

**SUPPORTING STATEMENT  
APPLICATION FOR COMMERCIAL FISHERIES AUTHORIZATION UNDER  
SECTION 118 OF THE MARINE MAMMAL PROTECTION ACT  
OMB CONTROL NO. 0648-0293**

**A. JUSTIFICATION**

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

This request is for extension of a current information collection.

The [Marine Mammal Protection Act](#) (16 U.S.C. 1361 et seq.; MMPA or the Act) mandates the protection and conservation of marine mammals. The taking of marine mammals, except under limited exceptions, is a violation of the Act. MMPA section 118 provides an exception to that prohibition for taking of marine mammals incidental to commercial fishing operations subject to requirements listed in that section. The owner of any fishing vessel engaged in a fishery identified by the National Marine Fisheries Service (NMFS) as having either frequent (Category I) or an occasional (Category II) taking of a marine mammal must register with the Secretary of Commerce (as described in the MMPA) in order to obtain an authorization for taking marine mammals and to be legally operating in that fishery. Fishermen operating in fisheries identified by NMFS as having only a remote chance (Category III) to take marine mammals need not apply.

**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 applicable NOAA Information Quality Guidelines.**

The information to obtain an authorization is supplied by the vessel owner operating in a Category I and II fishery as mandated by Section 118 (c)(2)(A) of the MMPA. The MMPA states: “An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii) upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used.”

A valid certificate of authorization protects the vessel owner from prosecution under the MMPA for violation of the moratorium on taking marine mammals. The information needed to register or update a commercial fishery authorization is found at 50 CFR 229.4 and includes the following:

- a. Name, address, and telephone number of the owner(s) of a vessel or non-vessel gear and name and address of the operator if other than the owner;
- b. Name and length of the vessel, home port, United States Coast Guard (USCG)

- documentation number or State registration number, State commercial license number of the fishing vessel which will operate under the authorization, and for a non-vessel fishery, a description of the gear and state commercial license number;
- c. A list of the fishery(s) in which the fisher will be engaged;
  - d. Social security number and date of birth of the owner(s) of a vessel or non-vessel gear; and
  - e. Corporation name, tax identification number and date of incorporation.

Modifications to (a), (b), and (c) above must be submitted within 10 days of any change. Social security number or tax identification number is not mandatory. To facilitate the application process, NMFS has integrated the authorization application and renewal with Federal and State commercial fishing license application and renewal.

Most of the information requested above is required by statute. NMFS determined that the home port and the length of the vessel were necessary information. This information is vital for the mandatory observer program for Category I and II fisheries. Information concerning the time, duration, and location of fishery operations, and the type and nature of gear is mandated by the MMPA. The MMPA requires NMFS to establish an observer program for Category I and II fisheries; therefore the home port and the size of the vessel is required because NMFS will need to know the location for boarding the vessel, and whether the vessel is large enough to take an observer. While this additional information is required only for participants in Category I and II fisheries, the categories are subject to change.

Certain information available elsewhere may be used to assist and /or verify the information collection request for registrations. For example, copies of existing State fishing licenses, federal fishing license applications, or foreign fishing permit applications may be used for this information request. Not all vessel owners have an interaction problem with marine mammals. Therefore, short of registering all United States (U.S.) vessel owners through State licenses and requiring all U.S. vessel owners to send in annual reports the authorization program is the best alternative for keeping the burden to a minimum.

The National Oceanic and Atmospheric Administration's (NOAA) Fisheries 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 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.**

Vessel owners can get a copy of the fillable authorization form by contacting NMFS regional offices. Fishermen need only to e-mail, mail, or fax in the authorization form. Authorization

forms must be returned to NMFS accompanied by the required registration fee, unless authorization is integrated with the license/permit renewal process.

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

Vessel owners in Category I or II fisheries are statutorily required to submit the information in the authorization form to lawfully take marine mammals' incidental in fishing operations. The authorization is granted on an annual basis.

Most states have integrated the NMFS registration process into the existing state fishery registration process and vessel owners in those fisheries do not need to file a separate federal registration. Federal fishing permits are limited in the number of fisheries that are included in the system. Therefore, a single licensing system for the authorization was the only option available.

Although NMFS has joint authority with the U.S. Fish and Wildlife Service (USFWS), Department of Interior, to manage marine mammals, the U.S. Department of Interior has not been authorized by statute to promulgate regulations on this matter. Therefore, USFWS has not established its own registration and reporting system. NMFS continues to consult with the USFWS on this matter and a USFWS staff person has attended task force meetings with NMFS, but NMFS remains responsible for the information collection process, distributing authorizations, and maintaining the marine mammal reporting system.

Registration for a marine mammal authorization is coordinated with existing state or Federal fishery or vessel permit or licensing programs. Vessels owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

For vessels in currently non-permitted fisheries, when applications are received by the regional Sustainable Fisheries (SF) offices, those offices notify the Protected Resources Division, so that they can send information on the MMAP application process to the SF applicants.

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

This collection will not have a significant impact on small entities. The MMPA instructs the Secretary to develop, in consultation with the appropriate states, Regional Fishery Management Councils, and other interested parties, the means by which the granting and administration of authorizations shall be integrated and coordinated with existing fishery licenses, registrations, and related programs, to the maximum extent practicable.

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

Commercial fishery authorization applications are required annually as mandated by statute ([16 U.S.C. 1387 \(c\)\(2\)\(A\)](#)). Without the registrations, NMFS would be unable to execute its observer

program and to determine the impact of U.S. commercial fisheries on marine mammal populations and stocks.

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

The collection is consistent with the guidelines.

**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 published on March 16, 2015 (80 FR 13517) solicited public comment on this submission. No comments were received.

Additionally, NMFS solicited comments from two non-NOAA stakeholders and received two comments.

One comment received was from the State of Hawaii Division of Aquatic Resources that encouraged the Agency to efficiently issue authorizations to Category I and II fishers to reduce the administrative burden on fishers. NMFS appreciates the comment. The authorization is mostly integrated with commercial fishing license applications and authorization applications to reduce the administrative burden and to issue authorizations efficiently to fishermen.

The second comment came from a commercial fisherman who requested that NMFS reduce the number of redundant licenses and permits that fishermen have to apply for. NMFS shares this concern and for the MMAP authorization certificate, we have tried to reduce the redundancy by integrating the registration process with the commercial fishing permit process. All current state and Federal fisheries are automatically authorized when vessel owners are issued a license/permit. We renew this paperwork and keep this MMAP registration form active in case a vessel owner participates in a fishery that is not permitted and the owner would need to register directly with the MMAP.

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

There is no provision to provide any payment or gift 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 form, certain information, such as Tax Identification Numbers, may be considered confidential/proprietary and therefore subject to data confidentiality restrictions of [50 CFR 229.11](#) (MMPA regulations).

**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.**

All states have integrated the NMFS registration process into the existing state fishery registration process and do not need to file a separate federal registration. The annual burden hours for Category I & II fisheries are estimated as:

New applications\*: 600 vessels<sup>^</sup> x 15 minutes/application/year = 150 hours.

\*As Vessel owners are expected to apply for any additional fisheries at the time of the initial application, no additional burden hours are warranted for multiple fishery applicants.

<sup>^</sup>As registration is integrated with existing federal and state commercial fishing license/permit registration, separate MMAP registration is only required for non-permitted fisheries. We do not anticipate any renewals and decrease our response estimate from 800 to 600 accordingly. For vessels in currently non-permitted fisheries, when applications are received by the regional Sustainable Fisheries (SF) offices, those offices notify the Protected Resources Division, so that they can send information on the MMAP application process to the SF applicants.

**Total =600 responses; 150 hours.**

Annual labor cost = \$25 x 150 = \$3,750.

**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).**

The annual cost to the Category I & II Vessel owners to apply for authorization annually is estimated as follows:

Application fee, \$25 plus postage, \$.49 = \$25.49 per applicant/year.  
600 applications x \$25.49/application = \$15,294.

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

The fee recovers all federal processing costs.

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

Adjustments:

As registration is integrated with existing federal and state commercial fishing license/permit registration, separate MMAP registration is only required for non-permitted fisheries. We do not anticipate any renewals and decrease our response estimate from 800 to 600 accordingly. Also, the average response time is longer, as renewals were estimated to take 9 minutes only; while new requests take 15 minutes.

There is an adjustment to recordkeeping/reporting costs, based on postage increase.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

There are no plans to publish the results of this collection.

**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.**

There are no exceptions.

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

This collection does not employ statistical methods.