

**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. 0648-0664**

This request is for extension of an existing data collection.

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 United States (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.

The Council and NMFS amended the FEPs and [50 CFR 665](#) by adding Subparts G, H, and I, to implement the mandates of the Presidential Proclamations requiring permits for non-commercial fishing in the Monuments and reporting of catch and effort.

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.

Daily Fishing Log

Vessel operators fishing non-commercially in the Monuments must submit a completed Marine National Monument Daily Fishing Log sheet to NMFS for each day fished within 30 days of the completion of a monument fishing trip. The log sheets 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 are available online at 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 information collection for non-commercial fishing in the Monuments replaces 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 non-commercial fishing permit, including recreation charter and non-commercial individual fishing vessel catch reporting was implemented.

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 are available online and from PIRO at 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.

Daily Fishing Logs

NMFS will 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 log sheets.

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.

Daily Fishing Logs

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.

A Federal Register notice was published on December 11, 2015 (80 FR 76936) soliciting public comments on the extension of this collection. No comments were received from the FR notice. A separate solicitation for comment was sent to six representatives from other agencies and island areas. Three comments were received.

Comment 1: From a Council staff member in Honolulu, HI.

Have we ever gotten a permit request for any of these areas? Just wondering.

I don't think there is anything missing from the permit application itself. I know the rest of the information would be appended to the permit (e.g., regs, logbook, etc.); The only thing that I think that you may want to track is WHEN they are going to use the permit. If the permit is good for the whole year, then it doesn't make sense, but to get an idea of the use and potential enforcement (if anyone is receiving the permit), knowing when they would go makes sense.

Response 1:

Nobody has applied for this permit. We would probably issue it as good for one year after date of issuance. What you are asking for is some sort of pre-trip notification, but as far as I know, there is no provision for that in the regulations. I'll have to take a look.

Thanks for your comments.

Comment 2: From a US Fish and Wildlife Service Monument Superintendent in Honolulu, HI.

I agree with Josh (first commenter).the permit application looks good, and adding "when they will use the permit" would be helpful.

Response 2:

Thanks for responding. The permit would be issued for a year after the date of issuance, so the effective and expiration dates would be printed on the permit. As to when they're actually used, we don't have a regulatory mechanism requiring fishermen to notify us when they enter, exit, or fish in a monument, except for the logsheets they are required to submit. Those would have dates and locations associated with fishing.

Comment 3: From a staff biologist with the Guam Department of Agriculture.

"No comment. Appears that all information needed is included in the application."

Response 3: I thanked the commenter for his response.

Comment 4: From the Council liaison in Saipan, MP.

"I don't have anything to include as far as capturing additional information. The requested information is sufficient for management purposes. The response time for both permit and application also sound about right."

Response 4: I thanked the commenter for his reponse.

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.

This information collection is included in a comprehensive NMFS Permits and Registrations System of Records Notice (SORN), COMMERCE/NOAA #19, Permits and Registrations for U.S. Federally Regulated Fisheries, published 04/17/2008, and effective 06/11/2008. An updated SORN was published on August 7, 2015, and became effective on October 15, 2015.

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.

Note: We have not yet received any applications; however, due to the emphasized enforcement of permit compliance, we expect to see some applicants.

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.

Daily Fishing Logs

NMFS estimates the time requirement for completing Federal log sheets 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, copies, etc., related to this collection is \$280 per year.

Permit cost estimate:

Est. copying and postage: 35 x \$2.00 = \$70

Total: \$70

Reporting cost estimate:

105 logsheets x \$2.00 copying and postage = \$210

Total: \$70 (permits) and \$210 (logsheets) = \$280.

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 \$525. This includes the cost of processing permit applications, checks, and issuing permits based on 35 applications x 30 min./application x \$30/hr.

Daily Fishing Logs

The estimated annual cost to the Federal government to administer this information collection is up to \$1,588. 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 \$1,575, which is calculated by the cost of staff time for receiving and entering catch reports (105 forms x 30 min/form x \$30/hr).

Total Cost: \$525 + \$1,588 = \$2,113

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

Adjustments made to cost are due to increased postage and copying costs, increasing the total from \$129 to \$280.

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.