

SUPPORTING STATEMENT
HIGH SEAS FISHING VESSEL PERMITTING, REPORTING,
AND VESSEL MARKING
OMB CONTROL NO. 0648-0304

The National Marine Fisheries Service (NMFS) seeks revision and extension of a currently approved information collection affecting high seas fishing vessels. It has been determined that the information collection requirements in 0648-0596 are covered under this request, and we will discontinue 0648-0596 once 0648-0304 is approved.

A. JUSTIFICATION

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

The [High Seas Fishing Compliance Act](#) (HSFCA), 16 U.S.C. 5501 *et seq.*, was adopted in 1994 to implement the Food and Agriculture Organization of the United Nations (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement). HSFCA requires, among other things, United States (U.S.) vessels that operate on the high seas to possess a permit issued in accordance with Section 104 of the HSFCA and be marked for identification purposes, per 16 U.S.C. 5503. HSFCA also requires permit holders to report their fishing activities. The HSFCA prohibits use of high seas fishing vessels in contravention of international conservation and management measures recognized by the U.S. or in a manner that would violate a permit condition. 16 U.S.C. 5505. Implementing regulations are found at [50 CFR Part 300, Subparts A and B](#).

The current collection of information, under OMB Control No. 0648-0304, includes a permit application, vessel marking requirements, and high seas fishing effort and catch reporting. Additionally, the following information is collected:

- Submission of a photograph of the high seas fishing vessel with each high seas fishing permit application; *
- Request for the authorization of a fishery on the high seas,¹ which is to include:
 - (a) The species (target and incidental) expected to be harvested and the anticipated amounts of harvest and bycatch.
 - (b) The approximate times and places fishing will take place, approximate number of vessels participating, and the type, size, and amount of gear to be used.
 - (c) A description of the specific area that may be affected by the fishing activities.
 - (d) A description of any anticipated impacts on the environment, including impacts on fish stocks, marine mammals, species listed as threatened or endangered under the Endangered Species Act (ESA) or their critical habitat.

¹ A request to add a new fishery to the list of fisheries authorized on the high seas is optional, not mandatory, under the rule. See § 300.334(e) of the rule.

- (e) If requested by NMFS, any additional information necessary for NMFS to conduct analyses under ESA, Marine Mammal Protection Act (MMPA) and the National Environmental Policy Act (NEPA);
- Installation of a vessel monitoring system enhanced mobile transceiver unit (EMTU);
- Operation of the EMTU at all times, except when the vessel will be at a dock or permanent mooring for more than 72 consecutive hours or when the vessel will not operate on the high seas or in any fishery that requires EMTU operation for more than 30 consecutive days. Notices prior to EMTU power-down and power-up will need to be provided to NMFS;
- Notification to NMFS of fishing trips if the vessel is selected to carry an observer;
- Prior notification to NMFS of a transshipment of fish or fish product on the high seas and a report on the transshipment within 15 days afterwards.
- Removal of the logbook reporting requirement.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Applicants request an HSFCA permit by submitting a completed application form. A copy of the applicant vessel's current USCG certificate of documentation or state registration number is required for purposes of identification and to establish that the applicant vessel is currently documented as a U.S. vessel. The certificate/registration also provides the applicant vessel's official number, port of record, when and where the vessel was built and the vessel's length, all of which are required by the HSFCA.

The majority of the additional information items in Sections 1, 3 and 4 are either required by the HSFCA or deemed necessary for purposes of identification of the vessel, owner, and operator. The date of birth of the owner is requested to link to other fishery permit databases. A number of National Marine Fisheries Service (NMFS) permitting systems use date of birth as a key field. The crew size is required to provide enforcement personnel with advance information as to crew size to be accounted for during a boarding or other inspection.

NMFS is required to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134), which states, at 31 U.S.C. 7701 (c) (1), “The head of each Federal agency shall require each person doing business with that agency to furnish that agency such person’s taxpayer identifying number.” The Act further states, at 31 U.S.C. 7701 (c) (2)(B), “For purposes of this subsection, a person shall be considered doing business with a Federal agency if the person is an applicant for, or recipient of, a federal . . . permit . . . administered by the agency.” Therefore, because applicants for HSFCA permits are “persons doing business” with a Federal agency, NMFS must require applicants for HSFCA permits to provide a taxpayer identifying number such as a Tax Identification Number (TIN) assigned to an applicant’s business or a Social Security Number (SSN) assigned to an individual applicant. The HSFCA application form includes a statement advising the applicant that any TIN or SSN provided will not be released to the public.

The information in Section 2 is required to determine the nature and scope of activities to be carried out by U.S. vessels under the HSFCA so that NMFS can insure applicants are reporting

their catches in accordance with the reporting requirements of the various authorized high seas fishing activities.

The first information item in Section 5 is required to assist in ascertaining whether the applicant vessel has flown a foreign flag within the last three years. The supplemental information, to be submitted if the vessel has flown a foreign flag, will be used to identify and verify from FAO data whether the applicant vessel, when under foreign flag, violated any natural resource statutes or had a permit or license suspended or revoked.

The second information item in Section 5 is required to assist in verifying whether the applicant vessel has violated natural resource statutes in the last three years. Any such violations occurring while the vessel flew a U.S. flag should be revealed during a check of the Enforcement Management Information System (EMIS - the standard reference database used in fisheries enforcement). This item provides a means to verify the information contained in EMIS, and is an opportunity for applicants to provide any additional details deemed relevant. This item is also designed to be an opportunity for the applicant to correct any misinformation that may be contained in EMIS. Similarly, if violations occurred while under foreign flag, this item is an opportunity to report relevant violations and any additional details deemed appropriate, in order to verify that any violation data held by FAO are accurate and valid.

Reviewing renewal applications is an opportunity for fisheries managers to provide new information about regulations to the permit holder, or to review compliance the permit holder's compliance record. Permit managers frequently use the renewal period to educate the applicant on any changes to the fishery management.

Vessel marking requirements

Section 104 of the HSFCA and National Oceanic and Atmospheric Administration (NOAA)'s regulation require that a vessel's official number or international radio call sign be displayed on the port and starboard sides of the deckhouse or hull, and on a weather deck. This information identifies each vessel and is intended to be visible at distances at sea level and from the air. This information provides law enforcement personnel with a means to monitor fishing, at-sea processing, and other related activities, to ascertain whether a vessel's observed activities are in accordance with those authorized for that vessel. The identifying number is used by the National Marine Fisheries Service (NMFS), the U.S. Coast Guard (USCG), and other marine agencies in issuing violations, prosecutions, and other enforcement-related actions. Vessels that qualify for particular fisheries are readily identified, and more efficiently and expediently prosecuted, thereby allowing for more cost-effective enforcement. Cooperating fishermen and other interested parties also use the number to report suspicious activities. Fishermen in compliance with fishery management regulations ultimately benefit, as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

Vessel Photograph

A photograph of the high seas fishing vessel will need to be submitted by vessel owners or operators who are applying for a high seas fishing permit. The photograph must clearly show the entire bow-to-stern side-view of the vessel in its current form and appearance; it must also clearly and legibly display the vessel name and identification markings. NMFS expects an average of 120 applications to be filed each year. Each applicant generally needs to submit an application every 5 years. The photographs will be used to identify or verify the identity of a vessel, particularly for enforcement purposes. The photographs could be used by U.S. enforcement agents as well as agents associated with regional fisheries management organizations.

Request to authorize a fishery on the high seas

A member of the public could request NMFS add an authorized fishery by submitting a written request that includes items described in the response to Question 1.

NMFS does not expect such requests on a regular basis. For the purposes of this information collection, NMFS estimates that one request might be submitted every 5 years. The information submitted with the request will be used by NMFS to analyze the potential impacts on the human environment from the proposed fishing activities, pursuant to NEPA, impacts to marine mammals under the MMPA, and to analyze the potential impacts to species listed as endangered or threatened under the ESA and their designated critical habitats. Depending on the outcomes of these analyses and any other relevant factors, NMFS will determine whether to add the fishery to the list of fisheries authorized on the high seas.

Enhanced Mobile Transceiver Units

Vessel owners or operators will need to purchase an EMTU, have it installed on the vessel, and submit an installation and activation form to NMFS. Current owners will have paid the capital expenses, incurred in 2015 and averaged over three years.

The EMTU will automatically provide position reports, along with vessel identification information, every hour to NMFS. The regular position reports allow NMFS to monitor the vessel in its vessel monitoring software. This tool allows NMFS to monitor high seas fishing vessels, communicate with the vessel through the EMTU, and promote compliance with applicable requirements.

Vessel owners and operators could use one of two exemptions from the EMTU operation requirement. The EMTU may be powered down if (1) the vessel will be at the dock or mooring for more than 72 consecutive hours, or (2) the vessel, for 30 or more consecutive days, will not be on the high seas or participating in a fishery that requires EMTU operation. A message notifying NMFS of the power-down must be sent to NMFS prior to powering down the unit and again when the EMTU will be powered back up.

Prior to powering down, the vessel owner or operator will be required to notify the NMFS Office of Law Enforcement (OLE) divisional office via email or other means as directed by the OLE divisional office the following information: the vessel's name; the vessel's official number; the

intent to power down the EMTU; reason for power-down; port where the vessel is docked; and full name, telephone, and email contact information for the vessel owner or operator. When powering up the EMTU from an in-port exemption, the vessel owner or operator will need to report to the OLE divisional office the following information: that the EMTU has been powered up; the vessel's name; the vessel's official number; port name; intended fishery; and full name, telephone, and email contact information for the vessel owner or operator.

When powering up from an in-port exemption the vessel owner or operator will need to report to the OLE divisional office, during office hours, at least 2 hours before leaving port or mooring. When powering up from a long-term exemption, the vessel owner or operator will need to notify the OLE divisional office during office hours. The vessel owner or operator will need to receive email confirmation from the OLE divisional office that proper transmissions are being received from the EMTU. This confirmation will need to be received before leaving port, after an in-port exemption, or entering the high seas or a fishery that requires EMTU operation, after a long-term exemption, if these activities are occurring during OLE divisional office hours. If the vessel leaves port, enters the high seas, or enters a fishery that requires EMTU operation outside of OLE divisional office hours, the OLE divisional office will confirm proper transmissions and send email confirmation at the beginning of the next business day.

Observers

If a high seas fishing vessel is selected for observer coverage, the vessel owner or operator will need to provide NMFS a notice of their next fishing trip that may take place on the high seas. The specific notification procedures and information requirements, such as expected gear deployment, trip duration and fishing area, will be specified by NMFS in its selection letter. NMFS will use the notice to ensure that an observer is prepared to board the vessel for the next fishing trip. For trips on which an observer is deployed under this new requirement, the affected entity will be at least responsible for the costs associated with providing the observer with food, accommodations, and medical facilities.

NMFS will pay the cost of the observer's salary and benefits. If and when a mechanism is established whereby the fishing vessel could pay these costs, the vessel could be responsible for all or a portion of these costs.

Transshipments on the High Seas

A notice of a pending transshipment on the high seas, involving any U.S. vessel, will need to be provided to NMFS at least 36 hours prior to transshipment. The notice will need to include: the vessels participating in the transshipment (names, official numbers, and vessel types); the location (latitude and longitude to the nearest tenth of a degree) of transshipment, date and time that transshipment is expected to occur, and species, processed state, and quantities (in metric tons) expected to be transshipped. A full report of the transshipment, using a form developed by NMFS, will need to be provided to NMFS within 15 days after the vessel first enters into port following the transshipment. The form will collect vessel information for the offloading and receiving vessels, vessel operator information for offloading and receiving vessel, dates and

location of transshipment, species and quantities transshipped, and other information related to the catch and ultimate landing of the transshipped product.

The prior notice will provide NMFS an opportunity to deploy enforcement agents to the location of the transshipment. The report of the transshipments will allow NMFS to be aware of the activities of high seas fishing vessels and provide information on such activities to regional fisheries management organizations, as appropriate.

NMFS 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#). 44 U.S.C. 3516, note.

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 have the option of completing paper applications, and submitting those documents to regional permit processors, or enter their applications directly into the NOAA Fisheries Permits System web site (NPS).

The collection of information on NPS is authorized under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C 1801 et seq., the High Seas Fishing Compliance Act, the Tuna Conventions Act of 1950, the Antarctic Marine Living Resources Convention Act, the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 U.S.C. 6901 et seq), the Marine Mammal Protection Act, the Endangered Species Act and the Fur Seal Act. The authority for the mandatory collection of the Tax Identification Number (TIN) is 31 U.S.C. 7701.

In order to manage U.S. fisheries, NMFS requires the use of permits or registrations by participants in the United States. NMFS established the NPS to accept and maintain all Sustainable Fisheries permit applications and related data. Information on NOAA Fisheries permit applicants and renewing holders includes vessel owner contact information, date of birth, TIN, and vessel descriptive information. Furnishing this information is voluntary; however, failure to provide complete and accurate information will prevent the determination of eligibility for a permit.

4. Describe efforts to identify duplication.

There are no other collections that can substitute for the information required to complete HSFCA applications. The completed applications define unique applications based on an

applicant's particular fishing strategies.

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 businesses, organizations or governmental entities.

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

Failure to collect the information would make it impossible for NMFS to carry out its responsibilities under Section 104 of the HSFCA.

Further, fisheries managers are able to exert better monitoring control and surveillance over managed fisheries on the high seas, and will have a more accurate count of how many, and which vessels are in which fisheries on the high seas.

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 a copy of 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 August 14, 2018 (83 FR 40233) solicited public comments. No comments were received.

Comments were solicited directly from 260 applicants and current permit holders. A total of 14 responses was submitted. Of those, eight were "no comment." One respondent said that the EMTU is a violation of privacy. Others had non-specific comments about fishing permitting process, in general, but nothing concerning this information collection directly.

Comment:

Commenter finds it offensive and a violation of his privacy to have a VMS on the boat. However, if NOAA were to pay for it he would not be so profoundly offended.

Response:

In light of U.S. obligations under the Compliance Agreement to ensure that U.S. fishing vessels on the high seas do not engage in any activity that undermines the effectiveness of international conservation and management measures, NMFS considers it necessary to require all vessels permitted to fish on the high seas be equipped with EMTUs. NMFS recognizes the additional cost burden associated with procuring and operating EMTUs and offers a reimbursement program to provide eligible vessel owners with up to \$3,100 towards the cost of procuring an EMTU unit.

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

No payments or gifts are involved.

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

As stated on the applicable forms, data submitted to NMFS to fulfill HSFCA requirements will be managed consistent with [NOAA Administrative Order 216-100](#) (Confidentiality of Fisheries Statistics). NMFS does not release confidential information submitted in compliance with provisions of the Magnuson-Stevens Fishery Conservation and Management Act or HSFCA, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, NMFS ensures that Personally Identifiable Information and information on the financial business activity of a vessel is not identified.

This information is covered by the Privacy Act System of Records Notice, [COMMERCE/NOAA-19](#), Permits and Registrations for U.S. Federally Regulated Fisheries.

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.

Permit Application and Vessel Photograph

The estimated annual burden for this collection is 60 hours. The estimate is calculated as follows (permits are valid for 5 years): The response and burden estimates for the permit application are 120 responses, 60 hours, and \$15,533.

$$\begin{aligned} 600 \text{ vessels}/5 \text{ years} &= 120 \text{ per annum} \\ 120 \text{ per annum} \times 30 \text{ minutes per application and photo} &= 120 \text{ hrs} \end{aligned}$$

Vessel Marking

The estimated burden for this collection is approximately 38 hours. This is based upon 50 vessels (not already subject to acceptable vessel identification requirements under other regulations) having to be marked in 3 locations at 15 minutes per location:

$$50 \text{ vessels} \times 45 \text{ minutes/vessel} = 37 \text{ hrs and 30 minutes (38 hours)}$$

Request to authorize a fishery on the high seas

Making this optional request to add an authorized fishery is expected to take approximately about 110 hours. This time would be spent gathering and compiling the required information described in the response to Question 1. NMFS does not expect such requests on a regular basis. For the purposes of this IRFA, NMFS estimates that one request might be submitted every 5 years. **The annualized burden for this option is 22 hours.**

Enhanced Mobile Transceiver Units

The 200 units have been paid for, but there is a \$625 operating cost for each one (see A.13). The notices prior to power-down and powering-on the EMTU are estimated to take 5 minutes each or 10 minutes total for each power-down. **NMFS estimates that approximately 400 vessels would use this option each year. The annual burden estimate is 67 hours.**

High Seas Fishing Vessel Observer Notification

Under the final rule, any high seas fishing vessel could be selected by NMFS for observer coverage. If so selected, the vessel owner or operator will need to provide NMFS a notice of their next fishing trip. This notification is estimated to take 5 minutes. NMFS does not know what percentage of high seas fishing vessels will be selected for observer coverage and whether only one trip per year per vessel will be covered by an observer. **For the purposes of this PRA request, if 60 vessels are selected each year, on average, to carry an observer on a single fishing trip, the annual burden is estimated to be 5 hours.**

Transshipments on the High Seas

It is estimated that each transshipment notice submitted to NMFS will require about 15 minutes. It is estimated that each transshipment report submitted to NMFS will require about 1 hour.

Thus, for each transshipment event on the high seas, the time burden and cost are estimated to be 1 hour and 15 minutes for each U.S. flagged vessel involved in the transshipment.

Assuming 8 vessels transship on the high seas twice each year (16 responses), the annual burden estimate is 20 hours.

IC	Responses	Response time	Total hours	Total recordkeeping/reporting costs
Permit application and vessel photo	120 (annualized)	60 minutes	120	6720
Vessel ID	50	45 min.	38	1250
EMTU operating costs	NA	NA	NA	125000
Request to authorize a fishery on the high seas	1	22 hours	22	1
Transshipment notices and reports	16	1 hour, 15 min.	20	32
Power-down and power-on notices	800	5 min.	67	0
Observer notification, food, accommodations, and medical facilities	60	5 min.	5	0
Totals	1,047		272	\$133,003

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

The updated estimated annual cost burden for permit fees is **\$6,720**. The estimate is calculated as follows:

120 per annum x \$56.00 per application fee = \$6,720. This is a temporary decrease from \$129 per fee but the once the permit is renewed annually (pending rule), each vessel will have to pay \$56 per year.

EMTU: Current owners have paid the capital expenses, incurred in 2015 and averaged over three years, but ongoing operating expenses are now \$625 each for the 200 vessels that currently have EMTUs, totaling **\$125,000**.

Request to authorize a fishery on the high seas

NMFS estimates that one request might be submitted every 5 years. The cost burden includes postage cost and is estimated at \$5 per request or **\$1** per year.

Transshipments on the High Seas

Communication cost of each transshipment notice or report will be no more than \$1. Thus, for each transshipment event on the high seas, the cost is estimated to be \$2 for each U.S. flagged vessel involved in the transshipment.

Assuming 8 vessels transship on the high seas twice each year, the annual cost burden is **\$32**.

Vessel Marking

For 50 vessels per year the cost will be \$25 for paint and brushes, **totaling \$1,250**.

Total costs: \$133,003.

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

Estimated Federal costs for processing applications and issuing permits are calculated as follows:

- a. Average of .22 hours per application @ rate of ZA02 for review, verification, data input, permit preparation, copying, filing, etc. = \$6.32 per application.
- b. Average of .05 hours per application @ rate of ZA05 for management review, approval, etc. = \$3.71 per application.
- c. NPS contract support billing fee of \$22,500 per year.
- d. Other overhead and agency costs of \$7,275 per year.

These result in an annual estimated cost of \$34,787.

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

Adjustments:

EMTU capital costs have been paid, but there are \$625 per vessel operating costs.

The permit fee has changed from \$129 to \$56.

The observer food, medical costs etc. was counted in 2015 but it is clearly stated that NMFS will cover these costs at this time, so we removed those costs for now.

This collection already includes reporting requirements also covered by the NOAA collection under OMB control number 0648-0596. Discontinuing the latter collection will not change the burden associated with this collection.

NOTE: Reporting Fishing Activities

Since it had been determined in 2015 that HSFCA logbook reporting is redundant with reporting requirements by other fisheries in which high seas vessels participate, this requirement was been removed, along with 750 burden hours.

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

The results will not be published.

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