

**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). If approved by the Secretary of Commerce, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) implements these plans by Federal regulations, which are enforced by NMFS and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. The Council and NMFS use the fishery management plans to manage fishing to ensure sustained productivity and achievement of optimum yield from the resources for the benefit of the United States. The Council uses fishery ecosystem plans as fishery management plans for federal fisheries management.

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. NMFS needs this collection of information 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 NMFS and fishermen. Regulations are at [50 CFR Part 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 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 (ACL) 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

NMFS collects information via the permit application process. Permits are valid for one calendar year and may be renewed annually. NMFS uses the information to confirm the identity of the permit holder and applicant, and to determine whether the applicant qualifies for the permit. NMFS uses vessel-related information such as vessel documentation or registration, ownership, managing ownership, etc., to determine whether the applicant is an owner of a U.S. documented/undocumented vessel. NOAA's Office of Law Enforcement, the USCG, and the Council also use the information.

Logbook Forms

Vessel owners or operators must submit completed logbook forms to the NMFS 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 FEP 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 ACL for the fishery, 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. Enforcement agents of the NMFS, State of Hawaii, and USCG use information from the logbooks 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).

NMFS will not disseminate information to the public except in non-confidential or aggregate form in summary and analytical reports. NMFS would aggregate and/or summarize any of the information that might be used to support publicly disseminated information 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. NMFS designed the information collection 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, NMFS collects information on paper forms and does not require any knowledge of automated, electronic, mechanical or other forms of information technology. The application form is available in fillable, printable PDF format at:

http://www.fpir.noaa.gov/SFD/SFD_permits_index.html. An option to allow fishermen to submit applications or renew permits online will be implemented in the future.

Logbook Forms

At this time, NMFS collects information mainly on paper forms that do not require any knowledge of automated, electronic, mechanical or other forms of information technology.

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.

NMFS published a Federal Register notice soliciting public comment on September 27, 2017 (82 FR 44994). NMFS received no comments via the notice.

In addition, NMFS solicited comments from 11 members of the public or fishermen. Here are the comments from the 2 that responded, and responses.

1. Comment from a Hawaii Division of Aquatic Resources staff:

The MHI non-commercial bottomfish federal permit application, instructions and report form are fine. I realize there is no caseload of permit holders at this time. The cost of the permit does not appear to be expensive compared to the State CML, which the Board of Land and Natural Resources recently approved a license fee hike. And, the report writing time should not be a burden because the report log contents are not difficult to report - the fisher will need to adjust to it like a learning curve. The bottomfish recreational fisheries data collection for catch and effort occurring in federal waters is essential for the federal FEP stock assessment. Thanks for the opportunity to comment on this data collection requirement.

Response: NMFS thanked the respondent for their comment.

2. Comment from a Western Pacific Fishery Management Council staff:

No comments.

Response: NMFS thanked the respondent for their time.

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

NMFS provides no payments or gifts.

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 #12 above).

There is no start-up capital cost for complying with this requirement. Most respondents use paper forms provided by the NMFS to report the 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 non-refundable application processing fee is \$47, with the total cost for 100 applications being \$4,700. The maximum estimated cost to respondents for postage, faxes, copies, etc., related to this collection is about \$300 per year. The total cost would be just under \$5,000, or \$4,998.

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 \$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/logsheet x \$25/hr).

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

Adjustment: The permit fee increased from \$41 to \$47, changing the total recordkeeping/reporting costs from \$4,334 to \$4,998.

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 FEP 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.

N/A.

18. Explain each exception to the certification statement.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.