

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic and Atmospheric Administration**  
**Non-commercial Permit and Reporting Requirements in the Main Hawaiian Islands**  
**Bottomfish Fishery**  
**OMB Control No. 0648-0577**

**Abstract**

Each boat-based non-commercial fisherman and vessel owner who fishes for bottomfish management unit and ecosystem component species in the federal waters of the main Hawaiian Islands must obtain a non-commercial bottomfish fishing permit from the NMFS or hold a State of Hawaii Commercial Marine License. Each permitted vessel owner or operator must submit a logsheet report after the conclusion of every fishing trip.

**Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This request is for the extension of a currently approved collection of information.

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 established 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 fishery for bottomfish management unit species (BMUS) and ecosystem component species (ECS) 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.

Each permitted vessel owner or operator 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 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. 1 Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

*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 (OLE), the USCG, and the Council also use the information.

*Logbook Forms*

Vessel owners or operators must submit completed logbook forms to 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, and for evaluating the magnitude and distribution of impacts resulting from changes to 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 fishery. Without the information, 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. Additionally, OLE, the State of Hawaii, and the 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 may 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 or 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

*Permits*

At this time, NMFS does not have an automated electronic process to collect application information. NMFS no longer accepts mailed applications and checks. NMFS requests applicants to submit applications via secure email and pay fees online per the procedure specified at [www.fisheries.noaa.gov/pacific-islands/commercial-fishing/apply-pacific-islands-fishing-permit](http://www.fisheries.noaa.gov/pacific-islands/commercial-fishing/apply-pacific-islands-fishing-permit).

*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. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2**

*Permits*

There is no similar State of Hawaii permit requirement for the MHI non-commercial bottomfish fishery.

*Logbook Forms*

There is no similar State of Hawaii catch and effort reporting program for the MHI non-commercial 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 may not provide full coverage of the non-commercial bottomfish fishery.

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

*Permits and Logbook Forms*

This information collection is for non-commercial bottomfish fishing and, therefore, does not involve small businesses or other small commercial entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

## *Permits*

Without this collection or if it is collected less frequently, NMFS will be unable to properly evaluate activity, participation, and reporting compliance in the MHI non-commercial 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 NMFS would be unable to consult or communicate with permit holders on regulatory changes such as a fishery closure when an ACL is reached.

## *Logbook Forms*

Logbook reporting is needed in the MHI non-commercial 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. 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.**

This collection will be conducted in a manner consistent with OMB guidelines.

### **8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A *Federal Register* Notice published on August 24, 2020 (85 FR 52090) solicited public comments. No comments were received. A solicitation for comments was sent to five fishermen and other members of the public. One comment was received.

Comment 1 – Council staff commented that the FR notice did not specify that the permit applied to fishing for both BMUS and ECS, which had recently changed.

Response – NMFS modified the permit application and logbook forms to clearly indicate that both BMUS and ECS are covered by the permit and report requirement.

### **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 of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and**

**described here.**

Under Magnuson-Stevens Act section 402(b) and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements is confidential. This includes personal and proprietary information contained in the permits and logbooks. See response to Question 2 describing that NMFS would not disseminate information to the public except in non-confidential or aggregate form in summary and analytical reports.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No questions are asked of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

NMFS expects to receive an estimated 100 MHI non-commercial bottomfish permit applications each year. It would take an estimated 15 minutes for an applicant to complete a permit application for a maximum burden of 25 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. NMFS expects that 25 vessels may make between 1-5 trips per year, averaging 1 day per trip, and generating a maximum of 125 (25 x 5) daily trip reports per year. A trip report would take about 20 minutes per logsheet, resulting in a maximum burden of 41.67 (42) hours per year for reporting.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
MHI Non-commercial bottomfish permit application	Vessel Owner, Operator, or Fisherman	100	1	100	0.25	25	\$16.35	\$409
Permit denial appeal	Vessel Owner, Operator, or Fisherman	1	1	1	2	2	\$16.35	\$33
MHI Non-commercial bottomfish trip report	Vessel Operator or Owner	25	5	125	0.33	42	\$16.35	\$674
<b>Totals</b>				<b>226</b>		<b>69</b>		<b>\$1,116</b>

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

There is no start-up capital cost for complying with this requirement. Respondents use forms provided by the NMFS to apply for the permit or report information.

The non-refundable application processing fee is \$53, with the total cost for 100 applications being \$5,300. The maximum estimated cost to respondents for copies, scanning, and mailing, related to this collection is about \$300 per year. The cost of copying and scanning for a permit appeal is estimated to be \$10. Mailing cost for a trip report logsheet would be about \$1 each. The total estimated cost would be \$5,435.

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c)=(a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
MHI non-commercial permit application	100	1	100	\$53	\$5,300
Permit Appeal	1	1	1	\$10	\$10
MHI non-commercial report	25	5	125	\$1	\$125
<b>TOTALS</b>			<b>226</b>		<b>\$5,435</b>

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The estimated annual cost to the Federal government to administer this collection of information is up to \$3,838 per year. Information from the FY20 PPS Standard Pay Tables and from contractor were used for salary information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZA03-02	\$88,519	2.5		\$2,213
Other Positions					
Contractor Cost		\$65,000	2.5	0	\$1,625
Travel					0
Other Costs					0
<b>TOTAL</b>		<b>\$153,519</b>			<b>\$3,838</b>



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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
MHI non-comm. permit application	100	100	100	100	25	17	Increased estimated burden for permit application
MHI non-comm. permit appeal	1	1	1	1	2	2	No change.
MHI non-comm. report	25	50	125	250	42	83	Reduced number of respondents
<b>Total for Collection</b>	<b>100*</b>	<b>100*</b>	<b>226</b>	<b>351</b>	<b>69</b>	<b>102</b>	
<b>Difference</b>	<b>0</b>		<b>-125</b>		<b>-33</b>		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
MHI non-comm. permit application	409	n/a	5,300	4,749	Added estimated labor cost
MHI non-comm. permit appeal	33	n/a	10	1	Added estimated labor, copying and mailing costs
MHI non-comm. report	674	n/a	125	248	Added estimated labor and mailing costs
<b>Total for Collection</b>	<b>1,116</b>	<b>n/a</b>	<b>5,435</b>	<b>4,998</b>	
<b>Difference</b>	<b>1,116</b>		<b>437</b>		

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

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 that display would be inappropriate.**

The expiration date for OMB approval will be displayed.

**18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).