responses	Time per Response (hr)	Burden (hr)	Fee per Application	Total Fees
Hawaii Longline Limited Entry Permit Renewals	135	0.5	67.5 (68)	\$37.00	\$4,995.00
Hawaii Longline Limited Entry Permit Transfers	15	0.5	7.5 (8)	\$37.00	\$555.00
Hawaii Longline Closed Area Exemption	0	2	0	\$0.00	\$0.00
WP General Longline Permit	6	0.5	3	\$0.00	\$0.00
WP Receiving Vessel Permit	30	0.5	15	\$0.00	\$0.00
PRIA Troll and Handline Permit	10	0.5	5	\$0.00	\$0.00
WP Bottomfish (Guam and PRIA) Permit	10	0.5	5	\$0.00	\$0.00
WP Precious Coral	2	0.5	1	\$0.00	\$0.00
American Samoa Longline Limited Entry Permit Renewals and Additional Permits	25	0.75	18.75 (19)	\$48.00	\$1,200.00
American Samoa Longline Limited Entry Permit Transfers	6	0.75	4.5 (5)	\$48.00	\$288.00
Permit Appeals	4	2	8	\$0.00	\$0.00
TOTAL	243		137		\$7,038.00

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.

Hawaii longline limited entry permit = \$37 (x 150 = \$5,550)
American Samoa longline limited entry permit = \$48 (x 31 = \$1,488)
Total application processing fees = \$7,038.

The estimated cost to respondents for postage, faxes, copies, etc., related to this collection is estimated at \$350 per year.

The total cost burden is estimated at \$7,388 (rounded up to \$7,389 in ROCIS).

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: \$5,088 = \$4,650 (243 x 45 min/permit x \$25/hr) + \$344 (postage) + \$94 (printing and supplies).

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

Changes in burden estimates are based on updated estimates for numbers of applications and estimates of time spent on applications.

Western Pacific processing fee amounts were decreased and responses increased, 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.