

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

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

03/30/2004

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 02/13/2004.

TITLE: Southwest Region Permit Family of Forms - Pacific

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0490

EXPIRATION DATE: 12/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	150	25	0
Difference	150	25	0
Program Change		25	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) ( <i>if applicable</i> )	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
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-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> 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 ( <i>in thousands of dollars</i> ) 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> ) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> 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 - PACIFIC**

**SECTION 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 (WPFMC) and Pacific Fishery Management Council, to develop fishery management plans (FMPs) 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, in cooperation with State agencies to the extent possible. FMPs are intended to regulate fishing to ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S.

The WPFMC has fishery management jurisdiction in the EEZ around American Samoa, Guam, Hawaii, Northern Mariana Islands, and the U.S. Pacific island possessions. WPFMC has prepared, and the Secretary of Commerce has approved and implemented through regulations, FMPs for crustaceans, precious coral, pelagic, bottomfish/seamount groundfish, and coral reef ecosystems management unit species of the western Pacific. The Pacific Fishery Management Council has prepared a FMP for the coastal pelagic species fishery off the U.S. West Coast. Each of these FMPs contains a requirement that commercial fishery participants obtain permits for the fishery. This request for a new collection, later to be merged into the Southwest Region Permit Family of Forms (OMB 0648-0204), stems from a regulatory amendment to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (pelagics FMP).

On November 25, 2003, the WPFMC recommended that the Secretary of Commerce approve and implement a regulatory amendment under the pelagics FMP to establish long-term management measures to conserve sea turtles in the western Pacific. Included in the management measures is a requirement that holders of Hawaii longline limited access permits respond to annual requests from NMFS if they are interested in receiving shares of the annual allowable effort limit (i.e., longline shallow-sets). The information collected would enable NMFS (i.e., Regional Administrator) to annually allocate allowable fishing effort equally among interested permit holders who provide written notification to NMFS.

**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.**

The information that is collected is used by NMFS to allocate longline shallow-set fishing effort (i.e., transferable single-set certificates), to Hawaii longline limited access permit holders who express interest to the Regional Administrator in obtaining certificates for each fishing season. It is anticipated that an estimated 100 - 150 permit holders will annually provide information under this collection.

It is anticipated that the information collected will not be disseminated to the public or used to support publicly disseminated information. The information gathered is primarily for internal agency use to allow the Regional Administrator to make annual allocations of fishing effort to permit holders who have provided notification to the agency. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality and privacy. See response #10 of this Supporting Statement for more information on confidentiality and privacy. If non-confidential information is made public, 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.**

The Pacific Islands Region's Web site at <http://swr.nmfs.noaa.gov/pir> provides the means by which Hawaii longline limited access permit holders will be informed of the collection of information requirements. Furthermore, NMFS intends to allow permit holders the option of providing notification of their interest in the receipt of annual allocations of longline shallow-set shares via email.

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

NMFS carefully considered whether other collections by the State of Hawaii might meet the information need presented above. It was concluded that no other collections would meet the need. The State of Hawaii neither has a program that allocates fishing effort in the Hawaii-based longline fishery nor collects information on shallow-setting longline effort for use by NMFS.

**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 western Pacific fisheries and the Pacific coastal pelagic fishery are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only minimum information (an affirmative "yes" written response expressing interest in receiving fishing effort certificates) from an eligible respondent is required.

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

Without this collection or if the collection is conducted less frequently, the implementation of long-term management program to conserve sea turtles in the western Pacific will be severely compromised. The information is crucial for implementing a system that distributes, monitors, and controls a restricted amount of fishing effort allowable in the Hawaii-based longline fishery.

**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 OMB Guidelines; it has a response time of more than 30 days. Except for 2004, each year at least 60 days prior to a November 1 notification deadline, NMFS will solicit responses from eligible permit holders pertaining to their interest in obtaining longline shallow-set certificates for the following fishing season.

**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.**

Attached is a copy of the proposed rule which was published in a *Federal Register* notice (69 FR 4098, January 28, 2004) announcing the collection of information and soliciting public comment. The 30-day public comment period ends on February 27, 2004. NMFS will report to OMB any comment received on the proposed collection and what steps the agency intends to take to address them.

This collection of information was developed by a special working group consisting of representatives from the fishing industry (Hawaii Longline Association), WPFMC, and NMFS.

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

No payments or gifts are involved in this program.

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

The Magnuson-Stevens Act stipulates that data required to be submitted under a FMP shall be confidential and shall not be released pursuant to section 402(b) of the Act, except to Federal and Council employees who are responsible for fishery management plan development and monitoring. NOAA Administrative Order 216-100 also protects this information. The information provided by

permit holders under this collection will be maintained as confidential because it relates to individual fishing strategy which is proprietary.

**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.**

150 permit holders x 10 min per response (notification via email or correspondence) = 25 hours  
Total estimated responses = 150

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

There is no "start-up" capital cost for complying with this requirement. The annual cost to the respondents for postage, faxes, copies, etc. related to this collection is estimated at \$ 300 (~\$2 per response).

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

The estimated cost of this collection to the Federal government to administer this collection, which includes data base management, is \$ 375 (150 responses x 10 min/notification x \$15/hr).

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

This is a clearance request for a new collection, therefore, it is a program change under the proposed rule (69 FR 4098, January 28, 2004).

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

No formal publication based solely on this collection of information is planned at this time. However, the information will be analyzed by NMFS to evaluate the administrative and operational effectiveness of the management regime for conserving sea turtles under the pelagics FMP.

**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.**

The expiration date will be displayed in an appropriate manner, including in the Federal Register notice for the final rule.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

Attachments for  
Supporting Statement: Revision of Southwest Region Permit Family of Forms

1. Proposed rule: published January 28, 2004
2. MSA 16 U.S.C. 1853, Sec 303 (b) [Discretionary Provisions] and (c) [Proposed Regulations]

Attachments for  
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(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

16 U.S.C. 1853

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297