NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

10/12/2004

Diana Hynek Departmental Paperwork Clearance Officer Office of the Chief Information Officer 14th and Constitution Ave. NW. Room 6625 Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 07/27/2004.

TITLE: Southwest Region Permit Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE OMB NO.: 0648-0204 EXPIRATION DATE: 12/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	427	248	0
New	1,309	530	1
Difference	882	282	1
Program Change		282	1
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additiona Paperwork Clearance Officer. Send two copies of this form, the collect additional documentation to: Office of Information and Regulatory Affa 725 17th Street NW, Washington, DC 20503.	Il forms or assistance in completing this form, contact your agency's ion instrument to be reviewed, the supporting statement, and any airs, Office of Management and Budget, Docket Library, Room 10102,	
1. Agency/Subagency originating request	2. OMB control number b. [] None a	
 3. Type of information collection (<i>check one</i>) a. [] New Collection b. [] Revision of a currently approved collection c. [] Extension of a currently approved collection d. [] Reinstatement, without change, of a previously approved collection for which approval has expired 	 4. Type of review requested (<i>check one</i>) a. [] Regular submission b. [] Emergency - Approval requested by / / c. [] Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? [] Yes [] No 	
 e. [] Reinstatement, with change, of a previously approved collection for which approval has expired f. [] Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions 7. Title 	6. Requested expiration date a. [] Three years from approval date b. [] Other Specify: /	
8. Agency form number(s) (<i>if applicable</i>)		
9. Keywords 10. Abstract		
 11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a Individuals or households d Farms b Business or other for-profite Federal Government c Not-for-profit institutions f State, Local or Tribal Government 	 12. Obligation to respond (<i>check one</i>) a. [] Voluntary b. [] Required to obtain or retain benefits c. [] Mandatory 	
13. Annual recordkeeping and reporting burden a. Number of respondents b. Total annual responses 1. Percentage of these responses collected electronically % c. Total annual hours requested d. Current OMB inventory e. Difference f. Explanation of difference 1. Program change 2. Adjustment	14. Annual reporting and recordkeeping cost burden (in thousands of dollars) a. Total annualized capital/startup costs b. Total annual costs (O&M) c. Total annualized cost requested d. Current OMB inventory e. Difference f. Explanation of difference 1. Program change 2. Adjustment	
 15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) aApplication for benefits eProgram planning or management bProgram evaluation fResearch cGeneral purpose statistics gRegulatory or compliance dAudit 	16. Frequency of recordkeeping or reporting <i>(check all that apply)</i> a. []Recordkeeping b. []Third party disclosure c. []Reporting 1. []On occasion 2. []Weekly 3. []Monthly 4. []Quarterly 5. []Semi-annually 6. []Annually 7. []Biennially 8. []Other (describe)	
17. Statistical methods Does this information collection employ statistical methods [] Yes [] No	 18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: Phone: 	

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)		
Signature	Date	
Signature of NOAA Clearance Officer		
Signature	Date	

SUPPORTING STATEMENT SOUTHWEST REGION PERMIT FAMILY OF FORMS OMB CONTROL NO. 0648-0204

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 Pacific Fishery Management Council (Pacific Council), to develop fishery management plans for fisheries in the 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 Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG) with the cooperation of State agencies to the extent possible. The plans are intended to regulate fishing so that the long-term productivity of individual species is protected and that optimum yield is achieved from the resources for the benefit of the U.S. The Pacific Council has submitted for approval, partial approval, or disapproval the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (FMP). A proposed rule to implement the FMP is being processed. The FMP establishes basic conservation and management measures applicable to U.S. vessels fishing for managed species. Among the conservation and management measures are permit requirements for commercial and charter fisheries for U.S. West Coast vessels engaged in HMS fisheries as described in this submission. This burden is an addition to the approved burden for permits for U.S. vessels engaged in western Pacific pelagic species fisheries under this collection.

The following species would be managed by the FMP:

Billfish/Swordfish:

striped marlin (<u>Tetrapturus audax</u>) swordfish (<u>Xiphias gladius</u>)

Sharks:

common thresher shark (<u>Alopias vulpinus</u>) pelagic thresher shark (<u>Alopias pelagicus</u>) bigeye thresher shark (<u>Alopias superciliosus</u>) shortfin mako or bonito shark (<u>Isurus oxyrinchus</u>) blue shark (<u>Prionace glauca</u>)

Tunas:

north Pacific albacore (<u>Thunnus alalunga</u>) yellowfin tuna (<u>Thunnus albacares</u>) bigeye tuna (<u>Thunnus obesus</u>) skipjack tuna (<u>Katsuwonus pelamis</u>) northern bluefin tuna (<u>Thunnus orientalis</u>)

Other:

dorado or dolphinfish (Coryphaena hippurus)

These species are highly migratory and are harvested in U.S. waters and on the high seas by U.S. fishermen and fishermen of other nations. In the U.S., the migratory patterns of many of the species potentially bring them in varying degree under the jurisdiction of three councils: the Pacific Fishery Management Council, the Western Pacific Fishery Management Council, and the North Pacific Fishery Management Council. The Western Pacific Council has implemented a Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics FMP) governing management of many of the same species in the EEZ of Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and other U.S. possessions in the western Pacific region. Jurisdiction in the western Pacific extends only to the various EEZs in the western Pacific and to those vessels that may fish on the high seas with permits issued under the authority of the Pelagics FMP. The Pacific Council's HMS FMP will complement the western Pacific FMP but will not establish duplicate requirements, even for vessels that sometimes fish in waters under both jurisdictions.

The following gear types (numbers of vessels in parentheses) in each category would be subject to permit and reporting requirements resulting in PRA burdens under the HMS FMP: Purse seine (27); Troll/bait-boat (hook and line) (887); Drift gillnet (121); Longline (20); Harpoon (31); and Charter (250).

All commercial fishing vessels and charter (vessels that carry recreational fishermen for hire) would be required to have a highly migratory species permit with an endorsement for a specific fishing gear. The purpose of the permit is to identify the vessels in the HMS fisheries so that fishery participation and fishing patterns can be monitored, success and failure of the fisheries can be assessed, and the effectiveness of conservation and management can be evaluated. A data base of participants also facilitates design and conduct of subsequent surveys when specific information (e.g., economic values associated with the fisheries) is required for analysis, and provides a basis for notifying all participants of potential management actions affecting the fisheries.

As indicated in Table 1, a variety of Federal and state permits are currently required for many vessels engaged in HMS fisheries. Most if not all fishing vessels that fish for tuna and other HMS in the eastern Pacific Ocean should already be on a vessel register established by the Inter-American Tropical Tuna Commission (IATTC), of which the United States is a member. In response to the IATTC action, the Southwest Region (SWR) provided the IATTC with the names of vessels in the different gear categories listed above based on information available to the SWR (e.g., west coast fishery landings statistics, Marine Mammal Protection Act (MMPA) permit files, High Seas Fishing Compliance Act permit files, South Pacific Tuna Treaty vessel license records). U.S. Coast Guard vessel documentation records for fishing vessels larger than 5 tons are also available to provide data for vessel permit records under the FMP.

In addition, vessels that fish for HMS on the high seas (such as longline, troll/baitboat, and purse seine) must obtain permits under the authority of the High Seas Fishing Compliance Act

(HSFCA). Large purse seine vessels fishing in the eastern Pacific Ocean must obtain certificates of authorization under the MMPA to ensure compliance with the International Dolphin Conservation Program Act. Longline vessels fishing under the authority of the Pelagics FMP must also have a permit from NMFS. Many of the longline vessels now operating out of west coast ports formerly fished out of Hawaii, and the owners of those vessels are likely to retain the permits that make them eligible to return to Hawaii to fish if they so choose. Drift gillnet vessel operators must have MMPA Certificates of Authorization as well. Troll vessels that fish only in the exclusive economic zone are not required to have Federal permits; but if the vessel fishes on the high seas, it must have an HSFCA permit. Harpoon and charter vessels are not required to have any Federal permits at this time. All these vessels, however, have been subject to licensing by the west coast states. Charter vessels also are registered in the states, and the ownership records are available.

This means that most participants in the west coast HMS fisheries already have Federal permits or are already recorded as being engaged in the HMS fisheries, and records for permit files are already available; therefore, the FMP regulations will impose minimal new reporting burdens on these individuals. Under the FMP, NMFS proposes issuing HMS permits to all those who already have been identified through previous permit programs or through the IATTC vessel register program for which the SWR developed a list of vessels engaged in HMS fisheries. SWR staff will extract the information from these other files, put it on "application" forms, and send the forms with provisional permits and endorsements to the owners. The SWR will indicate that the permits will be activated when the SWR receives back the form with confirmation of the entries made by the SWR, corrections of any errors, and blank spaces to be filled in if the SWR does not have the relevant information. Only those vessel owners who have not received a conditional permit from NMFS to harvest HMS within 60 days following the effective date of the final rule would have to apply for a permit to fish HMS from west coast ports. However, all eligible vessels would need an HMS permit by January 1, 2005.

2. <u>Explain how, by whom, how frequently, and for what purpose the information will be</u> <u>used. If the information collected will be disseminated to the public or used to support</u> <u>information that will be disseminated to the public, then explain how the collection</u> <u>complies with all applicable Information Quality Guidelines</u>.

The permits serve two purposes. The first is basic monitoring of the fishery to obtain information needed by NMFS, the U.S. Coast Guard, and the Council to monitor the activities of the participating vessels and the performance of the fisheries. Knowing the number of vessels, the size of the vessels, and the type of gear employed enables effective monitoring of vessel activity for enforcement and assessment purposes. Permits also provide a "universe" of fishers to whom fishery information should be sent or from whom later information may be requested in special surveys, e.g., economic surveys to evaluate how cost and earnings may have been affected by fishery restrictions. Permit application information for individuals will not be disseminated to the public, except that business names and addresses for permit holders may be released to the public. Summaries of permit information (e.g., number of permits issued, number of endorsements by gear type) will be released to the public consistent with confidentiality requirements and Information Quality Guidelines.

3. <u>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</u>.

The SWR website at *http://nmfs.swr.noaa.gov* will be used to inform the public about logbook and other management program requirements. The required forms and an explanation of the process for filling them out and returning them to NMFS will be made available online. The SWR will also work with state agencies and the Pacific Council to use their web sites and license issuing offices to increase the distribution of information about permit and other requirements.

4. Describe efforts to identify duplication.

As indicated in #2 above, the SWR compiled information for the IATTC vessel register that identifies most commercial vessels with a history of fishing in the eastern Pacific Ocean for HMS, and several permit data bases exist as a result of issuing permits under the authority of the HSFCA, the Tuna Conventions Act, the MMPA, and regulations implementing the western Pacific Pelagics FMP (50 CFR 660 Subpart C). The vessel register and these other data bases will be used as the basis for identifying persons to whom to issue permits, and this is expected to cover well over half of the participants. Only those individuals not on one of these lists or otherwise overlooked will have to obtain and submit an application form to obtain a permit and to receive the proper logbook.

5. <u>If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden</u>.

All fishing operations involving vessels in the highly migratory fisheries, except the large scale tuna purse seine vessels, can be categorized as small businesses. However, the reporting burden of applying for a permit and filling out a logbook is slight relative to the overall cost of fishing. The requirement for VMS equipment is the most costly provision; however, the equipment and its installation is provided at NMFS expense, and many if not most of the vessels subject to this requirement already have a VMS unit installed. Fishermen may also connect other communications equipment to the VMS unit to improve their own ability to communicate. No special measures are needed to offset any disproportionate effect on small businesses.

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

Holders of permits would have to renew their permit every 2 years. The primary need for a permit is to identify users and the fishing gear employed during harvest. Experience in other regions and other fisheries demonstrates that a permit period greater than 2 years results in an unacceptably high level of permit holders either failing to advise NMFS of changes in owner names or addresses or forgetting to renew permits. NMFS will establish a staggered permit

renewal system tied to the last digit in the permit number to prevent having to deal with hundreds of renewals in a short period

7. <u>Explain any special circumstances that require the collection to be conducted in a</u> <u>manner inconsistent with OMB guidelines</u>.

The collection is consistent with the guidelines. Renewal of permits is required every 2 years to ensure timely updates of vessel permit lists and permit owner information.

8. <u>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.</u>

NMFS has consulted with the fishing industry, the public, the California Department of Fish and Game, the Oregon Department of Fish and Wildlife, and the Washington Department of Fish and Wildlife. The fishing industry includes members of the Pacific Council's Highly Migratory Species Advisory Subpanel, a group made up of members of the fishing industry and public appointed to provide guidance during plan development. Meetings of the Advisory Subpanel and of the plan development team assigned by the Pacific Council to write the FMP are public. The consultations occurred during the planning process of developing the provisions of the FMP and the associated draft regulations, which was from June 1999 to November 2002.

A proposed rule to implement the FMP was published December 10, 2003, which solicited public comment on the information collections. No comments were received on the collections.

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

There is no payment or gifts to respondents.

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

Section 402(b) of the Magnuson-Stevens Act stipulates that data required to be submitted under an FMP shall be confidential and shall not be released except to Federal employees and Council staff responsible for FMP monitoring and development or when required under court order. Data such as personal addresses and phone numbers will remain confidential information. The business information of holders of Federal permits is, however, public information.

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 FMP will require a permit for all commercial and charter recreational fishing vessels harvesting HMS with an endorsement for a specific gear. There are no qualification requirements for the permit. The purpose of the permit is discussed in #1 and #2. The number of vessels actually active in any year will vary because of the variability in availability of HMS off the Pacific coast in response to ocean temperatures. This cannot be predicted with any certainty. For purposes of this collection, an estimate of the average number of vessels landing HMS in a year from 1995 through 1999 is used. As indicated in #2, the estimated number of vessels by gear is as follows:

Surface hook-and-line	887
Drift gillnet	121
Pelagic longline	20
Purse seine	27
Harpoon	32
Recreational charter	250
	1,337

Table 1 indicates permit requirements currently applicable to these HMS fishing vessels.

Persons whose vessels are on the IATTC vessel register (which covers all commercial gear types in the relevant area) and those who are holders of current Federal permits or licensed as owners of charter vessels under state programs will be sent new HMS FMP permits, with a request for confirmation of the information entered by NMFS on the permit application form as well as correction of any incorrect information and provision of missing information. Sport landings also will be contacted to cover charter vessels. The SWR will ask the recipient to return the form to NMFS so any corrections or new information can be processed into the permit files. The SWR will then notify the permit holder of activation of the permit. NMFS also will inform the public through its internet home page, Pacific Council newsletter, and state fishing license issuing offices that vessel owners who have not received a permit to harvest HMS by 60 days following the effective date of the final rule but who want such a permit should apply for the HMS permit. All vessels would need to be covered by an HMS permit by January 1, 2005, and permits would have to be carried on board the vessel when fishing after that date. This approach is intended to avoid duplication of effort and minimize the burden on applicants, many of whom will not need to fill out and submit a new application. Under this approach, it is estimated that 80 percent of the commercial fishing vessels for which the SWR has information through the IATTC vessel register and other sources will simply confirm the information, at 10 minutes per person; 10 percent of the owners will have to submit corrections or fill in blanks at 20 minutes

per person; and 10 percent will have to provide full new records, at 60 minutes per person. The harpoon and charter sectors are different; in those cases, all participants will be new Federal permit holders at 60 minutes per person. Thus, following are the estimates of the burden associated with the permitting process by fishery sector.

Surface hook-and-line:

Total fleet - 887 vessels		
Confirmation of records - $709 \times 10 \text{ min} =$	118.2	hours
Correction/fill in blanks - 89 x 20 min =	29.6	hours
Full new permit forms - $89 \times 60 \text{ min} =$	89	hours

Drift gillnet:

16.2 hours
4 hours
12 hours

Longline:

ne:	
Total fleet - 20 vessels	
Confirmation of records - $16 \times 10 \text{ min} =$	2.6 hours
Correction/fill in blanks - 2 x 20 min =	.7 hours
Full new permit forms - $2 \times 60 \text{ min} =$	2.0 hours

Purse seine:

Total fleet - 27 vessels		
Confirmation of records - 22 x 10 min =	3.6	hours
Correction/fill in blanks - 3 x 20 min =	1	hours
Full new permit forms - $2 \times 60 \text{ min} =$	2	hours

Harpoon:

Total fleet - 32 vessels Full new permit forms - $32 \times 60 \text{ min} = 32$ hours

Charter:

Total fleet - 250 vessels Full new permit forms - 250×60 min = 250 hours

Total responses = 1,337

Based on this approach, it is estimated that the permit requirement under the HMS FMP will

establish an initial burden of 562.9 hours. Permits are valid for 2 years, so the additional annualized burden is 281.5 hours for initial permit issuance.

In the future, it is expected that 90 percent of all permit holders will renew permits every 2 years with minimal changes in information and taking 6 minutes (.1 hours) per year to make the necessary report. Thus 1,204 vessels would renew with a burden of 120.4 hours, or an annualized burden of 60.2 hours. In addition, there will be substitution vessels for the 10 percent (133 vessels) who depart the fishery at a burden of 60 minutes for a new permit, with a total burden estimated at 133 hours. The annualized burden for this sector is estimated to be 66.5 hours per year. Thus, the total future annualized burden is 126.7 hours for all vessels after the first 2-year cycle has been completed.

13. <u>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 #12 above)</u>.

Mailing Costs

\$0.37/stamp x 1,337 permit applications/corrections and confirmations = \$ 494.69 \$0.03/envelope x 1,337 permit applications/corrections and confirmations = \$ 40.11 Total = \$534.80

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

The cost of setting up the permit files on a data base is estimated at 1,500.00 (40hrs X 37.50/hr = 1,454.40; 37.50/hr is the approximate cost of a GS-9/11 data base manager in the Los Angeles area). This is a one-time cost.

Issue permits to all known vessels with commercial gear targeting HMS.

.25hrs x \$ 36.36 x 1,337 vessels = \$ 12,153 Annualized cost = \$ 2,431

Review permit applications/corrections/confirmations for completeness:

0.25hr/permit x 1,337 x \$ 36.36/hr = \$ 12,153

Phone calls to verify and obtain information (20 percent of respondents):

.5 hr/permit x \$ 36.36/hr x 267 (20% x 1337) = \$ 4,854

Enter permit information in data base:

.10hr/permit x 1,337 x \$ 36.36/hr = \$ 4,861

Annualized cost = \$4,861/5 = \$991.90

Print and mail permit: .

.25hr/permit x 1,337 x \$36.36/hr = \$12,153 Annualized cost = \$12,153/5 = \$ 2,431

15. <u>Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I</u>.

This collection proposes to impose new requirements and these are program changes.

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

Thee are no plans at this time for publications based on the collections.

17. <u>If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate</u>.

The expiration dates for the collection would be displayed.

18. <u>Explain each exception to the certification statement identified in Item 19 of the OMB 83-I</u>.

There are no exceptions to the certification statement in Item 19 of OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Gear Type (Number of Vessels in Parentheses)	Current Permit Requirement	Estimated Current PRA Burden for Permits
Troll/baitboat (887)	HSFCA (high seas only)	15 (annual over 5 year)
Drift gillnet (121)	State MMPA Certificate	0
Longline (20)	HSFCA	2 (annual over 5 years)
Purse seine (27)	MMPA Certificate (large vessels only) HSFCA (high seas only)	.4 (not including MMPA)
Harpoon (32)	State	0
Charter (250)	State	0

Table 1. Summary of Permit Requirement and Collection Burdens