

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Pacific Islands Permit Family of Forms
OMB Control No. 0648-0490

Abstract

This request is for revision of a currently approved information collection. This collection will be revised to accommodate changes to the American Samoa longline permit application form as a result of proposed rule 0648-BH65 to implement [Amendment 9 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific](#).

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.

The Magnuson-Stevens Fishery Conservation and Management 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 (FEP) as fishery management plans for federal fisheries management.

NMFS has jurisdiction over fisheries in Federal waters of the Pacific Ocean seaward of American Samoa, Guam, Hawaii, the Northern Mariana Islands (NMI), and the Pacific Remote Island Areas (PRIA)¹. The Council prepares, and the Secretary approves and implements through regulations, FEPs for American Samoa, Hawaii, and Mariana Islands (Guam and NMI) archipelagos, PRIA, and pelagic fisheries in the Pacific Islands region. Each of these FEPs contains requirements that commercial fishery participants obtain Federal permits for federally managed fisheries in their area. Implementing regulations are at [50 CFR 665](#).

The proposed modifications to the American Samoa Limited Access Permit program ([50 CFR 665.816](#)) will:

1. Consolidate the four current permit size classes (Class A, B, C, and D) into two permit class sizes (small and large);
2. Restrict permit ownership to U.S. citizens, U.S. nationals, and to U.S. companies, partnerships, or corporations only;
3. Eliminate the requirement to have documented history of participation in the fishery to be eligible for owning a permit;

¹Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll, Midway Atoll, and Kingman Reef.

4. Reduce the small vessel class minimum harvest requirement for renewal from 1,000 lb to 500 lb of pelagic management unit species within a set three-year period, and require that fish be landed in American Samoa (but not required to be caught within the U.S. Exclusive Economic Zone around American Samoa); and
5. Specify that the minimum harvest amount be pro-rated for the remaining term of the permit in the event of a permit transfer.

Items 1, 2, and 3 will require revising the permit application form to collect new information or change instructions. Items 4 and 5 will require changes to processing of permit applications, but no changes to the application form.

This collection of information is needed 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 facilitates communication between NMFS and fishermen.

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.

NMFS collects information via a permit application process. Permits are valid for one calendar year and fishermen may renew the permit annually, except for the American Samoa longline limited entry permit, which is effective for three years. NMFS uses information from the permit application form 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, and ownership to determine whether the applicant is an owner of a U.S. documented/registered vessel. NOAA OLE, the USCG, and the Council also use the information.

This collection also includes information involving appeals of permit and permit transfer denials. The appellant must provide documentation to show why a permit should have been granted. The NMFS Pacific Islands Regional Administrator uses the information to make a final determination on permit issuance under the FEP. NMFS expects a maximum of four permit denials per year, if any. Appeal procedures are detailed in [50 CFR 665.13\(m\)](#) and [50 CFR 665.801\(o\)](#).

NMFS retains control over the information and safeguards 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, NMFS applies the information 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.

Hawaii longline limited entry permit holders may renew online via the NMFS National Permit System at https://fisheriespermits.noaa.gov/npspub/pub_cmn_login/index_live.jsp. Applicants may submit permit applications in electronic form by following the instructions at <https://www.fisheries.noaa.gov/pacific-islands/commercial-fishing/apply-pacific-islands-fishing-permit>.

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

NMFS carefully considered whether there were collections by other Federal agencies or state or territorial agencies that might meet the information needs presented above. No other collections, besides the requested information, would meet the agency's reporting requirements.

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

All of the vessels in the Federally-managed fisheries in the Pacific Islands region are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. NMFS seeks the minimum amount of data needed for permit issuance and consistent with this collection in the permit application process.

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.

Without this collection or if it is collected less frequently, NMFS will be unable to properly evaluate permit applications issued under the Pacific Islands FEPs. Also, it will be difficult to monitor the fisheries and their participants, determine entry and exit patterns, assess catch history to determine appropriate allocations for potential catch share programs, 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 with permit holders on regulatory changes.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection will be conducted in a manner that is 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.

NMFS published a *Federal Register* notice on July 19, 2021 ([86 FR 37982](#)) soliciting public

comments on proposed rule 0648-BH65 to modify the American Samoa Longline Fishery Limited Entry Program. Comments will be addressed in the Final Rule to be published at a later date.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this collection.

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.

As stated on all forms, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act, as amended in 2006. It is also confidential under NOAA Administrative Order 216.100, which sets forth procedures to protect confidentiality of fishery statistics. NMFS published a Privacy Act System of Records Notice for Permits and Registrations for United States Federally Regulated Fisheries at <https://www.osec.doc.gov/opog/PrivacyAct/SORNs/noaa-19.html> that provides details on information collected by NMFS and its use. A Privacy Act Statement is provided on all application forms.

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.

NMFS asked no questions of a sensitive nature.

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

No changes in burden are anticipated for the revised American Samoa longline permit application form. No changes requested for other forms.

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)
Hawaii longline limited entry document renewal	Fisherman, Vessel Owner	10	1	10	0.5	5	\$16.35	\$81.75
Hawaii longline limited entry online renewal	Fisherman, Vessel Owner	135	1	135	0.25	34	\$16.35	\$551.81
Hawaii longline limited entry permit transfer	Fisherman, Vessel Owner	20	1	20	1	20	\$16.35	\$327.00
Longline Prohibited Area Exemption	Fisherman, Vessel Owner	1	1	1	2	2	\$16.35	\$32.70
WP general longline permit application	Fisherman, Vessel Owner	1	1	1	0.5	1	\$16.35	\$8.18
WP receiving vessel permit application	Fisherman, Vessel Owner	10	1	10	0.5	5	\$16.35	\$81.75
PRIA troll and handline permit application	Fisherman, Vessel Owner	3	1	3	0.5	2	\$16.35	\$24.52
Guam large vessel bottomfish permit application	Fisherman, Vessel Owner	1	1	1	0.5	1	\$16.35	\$8.18
PRIA bottomfish permit application	Fisherman, Vessel Owner	2	1	2	0.5	1	\$16.35	\$16.35
WP Precious Coral permit application	Fisherman, Vessel Owner	1	1	1	0.5	1	\$16.35	\$8.18
American Samoa Longline Limited Entry application for renewal, transfer, or additional permit	Fisherman, Vessel Owner	30	1	30	1.25	38	\$16.35	\$613.12
American Samoa Longline Limited Entry application for vessel registration	Fisherman, Vessel Owner	5	1	5	0.75	4	\$16.35	\$61.31
Permit Appeal	Fisherman, Vessel Owner	4	1	4	2	8	\$16.35	\$130.80
Northern Marianas Bottomfish permit application	Fisherman, Vessel Owner	15	1	15	0.5	8	\$16.35	\$122.62
Pacific Islands Pelagic Squid Jig permit application	Fisherman, Vessel Owner	1	1	1	0.5	1	\$16.35	\$8.18
Pacific Islands Crustacean permit application	Fisherman, Vessel Owner	7	1	7	0.5	4	\$16.35	\$57.22
Totals				246		135		2134

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).

No changes in cost burdens anticipated from the revised American Samoa longline limited entry permit application form. No changes requested for other forms.

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)
Hawaii longline limited entry document renewal	10	1	10	\$57	\$570
Hawaii longline limited entry online renewal	135	1	135	\$34	\$4,590
Hawaii longline limited entry permit transfer	20	1	20	\$57	\$1,140
Longline Prohibited Area Exemption	1	1	1	0	0
WP general longline permit application	1	1	1	0	0
WP receiving vessel permit application	10	1	10	0	0
PRIA troll and handline permit application	3	1	3	0	0
Guam large vessel bottomfish permit application	1	1	1	0	0
PRIA bottomfish permit application	2	1	2	0	0
WP Precious Coral permit application	1	1	1	0	0
American Samoa Longline Limited Entry application for renewal, transfer, or additional permit	30	1	30	\$69	\$2,070
American Samoa Longline Limited Entry application for vessel registration	5	1	5	\$69	\$345
Permit Appeal	4	1	4	0	0
Northern Marianas Bottomfish permit application	15	1	15	\$51	\$765
Pacific Islands Pelagic Squid Jig permit application	1	1	1	\$50	50
Pacific Islands Crustacean permit application	7	1	7	\$50	\$350
TOTALS			246		\$9,880

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.

No changes in annualized Federal costs anticipated from the revised American Samoa longline limited entry permit application form.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZA03-02	\$88,519	25		\$22,130
Other Positions	ZP04-03	\$138,906	3		\$4,167

Supervisor					
Contractor Cost		0	0		0
Travel					0
Other Costs					\$300
TOTAL		\$227,425			\$26,597

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

The proposed modifications to the American Samoa Limited Access Permit program ([50 CFR 665.816](#)) will:

1. Consolidate the four current permit size classes (Class A, B, C, and D) into two permit class sizes (small and large);
2. Restrict permit ownership to U.S. citizens, U.S. nationals, and to U.S. companies, partnerships, or corporations only;
3. Eliminate the requirement to have documented history of participation in the fishery to be eligible for owning a permit;
4. Reduce the small vessel class minimum harvest requirement for renewal from 1,000 lb to 500 lb of pelagic management unit species within a set three-year period, and require that fish be landed in American Samoa (but not required to be caught within the U.S. Exclusive Economic Zone around American Samoa); and
5. Specify that the minimum harvest amount be pro-rated for the remaining term of the permit in the event of a permit transfer.

Items 1, 2, and 3 will require revising the permit application form to collect new information or change instructions. Items 4 and 5 will require changes to processing of permit applications, but no changes to the application form.

There are no changes to the burden as a result of these changes.

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.

NMFS does not plan a publication based solely on this collection of information at this time. However, NMFS will analyze the information in permit applications to determine eligibility for permit issuance and the need for management changes to conserve fish stocks and protect endangered or threatened marine animals and their habitats. These analyses will be included in annual stock assessment and fishery evaluation reports as required under these FEP. The information from this collection may ultimately be published in scientific journals.

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 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\(b\)\(3\)](#).