

**1SUPPORTING STATEMENT  
PACIFIC ISLANDS REGION CORAL REEF ECOSYSTEM PERMITS  
OMB CONTROL NO. 0648-0463**

This request is for extension of a currently approved collection.

**A. JUSTIFICATION**

**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 ecosystem plans for fisheries in the United States (U.S.) exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. The fishery ecosystem plans of the western Pacific region for the American Samoa, Hawaii, and Mariana Archipelagos, and the Pacific Remote Island Areas are intended to regulate fishing to ensure sustained productivity and achievement of optimum yield from the resources for the benefit of the U.S.

The regulations at [50 CFR Part 665](#) require that any person fishing for, or operators of vessels used to fish for, coral reef ecosystem management unit species (CREMUS) in low-use Marine Protected Areas (MPAs), fishing for Potentially Harvested Coral Reef Taxa (PHCRT), or fishing with any gear not specifically allowed, in the exclusive economic zones around the American Samoa, Hawaii, or Mariana Archipelagos, or around the Pacific Remote Island Areas, must possess a Coral Reef Ecosystem Special Permit. The owner of a receiving vessel used to land or transship PHCRT or CREMUS harvested in a low-use MPA in a coral reef ecosystem management area must register it to a Coral Reef Ecosystem Transshipment Permit.

**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.**

Information is collected via a permit application process. Permits are valid for one calendar year and may be renewed annually.

The information from the permit application form will allow the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO), in consultation with the Council, to determine whether the permit applicant qualifies for a special permit. Vessel-related information such as vessel size, registration, vessel's insurer, radio call sign, etc., may be used by NMFS to determine whether the applicant is an operator of a U.S. documented/registered vessel. The information, which profiles the current fishery, may also be used by NOAA Office of Law Enforcement and other offices of NMFS, USCG, and the Council. Other information requested in the application form will be used to assess the impact of fishing activity on harvested stocks of coral reef biota and their habitat. The data include location of fishing grounds; types of fishing

gear and method of collection used; fishing effort, target and incidental species; disposition of the catch; objectives and details of proposed fishing operation; estimated ecosystem, habitat and protected species impacts; and any additional information to help support approval of the application. The permit applicant also furnishes general information on the objectives of the harvesting operation and a description of possible impacts on protected species, habitat, and the ecosystem. This information enables NMFS and the Council to gain a broad perspective on the harvesting operation to evaluate the permit for approval.

As requested, summaries of permit application information are provided to the Council and interested parties to generally describe the fishery and give an overview of the nature and magnitude of the impacts of the FEP regulations on the permit holders.

This collection also includes information involving appeals of permit denials. The appellant must provide documentation to show why a special permit should have been granted. The information is used by the NMFS Regional Administrator in making a final determination on permit issuance under an FEP.

The information will not be disseminated to the public except in non-confidential or aggregate form in summary and analytical reports. Any information that might be used to support publicly disseminated information would first be aggregated and/or summarized 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. 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.**

These permit applications are not collected in electronic form, although email or facsimile transmission may be used. Fillable Adobe forms are available at: [http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_index.html](http://www.fpir.noaa.gov/SFD/SFD_permits_index.html).

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

During the course of developing the FEPs, NMFS and the Council worked with representatives of the State of Hawaii and U.S. Pacific Island government fisheries agencies to craft a permit application form with intent to minimize duplication with respective information collections. These agencies offered advice in the final specifications for the application form itself, as well as the information elements being recorded. However, in no instance was it possible to use state/territorial collections to replace the federal special coral reef fishing permit form.

**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 Pacific Islands fisheries under the management purview of NMFS and the Council, including fishers who harvest coral reef resources, are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only a 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.**

If the permit application data are not available or are collected less frequently, NMFS and the Council will not be able to properly evaluate an application for a special permit issued under the FEP. Also, it would be difficult to monitor the fishery and its participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for the coral reef ecosystems management program. Fisheries enforcement agents will not be assured of being able to identify the current participants in the fishery for purposes of compliance monitoring and enforcement of the regulations. Contact between NMFS and fishermen will be less frequent; NMFS will be unable to consult with permit holders on coral reef fishery-related issues or advise them of 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 published on August 23, 2018 (83 FR 42644) solicited public comments on this submission. No comments were received as a result of this solicitation. NMFS directly requested comments from stakeholders. NMFS received a comment from one respondent to date.

*Comment 1:* A Fishery Council staff member asked if the form would still be relevant once the Ecosystem Components amendment goes into effect (which would affect the coral reef fisheries sections of the Fishery Ecosystems Plans and relevant regulations).

*Response:* We responded that when and if the Ecosystem Components amendment and regulations go into effect, we would revise the forms as needed to comply with the new regulations. At this time, we seek only to extend the existing collection.

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

Not Applicable.

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

Under Section 402(b) of the Magnuson-Stevens Act, as amended, 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 permit application.

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 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 five unduplicated respondents – 4 requesting either or both permits, and one appealing, 6 responses and 13 hours.

	Hours
a) 4 special permit applications x 2 hr/response	8
b) 1 transshipment application x 2 hr/response	2
c) 1 appeal x 3 hr/response	<u>3</u>
Total	13

**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 is no “start up” capital cost for complying with this requirement. The estimated cost to respondents to mail and make file copies of the application form, permit, appeal documents, etc. is \$32 per year. An application processing fee has not yet been established for this permit.

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

The estimated cost of this collection to the Federal government is an average of \$1,200 per permit or appeal action. This entails reviewing the application/appeal, conducting a NEPA analysis, determining sufficiency of respondents’ documents, awarding the permit, coordinating appeal actions, organizing application and appeal-related information, sending out permit

renewal timing notices, responding to inquiries, etc. The total Federal cost is estimated at \$7,200 per year.

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

No changes made.

**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. However, the information contained in the permit application will be analyzed by NMFS and the Council to determine eligibility for permit issuance and the need for management changes to conserve coral reef stocks and protect endangered or threatened marine animals and their habitats. 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 employ statistical methods.