

**SUPPORTING STATEMENT  
NORTHWEST REGION FEDERAL FISHERIES PERMITS  
OMB CONTROL NO. 0648-0203**

**INTRODUCTION**

This request is for renewal of this collection of information required by National Marine Fisheries Service (NMFS), Northwest Region (NWR). This statement addresses data collections authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), developed by the Pacific Fishery Management Council (PFMC) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). The FMP governs the groundfish fishery off Washington, Oregon, and California (WOC). In addition, this statement includes data collections to issue exempted fishing permits (EFP) as prescribed at 50 CFR 600.745(b)(2).

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognized the need for permit issuance. Almost every international, federal, state, and local fishery management authority recognizes the value of and uses permits as an integral part of their management systems. Identification of the participants, their gear types, descriptions of their vessels, and expected activity levels are needed to measure the consequences of management controls, and is an effective tool in the enforcement of other fishery regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the vessel from the fishery altogether.

Some of the responses to the items in the supporting statement are broken out by the various type of permit function: 1) issuance of an exempted (experimental) fishing permits (EFPs) and 2) Pacific Coast groundfish limited entry permits (LEPs), including transfer and renewal, as well as other information collections necessary for the sablefish permit stacking program. For each section of the information collection, we have presented the total number of burden hours and cost burden.

Currently, there are 399 limited entry permits of which 164 permits have a sablefish endorsement. The number of EFPs varies from year to year dependent on the number of applications submitted to PFMC and NMFS.

**A. JUSTIFICATION**

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

**Exempted Fishing Permits (EFPs)**

The requirements associated for EFP are prescribed at 50 CFR 600.745 (b)(2). Exempted (previously called "experimental") fishing permits are issued to applicants to conduct fishing activities that would otherwise be prohibited under a FMP. The exempted fishing permits allow vessels to fish for public display, data collection, exploration, health and safety, environmental cleanup, hazard removal purposes, or to conduct limited testing. The intent is to respond to

changes in the resource, fishery and other applicable law, and to requests of the public or government, resulting in better management of the fishery resource.

Section 301 of the MSA, 16 U.S.C. 1851(a) provides national standards for fishery management plans and regulations. Standard One requires that “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery...”. To comply with this standard and effectively manage a fishery, NMFS needs to know the amount and species of fish caught, where fish were caught, and the catch disposition. Exempted fishing, by definition, is fishing outside of the standard regulations. To control this fishing and determine the extent of this fishing, NMFS requires information to determine if granting an exempted fishing permit (EFP) or exempted educational activity authorization (EEAA) is justified. Further NMFS collects catch and landing data resulting from these authorized EFP activities. The EFP regulations supplement existing information collections required by the various fishery management plans by establishing minimum standards for these activities. The regulations related to the specific fisheries may impose additional requirements.

### **Pacific Coast Groundfish Limited Entry Permits (LEPs)**

The collection of information for limited entry permits is authorized by Amendments 4, 6 and 9 to the Pacific Coast Groundfish FMP and by 50 CFR 660 Subpart G. Amendment 6 initially established the limited entry program. This amendment was approved on September 4, 1992. Amendment 6 to the FMP addressed the issue of increasing amounts of excess fleet harvesting capacity by instituting a limited entry program based on the issuance of federal permits to control the overall fleet harvest capacity of the three major gear types (trawl, longline, and fish pot) that account for the majority of the Pacific Coast groundfish harvest. Amendment 6 was intended to control the capacity of the groundfish fishing fleet in three main ways: (1) limiting the overall number of vessels; (2) limiting the number of vessels using each of the three major gear types; and, (3) limiting increases in vessel harvest capacity by limiting vessel length. Amendment 6 provided the basic program elements of the limited entry permit program including the requirement to register a vessel to a limited entry permit to participate in the limited entry fishery, initial eligibility and qualification criteria for a LEP, requirements associated with gear and size endorsements, renewal and transfer of permits, and appeal process.

Eligibility and registration requirements for the limited entry fishery are found at 50 CFR 660.333 and transfer and renewal requirements are found at 50 CFR 660.335.

Appeal requirements are found at 50 CFR 660.340. The appeals process is available to permit owners who have had their LEP transfers or renewals denied by NMFS. An appeals request must be made by the permit owner in writing within 30 calendar days of NMFS initial determination and must explain how the requirements for transfer or renewal of a permit have been met and/or provide pertinent information that was not considered by the NMFS in making the initial determination.

In 1993, NMFS carried out the first LEP application and issuance process. Vessel owners were required to complete an application for a groundfish LEP and submit proof of their landings and other evidence relevant to meeting the permit qualification criteria. Vessels that met specific minimum landing requirements were qualified to receive a LEP. This was a one-time opportunity to apply for a LEP. Approximately 650 LEPs were initially issued and since that

time no additional LEPs have been issued. The current total of 399 LEPs is due to the Federal buy back of limited entry permits, combinations of permits, and the permanent expiration of permits.

Amendment 9 to the FMP, which was approved on June 27, 1997, provided for a sablefish endorsement to the limited entry permit. Amendment 9 attempted to respond to a number of problems associated with derby fishery that resulted in short, intense seasons. Among the problems associated with the fishery were ones of safety, product quality and value, abandoned gear, and overcapitalization of the fleet, discards, and lost fishing opportunities. The endorsement limited participation in the fixed gear sablefish fishery to those vessels that demonstrated historical participation in the sablefish fishery. As part of the issuance of this endorsement, permits were given tier designation (1, 2 or 3) based on historic catch which entitles the vessel registered to it to harvest a specific quantity of sablefish beyond the normal trip limits. A specific amount of sablefish is assigned to each tier designation, with Tier 1 being providing the largest amount. The requirements associated with sablefish endorsements and tier assignments are found at 50 CFR 660.334.

In November 2000, the Council approved Amendment 14, which introduced a permit stacking program to the limited entry, fixed gear primary sablefish season. On August 7, 2001, NMFS published regulations that implemented certain provisions of Amendment 14 to the Pacific Coast Groundfish FMP (66 FR 41152). These provisions included the following: 1) permit owners are authorized to stack (register) up to three sablefish endorsed West Coast Groundfish Limited Entry permits on a single vessel during the primary season in a given year and 2) limited the number of sablefish endorsed permits a person could own or hold (i.e.; lease) at any one time to 3 except if the permit owner had owned more than 3 sablefish endorsed LEPs prior to November 1, 2000 and 3) prohibited a corporation or partnership from owning a sablefish endorsed permit except if it had owned such permits prior to November 1, 2000.

Each sablefish endorsed permit has one of three tier assignments (i.e.; Tier 1 permit, the highest tier, authorizes harvest of 61,296 pounds in 2009) that allocates an amount of sablefish to the permit beyond the normal trip limits. If multiple permits are stacked to a single vessel, the vessel may land up to the cumulative tier amount given for all permits and may use any of the gears endorsed on any of these permits.

Additional provisions of Amendment 14 to the Groundfish FMP were implemented through regulations published on March 2, 2006 (71 FR 10614). This final rule implemented permit stacking regulations that include the following provisions: (1) permit owners and permit holders (vessel owners) would be required to document their ownership interests in their permits to ensure that no person holds or has ownership interest in more than three permits; (2) an owner on board requirement for permit owners who did not own sablefish-endorsed permits as of November 1, 2000; (3) an opportunity for permit owners to add a spouse as co-owner; (4) vessels that do not meet minimum frozen sablefish historic landing requirements would not be allowed to process sablefish at sea; (5) permit transferors would be required to certify sablefish landings during midseason transfers; and, (6) a definition of the term “base permit.” These provisions allowed for lengthened duration of the limited entry, fixed gear primary sablefish fishery. Among the objectives of this amendment were to: promote safety in the fishery, provide flexibility to participants, prevent excessive concentration of harvest privilege,

maintain or direct benefits to fishing communities, and reduce capacity in the limited entry fixed gear fleet and thus promotes efficiency. Requirements associated with this rulemaking are found at 50 CFR 660.334, 660.335 and 660.372. Several of the above information collections in our supporting statement submission in 2006 were one-time in nature (#3 and #4) and will not be included in this renewal.

Please note that NMFS has eliminated from the prior collection: information required for obtaining a sablefish at-sea processing exemption and the application for sablefish permit owners to add their spouse as a co-owner of the permit. These were one time collections.

**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.**

**Exempted Fishing Permits (EFPs)**

Exempted fishing permits are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. On a voluntary basis, applicants initiate a request for an EFP by submitting a letter to NMFS. An application for an EFP must contain all information required for an EFP application given at 50 CFR 600.745 (b)(2). A narrative description of the proposed activity is required to fully document the intended project. EFP applications are subject to review by the PFMC before NMFS conducts its review and either approves or disapproves the submission. The terms and conditions of the EFP typically require the permit holder to submit data and summary reports during and/or at the end of the permit period and to provide other notifications (i.e.; declaration of fishing under an EFP or meeting or surpassing specified catch limits). Some EFPs will require a final summary report describing the outcomes of the project which is reviewed by the PFMC and NMFS in considering requests to continue a subsequent EFP project in a succeeding year.

The EFP application allows PFMC and NMFS to evaluate the consequences of the exempted fishing activity and weigh the benefits and costs in making a decision on the application. Exempted fishing permits may lead to better management of the resource by allowing innovation that may resolve existing technological barriers or by providing additional scientific and management data. The total number of EFP applications and the proposed activities described in EFP applications may vary from year to year, and may be different for each exempted fishery. An EFP is usually valid for one year or less. The approval of an EFP project by the PFMC and NMFS may result in several individual EFPs being issued to participating vessels or processing plants. Such EFPs are required of vessels and processing plants in order to hold them individually accountable for their activities under the terms and conditions of the overarching EFP project.

An application from a sponsor organization (i.e.; state agency, non-profit organization) or individual or entity includes a statement of the purposes and goals of the exempted fishery, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; anticipated impacts on marine mammals or endangered species, description of any other pertinent activities and names and responsibilities

of participants. Information on the vessel (including a copy of the United States Coast Guard (USCG) documentation, state fishing license, state vessel registration, or the information from those documents), gear used, fishing area, and time of fishing is needed for identification of the participants at sea, and for boardings and inspections by NMFS enforcement vessels or overflights. The information also precludes substitution of gear or vessels that may otherwise be prohibited by other regulations in effect. Information on the gear being used is also used in making management decisions, since it helps show how gear restrictions affect the members of the fishery. Gear, fishing areas and duration and timing of fishing activities may be important factors to consider in determining appropriate permit conditions to attach to the EFP. Similarly, information from processors (first receivers) about offloads of fish caught under an EFP may require information about plans to weigh, sort and process fish, efforts to monitor these activities, and details on the data to be collected and documented.

The information collection for a processor or vessel participating in an EFP project (overseen by sponsored organization) includes: name, address and telephone number, date of birth (DOB) of the vessel operator and/or vessel owner; vessel name and official number; Pacific Coast Groundfish limited entry permit number; and date of the application. This information is used to identify the permit applicant and the legal ownership of the vessel to be registered to the permit. The collection of this information is essential to comply with the regulations and for enforcement purposes. The DOB allows enforcement to conduct an enforcement check prior to issuing the EFP. For example, violations of catch regulations may result in suspension or revocation of a permit. Since many vessels are owned by corporations, identification of the owner on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone and fax numbers are required so that NMFS staff can contact applicants to resolve outstanding issues in a quick and efficient manner, or to notify permit holders of the need to cease fishing activities.

Supplemental application information may be requested. For example, other information on the physical vessel characteristics such as hold or fuel capacity, units and size of gear, or refrigeration capability may be used to inventory the relative fishing power of each craft. This information may be used in estimating the effects of fishing effort on the biological status of stocks, or to assist NMFS in its national security role for the Federal Emergency Planning Administration. In some cases EFPs are issued allowing the permit holder to keep fish in compensation for collecting resource survey information according to a NMFS-approved protocol. In these cases the application must state that the vessel's participation is contingent upon compensation.

An authorized representative of the vessel/processor owner or applicant organization must sign the EFP application to certify that the information provided is correct and true and that the applicant is eligible to receive a permit under the other FMP regulations. The signed document provides NMFS evidence that the applicant attests to the authenticity of the application. If there are false statements or misrepresentations made by the applicant, a signed document will be important in successfully taking legal actions against the permit holder. All of the information in this section is needed to help effectively evaluate the proposed fishing activity, its scope and impacts, and to determine whether the activity is appropriate and whether it should be approved or disapproved. NMFS also requires an authorized representative to sign the EFP certifying that

they and all vessel operators, crew, owners and applicant staff understand and will comply with the terms and conditions.

The information requested may be used by several offices of NMFS, the USCG and state fishery enforcement agencies under contract to NMFS and summarizations of EFP may be used by NMFS, the Council, states, and fishery organizations in considering revisions and enhancements to existing fishery policies and management specifications.

Permit holders operating under an EFP may be required to provide supplementary information as required by the terms and conditions of the EFP. For example, in a full retention fishery (no sorting/discardng of fish at sea), NMFS may require an electronic monitoring systems on a vessel to assess the technology as a monitoring option. Further, EFP holders may be required to file reports describing the results of the experiments or to provide data so that NMFS can evaluate the techniques used or data collected and decide if management regulations/specifications should be changed.

Typically, an applicant or sponsor of an EFP project makes no more than one application each year for a particular exempted activity or fishery. Again, a sponsor of an EFP application must prepare a formal application to both PFMC and NMFS that describes all aspects of the project. Processors and vessels requiring EFPs will make one application each year that will provide basic identifier information needed to issue the permit. The types of reports submitted under EFPs vary according to the nature of the EFP. In some cases the applicant is a state requesting permits for multiple vessels, and the state is required to collect catch information from the vessels and submit summary reports. The frequency of data reports depends upon the nature of the fishery and monitoring requirements set by NMFS. The frequency may start as bi-weekly, go to weekly, and then every 2-3 days when the remaining allocation is small (the normal season is 10-12 weeks). In other cases where only individual vessels are involved, only a data report is submitted at the end of the fishing trip covered by the permit. Also, vessels and/or first receivers may be required to provide notifications to enforcement or fishery monitors in advance of EFP trip or offload.

Similarly, EFPs issued to first receivers (processors) may be required to prepare a catch monitor plan indicating how unsorted catch (exempted activity) will be offloaded, weighed, sorted and documented. EFPs issued to sponsoring organizations (state agencies, non-profit organizations) may be required to provide more detailed plans on how the project activities will be carried out to allow for effective monitoring by the sponsor, NMFS program staff and enforcement agents. NMFS will require an interim and final report that presents the results of the EFP project to consider relative progress or final results. The latter is important in considering changes in management requirements based on the EFP results or whether further research or data collection is required.

### **Limited Entry Permits (LEPs)**

**Annual Permit Renewal:** All permit owners are required to renew each of their LEP on an annual basis as given at 50 CFR 660.335. There are currently 399 valid LEPs. NMFS is required to mail a permit renewal form and instruction letter to all permit owners on or before September 1 of each year. Payment of the renewal fee and signed/dated form is due to the

NMFS by November 30<sup>th</sup> each year. Failure to renew the LEP by December 31 may result in permanent expiration of the LEP. NMFS provides current permit data on the renewal form including: permit number; vessel name and official number (USCG or state documentation number); endorsements (gear, size, fishery), permit owner name, address, phone, fax and Email; permit holder name, address, phone, fax, email (if different from permit owner). A revision to the LEP renewal form is the inclusion of DOB for individuals. Individuals who are existing permit or vessel owners will be requested to provide this information in the first year of the collection. For a corporation, NMFS may require date of incorporation and the state of incorporation as necessary. If there are changes to the address, phone, fax or email information of the permit or vessel owner, the permit owner may update those items on the renewal form. If the permit owner is a corporation, partnership, or other entity, the authorized representative signing the renewal form will be requested to print his/her name. By signing this form, the permit owner certifies that the data is correct and true. We estimate that approximately 90% of the permit renewals received in a given year do not involve any changes to the current permit information. Any change in the permit owner name, the vessel registered to the permit or vessel owner name cannot be made as part of the renewal process but must be requested formally as a permit transfer.

This updated information allows NMFS to maintain current contact information for those individuals and entities who are listed on the permit. NMFS uses this information to contact permit and vessel owners about changes in fishery regulations and specifications, including closures. Also, NOAA enforcement agents may need to contact permit and vessel owners about investigative matters. Submission of a signed/dated renewal form and fee payment affirms that the permit owner wishes to continue to participate in the limited entry fishery. The updated permit data provides information for NOAA enforcement agents on which vessels are authorized to participate in the fish. The DOB information will allow NMFS enforcement to positively identify individuals who may be under investigation for possible violations associated with the limited entry fishery. Further, updated permit data allows fishery managers to effectively analyze the demographics associated with permit owners.

Also, the regulations provide at 50 CFR 660.323(b) that during the renewal period each year, the owner of catcher/processor vessel registered to a permit must declare if the vessel will operate in the whiting fishery solely as a mothership operation. This provision was incorporated in the regulations at the request of at-sea processing vessel owners who wanted to avoid confusion as to whether a vessel is processing only or will be fishing and processing during a particular season. The permit owner of a trawl endorsed permit need only check a box on the limited entry permit renewal form to make a mothership designation for the registered vessel. The option to make this designation appears only on the renewal forms of the 10 permits that have size endorsements (over 125') that would allow the vessel to operate either as a catcher processor or mothership.

NMFS collects the Tax Identification Number (TIN) (for business entity) and DOB (for an individual) for any permit owner or vessel owner as part of a transfer request and as part of ownership interest form required of business entities that with own or hold a sablefish endorsed LEP. The TIN is required to comply with the Debt Collection Improvement Act of 1996 (31 U.S.C. 7701 (c) (1)). Additionally, this information assists NMFS law enforcement in identifying businesses who may be under investigation for fishing activities. The transfer form and

ownership interest form include a statement that advises the permit owner and vessel owner that TINs and DOBs will not be released to the public.

The persons, business entities and the individuals who have an ownership interest in these business entities own a Federal government permit that provides a conditional privilege to fish for groundfish in the Exclusive Economic Zone. NMFS will require TIN and DOB information for both LEP and EFP collections to assist the Office of Law Enforcement in identifying individuals who may have a sanction that prevents the issuance of the permit.

**Permit Transfer:** A permit owner must formally request a transfer of a LEP as required at 50 CFR 660.335. The term “permit transfer” refers to one or more of the following actions: change in permit owner, change in vessel owner, and/or change in the vessel currently registered to the permit. NMFS requires that the permit owner make a formal request using the Change of Vessel Registration or Permit Ownership/Holder Application and submitting his/her current permit. By regulation (50 CFR 660.335(f)), a change in vessel registration can only occur once in a calendar year for any one permit. However, the regulations allow a permit owner to request changes in permit ownership or changes to vessel ownership as frequently as necessary during the calendar year, as long as the registered vessel remains the same or the permit has no vessel registered to it. The number of transfers requested is estimated to be about 80 per year.

A transfer form is required to: formally document the request; accurately track changes in permit owners, vessel owners (if different), changes in the vessel register to the LEP (including changes in vessel name); verify compliance with permit regulations (i.e.; new permit owner eligibility); and maintain current address, phone, fax information on new individuals/ entities registered to the permit and to provide relevant information about the vessel registered to participate in the groundfish fishery. The following information is required from the permit owner on a permit transfer request form:

1. For all transfer requests, the LEP number; name and number of vessel currently registered to the LEP; current permit owner name(s) and TIN for a business entity) or DOB (for an individual); current business address and telephone and fax numbers; title (if corporate officer), email address; signature and date. If the signee is an authorized representative, we may request the individual to print their name to clearly identify name. The current permit owner will be asked to respond as to whether they are eligible to own a documented United States (U.S.) vessel. If the permit holder is a corporation, partnership, or other entity, we may request the printed name/title and DOB of the authorized representative (person) for that entity.

If there are multiple owners of the permit, the owners must establish with NMFS at the outset whether one or all owners must authorize any future change to the LEP. Either one or all permit owners must sign the application to certify that the information provided is correct and true, to authorize the request and to certify that all entities or individuals listed to the LEP are eligible to own or hold the permit. Similarly, for business entities, an authorized representative must sign the application to certify that the information provided is correct and true, authorize the request and certify that all entities and individuals are eligible to own or hold the LEP per the regulations.



2. For a request to transfer the LEP to a new LEP owner: the name of the new permit owner, TIN (for a business entity) or DOB (for individual), business address, title (if corporate officer), telephone and fax numbers, and email address. If the permit holder is a corporation, partnership, or other entity, the applicant may be required to provide the name and DOB of an authorized representative (person) for that entity.
3. For a request to transfer the LEP to a new vessel owner (usually an individual leasing permit for use on his/her permit from a permit owner): the name of the new vessel owner, TIN (for a business entity) or DOB (for an individual), business address, title (if corporate officer), telephone and fax numbers and email address. If the permit holder is a corporation, partnership, or other entity, NMFS may request the name of the authorized representative (person) for that entity. The new vessel owner will be required to certify whether they are eligible to own a U.S. documented vessel.
4. For a transfer of the LEP to a new vessel, the vessel name and documentation number for both current and new vessel, and the new vessel's length overall.
5. If the permit is sablefish endorsed and the transfer request falls after the start of the primary season, the permit owner must list the cumulative amount of sablefish harvested to date and credited against the tier amount. Both the current permit owner and either the new permit owner and/or owner of the vessel registered to the LEP must sign and date the form acknowledging the cumulative amount of sablefish landed to date on the LEP.
6. On a voluntary basis, the sale and lease price data is requested from the permit owner.

The applicant requesting a transfer must have the form notarized at the time of signature. Notarization of the document certifies that the individual signing the document has verified their identity with a notary to substantiate that the request is authentic. As appropriate, the permit owner may be requested to provide evidence of authority to authorize a transfer, such as: corporate resolution, contract for sale or lease, court order relative to a divorce decree, litigation, or settlement of an estate. Further, NMFS may require vessel registration documentation, U.S. Coast Guard Report of Marine Accident, Injury or Death (CG-2692), affidavit of lost permit, proof of citizenship or other such credible documentation necessary to determine compliance with the transfer regulations. The accident report confirms if a vessel was totally lost, and in such situations, a permit owner is allowed exempted from the one transfer rule. Further, if the permit is registered to a new vessel that has not recently participated in the fishery, a marine survey is required that certifies the length overall of the vessel complies with the size endorsement requirement on the LEP. For a corporation, NMFS may require the date of incorporation and the state of incorporation as necessary.

The information collected from transfer forms is used by the NMFS for the purposes of determining whether individuals and vessels are eligible to be registered to a limited entry permit; maintaining an accurate record of permit histories; and administering the limited entry program. The question on the form asking if the permit owner and vessel owner are eligible to own an U.S. documented vessel, requires that the owner of the permit and vessel registered to the LEP certify eligibility to own or hold the LEP. Also, the NMFS uses the permit owner and vessel owner addresses information to mail public notices about changes in fishery regulations or

specifications. LEPs provide permit data to enforcement agents to assist their tracking vessels in the vessel monitoring system and establishing whether fishing violations may occurred.

Also, current and historical permit data is used by states, the PFMC and NMFS staff, industry and academia for various purposes, but primarily to analyze management aspects of the fishery. State agencies use this permit data to confirm vessels participation in a fishery when entering data into a state fish ticket system. Current permit owner information will be important in the implementation of a trawl rationalization program that recently was approved by the PFMC. Initial allocations of quota shares of groundfish will accrue to permit owners of valid trawl endorsed LEPs that have historic participation in the groundfish fishery.

NMFS will request a voluntary reporting of the sale or lease price of permits in an attempt to understand the market value of limited entry permits. This data assists NMFS staff in understanding the relative value of permits, economic trends in the groundfish fishery and appropriate levels of compensation under a buyback program. Sale and lease data for individual permit transactions will not be released to the public; however, summary data may be made available to NMFS and PFMC staff.

By regulation, any initial decision by NMFS regarding the issuance, renewal, transfer may be appealed by the permit owner. Such appeals must be submitted in writing within 30 days to Regional Administrator and must allege facts or circumstances to show why the criteria have been met. Supplemental documentation may be provided by the appellant. We have had very few appeals of transfers in recent years (about 2 in the last 5 years).

**Ownership Interest in a Sablefish Endorsed LEP:** Amendment 14 to the Pacific Coast Groundfish FMP includes several ownership provisions that pertain only to sablefish endorsed limited entry permits. The regulations given at 50 CFR 660.334 (4) provides that: 1) no partnership or corporation may own any sablefish endorsed permit unless they owned them as of November 1, 2000. Any sablefish endorsed permit sold after November 1, 2000 may only be transferred to an individual person or to a corporation or partnership that had ownership interest in a sablefish endorsed permit as of November 1, 2000; 2) no person, partnership, or corporation may have ownership interest in or otherwise hold more than three sablefish endorsed permits as of November 1, 2000. If a person, partnership or corporation had an ownership interest in more than three permits as of November 1, 2000, it may continue to have ownership interest in those same permits, but may not acquire additional permits either through purchase or lease; 3) a partnership or corporation will lose the exemptions given in 1) and 2) above on the effective date of any change in the corporation or partnership membership as of November 1, 2000. The term “change” refers to the addition of a partner or shareholder to the corporation or partnership.

Each year as part of the annual LEP renewal process and as part of a transfer request of a sablefish endorsed permit, any corporation, partnership or other business entity that owns a sablefish endorsed LEP or has a vessel registered to a sablefish endorsed LEP must submit an ownership interest form. Submission of the ownership interest form is mandatory and NMFS will not renew a permit or process a transfer request until such time as a completed ownership interest form is received. If a business entity owns or holds more than one LEP, it is required to fill out only one form as part of renewal or transfer process. Currently, there are about 45 unique business entities that are currently listed on sablefish endorsed LEPs. All of these entities must

submit an ownership interest form as part of renewal. The number of entities having to submit an ownership interest form at time of transfer depends on the number of transfer requests initiated for sablefish endorsed permits, where the resulting LEP will list a business entity. For the 2007-2008 time period, on average, there about 50 sablefish endorsed LEP transfers each year of which about 25 ownership interest forms will be required.

As part of renewal, NMFS will provide a prefilled ownership interest form providing the business entity information (name and address of record) and listing shareholders/ partners based on the prior submission. The respondent is required to add or delete individuals who have ownership interest in an entity and/or update address information for individuals, as appropriate.

As part of a transfer request, if a new vessel owner is a business entity and NMFS has no prior ownership interest information for the entity, it is required to provide basic identifier information such as: permit number, vessel name and registration number, entity name, individual shareholder or partner's name (first, last, full middle name), TIN for the corporation or partnership that owns the permit; the DOB for every individual who has an ownership interest in the business entity, and each individual's address, phone and fax. In addition, an authorized individual representing the corporation/partnership will certify (by signing/dating the form) whether or not an additional individual with ownership interest had been added since the control date. The authorized representative signing the form will be requested to print their name on the form. The applicant may be required to provide a corporate resolution that authorizes the person signing the form to do so on behalf of the business entity. NMFS may require a copy of the USCG Abstract of Title as proof of ownership for vessel owners and/or owners and articles of incorporation or other documentation deemed necessary for proof of corporate or partnership ownership.

For those permit owners that are a business entity, NMFS compares the list of individuals given on ownership interest form to the prior list on file to determine if an additional individual(s) with ownership interest had been added to the business entity. If an addition of a shareholder is found for the exempted business entity, that entity loses its exempted status and be required to divest the permit to an individual owner or other eligible entity, per the regulation. If a shareholder is no longer listed as part of the entity, NMFS makes that change to its database. Again, the

regulation was intended to limit existing permit owners who are business entities from adding new investors to their companies.

Also, NMFS staff establishes a permit count for every individual who owns a sablefish endorsed permit as an individual or as part of a business entity to ensure limits on permit owner/holder are not exceeded. For any transfer, NMFS staff reviews the ownership interest forms of new entities holding a sablefish LEP or a grandfathered entity purchasing a sablefish LEP, and recalculate the total number of sablefish endorsed LEPs owned or held by the entity and the individuals who have an ownership interest in the entity. Again, there is a requirement that no individual can own or hold more than 3 sablefish LEPs, unless the person/entity owned more than 3 permits as of the control date.

**Owner On Board Exemption:** The Council designed the permit stacking program to prevent excessive fleet consolidation and maintain the owner/operator nature of the fleet through owner on board requirements and limiting ownership of sablefish permits to only those corporations that owned such permits on November 1, 2000. The Council anticipated situations where a permit owner may not be able to be onboard the vessel due to death, injury or illness. At 50 CFR 660.372, a person who owns a sablefish permit and is prevented from being on board because of death, illness or injury may request a temporary exemption from the owner on board provision. In the case of death, the exemption is available until such time the permit ownership is reassigned to a beneficiary (typically through a probated will). The executor of the permit owner's estate must request the exemption in writing and must provide a death certificate for the permit owner. The executor may be required to provide he/she is legally authorized to act on behalf of the deceased permit owner. For illness or injury, the permit owner must submit a written request justifying the basis for the exemption and must provide written documentation from a medical professional detailing why the illness or injury prevents them from being on board. The exemption can be requested only for three years consecutively or cumulatively and must be requested in each individual year.

NMFS reviews the request and supplemental documentation provided in order to make a determination if the justification is authentic and if the justification is sufficient to grant an exemption. NMFS may seek further clarification from the applicant of aspects of the information justifying the exemption or additional documentation as necessary. Presently, there are only two individuals who have an exemption from the owner on board provision. The number of applications made for an exemption since 2006 have been negligible. Any medical documents provided in support of an exemption request are confidential and not releasable to the public.

**Mid-Season Transfer of a Sablefish Endorsed Permit:** The Pacific Coast Groundfish regulations at 50 CFR 660.335(d) requires that any transfer (also known as "Change of Vessel Registration, Permit Owner/Holder Application") request for a sablefish endorsed LEP during the primary season must provide the cumulative amount in round weight of sablefish caught against the tier as of the date of the request. This information must be certified in Section F of the transfer form by both the current permit owner and either the new permit owner and/or owner of a new vessel being registered to the LEP. The transfer form is described in the previous section on transfers of LEPs. The number of transfers requested by sablefish endorsed permit owners varies year to year; however, the average is about 50 transfer requests per year.

Sablefish landings are recorded on landing tickets provided by each of the West Coast states and the data is entered into a common database known as Pacific Coast Fisheries Information Network (PacFIN). There can be a lag time of up to two months from the time a landing ticket is completed dockside to the time the data is available in PacFIN. PacFIN catch records for individual vessels are confidential and they are not accessible by the general public. As such, potential buyers or lessees of sablefish permits and enforcement agents do not have an independent source of information detailing the exact amount of catch that has occurred on a specific permit during the primary season. The potential exists for a permit owner to misrepresent how much catch remains on a particular permit when selling or leasing a permit.

The current regulations require that any person landing groundfish (permit owner and/or permit holder) keep a copy of all landing tickets accruing to the vessel during fishing operations to substantiate the catch to date for a particular permit. The regulations require the transferor to certify on a transfer form the cumulative amount of sablefish landed on a subject permit during the primary sablefish fishing season if there is a change of vessel registration, permit owner or permit holder. Similarly, the transferee will be required to acknowledge the cumulative amount of sablefish landings stipulated on the form by the transferor.

NMFS requires this information primarily for enforcement purposes. This certification will assist enforcement agents in effectively monitoring catch amounts on a given permit at the point of transfer and establish a common understanding of the cumulative landed amount on the permit at the time of transfer, so that the transferee does not fish in excess of the remaining tier amount. Also, the mid-season transfer certification is intended to inhibit a transferor from misrepresenting the amount of catch remaining on a permit. Enforcement agents may conduct a post season audit of landing records to determine if a particular permit was overfished during the season. If it is found that a particular permit was overfished, this declaration is important in determining who is culpable for having committed a fishing violation. The certified landed amount listed in this transfer form is not made available to the public and is considered business confidential.

As explained in the preceding paragraphs, the information gathered has utility. For all of the information collections (EFPs, LEPs, Sablefish) described in this statement, it is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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 National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See the response to Question 10 in this section 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.**

**Exempted Fishing Permits (EFPs)**

There is no standard application form for EFPs. Those vessel owners who will participate in an EFP project need to provide basic identifier information (vessel owner name and business address, phone number, vessel name and number) as per EFP regulations. Sponsors of an EFP project (states, non-profits) provide expanded set of information that will allow the PFMC and NMFS to judge their application. No improved information technology has been identified as a practical means for reducing the burden on the public. However, NMFS continues to investigate the possibility of using standardized electronic systems for a permit application.

**Limited Entry Permits (LEPs)**

The permit application forms and instructions have been condensed as much as possible to alleviate public burden while still obtaining the information needed to administer the program. The renewal forms are printed with current permit information and only require the permit owner to revise selected information and sign/date the form. At this time, NMFS is working with Pay.Gov (U.S. Department of Treasury) to develop an online LEP renewal system to be available to permit owners starting in September, 2009 (still in process at time of this submission).

A copy of the transfer application form can be obtained from the NWR web site (<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Permits/index.cfm>) and is in a Portable Document Format (PDF) fillable format. The applicant will be required to mail in a hard copy application. Changes in permit owner, holder and vessel registration all involve a signed and dated self certification and a notary signature and stamp to authenticate the individual signing the form. Further, permit transfer requests require that the individual return their current permit and to possibly provide other documentation depending on the nature of the requested action.

The ownership interest form (not prefilled) is available on the NWR web site as well. We have considered making it available as part of the online LEP renewal system; however, for those permit owners who lease their permit to a vessel owned by a business entity, the lessee would be required to provide an ownership interest form. This presents some significant complications as we would need to prompt the entity leasing the LEP to go online to certify the ownership information. This would require a separate mailing with a user identification and password. We continue to review an online portal to gather this information but for the immediate future, we will require hard copy applications. Again, the hard copy ownership interest form is prefilled and only requires the respondent to certify the existing information is correct or to make revisions as necessary.

The names and business address of permit owners and vessel owners, vessel name and number and effective dates of the LEP are made available at the NMFS NWR web site (see url above).

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

The information collections described here are unique to the Pacific Coast. There are no other programs that involve this unique set of permit holders and collect similar information. The PFMC reviewed the limited entry program (including subsequent sablefish provisions) and EFP applications and were/are subject to public review and comment. Further, NMFS implemented the LEP program by regulation and solicited public comment on these provisions. Similarly, NMFS publishes a notice of its intent to issue EFPs in advance of issuance. No duplication was identified as part of those review processes. These processes assist with identifying other collections that may be gathering the same or similar information. No duplication has been identified.

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

The majority of the EFP applicants, permit owners and vessel owners are independent fishermen who are owner/operators of their vessel or members of family owned businesses or members of small partnerships. As such, they are considered to be a small business. The burden will be the same for all businesses, regardless of size, and NMFS will collect information that is essential in determining eligibility for an LEP or EFP, the renewal or transfer of a permit, ownership interest, or satisfy other regulatory requirements.

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

##### **Exempted Fishing Permits (EFPs)**

An annual permit application is required to obtain EFPs. Because an EFP authorizes activities that otherwise would be illegal, annual review and issuance assure that the experiment is appropriate and designed to achieve its purpose and to allow law enforcement agents to monitor EFP fishing activities. Also, an annual application helps state and Federal officials to consider emerging changes in the fishery, account for EFP landings and their impacts on the overall fishery and to closely monitor scheduled activities. A longer permit period could allow prohibited activities to take place beyond the time needed to evaluate the activity. However, in special cases permits can be issued for longer periods. If various reports are not provided, NMFS and PFMC staff will not be able to evaluate the success or failure of the project.

##### **Limited Entry Permits (LEPs)**

If the collection of permit transfer information is not conducted, the NMFS will be unable to limit fishing effort in the groundfish fishery, which is critical to the conservation and management of the groundfish resource. Permit owner/vessel owner and vessel registration information is important in enforcing management regulations and providing analysts with high quality permit data. Moreover, the transfer information is essential for NMFS to determine whether the request complies with transfer regulations and to accurately reissue and track a permit. The annual renewal information collection is necessary to confirm current permit

information is correct or to revise it as necessary. If renewals were conducted less frequently, the permit data may not be accurate, as many permit owners do not update their contact information at the time of change. This would prevent NMFS ability to contact permit and vessel owners.

If the NMFS does not collect data on individuals who have ownership interests in entities that either own or hold a sablefish LEP, it will not be able to account for the number sablefish endorsed permits owned or held by an individual or to detect changes in grandfathered entities who are allowed to own a sablefish permit. If NMFS does not collect this information it would be unable to carry out the requirements specified in its own regulations. Individuals that have ownership interests in corporations and partnerships are subject to limits on the total number of permits one can own or hold in an attempt to prevent a small number of individuals controlling a disproportionate share of the fishery. If such collections were done less frequently, the NMFS could not as effectively monitor changes in corporate/partnership membership or accurately monitor the number of permits owned by an individual. Given that changes in business relations occur frequently and continuously, it is necessary to collect this information no less than annually.

For the mid-season transfer of sablefish endorsed LEP, if the NMFS does not require the existing permit owner and new permit owner or holder to certify the amount of sablefish landed to date on the permit, there is potential to overfish the tier limit on the permit. This would create difficulties for enforcement agents in determining who is accountable for a possible fishing violation. If multiple vessels were able to overfish their tier limits, the cumulative overages could jeopardize the health of the sablefish stock. If NMFS does not collect medical information in support of an exemption request from the owner on board requirement, it would not have the needed information to determine whether to approve or disapprove the request.

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

**Exempted Fishing Permits**

Summary and call-in reports may be required more often than quarterly. The frequency is necessary in summary reports to keep track of the catch versus the allocation, and in the case of call-in trip notifications the need is to know when vessels are leaving so samplers may be assigned.

**Limited Entry Permits (LEPs) and Sablefish Permit Stacking**

None.



**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 April 24, 2009 (74 FR 18687) solicited public comment; none was received.

**Exempted Fishing Permits (EFPs)**

NMFS staff provides to potential applicants for an EFP the basic information (per the regulation) needed to make a determination on whether to approve an EFP application and to issue an EFP.

NMFS has regular contact with EFP applicants to discuss their applications and to review the nature of the data to be provided, the frequency and format. Because the nature of the EFP activities vary greatly and involve different states, there is need to consult with applicants and others to determine what data is required, at what intervals and in what formats and to consider what constraints may prevent providing this data. Applicants frequently suggest various approaches to the data collection, however, NMFS staff will make the final determinations regarding the required data in order to develop appropriate terms and conditions.

**Limited Entry Permits (LEPs)**

The limited entry program, including the sablefish stacking provisions and its associated information needs were developed by the Council in close coordination with the fishing industry, NMFS, and the States of Washington, Oregon, and California. Public comment was received at Council meetings on various aspects of the limited entry program (including sablefish provisions). On an ongoing basis, staff communicates with permit owners vessel owners and provides instruction on how to properly complete a transfer form and ownership interest form. Over the years, we have received comments from the permit owners on how to improve the clarity and utility of the forms. We have incorporated many of these suggested changes.

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

NA.

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

As stated on the applicable forms, some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax and email information and TIN are not released to the public. The permit sale/lease information and the amount of sablefish landed to date given on a transfer form are considered

confidential. Similarly, the names associated with a entity that owns a sablefish permit or has a vessel registered a to sablefish endorsed permit are confidential, as are DOB for an individual and any medical records provided to obtain an exemption from the owner on board requirement.

The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

**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.**

NA.

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

**Table A – Total NWR Federal Fisheries Permit Renewal Annual Burden Hours**

	No. of Respondents	Total No. of Responses Per Year	Average Time per Response	Total Time (hours)
LEP Renewal	296	399	20 minutes	133 hours
LEP Transfer	80	80	30 minutes	40 hours
Ownership Interest for Sablefish Endorsed LEP – as part of renewal	45	45	10 minutes	8 hours
Ownership Interest for Sablefish Endorsed LEPs – as part of transfer	25	25	10 minutes	4 hours
EFP Application, Data, Notification and Report Submissions	45	4,035	27 minutes	1,811 hours
<b>TOTAL</b>	<b>341*</b>	<b>4,584</b>	<b>26 minutes</b>	<b>1,996 hours</b>

Note: \*This number represents the number of unique respondents. This estimate includes the 296 limited entry permit owners, 20 business entities that own vessels registered to sablefish endorsed LEP but do not own an LEP, and 25 sponsors, vessel owners or first receivers that do own an LEP.

The total number of hours represents an increase over the prior collection. The EFP application, data, notification and report submission account for most of the increase time burden for the overall collection.

*Detailed break-out of burden and related explanations follow:*

**Table A (1) - Annual Burden Hours - EFPs**

<b>Exempted Fishing Permit (EFP)</b>	<b>No. of Respondents</b>	<b>Total Annual Responses</b>	<b>Average Time per Response</b>	<b>Total Time (hours)</b>
EFP Proposal	5	5	8 hours	40 hours
Participating Vessel/ Processor EFP Application	40	40	20 minutes	13 hours
Preseason Plan	20	20	16 hours	320 hours
Trip/Delivery* Notifications	40	2,400	2 minutes	80 hours
Data Reports**	40	1,560	43 minutes	1,118 hours
Summary	5	10	24 hours	240 hours
<b>Total EFP</b>	<b>45</b>	<b>4,035</b>	<b>27 minutes</b>	<b>1,811 hours</b>

\*Daily during days of fishing and processing activities

\*\* Reports may be required daily, monthly or semi-annually

It is estimated that 45 respondents will spend 1,811 hours responding to this collection. These figures represent an increase in the hours of the burden of the collection of information from that given for the previously approved collection. The increase is due primarily to an increase in the number of data reports and requirement of preseason plans required of EFP holders. Almost all EFPs address groundfish related issues and the Pacific Coast groundfish fishery has several species of fish that are considered overfished. It is critical that EFP fishing activities do not further jeopardize these species and therefore, NMFS has required frequent data reports to enable close monitoring of EFP fishing activities.

The estimated number of respondents and annual responses are divided into six categories: 1) 5 individuals or organizations are each expected to complete and submit one exempted fishing permit project proposal annually for review by the PFMC and NMFS. The application process is estimated to take 8 hours per application for a total of 40 burden hours per year. 2) 40 vessels and first receivers will submit EFP applications to participate in exempted fishing activities or in the approved EFP projects; 3) 20 EFP holders are required to prepare one harvest plan or catch monitor plan each year which provides more detail on specific requirements to carry out EFP activities and to comply with the terms and conditions. One preseason plan will be required from each of the 20 EFPs \* and it is estimated that such plans will take 16 hours each to prepare for a total of 320 hours. 4) Trip and delivery notification call-ins are estimated to affect 2400 trips per year at an estimated 2 minutes per call for a total of 80 hours per year. 5) Data reports will be required to be submitted at various intervals after a landing/delivery. It is estimated that there will be approximately 1560 responses at 43 minutes per minutes per landing for a total of 1,118 burden hours per year. 6) Summary reports are expected to be submitted twice each year by each of the 5 sponsors of EFP projects. They will prepare interim and final reports describing EFP project activities and results. [\* 5 sponsored EFP plus 15 first receiver EFPs]

The annual costs associated with the burden hours for the respondents are as follows:

Proposal Preparation: 8 hours x \$30 per hour = \$240

First Receiver/Vessel EFP application Preparation: 13 hours x \$17.02 per hour = \$222  
 Preseason Plan Preparation: 320 hours x \$30 per hour = \$9,600  
 Trip/Delivery Notifications: 80 hours x \$17.02 per hour = \$1,361  
 Data Report Preparation: 1120 hours x \$17.02 per hour = \$19,062  
 Summary Report Preparation: 240 hours x \$30 per hour = \$7,200  
 Total: \$37,685

[ \$17.02 is an estimate from the U.S. Census Bureau's Non-employer Statistics, 2001, as a proxy for respondent annual income. The \$30 per hour estimate is based equivalent of a GS-11 employee rate of pay.]

**Table A (2) - Annual Burden Hours for LEPs –Renewals/Transfers**

<b>Groundfish Limited Entry Permit</b>	<b>No. of Respondents</b>	<b>Total No. of Responses Per Year</b>	<b>Average Time per Response</b>	<b>Total Time (hours)</b>
LEP Renewal	296	399	20 minutes	133 hours
LEP Transfer*	80	80	30 minutes	40 hours
Ownership Interest Forms for Sablefish Endorsed LEP – as part of renewal	45	45	10 minutes	8 hours
Ownership Interest for Sablefish Endorsed LEPs – as part of transfer	25	25	10 minutes	4 hours
<b>TOTAL</b>	<b>316</b>	<b>549</b>	<b>20 minutes</b>	<b>185 hours</b>

Note: \*This burden hour estimate includes time required to fill out the sablefish mid-season transfer section in the transfer form.

The annual costs associated with the burden hours for the respondents are as follows:

LEP Renewal Form: 399 responses x 20 minutes per response x \$17.02 per/hr. = \$2,264  
 LEP Transfer Form Preparation: 80 transfers x 30 minutes per response x 17.02 per hour = \$681  
 Ownership Interest Form Preparation: 70 responses x 10 minutes per response x \$17.02 = \$204.

**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 Question 12 above).**

**Table B – Total Estimated Costs of Annual Cost Burden to Respondents**

<b>Info Collection</b>	<b>Estimated Cost Amount</b>
EFP	\$1,444
LEP	\$44,901
<b>Total</b>	<b>\$46,345</b>

**Table B (1) - Estimated Annual Cost Burden to the EFP Respondents**

<b>COST ITEM</b>	<b>Cost</b>
Mailing : \$0.44 x 555 mailings	\$244
Call-in Notifications: 2,400 calls @ \$.50 per call	\$1,200
Application Fee	\$0
<b>TOTAL</b>	<b>\$1,444</b>

Note: \*Data Reports may be provided electronically.

**Table B (2) - Estimated Annual Cost Burden for LEP Respondents**

<b>COST ITEM</b>	<b>Cost</b>
<b>Renewal:</b>	
Processing Fee \$110 x 399 permits	\$43,890
Mail: \$0.44 x 399 permits	\$176
<b>Transfer:</b>	
Processing Fee	\$0
Notary: \$10 x 80 permit transfers	\$800
Mail: \$0.44 x 80 permit transfers	\$35
<b>TOTAL COST TO RESPONDENTS (Permit Owners)</b>	<b>\$44,901</b>

Note: \*Ownership interest forms are required as part of renewal and typically mailed to NMFS with the completed renewal and transfer forms.

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

The cost to NMFS is incurred through the processing and issuance of EFPs. The estimated cost to the government is about \$1,359. Processing costs for the various EFP applications is negligible and integrated with other responsibilities.

$$45 \text{ EFP applications} \times 1 \text{ hour per permit} \times \$25.00/\text{hr. (GS-7 equivalent salary)} = \$1,125$$

$$45 \text{ EFP mailings at } \$ 5.20 \text{ per mailing} = \$234$$

Most of the LEP administrative costs incurred by NMFS are from staff time, overhead, supplies, and mailing costs associated with permit renewal and transfer processing activities. Estimated annual costs for processing limited entry permit renewal forms and payments are approximately \$43,890 as determined from processing fees given above. The cost of renewal activities are reimbursed by a permit processing fee paid by the permit owner. There is no processing fee currently required for the transfer of permits.

The annualized cost to the Federal government to process the revised permit owner/holder/vessel registration form (with the mid-season sablefish transfer certification), addition of a spouse as a co-owner on a permit form, sablefish at-sea processing exemption request form is negligible. The annualized costs for review and documentation of the ownership interest are estimated to be 70 ownership interest forms submitted x 10 minutes per application x \$25.00/hr = \$300. The cost of reviewing mid-season transfer information is negligible. NMFS anticipates implementing a cost recovery fee for sablefish endorsed permits in the future and costs for the ownership interest and determination of compliance with permit own/hold limits will be incorporated into this fee.

Total government cost: \$300 + \$1,359 = \$1,659.

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

The EFP estimated hours have increased by 1,449, although the proposals are estimated to be fewer (5, rather than 9): estimated times for proposals and summary reports have increased significantly and there are a greater number of estimated data reports and notifications of EFP fishing trips and deliveries under an EFP; NMFS has increased monitoring requirements associated with EFPs to protect overfished species and to more closely track EFP fishing activities. Costs have increased by about \$1,000, due to increased number of mailings of reports and notifications.

The time burden for the LEP part of the collection (including sablefish stacking) has decreased from 280 hours to 185 hours. The reason for the reduction in the time burden is the elimination of several of the sablefish stacking related collections which were one time in nature, as well as the marriage declaration form which was a one time opportunity for permit owners to add their spouses as co-owner of the permit for the purpose of obtaining an exemption from the owner on board requirement.

Costs have decreased for LEP s primarily due to an adjustment of the costs associated with processing renewal applications. The renewal fee for LEPs effective in 2010 is estimated to be \$110 per permit. This application fee is a decrease from \$152 renewal fee given in the prior collection. NMFS has realized certain efficiencies in its processing of renewals resulting in a reduced number of staff hours. The reduced renewal fee amount accounts for most of the decrease in the total annual cost burden to respondents (a decrease of 17,518: from \$61,408 (\$152 x 404) to \$43,890 (\$110 x 399). There is no fee to the respondents to recover annualized costs to the Federal government to process transfer requests and ownership interest information.

In summary, the total burden hours have increased by 1,354 hours and costs decreased by \$18,332.

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

There are no plans to tabulate and publish the data. The names of all registered vessels, permit owners and holders are routinely made available on our web site. Sale or lease price information of individual transactions and mid-season landing information is considered confidential;

however, summary of sale and lease price data may be provided to NMFS economists, PFMC staff, and academics.

**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.**

Not applicable.

**18. Explain each exception to the certification statement.**

Not applicable.

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

This collection does not employ statistical methods.