

**SUPPORTING STATEMENT
NORTHEAST MULTISPECIES DAYS-AT-SEA LEASING PROGRAM
OMB CONTROL NO. 0648-0475**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The National Marine Fisheries Service (NMFS) is requesting a three-year renewal of Office of Management and Budget (OMB) approval of the information collections described in OMB Control No. 0648-0475 to continue management of the days-at-sea (DAS) Leasing Program for the Northeast (NE) Multispecies Fishery Management Plan (FMP), developed under the authority of the [Magnuson-Stevens Conservation and Management Act](#) (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*

The reduction in the DAS allocated to permit holders through several management actions has limited the ability of some vessels to participate in the fishery, resulting in a loss of revenue and/or the ability to operate at a profit. The DAS Leasing Program was established in Amendment 13 to the NE Multispecies FMP (0648-AN17 ([69 FR 22906](#))). The DAS Leasing Program has enabled vessels to increase their revenue either by leasing additional DAS from another vessel and using them to increase their participation in the fishery, or by leasing allocated DAS that they may not use to another vessel, however, vessels may only lease to other vessels that have a horsepower rating of no greater than 20% and a length overall measurement of no greater than 10% of the vessel's baseline specifications. Therefore, the ability for vessel owners to downgrade their baseline length and horsepower to the specifications of the current vessel for the purposes of leasing was approved under a revision to OMB Control No. 0648-0475 as part of Framework Adjustment (FW) 40B to the FMP (0648-AS33 ([70 FR 31323](#))). This program has not only provided flexibility to the fishery, but it has also enabled NMFS to examine the effectiveness of this management tool. The DAS Leasing Program was temporarily renewed once through an emergency action, and has since been permanently renewed via the measures in FW 42 which became effective October 23, 2006 (0648-AT24, ([71 FR 62156](#))). Regulations implementing the program appear at [50 CFR Part 648](#).

All eligible vessels with a valid limited access multispecies DAS permit are able to participate in the leasing program by submitting an application to NMFS. However, a permit eligibility currently held in Confirmation of Permit History (CPH¹) cannot participate in the DAS leasing program. In addition, NE Multispecies Large Mesh permit holders may not lease out the 36 percent increase in their DAS allocation that they receive for using large mesh nets. An Interim Rule (RIN 0648-AW87 ([74 FR 17030](#))) that became effective on May 1, 2009 eliminated the prohibition on leasing DAS between sector and common pool vessels in order to increase flexibility and efficiency in the DAS leasing market. In addition, this Rule eliminated a maximum number of DAS that vessels

¹ A place holder for permits when a vessel is sold, destroyed or sinks.

may lease. Under the program, permit holders may request to lease DAS at any point during the fishing year; however, for administrative purposes, applications must be received by March 1. No sub-leasing of DAS is allowed, and leased DAS do not carry over to the next fishing year. Therefore, once a DAS is leased, it must be used by the lessee prior to the end of the fishing year in which the lease occurred. Further, vessel owners may elect to use their downgrade provision only once during the lifetime of the leasing program.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The information requested is used by several NMFS offices to implement the DAS Leasing Program and to track DAS usage. Owner name and permit number are common ownership identifiers used by NMFS. During the operation of the DAS Leasing Program, this information is used to verify the existence of current, valid permits aboard vessels participating in the leasing program. Vessel name and official number are commonly used as vessel identifiers. This information is necessary to verify the status of vessel permits, identify the horsepower and length overall baseline specifications of the vessel, determine available DAS to be used in the leasing request, and execute the DAS lease. Signatures of the participants in the program are necessary to acknowledge the DAS transfer by both parties. Without both signatures, the leasing request would not be processed.

One of the requirements of the leasing program is to limit the potential of increases in effort resulting from smaller vessels leasing DAS to larger vessels. For the purposes of this program, horsepower baseline and length overall specifications are the vessel's horsepower (HP) and length overall (LOA) as of the January 29, 2004. To remain consistent with other programs, vessels may lease to other vessels that have a horsepower rating of no greater than 20% and a length overall measurement of no greater than 10% of the vessel's baseline specifications. Permit numbers are used to reference baseline specifications for the vessels within NMFS's databases.

Vessel owners intending to downgrade their DAS Leasing Program baseline are required to specify the current vessel's LOA and HP specifications.

Enforcement offices within NMFS currently track the DAS usage of permit holders. Information collected through this information request would enable enforcement officials, including the U.S. Coast Guard, to monitor compliance with the provisions of the FMP, including those governing DAS usage.

Information relating to the total price paid for the DAS is used by offices within NMFS as well as by the Fishery Management Council to assess the value of DAS to permit holders. With the reductions of DAS enacted through recent management measures, it is estimated that the value of DAS will increase. This information could be used in the evaluation of the effects of future management measures on individual permit holders as

well as communities. This information may also be used in future vessel buy-back programs and other effort-reducing programs.

Although it is unknown how many DAS leasing requests an individual permit holder would submit, it is anticipated that not every permit holder would submit a request. There is the possibility that an individual permit holder would submit several DAS leasing requests, both as a lessor and a lessee. Based on the previous three year's participation data, an estimated 700 lease requests are expected to be processed in a year. Participation in the DAS Leasing Program's baseline downgrade program is available once to each vessel with a limited access NE Multispecies DAS permit.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with 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.

This information is submitted in hard copy, delivered through the mail or in person. The need to obtain an original signature of both permit holders involved in a DAS lease necessitates paper format and prevents electronic formats from being viable means of exchange. No improved information collection technology has been identified to reduce this burden further. Every effort will be made in the future to use computer technology to reduce the public burden. The form used to collect the information needed to operate this leasing program is available in a fillable format at the NOAA Northeast Regional Office (NERO) website (www.nero.noaa.gov).

4. Describe efforts to identify duplication.

Other than information needed to identify participants such as the vessel owner's name, vessel name, permit number and official number, no information will be collected that is already collected through other means.

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

Only the minimum data to meet the requirements of the above data needs are requested from all participants. Since most of the respondents are small businesses, separate requirements based on the size of the business are not necessary.

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

The DAS Leasing Program is designed to offer opportunities to the fishing industry to recover some of the potential financial losses emanating from the recent reductions in DAS. This program is an optional program and is not mandated by any regulation. If this information is not collected, thereby preventing permit holders from recovering potential losses from reduced DAS allocations, some vessels would be unable to continue participating in the fishery.

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

The data collection is consistent with OMB guidelines.

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 January 29, 2009 (74 FR 5148) solicited public comments on the renewal of this information collection. No comments were received.

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

Neither payments nor gifts are given to the respondents.

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

All data will be kept confidential as required by [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). Only authorized personnel have access to this information as necessary to implement the DAS leasing program.

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.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

There is an increase in burden hours from the previous submission for this collection of information, based upon increased use of the Leasing Program. Based on the last three years of data from the program, we are increasing the estimated number of DAS Leasing requests. This program is restricted to the limited access permit holders in the NE Multispecies FMP (approximately 1,400 vessels). From April, 2006, through March, 2009, NMFS processed a total of 1832 lease applications, with approximately 676 lease applications being processed in fishing year 2007. The estimated number of potential lease requests for this program, based on previous participation, is approximately 700 lease applications per year.

Permit holders wishing to participate in the DAS Leasing Program are required to fill out a NE Multispecies DAS Leasing Program Application form. One form is required in order to process an individual DAS leasing request. Both participants in the lease agreement (the lessor and the lessee) need to enter information particular to their permit onto the form and sign the form at the bottom, indicating their agreement with the specifics of the lease. This results in a total of 1400 responses (2 individual responses per DAS leasing application). It is estimated that the public reporting for the DAS leasing application will continue to average 5 minutes per response. **Using an estimated average burden of 5 minutes per response, a total of 117 hours (1,400 responses x 5 minutes/60 minutes) is estimated to be the burden for participants in this data collection.**

The estimated burden for the one-time permit baseline characteristics downgrade for the DAS Leasing Program is approximately 1 hour to fill out the request form and assemble any necessary documentation for the potential 1,400 participants. Since few vessels have downgraded their baseline over the lifetime of the DAS leasing program, this would possibly result in a total burden of 1,400 hours (1 hour per submission x 1,400 submissions), or an annualized burden of 467 hours (and 467 responses). **Therefore, the estimated additional burden for this aspect of the program is 467 hours per year.**

The total annualized responses for this collection are 1,867 (1,400 DAS lease applications + 467 baseline downgrade requests). The total annualized requested hours are 584 (117 + 467). These figures are summarized in Table 1.

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 #12 above).

This information collection does not require respondents to purchase new or additional equipment or services. Most computers, telephones and/or facsimile machines utilized by the respondents would have already been purchased as part of customary and usual business practices, thus start up costs associated with these programs are negligible. The

estimates of the total annual cost burden to respondents resulting from this collection are summarized in Table 1 below.

For each DAS leasing request, two respondents would have to enter information onto the DAS application form and sign the form at the bottom. It is not known whether DAS leasing agreements between individuals would occur in person, or through other means. Accordingly, participants may mail the DAS application form to the other participant to complete the transaction. This form would then have to be mailed to NMFS for processing. With 700 applications (1,400 responses) anticipated per year for the DAS Leasing Program, there would be a cost of \$616 (1400 stamps x \$0.44/stamp). Participants may wish to retain a copy of the DAS leasing application for their own records. Using an estimate of \$0.10 per page for copying costs, participants would incur an additional \$70 cost (\$0.10 x 700 1-page copies) for copying services related to the DAS leasing program. **Postage and copying costs would total \$686.**

For the one-time opportunity to downgrade a vessel's DAS Leasing Program baseline, vessels would be required to submit a completed downgrade request form and mail it to NMFS. Participants may wish to make copies of supporting documents when submitting this information to NMFS. Assuming every individual vessel would elect to downgrade their baseline, the total cost for mailing DAS Leasing Program baseline downgrade request forms amounts to \$616 for postage and copying:

Postage: 1,400 requests x \$0.44/request, or an annualized burden of \$205.

Copying costs associated with this provision would total approximately \$700 (1,400 participants x 5 pages copied/participant x \$0.10/copy), or an annualized burden of \$234. **Together, the annualized costs for the downgrade provision amounts to \$439.**

In total, the costs to individuals participating in the DAS Leasing Program for record-keeping and application purposes total \$1,125 (\$686 + \$439).

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

There is a change from the previous submission regarding the estimate in annualized cost to the Federal Government from this collection of information. The estimates of the annual administrative costs to the Federal Government from this program are summarized in Table 2.

Costs associated with the lease program reflect a cost of \$15/hour to the government at the ZP-02 level. The cost to the government for the DAS Leasing Program requires 10 minutes per request. This results in an estimated annualized cost to the government of \$1,754 (700 applications x 10 minutes/60 minutes/response x \$15/hour) for reviewing DAS leasing requests.

Additional costs incurred by the government include the costs of distributing receipts of the DAS lease to both participants. It is estimated that one toner cartridge will be necessary to print these receipts at approximately \$40. These receipts are mailed to

participants resulting in postage costs of \$616 (1400 responses x \$0.44 postage). This results in an additional cost of \$656 to the government for the management of the DAS leasing program.

The DAS Leasing Program baseline downgrade provision would result in an overall total cost to the government of \$42,000 (1,400 applications x 2 hours x \$15/hour) to process the downgrade requests, or an annualized cost to the government of \$14,000, assuming 3-year approval of this information collection. Note that the costs associated with the DAS Leasing Program baseline downgrade provision are a conservative estimate and would only be realized one time for each vessel participating.

In total, the costs to the government from the DAS leasing program are approximately \$16,410 (\$1,754 + \$656 + \$14,000). Annualized costs to the Federal government for these programs include staff costs and system operation associated with processing the information.

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

Adjustments: The burden hour and cost estimates for DAS Leasing Applications have been increased to more accurately reflect usage of the program by eligible participants (increase of 400 responses, 34 hours and \$269). NOTE: in ROCIS, the increase appears to be only \$125, as the previous cost was rounded up to \$1,000 when the collection was migrated to the system.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

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.

NA.

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

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.

Table 1. Burden hours and Cost

Collection	Number of Entities	Items per Entity	Total Number of Items	Cost (\$) of Materials per vessel	Response Time	Total Burden Hours	Cost (\$) to Gov't	Cost (\$) to Public
DAS Leasing	700	2	1,400	\$0.49	5 minutes	117	\$2,410	\$686
Request to Downgrade	467	1	467	\$0.94	1	467	\$14,000	\$439
TOTALS			1867			584	\$16,410	\$1,125

Table 2. Cost to Federal Government

Collection	Salary at ZP-02 level per hour	Total Number of Items	Response Time	Total Cost (\$) of Materials and Postage	Total Cost (\$) to Government
DAS Leasing	\$15	700	10 minutes	\$656	\$2,410
Request to Downgrade	\$15	467	2 hours	\$0	\$14,000

ATTACHMENT 1:
INFORMATION THAT MUST BE DISPLAYED ON FORMS
USED TO COLLECT INFORMATION FROM THE PUBLIC

1. The policy reasons for collecting the information.

This collection of information is necessary to continue to implement and manage the days-at-sea (DAS) leasing program for the Northeast (NE) Multispecies Fishery Management Plan (FMP), specified in 50 CFR 648.82(k). This program has been permanently renewed by FW 42 (71 FR 11060) to the NE Multispecies FMP. The DAS Leasing Program was temporarily renewed once through an emergency action, and has since been permanently renewed via the measures in FW 42 which became effective October 23, 2006 (71 FR 62156).

This program has not only provided flexibility to the fishery, but it also enables NMFS to examine the effectiveness of this management tool.

2. The way in which the information will be used to further performance of agency functions.

The information requested in the DAS Leasing Application is used by several offices of NMFS to implement the DAS Leasing Program and to track DAS usage. This information is necessary to verify the status of vessel permits, identify the horsepower and length overall baseline specifications of the vessel, determine available DAS to be used in the leasing request, and execute the DAS lease. Information collected through this information request enables enforcement officials, including the U.S. Coast Guard, to monitor compliance with the provisions of the FMP, including those governing DAS usage. Data gathered on the price paid to lease DAS is in the evaluation of the affects of management measures on individual permit holders as well as communities, by providing an estimate of the value of a DAS in the multispecies fishery.

3. An estimate of the average burden using the specified format.

This information has been provided at the bottom of the information collection form included with this package.

4. Whether responses are voluntary, required to obtain or retain a benefit, or mandatory.

This information has been provided at the bottom of the information collection form included with this package.

5. The nature and extent of confidentiality to be provided, if any.

Information obtained from the lease application is held confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would be used only in summarized form (without identifying the source of data, i.e., vessel name, owner, etc.) for management of the fishery in the future. Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical

tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

6. A particular sentence involving the OMB Control Number.

This information has been provided at the bottom of the information collection form included with this package.