

**SUPPORTING STATEMENT
NORTHEAST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0202**

INTRODUCTION

This submission requests renewal of Office of Management and Budget (OMB) approval for Northeast Region Permit Family of Forms (OMB Control No. 0648-0202) as it pertains to all the permitting requirements. This submission includes measures that have been implemented under Fishery Management Plans (FMP) under the jurisdiction of the Northeast Regional Office of the National Marine Fisheries Service (NMFS) as of December 1, 2009.

This submission constitutes the 3-year renewal request for OMB Control No. 0648-0202.

A. JUSTIFICATION

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

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States. The majority of this responsibility has been delegated to NMFS under the National Oceanic and Atmospheric Administration (NOAA).

The Secretary was given certain regulatory authorities to ensure that these resources are utilized in the most beneficial manner. The requirement of a permit for users of these resources is one of the regulatory steps taken to carry out conservation and management objectives. Section 303 (b)(1) of the Magnuson-Stevens Act specifically addresses the need for permit issuance. In addition, almost every international, Federal, state, and local fishery management authority recognizes the value and use of permits as part of their respective management systems. Thus, the Secretary has promulgated rules for the issuance of Federal fisheries permits.

The issuance of a permit is an essential part of managing fishery resources. The purpose and use of permits is to: (1) Register vessel owners, vessel operators, fishing vessels, fish dealers, and processors; (2) list the characteristics of fishing vessels and/or dealer/processor operations; (3) exercise influence over compliance (e.g., withhold permit issuance pending collection of unpaid penalties, or unsubmitted, but required data); (4) provide a mailing list for the dissemination of important information to the industry; (5) register participants to be considered for limited entry; and (6) provide a universe for data collection samples. Identification of the participants, their gear types, vessels, and expected activity levels is an effective and necessary tool in the enforcement of fishery regulations. This information is needed to measure the consequences of management controls, as well. Participants in certain fisheries may also be required to notify NMFS before fishing trips for the purpose of observer placement and to make other reports on fishing activities. Limited access (moratorium) permits are necessary to control fishing effort by managing the number of participants in a fishery. Dealer and vessel permits are necessary to ensure that data collections cover entire fisheries. Finally, vessel operator permits serve as primarily a compliance and information dissemination tool.

The permit system is an integral part of the management of fisheries in the Northeast Region of NMFS. Consolidated regulations for the fisheries included in this collection are found at 50 CFR part 648 and 50 CFR part 697. It would not be possible to carry out the mandates of the Magnuson-Stevens Act and other laws if approval to continue these previously approved collections were to be denied.

This submission is updated to include several change requests, as well as the merge of OMB Control No.: 0648-0489, the Northeast (NE) Multispecies Fishery Management Plan (FMP) Amendment 13 Data Collection (hereafter Amendment 13); OMB Control No.:0648-0549, the NE Multispecies FMP Framework Adjustment 42 Permits Data Collection (hereafter Framework Adjustment (FW) 42); OMB Control No.:0648-0555, the Atlantic Hagfish Fishery Collection of Information. The submission also contains the burden from OMB Control No.: 0648-0558: Atlantic Surfclam and Ocean Quahog Framework Adjustment 1. Once the renewal is approved, OMB Control No.: 0648-0558 will be discontinued.

Vessel Permits

There are two major categories of vessel permits: open access and limited access (also called moratorium). Since there are no eligibility requirements, open access permits are available to anyone who applies. Conversely, limited access permits are issued to only those applicants who meet the specific qualification requirements for a particular fishery. The permits included in this submission are for the following open and limited access fisheries: Atlantic herring, Atlantic mackerel, Atlantic sea scallop, black sea bass, bluefish, Illex squid, Loligo squid, butterfish, monkfish, Northeast (NE) multispecies, ocean quahog, scup, spiny dogfish, summer flounder, surf clam, tilefish, deep-sea red crab, NE skates, and American lobster. Some fisheries are entirely limited access (e.g., American lobster), while others are entirely open access (e.g., bluefish and spiny dogfish). However, most of the fisheries included in the Northeast Permit Family of Forms have both limited access and open access categories. Therefore, if an applicant does not meet the eligibility requirements of a limited access fishery, they may apply for an open access permit.

Entry into limited access fisheries typically requires proof of vessel eligibility, usually in the form of documented landings of the managed species or species group to be submitted with the permit application. Eligibility for limited access fisheries is established only once, during the initial year of the program. In subsequent fishing years, the permit is reissued in the same manner as open access permits. The permit applicant will be provided a pre-printed renewal form each year on which they select the open access permits they want, and the limited access permits for which their vessel has qualified.

Vessel Replacements, Upgrades, and Confirmations of Permit History

The vessel replacement, upgrade, and confirmation of permit history (RUPH) application provides a one-step venue for applicants to request one or more of the following limited access permit actions on one form: Replacement of one vessel by another vessel; upgrade of a vessel's physical characteristics (specifications); and/or retention of a vessel's limited access permit

history. This form saves time and effort by guiding applicants through the process, and by including these inter-related permit actions on one form.

The term vessel replacement, in general, refers to replacing an existing limited access vessel with another vessel. This application requires that the same entity must own both the limited access vessel (and fishing history) that is being replaced, and the replacement vessel. In addition, the process limits the ability of a qualified vessel to increase fishing power by restricting overall upgrades in vessel size and horsepower specifications.

A vessel owner must maintain the limited access permit status for an eligible vessel by renewing the permits or applying for issuance of a confirmation of permit history (CPH) on an annual basis. A CPH is issued to a person who does not currently own a fishing vessel, but who has legally retained the fishing and permit history of the vessel for the purpose of transferring it to a replacement vessel at a future date. Annual renewal is considered important in establishing participants who have an active interest in maintaining their ability to participate in a limited access fishery, and conversely allowing permits to lapse and be cancelled for those who do not.

Dealer/Processor Permits

Identification of dealer/processors is needed to obtain first purchase information on landings to evaluate the biological, economic, and social implications of management measures. The Magnuson-Stevens Act, Regulatory Flexibility Act, and Executive Orders 12866 and 12131 require the determination of these facts. This collection of information includes the following dealer permits: Atlantic hagfish, Atlantic herring, Atlantic mackerel, Atlantic sea scallop, black sea bass, bluefish, Illex squid, Loligo squid, butterfish, monkfish, NE multispecies, ocean quahog, scup, spiny dogfish, summer flounder, surf clam, tilefish, deep-sea red crab, NE skates, American lobster, and Atlantic tunas.

Operator Permits

The vessel operator permit enables NMFS to send notices of proposed and approved regulatory changes to vessel operators, as well as vessel owners, improving the flow of information to the industry. These permits are required for all operators of vessels issued Federal permits in the following fisheries: Atlantic herring, Atlantic mackerel, Atlantic sea scallop, black sea bass, bluefish, Illex squid, Loligo squid, butterfish, monkfish, NE multispecies, ocean quahog, scup, spiny dogfish, surf clam, tilefish, deep-sea red crab, NE skates, and American lobster.

The possible revocation of vessel, dealer, and operator permits helps to ensure compliance with reporting and other fishery specific regulatory requirements. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of withdrawing or not renewing permits. Fines for fishing without a permit can be more substantial and easier to enforce than fines for other violations. Vessel owners may be willing to pay the lower fines if the violation brings enough economic benefit, but do not want to be excluded from the fishery.

Observer Requirements

Any vessel holding a permit for Atlantic sea scallops, NE multispecies, monkfish, NE skates, Atlantic mackerel, squid, butterfish, scup, black sea bass, bluefish, spiny dogfish, Atlantic herring, tilefish, deep-sea red crab, a moratorium permit for summer flounder, and/or American lobster, may be requested to carry a NMFS-approved observer or sea sampler. Observer coverage may also be required for vessels participating in any of the exemption programs established under the above listed FMPs. Such requests are made at the discretion of the Regional Administrator (RA) for the purpose of monitoring fishing activities, collection of data, and compliance as stated under §648.11 and § 697.12 (American lobster). Requests for observer coverage are made from the list of permit holders for those species.

While the Atlantic hagfish fishery is not yet regulated, it has changed in recent years from an inshore fishery composed of small vessels to an offshore, large-vessel fishery. According to reports from a workshop that was held to elucidate the challenges in collecting information on this fishery, the reason for this change in the way that the fishery is conducted is that the fishery has experienced localized depletion in nearshore waters necessitating movement to areas not historically harvested for hagfish. An observer program for the hagfish fishery is being enacted as part of a larger information collection pilot program in order to aid NMFS and the New England Fishery Management Council (NEFMC) in the potential future development of an Atlantic hagfish FMP.

Under the Atlantic hagfish information collection pilot program, any vessel owners/operator that intends to fish for, catch, or land hagfish taken in or from the EEZ would be required to take an observer when requested to do so. Hagfish vessel owners would be required to call to arrange deployment of observers on their vessels. These requests are made at the discretion of the Regional Administrator for the purpose of monitoring fishing activities, collection of data, and compliance with pilot program requirements. An observer is necessary because of the high discard rates (culling) that have been reported to occur in the hagfish fishery at-sea due to rejection of live hagfish product at the docks and because the proportion of the catch that is rejected by the dealer and later discarded at sea is not measured. The information collected by observers may also be used to verify the information received from vessels through Fishing Vessel Trip Reports (FVTR).

Currently, the herring fishery is considered an exempted fishery that is not capable of catching groundfish. However, recent reports of herring vessels catching regulated groundfish have prompted an interest in gaining a better understanding of the scope of groundfish bycatch in the herring fishery. This bycatch may not be accounted for in the rebuilding program established for the NE Multispecies FMP. The FMP requires vessels with a All Area Limited Access and/or Area 2 and 3 Limited Access herring permit to notify the NMFS Observer Program 72 hours before beginning a herring trip. In addition, the vessel must notify NMFS Office of Law Enforcement (OLE) via Vessel Monitoring Systems (VMS) prior to landing. These provisions are intended to improve the ability to plane an observer on herring vessels and to monitor offloads to determine the extent of groundfish bycatch in the herring fishery.

The burden for all observer notifications described above has been included in the recently approved OMB Control No.: 0648-0593, Observer Programs' Information That Can Be Gathered Only Through Questions and thus will not be counted as burden in this collection.

Effort Monitoring: Vessel Monitoring Systems (VMS)/Call-in program

A VMS provides an effective means of monitoring vessel activity, including assessing fishing effort, through determining vessel location and tracking of days-at-sea (DAS). This information is necessary to enforce management measures such as DAS and closed area provisions, and to prevent overfishing through electronic catch reporting, where applicable. VMS enables industry participants to provide information on the nature and purpose of their activities electronically and to send and receive electronic messages. VMS units are also capable of transmitting catch and landings information. Section 303(b)(4) of the Magnuson-Stevens Act authorizes the Secretary to require the use of devices such as VMS that would facilitate enforcement of FMP provisions.

VMS is currently required for the following industry participants: (1) NE multispecies permit holders fishing under a Category A or B DAS (originally implemented by FW 42 under OMB Control No.:0648-0489); (2) all Atlantic sea scallop permit holders; (3) limited access Atlantic herring permit holders; (4) monkfish offshore exemption area declaration permit holders; and (5) surf clam and ocean quahog permit holders (§648.10(b)). Industry participants in these fisheries must provide proof of VMS installation with the vessel's permit application or renewal. In addition, all vessel owners required, or choosing to use, a VMS unit must call the NMFS OLE, Northeast Region (NER), to confirm connectivity of the unit with the OLE system upon installation of a new or replacement VMS unit, and send a VMS certification form as an official statement that the federally permitted fishing vessel has an operational VMS unit installed.

Owners of vessels issued a limited access monkfish and red crab permit participating in a DAS program who are not required to provide notification using a VMS, and scallop vessels qualifying for a DAS allocation under the occasional category that have not elected to fish under VMS notification requirements (at §648.10(b)) and are not participating in the Sea Scallop Access Area program (listed at §648.60) are required to report through a "call-in" telephone system. Vessels allocated DAS in those fisheries must call-in to declare the start and end dates and times of directed fishing trips (§648.10(c)).

Vessels participating in the NE multispecies fishery, with the exception of vessels issued a valid Small Vessel permit, and vessels issued a Category A or B limited access monkfish permit must notify the Regional Administrator (RA) through the call-in system of the commencement date of their 20-day period out of the NE multispecies fishery. NE multispecies vessels are also required to notify NMFS 72 hours in advance of a Category B trip so that observer coverage can be arranged. Day gillnet vessels must utilize these same procedures to declare their required time out (as specified in (§648.82(k)(1)(iv)) of the NE multispecies fishery. Owners of vessels issued a limited access monkfish permit may elect to provide notification requirements through a VMS unit rather than the call-in system (§648.10(c)).

Participants in the Category B (regular) DAS Program are limited to very low catch limits and quarterly hard Total Allowable Catch (TAC) amounts for regulated groundfish stocks of

concern. Vessels are allowed to use Category B (regular) DAS if they remain below these limits. If a vessel exceeds these low limits for any stock, it is required to “flip” the DAS it is using from a Category B (regular) DAS to a Category A DAS. This “flip” is accomplished by sending an electronic message to NMFS using the installed VMS. The “flip” must take place immediately, and before the vessel crosses the “VMS Demarcation Line”—a regulatory line that defines when a vessel is entering port and has stopped a fishing trip. This requirement to “flip” a DAS ensures that the additional effort from Category B (regular) DAS will be used to target healthy stocks and will not threaten the mortality objectives of NE Multispecies FMP Amendment 13 (Amendment 13). The requirements for a vessel to report a DAS flip through the VMS facilitates the enforcement of this provision. Because the notice must be given before the vessel lands the fish, it provides an opportunity for the United States Coast Guard (USCG) and NOAA enforcement agents to meet vessels at the pier and determine if they complied with the low landings limits required for the use of Category B (regular) DAS use.

Sea scallop vessels wishing to fish under the state waters exemption program (described at §648.54) must notify the RA by VMS or call-in notification (§648.10(e)). If using VMS notification, vessels must notify the RA prior to the vessel’s first trip under the state waters exemption program, and prior to the vessels first planned trip back in the EEZ. If using call-in notification, vessels must notify the RA at least 7 days prior to fishing under the exemption and provide the beginning and end dates of the exemption period. Vessels using call-in notification must remain in the exemption for a minimum of 7 days. However, those wishing to withdraw early must notify the RA through the call-in system, but cannot leave port to fish in the EEZ until 48 hours after the RA has received notification of early withdrawal. This system of VMS or call-in notification will ensure that scallop vessels fishing under the state waters exemption program remain within a state’s waters to be exempt from DAS, gear, and possession limit requirements.

In addition, NMFS has, for several years, been issuing an annual permit for Canadian vessels that participate in the Atlantic herring fishery under section 204(d) of the Magnuson-Stevens Act and section 105(e) of Public Law 104-297, the Sustainable Fisheries Act. A new requirement for VMS will be added to the permit based on input from the USCG. Section 204(d) states that applicants must comply with requirements described in section 201(c)(2) for the permit to be approved. Section 201(c)(2) includes a provision that the owner or operator of any foreign fishing vessel install and maintain in working order transponders, or such other appropriate position-fixing and identification equipment as the USCG determines to be appropriate. The USCG found that VMS would be appropriate for the Canadian vessels and subsequently NMFS added the requirement in the permit. Operation of the VMS will allow the monitoring of the vessels and their fishing effort.

Section 105(e) of Public Law 104-297 states that, within 30 days of receiving an application, NMFS shall issue permits to up to fourteen Canadian transport vessels that are not equipped for fish harvesting or processing, for the transshipment of Atlantic herring harvested by United States (U.S.) fishermen and used solely in sardine processing. The Atlantic Herring FMP established a border transfer specification for this herring transshipment in §648.200(a).

Good Samaritan DAS Credits

Limited access vessels fishing under DAS requirements that have assisted in USCG search and rescue operations or assisted in towing a disabled vessel may apply for Good Samaritan credits (§648.53(e)). This provision enables such vessels to not accrue DAS for the documented time of their assistance efforts.

DAS Credit for Standing by an Entangled Whale

Every year, there are many reports of large whale entanglements. However, few entangled whales are actually disentangled because many of the reported entangled whales are never relocated. Given effort limitations, vessels are reluctant to take the time to provide rescuers information about entangled whales because they could lose valuable fishing time. As a result, the NE Multispecies FMP provides DAS credit for vessels that stand by an entangled whale. This credit provides an incentive for vessels to report and stand by entangled whales so that they can be successfully disentangled.

Vessel Monitoring System Power Down Exemption

Vessels carrying permits that require VMS units must transmit a signal indicating the vessel's position either once or twice per hour, 24 hours a day, depending on the permit type. The vessel power down exemption allows both voluntary VMS users as well as vessels required to use VMS to stop position transmission under certain provisions, provided the vessel would be out of the water for a minimum of 72 hours, or at dock/mooring and not engaging in any fisheries for a minimum of one month. Vessel operators are allowed to discontinue the use of VMS as long as a valid letter of exemption is obtained and the vessel complies with the conditions and requirements of the exemption letter. The vessel is required to retain this exemption letter on board the vessel. The vessel owner may also request to extend the time period for which the exemption was granted. This provision was originally implemented by Amendment 13 and approved under OMB Control No.:0648-0489. Limited Access General Category (LAGC) sea scallop vessels may also use VMS to declare power down periods while at dock.

Differential DAS Counting

The primary means of controlling fishing mortality in the NE Multispecies FMP is by limiting the number of DAS that a vessel can fish. Amendment 13 assigned each limited access permit holder a number of DAS that can be used. These DAS are categorized as either Category A DAS, Category B (regular or reserve) DAS, or Category C DAS. Category A DAS could be used to target any regulated groundfish stock in any area, while Category B DAS may only be used in specific highly regulated programs designed to minimize the impact of the additional effort of the Category B DAS. Category C DAS cannot be used anywhere at this time.

Because vessels fishing under a Category A DAS in inshore portions of the Gulf of Maine (GOM) and an offshore area within the Southern New England/Mid-Atlantic (MA) Regulated Mesh Area (RMA) caught substantial amounts of cod and yellowtail flounder, and therefore contributed the most to excessive fishing mortality on these stocks, any Category A DAS used to land groundfish from these areas is charged at a rate of 2:1. A vessel that fishes outside of these

areas and merely transits these areas is not charged DAS at a higher rate. Therefore, any vessel that plans to catch groundfish in these areas is required to declare their intent to do so at the beginning of a trip. Vessels that have not declared their intent to fish in the inshore GOM differential DAS counting area may be in the area due to bad weather, or other circumstances beyond their control, provided its fishing gear is properly stowed and provided the vessel notifies NMFS through its VMS. A vessel that declares into the inshore GOM differential DAS counting area due to circumstances beyond their control is charged Category A DAS at a rate of 1:1 and not at the differential DAS counting rate of 2:1.

Such area declarations must be submitted via VMS. These declarations identify which vessels intend to fish for groundfish in these areas and which vessels are merely transiting the areas so that DAS can be charged at an appropriate rate. Identification of vessels fishing for groundfish in these areas also facilitates enforcement of this measure.

Category B (regular) DAS Program

As specified above, the primary means by which the NE Multispecies FMP controls fishing mortality is by limiting and regulating the number and type of DAS that vessels can fish. Any Category B (regular or reserve) DAS that are used increase the amount of effort in the fishery. In order to prevent these additional DAS from threatening the mortality objectives of the FMP, Category B DAS can only be used to target healthy groundfish stocks in special management programs.

Reporting requirements under this collection include: 1) the notification of NMFS 72 hours in advance of a Category B DAS trip so that NMFS can plan observer coverage; 2) declaration of the use of a Category B (regular) DAS via VMS at the start of the trip; and 3) the declaration of a change to the DAS being used on a trip (i.e., a DAS “flip) if a vessel exceeds the very low landings limits for stocks of concern.

Notifications for the purpose of observer deployment are required at least 72 hours prior to each fishing trip via a telephone call to the contracting company tasked with providing observer coverage. These vessels may be requested to carry on board a NMFS observer or sea sampler for the purpose of monitoring fishing activities, collection of data, and compliance as stated under §648.11.

Participants in the Category B (regular) DAS Program are limited to very low catch limits and quarterly hard TAC amounts for regulated groundfish stocks of concern. Vessels are allowed to use Category B (regular) DAS if they remain below these limits. If a vessel exceeds these low limits for any stock, it would be required to “flip” the DAS it is using from a Category B (regular) DAS to a Category A DAS. This “flip” would be accomplished by sending an electronic message to NMFS using the installed VMS. The “flip” must take place immediately, and before the vessel crosses the VMS Demarcation Line. This requirement to “flip” a DAS ensures that the additional effort from Category B (regular) DAS will be used to target healthy stocks. The requirements for a vessel to report a DAS flip through the VMS facilitates the enforcement of this provision. Because the notice must be given before the vessel lands the fish, it provides an opportunity for the U.S. Coast Guard and NOAA enforcement agents to meet

vessels at the pier and determine if they complied with the low landings limits required for the use of Category B (regular) DAS use.

DAS Transfer Program

In order to reduce effort in the NE multispecies fishery, vessels with valid limited access NE multispecies permits as well as owners of a valid confirmation of permit history (CPH) who are not participating in a sectoral allocation program may permanently transfer DAS to another vessel, provided the selling vessel retires from all state and Federal commercial fisheries and the purchasing vessel is within 10 percent of the selling vessel's baseline length overall and 20 percent of the selling vessel's baseline horsepower (§648.82(1)). These provisions are necessary to ensure that the transfer of DAS does not unintentionally increase effort and vessel capacity beyond what has been previously considered. Owners of vessels eligible to transfer DAS are required to submit a completed application on the appropriate form obtained from the RA.

NE Multispecies Amendment 13 Special Access Programs

Special Access Programs (SAP) are narrowly defined fisheries that allow for increased access to specific stocks that might otherwise be restricted. Access to these stocks is permitted through exemptions to regulations that, in the absence of such exemptions, would prevent the full utilization of the allowable catch for those specific stocks. In doing so, the social and economic impacts associated with management initiatives are lessened. These access programs allow for increased yield of target stocks without compromising the efforts to rebuild overfished stocks, end overfishing, minimize bycatch, or minimize impact on essential fish habitat (EFH).

This collection includes requirements related to three SAPs: 1) the Closed Area II (CA II) Yellowtail Flounder SAP; 2) the CA II Haddock SAP; and 3) the Closed Area I (CA I) Hookgear SAP. Vessels may choose whether to use a category A or B DAS prior to each trip into a particular SAP, and Category B DAS may only be used within the CA I or CA II SAPs. Therefore, prior to leaving the dock, limited access NE multispecies vessels fishing under a NE multispecies DAS within the CA II Yellowtail Flounder SAP, the CA II Haddock SAP, or the CA I Hookgear SAP are required to declare whether they are using a category A or B DAS for each trip. Since Category B DAS may only be used in currently approved SAPs, the declaration of DAS category is required to ensure that DAS are accurately monitored and enforced and that compliance with the provisions of approved SAPs and their possession limit regulations is maintained.

- 1) CA II Yellowtail Flounder SAP:** Vessels issued a limited access NE multispecies DAS permit are allowed to take two trips per month into the CA II Yellowtail Flounder Access Area, unless the SAP is closed by the RA.

- 2) CA II Haddock SAP:** Vessels issued a limited access NE multispecies DAS permit are allowed an unlimited number of trips under this SAP, unless the SAP is closed by the RA.

- 3) CA I Hookgear SAP:** This SAP allows limited access hookgear category vessels to target haddock within CA I of the NE Multispecies FMP from September 16th to

December 31st of each fishing year. Observers would be required on all trips into the CA I SAP. The RA may close this SAP once the SAP's cod bycatch TAC has been caught.

The collection includes any burden associated with the process for the submission of proposed SAPs. The application for a new SAP would need to specify the number of vessels or trips that may occur in the access program; the estimated catch rate of the target and bycatch species; the type of data reporting to monitor the status of harvest; and the plan of implementation of the SAP, specifically the means by which mortality on a stock of concern will be minimized. After reviewing the proposed SAP, the RA, after consultation with the NEFMC and consideration of public comments received, will make a determination on the proposed SAP and issue a permit authorization or regulations, as appropriate. This standardized process is required to ensure that fishing activities allowed under Amendment 13, including SAPs, maintain consistency with the intent of Amendment 13 to prevent overfishing and help rebuild groundfish stocks. Without such information, it would be difficult for the RA to determine the nature of proposed SAPs and whether they would adversely impact species of concern.

Programs Authorized for Federal Permit Holders

There are several programs authorized to the holders of Federal permits, such as exempted fisheries and vessel monitoring. Several NE Region FMPs allow exemptions from the regulations for fisheries conducted in a manner already consistent with the goals and objectives of the FMP. For example, the minimum mesh requirement of the summer flounder fishery is waived for a fishery that occurs in an area where the gear selectivity measure would have no significant conservation benefit (§648.104(b)(1)). Similarly, under the NE Multispecies FMP, many exemptions have been authorized for small mesh fisheries and fisheries not requiring effort controls as each one is demonstrated to have a negligible effect on the species under protection (§648.80(a)).

The purpose of fishery exemptions is to allow federally permitted vessels to conduct fisheries that might otherwise be restricted. In this way, the social and economic impacts associated with conservation plans are lessened. The NE Multispecies FMP anticipates the need for such exemptions. As a result, an expedited process exists at §648.80(a)(8) of the regulations for adding, deleting, or modifying exempted fisheries. According to this measure, if the RA, after consultation with the NEFMC, determines that the fishery in question would have less than 5 percent bycatch of regulated multispecies and the exemption will not jeopardize fishing mortality objectives, the exemption may be allowed and added to the list of exemptions under §648.80(a).

Because exemptions provide alternatives to the often restrictive fisheries managed under an FMP, special permitting (including certificates) or Letters of Authorization (LOA) are often required to ensure compliance and consistency with the purpose of the exemption. Special permits and LOAs provide a list of participants, their period of participation, and assist the agency in compliance monitoring. Special permits and LOAs also serve to resolve confusion and delay caused when a vessel in an authorized exemption program is boarded by enforcement officers to determine whether or not the vessel is fishing illegally. Some exemptions requiring LOAs include the Summer Flounder Small Mesh Exemption (§648.104(b)(1)) and the Winter Flounder State Waters Exemption (§648.80(i)). Some of the exemptions authorized under §648.80(a) of the NE multispecies regulations that require an LOA include the Cultivator Shoal

Whiting Fishery Exemption (§648.80(a)(6)) and the Nantucket Shoals Dogfish Fishery Exemption (§648.80(a)(10)).

The following exemptions contain collection of information requirements under OMB Control No.: 0648-0202, i.e. requests for Letters of Authorization (LOA) from the Regional Administrator (RA):

- Summer flounder small-mesh exemption (§648.104(b)(1)) for vessels desiring an exemption from the minimum mesh-size requirements for the summer flounder fishery
- Winter flounder state waters exemption for vessels issued a NE multispecies permit wishing to land winter flounder in state waters with a mesh size smaller than the specified minimum
- Midwater trawl exemption (§648.80(d)(2)) for vessels wishing to fish with mid-water trawls or purse seines in the GOM/Georges Bank (GB) Exemption area
- Purse seine exemption (§648.80(e)(2)) for vessels wishing to fish with purse seines in the GOM/GB Exemption area
- Cultivator Shoals Whiting exception for vessels wishing to fish with nets with a mesh size smaller than the minimum specified mesh size in the Cultivator Shoal Whiting Fishery Exemption Area
- Nantucket Shoals dogfish exemption for vessels wishing an exemption from minimum mesh size requirements in the Nantucket Shoals dogfish exemption area
- Southern New England (SNE) Little Tunny Gillnet Exemption (§648.80(b)(9)) for vessels wishing to fish with gillnet gear with a mesh size smaller than the minimum required mesh size in the SNE Little Tunny Gillnet Exemption Area
- Western GOM and Cashes Ledge closed areas party/charter exemption for vessels fishing under Charter/Party regulations in GOM and Cashes Ledge closed areas
- GOM/Nantucket Lightship party/charter exemption (§648.81(c)(2)(ii)(A)) for owners of charter/party vessels intending to fish in the Nantucket Lightship Closure Area
- State waters sea scallop exemption program (§648.54); Limited access sea scallop vessels wishing to participate in either the state waters DAS exemption program or the state waters gear exemption program must notify the RA by VMS or call-in notification. Participants in the sea scallop state waters exemption programs using VMS notification must notify the RA prior to the first trip in the exemption program and prior to the first planned trip in the EEZ, at an estimated 5 minutes per response. Participants in these exemption programs using the call-in system must notify the RA at least 7 days prior to fishing under the exemption. If participants using the call-in system wish to withdraw from either state waters exemption program prior to the end of the 7-day designated exemption period requirement, they must also call the RA to notify of early withdrawal.
- Northwest Atlantic Fisheries Organization (NAFO) regulatory area request: Vessels fishing in the NAFO Regulatory Area that wish to be exempt from NE multispecies regulations while transiting the EEZ with NE multispecies on board, or landing NE multispecies in U.S. ports, must request an LOA (5 minutes) in addition to possessing a valid High Seas Fishing Compliance permit under 50 CFR §300.
- Raised footrope trawl whiting fishery (§648.80(a)(15)) for vessels wishing to fish with nets with a mesh size smaller than the minimum specified mesh size in the Raised Footrope Trawl Whiting Fishery area
- Authorization to transfer fish at sea; and

- Monkfish Southern Fishery Management Area (SFMA) landing limit and minimum fish size exemption for permitted monkfish vessels that do not have VMS unit that wish to fish in the Northern Fishery Management Area (NFMA).

Declaration of Intention to Fish Outside of the GOM RMA

Because the possession limits for GOM cod are smaller (800 lb/DAS up to 4,000 lb/trip) than the possession limit for GB cod (1,000 lb/DAS, up to 10,000 lb/trip), vessels fishing south of the GOM RMA are currently required to declare intent to fish outside of the GOM RMA via VMS (§648.86(b)(4)). This declaration exempts the declaring vessel from the GOM cod possession limits. Vessels fishing under the GOM Cod Landing Exemption may transit from one port to another provided that the operator notifies the RA prior to transiting (§648.86(b)(3)).

Combined Trips Inside/Outside of the Eastern U.S./Canada Area

An informal understanding was reached between the U.S. and Canada regarding the management of GB cod, GB haddock, and GB yellowtail flounder resources found within the waters of both countries within an area known as the U.S./Canada Management Area. Requirements for American vessels fishing in the U.S./Canada Management Areas rely upon hard TACs for GB cod, GB haddock, and GB yellowtail flounder. The hard TACs established for GB cod and GB haddock only apply to fish caught in the Eastern U.S./Canada Area, while the hard TAC for GB yellowtail flounder applies to any yellowtail flounder caught in either the Eastern or Western U.S./Canada Area. In the past, fishing vessels were not allowed to fish inside and outside the Eastern U.S./Canada Area on the same trip because the hard TACs for cod and haddock only apply to fish caught in the Eastern U.S./Canada Area.

Due to concerns over vessel safety and decreased flexibility that limits a vessel's opportunity to meet operational costs when fishing exclusively in the Eastern U.S./Canada Area on a particular trip, vessels are now allowed to fish in the Eastern U.S./Canada Area (or either SAP within the Eastern U.S./Canada Area) as well as outside of the Eastern U.S./Canada Area on the same trip. These vessels must declare their intentions to do so using VMS either prior to leaving port, or prior to leaving the Eastern U.S./Canada Area. This is referred to as a "flex" trip. Vessels electing to fish inside and outside of the Eastern U.S./Canada Area on a "flex" trip would be charged a Category A DAS for the entire trip and any cod or haddock caught would be counted towards the Eastern U.S./Canada Area TACs, while any yellowtail flounder caught would count towards the overall U.S./Canada Area TAC. Vessels fishing on a "flex" trip are required to abide by the most restrictive trip limit for areas fished.

The information collection for the declaration of intent to fish inside and outside of the Eastern U.S./Canada Area is being interpreted as a modification of the DAS "flip." As described above, when a vessel "flips" its DAS declaration from Category B DAS to Category A DAS, it is informing NMFS that it is changing the DAS being used for that trip. In a similar manner, a vessel would "flip" its area declaration from exclusively in the Eastern U.S./Canada Area to being able to fish inside and outside of the Eastern U.S./Canada Area on the same trip.

The proposed requirement to declare a vessel's intent to fish inside and outside of the Eastern U.S./Canada Area is necessary to effectively monitor and enforce the provision of the areas fished. In addition, such notifications provide the necessary information to accurately account for any cod, haddock or yellowtail flounder toward the appropriate U.S./Canada Management Area hard TACs on such "flex" trips.

Gillnet Tagging Program and Category Designation

Gillnet vessels are required to elect a gillnet category designation by selecting either the "Day gillnet" or "Trip gillnet" category on a form provided by NMFS (§648.4(c)(2)(ii)). On this same form, vessel owners who have selected the "Day gillnet" category may request the required net tags and send a check for the cost of the tags. If the maximum number of tags is not requested on the initial form, vessel owners may request additional tags at any time during the fishing year through an additional form. If any tags are lost or destroyed, the RA must be notified as soon as possible via letter or fax. The vessel owner may also request replacement tags via the same letter or fax, including a check for the cost of the replacement tags (§648.82(k)). This tagging program helps enforce limits on the number of nets a vessel is allowed to fish at a given time.

Monkfish Area Declaration and Tagging Program

Vessels participating in the monkfish DAS program that intend to fish solely in the Northern Fishery Management Area (NFMA) must declare into the area by notifying NMFS (§648.93(b)(2)). Vessels must declare into this area for a period of not less than 30 days.

In addition, monkfish vessels participating in the monkfish DAS program and using gillnet gear must obtain gillnet tags on a form provided by NMFS (§648.92(b)(8)). This form is the same form used to declare a gillnet category and order tags for the NE multispecies gillnet fishery.

American Lobster Trap Area Designation and Tagging Program

Each owner of a fishing vessel that fishes with traps capable of catching American lobster must declare to NMFS on the annual application for permit renewal which management areas the vessel will fish in for lobster with trap gear during that fishing season. Any lobster trap fished in Federal waters must be affixed with a valid lobster trap tag (unless exempt under § 697.26, Area 5 waiver). Trap tags are issued by the RA or by state agencies by agreement with the RA. The trap tags must be purchased using a NMFS trap tag order form or state equivalent. The purpose of the trap tags is to enforce the number of traps a vessel is authorized to fish based on the area(s) designated. Vessel owners are required to report lost, destroyed, or missing tags to the RA within 7 days of the loss incident, and may request replacement of the lost, destroyed, or missing tags (§ 697.4). Vessels that possess both an American lobster permit for traps in Area 5 and Federal limited access black sea bass permit have the option to participate in the Area 5 waiver category. By opting for this category, they are allowed a limited possession limit for lobster while directing trap fishing on black sea bass. They can opt in and out of this category throughout the permit year by notifying the NE Region Permit Office and completing a permit application (§ 697.26).

State Quota Transfer Requests

The summer flounder and bluefish fisheries are currently managed by a commercial quota allocated on a state-by-state basis. The summer flounder and bluefish quotas are annual allocations. These two fisheries allow states to request that quota be transferred or combined between and among states for a particular fishery (§648.100(e), §648.160(f)). Requests are made in writing to the RA. Quota transfers allow flexibility among the states in managing their allocations, thereby addressing unforeseen variations and contingencies in the fisheries.

Sector Allocation Proposed Operation Plan

The NE Multispecies FMP contains provisions that would authorize a portion of the overall TAC of a stock or stocks or DAS to be allocated to a self-selected group of NE multispecies permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. The proposed sector would be required to submit two documents as described below. Once approved, each sector would be required to submit annual year-end reports describing sector activities for the fishing year. Accordingly, the following documents would be required:

- 1) Sector Allocation Proposal:** This document specifies the proposed maximum amount of TAC or DAS to be allocated to sector participants and the sector's proposed rules for member vessels. This document would be required to include an appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).
- 2) Plan of Operations:** This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC, or DAS associated with the proposed sector; detailed information regarding potential redistribution of TAC or DAS within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sectoral rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document would be required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.
- 3) Annual Report:** Within 60 days of the end of each fishing year, approved sectors would be required to submit an annual report containing information on the sector's activities for the fishing year to both the Council and NMFS. Each report is required to contain information describing the fishing activities, harvest levels of all federally managed species, and any applicable enforcement actions attributable to sector vessels in order to evaluate the performance of each sector. These reports would be used to determine the effort and fishing mortality associated with sector activities as well as whether the sector is complying with the provisions of their operation plan and other requirements specified under § 648.87.

There are currently two sectors in operation: the Georges Bank Hook Sector and the Georges Bank Fixed Gear Sector.

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

The information requested on the consolidated permit application forms are used by several offices of NMFS, the USCG, the NEFMC, the Mid-Atlantic Fishery Management Council (MAFMC), state fishery management agencies, academic institutions, and other fishery research and management organizations to evaluate current management programs and future management proposals. In most cases, aggregated summaries are made available, but for law enforcement, mailings, or resource allocation problems, individual permit information is often required.

Mailing lists derived from the applications provide NMFS with the assurance of reaching all concerned constituents with notices of fishery closures, regulatory changes, and other important information.

Vessel Permit Application Forms

The vessel permit application form is used to collect vessel information. Permits are issued annually or more frequently at the request of the applicant if changes are necessary. There are two vessel permit application forms—an initial form for new vessels and a renewal form for previously permitted vessels.

In section 1 of the permit application, information such as name and address of the owner is used to identify the applicant and legal ownership of the vessel. This requirement is essential in the use of permits as a fisheries enforcement tool. For example, violations of catch regulations may result in the suspension of a vessel's permit. Since a corporation may own several vessels, identification of ownership on the application form allows NMFS to sanction the company as well as the individual vessel or vessel operator for repeated violations of regulations. This information is also used to provide a mailing list, as mentioned above. The regulations specify that mailing address is required. Because some forms of delivery require street addresses, the RA has also determined that a street address is required. The regulations authorize such requirements to be added as found necessary.

A USCG documentation number, or state registration number when appropriate, serves to further identify an individual vessel. This number is especially useful in tracking permit histories to past owners, assuring that qualified vessels obtain proper moratorium permits. That history becomes more and more important as additional fisheries undergo moratoriums limiting the access of participants.

Telephone numbers are required to assist NMFS in processing the application. Possessing a telephone number for an applicant enables questions to be resolved more efficiently and inexpensively than via correspondence, thus facilitating timely issuance of the permits. Home

and principal port information provides managers with information on the distribution of fishing effort and fishing communities--vital components in evaluation of socio-economic impacts of fishing regulations.

The vessel information requested in section 2 of the initial application is required for evaluation of fishing power and capacity and is used by fishery economists and researchers to estimate the impacts of the fishing fleet on a resource and perform other studies as appropriate. Information from this database is used frequently throughout the year as studies are needed.

The fishery information requested in section 3 is used by NMFS, the Councils, and other fishery research and management organizations to evaluate the placement, qualifications, and fishing methods of participants in the various fisheries. This information defines the type of permit issued to an applicant and which restrictions apply to that type of permit.

Section 4 of the initial permit application, and section 5 of the renewal application, requires that the permit holder sign and date the application. A signature is required on all application forms for legal accountability and protection of the applicant.

The regulations at § 648.4(a)(2)(i)(M) specify that for any vessel acquired after March 1, 1994, a vessel owner is not eligible to be issued a limited access scallop permit for the vessel if the issuance of the permit will result in the vessel owner, or in any other person who is a shareholder or partner of the vessel owner, having an ownership interest in limited access scallop vessel at the time of permit application. The same provisions are outlined for the LAGC Atlantic scallop permit holders at § 648.53 (h)(3)(ii). Having an ownership interest includes, but is not limited to, persons who are shareholders in a vessel owned by a corporation, who are partners (general or limited) to a vessel owner, or who, in any way, partly own the vessel. Completion of the Atlantic Scallop Ownership Form permits NMFS to ascertain, in accordance with the regulations at § 648.4 (a)(2)(i)(M), the percent of ownership of the limited access or LAGC Atlantic scallop permit applicants.

The renewal application differs from the initial application in that each year a pre-printed application, based on the most recent permit, is mailed to each permit holder. Any changes that are necessary can be quickly accomplished simply by noting the changes in the appropriate "Changes" column. The renewal application enables the vessel owner to renew permits by simply signing and returning the form. However, if the vessel owner wants to make changes to the vessel's permits, or if the applicant no longer owns the vessel, this can be noted on the application by checking the appropriate section. The information provided is used by the NMFS permit office to insure that data are accurate and up-to-date.

Vessel Replacement, Upgrades, and Confirmation of Permit History (RUPH)

In order to replace a vessel holding limited access permits with another vessel, upgrade a vessel's physical characteristics, or retain a vessel's limited access permit history, a vessel owner or authorized representative must complete an RUPH application. The purpose of this form is to formalize procedures necessary to insure that vessel owners upgrade or replace vessels within the required parameters (10 percent for length overall (LOA), gross registered tonnage (GRT)

and net tonnage (NT), and 20 percent for horsepower). This form also formalizes the procedures by which vessel owners may retain their vessel's limited access permit history.

Applicants are asked to indicate the type of action being requested on the first page of the application. The instructions listed on this page then direct the applicant to the appropriate section of the application. All applicants must complete the information listed on page 2 of the application: Name of the old vessel, permit number, USCG or state registration number, current owner of vessel or permit history, street and mailing address of owner, telephone number of owner, and owner signature. In cases where the owner no longer owns the vessel, but has retained the fishing history, a bill of sale stating the retention of history signed by both the buyer and seller must be submitted.

Section A is to be completed by applicants wishing to replace their old vessel. This section requests information pertaining to the name of the new vessel, permit number (if applicable), USCG or state registration number, and the type of limited access permits being transferred. Applicants must submit proof of size and horsepower for both old and new vessels. The regulations state that the replacement vessel's LOA, GRT, and NT may not exceed that of the original vessel by more than 10 percent (§648.4(a)(E)). In addition, the replacement vessel's horsepower must not exceed that of the original vessel by more than 20 percent. The original vessel is that which first received the limited access permit for a particular fishery. The baseline is established according to the year when that fishery's limited access permits were first issued.

Section B is completed by applicants wishing to upgrade the specifications for their vessel independent of a vessel replacement. A vessel upgrade is the increase in a vessel's size (LOA, GRT, and NT) and/or horsepower from the specifications of the baseline vessel. The regulations state that a 10 percent increase in LOA, GRT, and NT (size specifications), as well as a 20 percent increase in horsepower, are allowed. Vessel size and horsepower may be upgraded independently of one another. However, increases in LOA, GRT, or NT must be done at the same time (§648.4(a)(F)). This section asks for only the change in vessel specification(s) along with submission of verifying documentation.

Section C is completed by applicants wishing to retain their vessel's limited access permit history. In the event that the vessel was sold, the applicant must submit a bill of sale signed by both the buyer and seller stating that the fishing history was retained by the seller. In the instance the vessel sank or was destroyed, the applicant must submit proof of this in the form of a USCG marine casualty report (or other proof of casualty) or insurance document. Once the application and supporting documents are received by NMFS, a Confirmation of Permit History certificate will be processed and sent to the applicant.

Section D lists the acceptable forms and sources of verification for vessel specifications, vessel ownership, vessel history retention, and vessel sinkage or destruction. This information is necessary so that the regulations can be administered as they were written and to further the conservation goals and objectives of these fisheries (§648.4(a)(1)(i)(F)).

The number of vessel owners replacing, upgrading, or retaining their vessel's fishing history varies depending on circumstance. Thus, it is difficult to estimate how many vessel owners will need to complete an RUPH application on an annual basis.

Dealer/Processor Application Forms

Dealer permits are issued annually or more frequently if changes are requested by the applicant. There are two types of applications, initial and renewal. Section 1 of the Dealer permit application requests information on the dealer including vessel permit number, company name, owner name, company street and mailing address, and telephone and FAX number were applicable. In section 2, the applicant selects the fisheries for which he/she wants dealer permits. Section 3 is the signature block section where the applicant attests to the truth and accuracy of the information provided. Dealer information can be used by enforcement officers to check for regulatory infractions in all of the fisheries, and by NMFS scientists and economists as a basis for sampling. The dealer permit requirement ensures complete reporting from dealers for federally permitted fisheries. Reports furnished by permitted dealers provide important information on the volume, value, and distribution of these high values, overfished stocks at the point of first purchase.

Operator Application Forms

All operators of federally permitted vessels, except summer flounder vessels, are required to have a Federal operator's permit. These permits are renewed every three years. The Operator Permit Application requires that the applicant provide the following information: Name, address, city, state and zip code, telephone number, birth date, hair color, eye color, height, and weight. The applicant must include one passport-sized photograph with their application to ensure positive identification and aid in enforcement actions. The vessel operator permit has enabled NMFS to send notices of proposed or approved regulatory changes to vessel operators, as well as vessel owners, improving the flow of information to the industry and their ability to stay informed of regulatory changes. In addition, the issuance of permits to vessel operators serves as a compliance tool.

VMS/Call-in Programs

The data collected through the DAS effort monitoring program of the sea scallop, NE multispecies, and monkfish fisheries are used in many analyses by NMFS, the Councils, states, Departments of State and Commerce, OMB, Corps of Engineers, Congressional staffs, and the fishing industry and public. Vessels are allowed to fish for Atlantic sea scallops, NE multispecies and monkfish only for a specific number of DAS. The VMS accounts for this fishing activity, and the information is used by both the vessel owners and agency representatives to monitor and enforce DAS limits. The information gather from a vessel's declaration of a surf clam, ocean quahog, or Maine mahogany trip enables NMFS to monitor the individual transferable quota (ITQ) program, the limited access Maine mahogany fishing program, and area based regulations. Herring vessels use VMS to accurately monitor which of four fishing areas they are fishing for each trip. This is necessary because there is a cap on catch that can be harvested from each of these areas. Furthermore, the call-in notification for NE multispecies vessels declaring their required 20-day spawning season block of time out of the NE multispecies fishery, and day gillnet vessels declaring their blocks of time out of the non-exempt gillnet fishery, is used by NMFS as an enforcement tool.

Vessels required to have an operational VMS unit on board must complete a form supplied by NMFS verifying that a VMS unit has been installed on the vessel and is operational. The form requests information regarding vessel name, Federal permit number, vessel documentation or state registration number, information (name, address, and telephone number) on the installing dealer, date of installation, serial number of unit, and e-mail address of vessel. The form also requests responses to questions regarding whether or not the unit is operational, if operating instructions have been provided to the vessel owner, and if the vessel owner has been trained on use of the VMS unit by the vendor. Once the form has been completed, the vessel owner or authorized representative signs and dates the form, and returns it to the address listed on the form. In addition, in order to ensure VMS unit connectivity, all vessel owners required, or choosing to use, VMS units would be required to call NMFS OLE NER to confirm connectivity of new and replacement VMS units.

Monkfish, red crab and sea scallop vessels subject to call-in requirements must provide the following information at the start of a fishing trip: Owner and caller name and phone number, vessel name and permit number, type of trip to be taken, port of departure and verbal confirmation that the vessel is beginning a trip. Upon the vessel's return to port, the vessel owner or owner representative must call in with the following information: Owner and caller name and phone number, vessel name and permit number, port of landing and verbal confirmation that the vessel is ending a trip.

Scallop vessels may be exempted from DAS, gear, and possession limit requirements when fishing in state waters under a state management program that has been determined by NMFS not to jeopardize the fishing mortality/effort reduction objectives of the Sea Scallop FMP. Scallop vessels wishing to participate in the state waters exemption program are required to notify the RA by VMS prior to the vessel's first trip under this exemption program, and prior to the vessel's first planned trip back in the EEZ. Scallop vessels using call-in notification must notify the RA at least 7 days prior to fishing under the exemption program and provide the following information: Owner and caller name and address, vessel name and permit number, and beginning and end dates of the exemption period. Vessels using the call-in system must also remain under the exemption for a minimum of 7 days. If such vessels remain in the exemption for a minimum of 7 days, but want to withdraw earlier than the designated end of the exemption period, they must call the RA and notify early withdrawal and provide the following information: Vessel name and permit number, name and phone number of the caller, and a statement that the vessel is withdrawing from the exemption.

This system of call-in notification will ensure that scallop boats fishing under the state exemption program in Maine, Massachusetts, or New Hampshire remain within the state's waters to be exempt from the DAS, gear, and possession limit restrictions. The purpose of this exemption is to allow Federal scallop permit holders to compete in the state waters fishery on a more equitable basis where Federal and state laws are inconsistent, and to encourage general category vessels to fish under the exemption program and continue to submit catch and effort data. Not implementing an exemption may provide an incentive for general category vessels that target scallops to cancel their Federal permits, thereby exempting them from all Federal requirements including reporting of landings while fishing in state waters. These vessels would be able to re-apply for a general category permit at any time. It is difficult to anticipate the

enrollment in this exemption program since it is dependent directly on the independent vessel owner and frequency of participation.

Vessels participating in the U.S./Canada Area SAPs, specifically the CA II Yellowtail Flounder SAP, the CA II Haddock SAP, or the CA I Hookgear SAP would be required to declare which category DAS they would be operating under prior to each fishing trip. This information would be required to be submitted by those vessels participating in the SAPs every time they intend to operate under the requirements of these SAPs. This information would be used by NMFS enforcement personnel to monitor and track DAS usage and insure compliance with the appropriate regulations.

The applications for the up to 10 Canadian vessels that will be required to install VMS are covered under OMB Control No.: 0648-0089 (Foreign Fishing Vessel Permit Applications). Operation of VMS on Canadian vessels participating in the Atlantic herring fishery as transshipment vessels will allow monitoring of these vessels and their fishing effort.

Vessel Monitoring System Power Down Exemption Form

Vessels carrying permits that require VMS and vessels choosing to use VMS may apply for a power down exemption to stop position transmission under certain provisions provided the vessel would be out of the water for a minimum of 72 hours, or at dock/mooring and not engaging in any fisheries for a minimum of one month. The information required on the VMS Power Down Exemption Form is necessary to maintain compliance with area closures and DAS provisions. The form requests the vessel name, Federal permit number, vessel documentation or state registration number, duration of the exemption period (the dates that the VMS unit will be turned on and off), and either 1) the shipyard address where the vessel will be out of the water for more than 72 consecutive hours, or 2) the port location at which the vessel will be docked/moored for a minimum one month period. There is no limit to either the length of time a VMS unit may be turned off or the number of times a vessel may participate in this program.

Good Samaritan DAS Credits

Limited access vessels fishing under DAS requirements that have assisted in USCG search and rescue operations or assisted in towing a disabled vessel may apply for Good Samaritan credits (§648.53(e)). This provision enables such vessels to not accrue DAS for the documented time of their assistance efforts. Vessel may request DAS credit for time assisting USCG search and rescue operations by submitting a written request to the RA. This written request must contain at least the following information: Date and time when the vessel began assisting in search and rescue activities and date and time when the vessel terminated such activities. Vessels may, in theory, assist in search and rescue activities multiple times per year and request DAS credit for such efforts.

DAS Credit for Standing by an Entangled Whale

Vessels standing by an entangled whale would be required to notify the USCG and/or the Center for Coastal Studies of the location of the entangled whale and that the vessel intends to stand by the entangled whale until a response team arrives. The vessel would be required to remain

available to answer questions on the condition of the animal, possible species identification, severity of entanglement, etc., and take photographs of the whale, if possible. Once a response team arrives or the vessel is notified that a response team is not available to conduct a rescue operation, the vessel may discontinue standing by the entangled whale and can resume fishing operations. The vessel could then request DAS credit for time spent standing by the entangled whale by submitting a written request to the RA. This written request must contain at least the following information: Date and time when the vessel began its stand-by status, date of first communication with the USCG and/or the Center for Coastal Studies, and date and time when the vessel terminated its stand-by status. Vessels may, in theory, stand by multiple entangled whales per year and request DAS credit for such efforts.

Information provided by the vessel to the USCG and/or the Center for Coastal Studies would be used by these organizations to identify the species of the whale, track the position of the animal, and monitor the condition of its entanglement. This information would then be used by NMFS OLE staff to verify that the vessel had stood by an entangled whale and to provide DAS credit for time spent standing by an entangled whale, if appropriate.

Differential DAS Counting

Any vessel issued a limited access NE Multispecies DAS permit and intending to fish for groundfish in the inshore GOM or an offshore area of the SNE/MA RMA is required to declare their intent to fish in these areas via VMS prior to each trip. Differential DAS counting in specific areas in the inshore GOM and an offshore area of the SNE/MA RMA was established to ensure that the fishery continues to rebuild overfished groundfish stocks. Requiring vessels to declare their intent to fish within these areas, or to declare that they are in these areas due to circumstances beyond their control, via VMS facilitates administration and enforcement of this measure by allowing NMFS OLE to identify vessels intending to fish in these areas so that the appropriate DAS charge rate may be applied to such vessels (i.e. a rate of 2:1 would apply only to vessels intending to fish in these areas). The use of VMS and a declaration into these particular areas ensures that vessels DAS would be properly charged and that measures designed to reduce fishing effort on stocks that require the most protection are effectively administered.

Category B (regular) DAS

Category B DAS may only be used by vessels fishing for NE multispecies in specific circumstances. Therefore, it is important to determine which category DAS a vessel is using in order to accurately monitor compliance with the regulations. Vessels participating in the U.S./Canada Area SAPs, specifically the CA II Yellowtail Flounder SAP, the CA II Haddock SAP, or the CA I Hookgear SAP are required to declare which category DAS they would be operating under prior to each fishing trip. This information is required to be submitted by those vessels participating in the SAPs every time they intend to operate under the requirements of these SAPs. This information is used by NMFS enforcement personnel to monitor and track DAS usage and insure compliance with the appropriate regulations.

Such vessels are required to use VMS and notify the NMFS Observer Program via telephone of its intent to participate in the program at least 72 hours prior to the start of a trip into this program, declare its intent to fish in this program via VMS prior to the start of the trip, and flip

its DAS should it catch more groundfish stocks of concern than allowed. A vessel is not restricted by a limit on the number of trips that may be taken in this program and may participate in this program throughout the year, provided the program is not closed due to attainment of a quarterly TAC in a particular stock area, the quarterly limit on the number of DAS has not been used, or due to an assessment by the RA that declares that this program is not meeting the objectives of the FMP.

The use of VMS in the Category B (regular) DAS Program allows NMFS staff to monitor vessel activity and enforce the provisions of the FMP. Notification to the Observer Program via telephone and the declaration of its intent to fish in this program via VMS ensures that the NMFS staff can identify a pool of vessels intending to participate in this program so that the proper amount of observer coverage can be applied to this program. Notification of a DAS flip every time a vessel exceeds the restrictive trip limits proposed for this program is essential to the proper monitoring of DAS use and compliance with the appropriate regulations by NMFS Law Enforcement staff. Further, notification of a DAS flip is used by staff within the FSO to account for catch attributable to this program. As detailed in the information collection submission for OMB Control No.:0648-0212, once a vessel flips from a Category B (regular) DAS to a Category A DAS, all catch associated with that trip is no longer accounted towards the hard TACs for groundfish stocks of concern specified for this program. Therefore, it is important to determine what category DAS a vessel is using to order to accurately monitor compliance with the regulations and accuracy of DAS use and catch distribution.

Application to Permanently Transfer NE Multispecies DAS

The information submitted on the application to permanently transfer NE Multispecies DAS enables NMFS enforcement personnel to accurately track DAS allocations. Vessels that are transferring their DAS must permanently leave all fisheries, and therefore submit the required information, one time. The form requires the following information from the transferor (person transferring DAS) and the transferee (person receiving DAS): owner name, vessel name, Federal permit number and vessel documentation or state registration number. In addition, the form asks the total price paid for the transferred DAS (for statistical purposes) and requires the transferee to specify whether it would like to use the smaller baseline specifications of the two vessels participating in the transfer, or if it would like to utilize the one-time allowable upgrade for the permit in taking the larger baseline of the two vessels participating in the transfer. Both the transferor and transferee must sign and date the form.

NE Multispecies Special Access Programs

NMFS OLE would use geographic data obtained from the polling of vessels as well as area and DAS declaration information provided to identify participants in the fishery, including those participating in SAPs or the DAS Category B (regular) program, to properly calculate DAS usage and to enforce the provisions of each program. Declaration of gear type is used by NMFS OLE to accurately track DAS usage.

Vessels may participate in SAPs or the DAS Category B (regular) program multiple times throughout the fishing year. However, the RA may limit the number of trips into the SAPs, or close areas under these SAPs or the Category B (regular) DAS Program under specific

circumstances. DAS and area declaration information would be used by enforcement personnel to monitor compliance with effort and area restrictions. This information is currently being used to track and monitor vessel position, DAS use, and the number of trips into all of the current SAPs, and was used to monitor vessel activity in the Category B (regular) DAS Program.

Amendment 13 also created a provision for industry participants and members of the public to submit proposed SAPs. This process, and the information required, would be used by NMFS to determine if proposed SAPs meet the objectives and goals of the NE Multispecies FMP, would not increase mortality on stocks of particular concern, and would ensure that the biological impacts of the target stock falls within the range of the impacts analyzed under Amendment 13. The RA, after consultation with the Council, would use this information to determine if the issuance of specialized permits, including LOAs, authorizing the proposed SAP would be appropriate. No limit to the number of SAPs that may be proposed has been set.

Exemptions Under §648.80(a) and Other Exemptions

In addition to permits, this family of forms includes several notification requirements for NE multispecies, sea scallop, and summer flounder exemption programs, as well as compliance with the reporting regulations for all vessel permit holders.

Federally permitted vessel operators/owners seeking to participate in the exemption programs for all fisheries where such programs are authorized, may be required to obtain either an LOA or an exemption permit/certificate for their vessel from NMFS during the exemption season. For admittance into an exemption program, the entrant may be required to notify NMFS of intent to participate, or provide entry and exit notice via a telephone call or VMS. The required information is generally collected verbally through either a telephone call or in person, and no physical application is actually completed. These LOAs or exemption permits are to be kept on board the vessel during the extent of program participation in order to verify enrollment in the exemption program. No notification or special permit is required for certain exemption programs if it has been deemed unnecessary for enforcement and compliance monitoring purposes.

The information collected for participation in exemption programs consists of vessel owner name, NMFS permit number, vessel name, and participation period. Vessels wishing to withdraw from a program, after the minimum participation period has been met, must provide NMFS with similar information via phone call or a withdrawal form.

Fishing outside of the GOM RMA

The declaration of the intent to fish outside of the GOM RMA via VMS prior to each trip is necessary to identify which NE Multispecies vessels are exempt from the GOM cod trip limits. Any vessel intending to fish outside of the GOM RMA would be required to declare its intent to do so prior to each fishing trip via VMS. This information is used by NMFS OLE to enforce the GOM cod trip limits.

Gillnet Tagging Program and Day Gillnet Category Designation

Vessel owners must complete a gillnet category designation/net tag order form when applying (either through renewal, replacement, or transfer) for a limited access NE multispecies permit. The information requested on this form enables NMFS to monitor and track the level of participation in the NE multispecies gillnet fishery, and its effect on effort reduction and stock rebuilding goals of the NE Multispecies FMP. The first portion of the form requires that gillnet vessels select one of two gillnet category designations: “Day gillnet” or “Trip gillnet.” Owners that declare their vessel as a “Day gillnet” vessel are subject to a maximum number of gillnets, currently not to exceed 80 roundfish nets and 160 flatfish nets. Vessel owners who elect to fish in the Day gillnet category must also purchase the appropriate number of uniquely numbered net tags--currently up to but not exceeding 160 tags. Roundfish nets are required to be tagged with two tags, while flatfish nets require only one tag. If any of the original tags are lost (e.g., weather, gear conflicts), the vessel owner or representative must report the lost tags as soon as possible via letter or fax to the RA. The vessel owner may also make a request for replacement tags in the same letter or fax to the RA, including a check for the cost of the replacement tags. If the maximum number of tags is not requested on the initial form, vessel owners may request additional tags at any time during the fishing year via an additional form. To aid in enforcement and administration of the program, gillnet vessel owners are required to carry a Gillnet Fishing Certificate onboard their vessel. This Certificate identifies the category designation in which the vessel is enrolled and, if enrolled under the day gillnet designation, the amount of tags and tag numbers that were issued.

The use of a restricted number of tags prevents uncontrolled increases in the number of nets used by vessel operators in response to reductions in DAS. Day gillnet vessels typically return to port each night, after trips of 12 to 15 hours. As DAS are calculated in hours away from port, these trips resulted in more DAS than specified in the reduction schedule (e.g., two trips of 12 hours equaled one 24-hour DAS). Under this requirement, if the vessel declares into the Day gillnet category, each trip under a NE multispecies DAS lasting between 3 and 15 hours is counted as a minimum of 15 hours against the annual DAS allocation. Trips lasting more than 15 hours are counted in hours from the time the vessel called into a DAS until it has returned to port and called out of a DAS. Conversely, trip gillnet vessels typically remain at sea for one or more days at a time. As a result, each trip under a NE multispecies DAS is counted in hours from the time the vessel called into a DAS until it has returned to port and called out of a DAS.

Vessel owners that declare their vessel a “Trip gillnet” vessel are required to bring all gear to port at the end of each fishing trip. On the other hand, Day gillnet vessels can leave their gear in the water, but must declare 120 days out of the gillnet fishery, in minimum blocks of 7 days. At least 21 of these days must be taken during the period from June 1 through September 30. The purpose of the 120 day period out of the gillnet fishery is to ensure that operators of Day gillnet vessels remove their gear from the water for a significant period of time.

Monkfish Gillnet Area Declaration and Tagging Program

Prior to making a trip, vessels with limited access monkfish permits will be required to declare, for a 30 days or longer period of time, into the Northern Fishery Management Area (NFMA) to fish under the less restrictive size limit (11-inch tail-length) and trip limits. Vessels do not have to declare into the NFMA if they choose to fish under the more restrictive 14-inch minimum size limit. This declaration will require that the vessel fish only in the NFMA during the 30-day period beginning with the date of declaration. If the vessel has not made a NFMA declaration, it will be presumed that the vessel fished in the Southern Fishery Management Area (SFMA) during the trip and the more conservative restrictions will apply to the entire trip. A vessel that has declared its intent to fish only in the NFMA may transit the SFMA provided that it complies with the transiting provisions described in section 5.4 of Monkfish FMP and §648.94(e). The area declaration is needed to ensure that vessels do not fish in the SFMA and transit the NFMA to land monkfish under the less restrictive measures that apply in the NMFA. The minimum 30-day declaration period is necessary to improve enforceability. Otherwise, vessels could rapidly switch fishing areas leading to confusion and poor compliance with the more restrictive measures of the SFMA.

Vessels holding limited access monkfish permits while fishing under a monkfish DAS are required to tag all gillnets being fished, up to a maximum of 160 gillnets. As a result, owners of vessels holding a limited access monkfish permit must complete the above mentioned gillnet category designation/net tag order form. If the vessel holds a limited access NE multispecies permit, vessel owners may complete this form to comply with NE multispecies and monkfish gillnet tagging requirements simultaneously. However, vessels issued a limited access NE multispecies permit designated in the Trip gillnet category that also hold a limited access monkfish permit are not required to tag gillnets used solely under a NE multispecies DAS. The purpose of this requirement is to control and monitor gillnet effort in the directed monkfish fishery.

American Lobster Trap Area Designation and Tagging Program

Lobster vessels using trap gear are required to designate trap fishing areas and affix trap tags to their traps. Permit holders designate their trap areas for the year on the annual permit renewal application. The tags must be purchased using the Lobster Trap Tag Order Form. Part A of the form requests the following information: Permit holder name, address, city, state, zip code, telephone number, vessel name, Federal permit number, and vessel documentation number or state registration number. In part B, the permit holder or authorized representative specifies the number of tags being ordered, the total cost of the tags, and the method of payment. In part C, the permit holder or authorized representative signs and dates the form. Federal lobster permit holders with lobster licenses in states that have a trap tag agreement with the RA must purchase their tags using the equivalent state form. In all cases, Federal permit holders are provided annually with information from NMFS on how to purchase their trap tags. The purpose of the trap tagging program is to enforce the number of traps that a vessel is authorized to fish based on the lobster trap fishing areas designated on the permit.

State Quota Transfers

The summer flounder and bluefish regulations allow one or more states to transfer all or part of their annual commercial quota. In addition, two or more states implementing a state commercial quota for summer flounder or bluefish may request approval from the RA to combine all or part of their quotas into an overall regional quota. The intent of these regulations is to provide a mechanism within the overall coastwide quota to give the states flexibility in quota management, in order to respond to changes in landing patterns or emergency situations. The states wishing to utilize these provisions must apply to the RA by a letter stating their intentions. Requests for transfer or the combination of commercial quotas for summer flounder or bluefish must be made by individual or joint letter(s) signed by the principal state officials with marine fishery management responsibility and expertise, or his/her previously named designee, for each state involved. The letter(s) must certify that all pertinent state requirements have been met and identify the states involved and the amount of quota transferred or combined (§648.100(d), §648.120(e), §648.160(f)). Such requests must meet the approval of the RA. The frequency of requests is dependent upon supply and demand of a state's summer flounder or bluefish quota.

Sector Allocation Proposed Operational Plan

A sector allocation proposal, operation plan, and the accompanying analytical analysis included within each document is required to adequately describe the proposed sector operations in order for the Council, in consultation with NMFS, to determine whether the sector plan meets the requirements of Amendment 13 and does not jeopardize efforts to rebuild groundfish stocks. Sector proposals that do not meet the identified requirements may not be approved.

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 NOAA standards for confidentiality, privacy, and electronic information. See response 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.

After the initial permit issuance, permit renewal has been made as simple as possible and currently feasible for both the public and the issuing office. The information obtained from current permits is used to prepare a computer-generated, pre-printed renewal permit, which is sent to the permit holder for updating. If there are no changes in the information required on the permit, renewal requires only the applicant's signature. This feature minimizes the reporting burden on the public as well as the administrative burden on the agency.

Permit information and all initial permit applications are posted as fillable Adobe Acrobat documents (PDF file format) on the NE Regional Office's (NERO) web site: <http://www.nero.noaa.gov>. Posting such information on the internet makes it widely available to the public, thereby reducing both public and administrative burden. The Initial Vessel Application, Vessel Operator Permit Application, RUPH Application, and Lobster Trap Tag Order Form, along with their respective instructions, can currently be found at <http://www.nero.noaa.gov>. At this time, permit applications, with signature and accompanying documents, must be mailed.

Automated reporting has been made available via VMS for fishing vessels required to have the system as a condition of the permit and is available as an option for other fishery permits with a DAS notification requirement. The cost of the VMS unit, which continues to decrease, is justified due to the scope of the fishing activity.

No other improved information collection technology has been identified to further reduce the burden associated with the Permit Family of Forms. Every effort will be made in the future to use computer technology to reduce the public burden.

4. Describe efforts to identify duplication.

The information to be collected through the issuance of permits or through vessel monitoring is not duplicated elsewhere. The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Council membership includes state and Federal officials responsible for resource management in their area. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident that it is aware of similar collections if they exist.

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

Only the minimum data needed to meet the permit objectives are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed. Detailed instructions are included with the application to help facilitate proper completion of the form.

NMFS has currently certified three vendors to provide VMS service to vessels participating in the fisheries that require VMS as a condition of their permits. Each vendor offers comparable equipment and services over a range of prices. This reduces the burden on the public by increasing competition among vendors, thereby decreasing costs to the fishing industry to obtain and operate a VMS unit. Further, the increased variety of VMS units may allow vessel owners/operators to select the most economical and efficient unit to purchase, therefore minimizing costs associated with VMS.

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

The consequences of not conducting the collection of information described in Questions 1 and 2 would be immense. This collection of information is necessary for a variety of reasons, from monitoring fishing effort and catch, to collecting valuable fishery information (e.g., fishing power and gears used). Furthermore, reducing the frequency of collection would also compromise the ability to monitor vessel activities, in turn affecting the enforcement of management measures.

To the extent practicable, frequency of information collection under the Permit Family of Forms has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement. For example, less frequent monitoring of vessels fishing under the NE multispecies and monkfish DAS programs would reduce the effectiveness of the system in helping prevent violations of DAS controls. Other examples are discussed below.

An annual request for tags is required of vessel owners participating in the NE multispecies gillnet, monkfish gillnet, lobster trap, and surf clam and ocean quahog fisheries. It is not useful to conduct this collection less frequently since it is expected that tags will routinely be lost as part of doing business. Furthermore, the number of nets and traps being fished by a vessel frequently changes. In addition, annual adjustments allow for further reductions in the number of gillnets and lobster traps to be implemented if such management measures should prove necessary. Surf clam and ocean quahog tags are not reusable by design because they are associated with the use of a portion of an annual quota allocation.

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

Some of the requirements may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB guidelines suggest that respondents not be required to report more often than quarterly, requirements for VMS for NE multispecies, herring, scallop and surf clam/ocean quahog, and the call-in/call-out for blocks of time out of the non-exempt gillnet fishery will require more frequent reports.

Vessels that intend to target NE multispecies, monkfish, sea scallops, surf clam/ocean quahog and herring, or exceed the bycatch allowances in the NE multispecies fishery must declare via VMS that they will be on such a trip prior to leaving and upon returning to port. The declaration requirement is needed to keep an accounting of DAS usage, and therefore necessary to reduce fishing mortality by limiting total fishing activity. Similarly, call-in requirements for the required blocks of time out of the non-exempt gillnet fishery and the required 20-day spawning season block are needed to ensure that vessels are complying with these measures.

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 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.

The Federal Register Notice soliciting comment on the renewal of the NE Region Permit Family of Forms was published on July 2, 2009 (74 FR 31689). No comments were received.

As described in the response to Question 4, consultation with potential applicants is assured by the FMP regulatory process. Experience with the various programs, some of which have been operating since 1981, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants.

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

No payment or gift will be made to respondents; however, respondents may use tax-exempt Capital Construction Fund monies to purchase VMS devices because of their safety benefits.

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

All data will be handled in accordance with 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). In addition, any information collected under the Permit Family of Forms would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

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 involved in this collection of information.

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

A full summary of the burden estimate involved in this collection of information can be found in Table 1.

Vessel, Dealer and Operator Permits

An initial vessel permit application (1,200 responses annually) requires an estimated 45 minutes to complete (8,000) while preprinted vessel permit renewal forms require an estimated 30

minutes per response (1,200). Initial dealer permit applications (134) take an estimated 15 minutes to complete, while preprinted dealer permit renewal forms require an estimated 5 minutes to complete (1,000). The initial and renewal vessel operator permit applications are estimated to take an average of 1 hour to complete due to the color photograph submission requirement (700 and 10,500). Limited access vessel upgrade or replacement applications take approximately 3 hours to complete (600). Applications for retention of limited access permit history require an estimated 30 minutes (100). **The total annual time burden for all permitting applications is estimated at 18,067 hours.**

VMS/Call-in Requirements

It is estimated to take NE multispecies and monkfish vessels approximately 3 minutes to declare of blocks of time out of the gillnet fishery (2,000 responses), **for a total of 100 hours**. It is estimated to take 2 minutes per call for monkfish and occasional scallop vessels to notify of departure and landing (**67 hours**).

VMS Installation

In June 2009, there were 1,274 vessels registered in the OLE system. This figure counts each vessel with a registered VMS unit aboard only once. The total number of vessels required to use VMS included in this submission, 1,587 vessels total, includes all vessels in our records that hold permits that require VMS use. This number is slightly higher than that describing only vessels registered in the OLE system.

It is estimated that there will be 550 VMS unit replacements per year over a 3 year period. This figure assumes that 1/3 of all vessels in our records that hold permits that require VMS will need to replace their VMS unit each year (**550 hours**). The estimated burden associated with the connectivity confirmation requirement is 5 minutes, and the VMS certification form takes an estimated 10 minutes to complete. **The annual burden associated with completing the required VMS certification form and confirming a VMS unit installation via phone call with OLE would be 138 hours** ([550 vessels x 5 minutes per VMS Certification Form] + [550 vessels x 10 minutes per connectivity confirmation phone call]).

VMS monitoring in the sea scallop, NE multispecies, herring, monkfish and surf clam/ocean quahog fisheries is automated and thus there is no public burden.

VMS Power Down Exemption

Vessels required to have a fully functional VMS unit at all times may request to turn off the VMS (power-down exemption) at approximately 30 minutes per 3,174 requests, **for a total burden of 1,587 hours**.

For the 10 Canadian herring transport vessels that will begin using VMS, there will be two responses associated with installation: 1) completion of the VMS Certification form and 2) a telephone call to notify OLE of activation. The average burden including installation would be 1 hour and 20 minutes (a total of 20 responses and **13 hours**). For each trip, two email messages

with information on the vessel, days and times of arrival into and departure from the US EEZ, and description of fishing activities, will need to be transmitted via VMS. The estimated burden for each of the 20 emails messages is 15 minutes per message, for a total burden of **5 hours**. **Overall, the time burden for Canadian herring transport vessel VMS would be 18 hours.**

Area and DAS Declaration

Groundfish Vessels fishing under Multispecies DAS: In 2008, approximately 25,000 trips were taken under a groundfish DAS. Since not all of the allocated DAS were used during 2008, and because of continued effort reductions in the fishery, there is an incentive to maximize the utilization of DAS allocated. Therefore, a conservative estimate of the number of trips expected was determined to be approximately 30,000 trips/year. Assuming that each DAS declaration takes approximately 5 minutes (0.083 hours), **the yearly burden associated with these declarations is estimated at 2,490 hours.**

GOM Differential DAS Heaving-to: #12: A vessel that has not declared its intent to fish in the inshore GOM Differential DAS Area but is in the area due to adverse weather circumstances beyond its control must declare that it is neither fishing nor transiting this area via VMS--what is termed as a heaving-to declaration. During the 2004 fishing year, a total of 529 vessels took a total of 14,043 trips into the GOM RMA. Assuming that one percent of the yearly trips into the GOM RMA would be in the inshore GOM Differential DAS Area for circumstances beyond its control, vessels operating in such a manner would need to submit approximately 140 VMS declarations indicating that they are neither fishing nor transiting while in this area on a yearly basis. Assuming that each declaration takes approximately 5 minutes (0.083 hours) per response, **the annualized burden for such declarations is estimated at approximately 12 hours.**

Herring vessels are required to notify the NMFS OLE of the time and port of landing so that enforcement staff could observe offloading operations for groundfish bycatch. This notification would be in the form of an email using VMS. It is expected that this notification would take approximately five (5) minutes. Assuming that limited access herring vessels take a total of 2,775 trips per year, this provision would result in a total of 2,775 notifications per year, or **230 hours of additional burden.**

Good Samaritan DAS Credits

Limited access vessels fishing under DAS requirements that have assisted in USCG search and rescue operations or assisted in towing a disabled vessel may apply for Good Samaritan DAS credits at a burden of 30 minutes per application, **a total annual burden of 10 hours**, assuming 20 responses.

DAS Credit for Standing by Entangle Whales

Vessels standing by an entangled whale would be required to notify the USCG and/or the Center for Coastal Studies of the whale's location and that they are intending to stand by the whale until the arrival of a response team. This notification would likely occur through the use of Very high

frequency (VHF) radio. Each notification is expected to take approximately ten minutes per response. Vessels standing by an entangled whale are estimated to communicate with either the U.S. Coast Guard or the Center for Coastal Studies every hour. The average time spent by a vessel standing by an entangled whale is estimated at 12 hours. Assuming that each communication takes approximately 10 minutes per response, the overall burden associated with this provision amounts to approximately 2 hours per event. There were 153 confirmed large whale entanglements between 2003 and 2007 (an average of 31 per year) reported by a variety of vessels, including groundfish vessels. Assuming that vessels issued a limited access NE multispecies groundfish permit report 30 percent of these entanglements results in 10 such reports per year. **Therefore, an estimated annualized burden for this provision would be 20 hours.**

Vessels may request a DAS credit for time spent standing by an entangled whale through a written request to the Regional Administrator. Each request must include at least the following communication: Date and time when the vessel began its stand-by status, date of first communication with the USCG and/or the Center for Coastal Studies, and date and time when the vessel terminated its stand-by status. It is estimated that each request would take approximately 30 minutes (0.5 hours) to prepare. **This would result in an annualized burden of 5 hours, assuming 10 requests per year.**

Expedited submission of proposed Special Access Programs

Under the Amendment 13 provision for industry participants and members of the public to submit proposed SAPs, on entity per year is estimated to submit a proposal, **at an estimated burden of 20 hours.**

Exemption programs authorized for permit holders

Owners or operators of vessels seeking to participate in any of the exemption programs described in Part A, Question 1 must request a Letter of Authorization (LOA) from the Regional Administrator (RA) at an estimated 5 minutes per request. All exemption requests except for the State waters sea scallop exemption program require only an initial telephone call requesting the LOA.

For the State waters sea scallop exemption, limited access sea scallop vessels wishing to participate in either the state waters DAS exemption program or the state waters gear exemption program must notify the RA by VMS or call-in notification. Participants in the sea scallop state waters exemption programs using VMS notification must notify the RA prior to the first trip in the exemption program and prior to the first planned trip in the EEZ, at an estimated 5 minutes per response.

Once the LOA is obtained, participants in these exemption programs using the call-in system must notify the RA at least 7 days prior to fishing under the exemption, at an estimated 5 minutes per call. If participants using the call-in system wish to withdraw from either state waters exemption program prior to the end of the 7-day designated exemption period requirement, they must also call the RA to notify of early withdrawal, at an estimated 5 minutes per call;

For an estimated 10,786 responses, the total hours for these requests would be 888.

Authorization to transfer fish at sea: The time burden for this exemption is described under the “Transfer at Sea” section below.

DAS Transfer Program

Only vessels with a valid limited access NE multispecies permit or CPH who are not participating in a sector allocation program would be allowed to permanently transfer DAS to another vessel. A total of approximately 1,400 vessels would be able to permanently transfer DAS to another vessel annually. The number expected to participate in the sectoral allocation programs is unknown at this time, making this number a conservative estimate of the potential participants in the DAS Transfer Program. The application for this transfer is expected to take 5 minutes to complete, **a total burden of 116 hours.**

Change in NE multispecies fishery permit category/Transit to another port

In the NE multispecies fishery, a request for change in permit category designation requires approximately 5 minutes, and a request for transit to another port by a vessel required to remain in the GOM cod trip limit takes 5 minutes. The total annual burden for these two provisions (20 permit category changes and one transit to another port) is **2.5 (3) hours.**

Transfer at Sea

An LOA is also required for permitted vessels intending to transfer selected species from one vessel to another, as follows: Loligo and butterfish moratorium permit, or Illex moratorium permit, and vessels issued a mackerel or squid/butterfish incidental catch permit that intend to transfer Loligo, Illex, or butterfish; vessels issued a NE multispecies or scallop permit that intend to transfer species other than regulated species; and NE multispecies vessels intending to transfer up to 500 lb (227 kg) of combined small-mesh NE multispecies per trip for use as bait. The estimated time required to request each of the LOAs is 5 minutes. **One transfer is estimated, at 5 minutes.**

Gillnet tags and designations

Gillnet category designation, including initial requests for gillnet tags (300) and requests for tags with designation already given (48,000), requires approximately 10 minutes. Requests for additional tags (300) require an estimated 2 minutes. Notification of lost tags and requests for replacement tag numbers (300) also require an estimated 2 minutes. It will take approximately 1 minute to attach each gillnet tag (48,000). **The overall time burden for this provision is 2,471 hours.**

Lobster Area Designation and Request for Traps, and Lobster Area 5 Waiver

In the American lobster fishery, the estimated time to designate lobster management areas and order trap tags is 5 minutes; a request for additional tags is estimated to take 2 minutes; and a notification of lost tags is estimated to take 3 minutes. Approximately 2,700 vessels will designate lobster management areas on the annual permit renewal application and order trap tags. Approximately 1,350 vessels will not order their total allowable trap allotment initially, and, therefore, will submit a request for additional trap tags (their remaining balance) later in the permit year; approximately 2,700 vessels will report lost tags and request replacement tags. **The total time burden is 404 hours.**

Approximately 69 vessels will choose to participate in the lobster Area 5 waiver program and will therefore, select, cancel, and re-designate this permit category. The initial lobster Area 5 waiver program designations are estimated to take 15 minutes, requests for the cancellation and selection of an alternative permit category are estimated at 15 minutes, and the return of the suspended lobster trap permit is estimated at 2 minutes, a total of 32 minutes per vessel. **The total time burden for this provision is 37 hours.**

State Quota Transfers

Requests for state quota transfers in the bluefish and summer flounder fisheries are estimated to require 1 hour. Assuming 8 state quota transfers a year, the total annual time burden is **8 hours.**

Proposed Sector Allocation

At this time, it is unclear how many sectors would form and later apply for acceptance under this provision. Based on information related to the existing Georges Bank Hookgear sector, it is estimated that approximately 40 hours will be spent preparing the plan of operations under this provision. This estimate takes into consideration only hours spent in meetings for sector participants (two meetings per week for two months) and does not include other time spent independent of group meetings. Therefore, this is considered a lower-bound estimate of the time required to form a sector and prepare the appropriate submissions under this provision. It can be estimated that the same amount of time would be spent in the formation of a sector and the preparation of a sector proposal for submission to NMFS and the Council. **Therefore, a conservative estimate of the time burden associated with the development of the sectoral proposal and the operations plan documents for a proposed sector is approximately 50 hours for each of these two submissions. For this submission, NMFS is anticipating that one additional sector would apply for acceptance from the Council and later submit a plan of operations, for a total of 100 hours.**

All sectors approved under the provisions contained at § 648.87 would be required to submit annual year-end reports as described above. NMFS estimates that an annual report from a sector would require approximately six (6) hours to complete and submit. NMFS is anticipating two sector reports for each upcoming fishing year. **Therefore, the estimated burden associated with this information collection would be 12 hours for this provision.**

Total burden for sector allocation information requirements would be 112 hours.

The total annual burden hours estimated for the NE Region Permit Family of Forms is 26,832 hours.

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).

A full summary of the cost of these reporting requirements to the public found in Table 1.

Vessel Permitting and Replacement

Mailing costs for permit applications and renewals, at \$0.44 per mailing, as well as requests for replacement/upgrade and history retention, total **\$9,783**. For the 11,200 operator applications and renewals, a \$10 cost for a photograph is added: **\$112,000**. The costs to applicants wishing to replace an existing vessel with a larger or newer vessel, and subsequently move the limited access permits and fishing history to the replacement vessel will vary. Verification of vessel specifications are required in the case of undocumented vessels or unseaworthy vessels being replaced. Such verification is also required in the case where an applicant is requesting an upgrade of an undocumented vessel's specification(s). Surveys to verify undocumented vessel specifications range in cost \$150 to \$600 (\$375 average) depending on the surveyor, the specifications needed, the vessel size, and if vessel condition is included in the survey. A survey to verify a vessel's unseaworthy condition costs approximately \$400 per respondent. **The estimated average annual cost to the public of verifying vessel specifications is estimated at \$112,500 based on an estimated 300 respondents.** This includes only those respondents who are requesting a vessel replacement or upgrade an undocumented vessel. **The average annual cost to the public verifying a vessel's unseaworthy condition for purposes of replacement is estimated at \$60,000 based on an estimated 150 respondents.**

Total costs for permitting and replacement information requirements are \$294,283.

VMS Requirements

The RA must approve any VMS system selected for use. Currently, there are three vendors that offer VMS equipment approved for use in the NE Region. The vendors are Boatracs, Inc., Thrane and Thrane, and Skymate (OrbComm); a majority of the fleet uses systems provided through either Boatracs or Skymate. VMS purchase and installation costs average \$3,200, depending on the model. All vessels currently required to have VMS units already have them installed. Only vessels that choose to use the VMS system versus the call-in system, and those vessels replacing broken or outdated VMS equipment, would incur the initial cost of VMS purchase and installation. **Based on the last three years, it is estimated that approximately 550 vessels will install or replace VMS each year, at a total cost of \$1,760,000.**

The cost burden for VMS installation confirmation is based on an average of \$1.00 per call.

This yields an annual cost of \$550 ($\$1.00 \times 550 \text{ vessels} = \500). **An annual postage cost of \$242 is associated with VMS Certification Form submission** ($\$.44 \text{ per stamp} \times 550 \text{ vessels}$).

The average monthly maintenance cost for a VMS unit is approximately \$150. **The total annual cost of monthly operation is \$2,856,600.**

VMS monitoring in the sea scallop, NE multispecies, herring, monkfish and surf clam/ocean quahog fisheries is automated, but costs \$0.05 per transmission. Participants in the scallop fishery and must automatically transmit vessel location via VMS two times per hour. The total cost for daily, twice-hourly VMS location transmission is \$343,392 (scallop and “combination” vessels in Table 1). All other VMS users must automatically transmit vessel location one time per hour. The total cost for daily once-hourly VMS location transmission is \$523,410. **The total annual costs for transmission are \$866,802.**

VMS Power Down Exemptions

Vessels required to have a fully functional VMS unit at all times may request to turn off the VMS (power-down exemption) at approximately \$0.44 per 3,174 requests, **for a total annual cost of \$1,396.56.**

The 10 additional Canadian herring transport vessels will need to purchase and install a VMS unit at a cost of \$3,400 each, with yearly maintenance costs of \$200, for a 3-year total of \$3,800 ($\$3,400 + \$200 + \200), **annualized to \$1,267 or \$12,670 for all vessels.** Canadian herring transport vessels must also call to confirm VMS installation; **calls from all 10 Canadian vessels yield an annual cost of \$10** ($\$1.00 \text{ per telephone call} \times \10). Assuming a vessel trip from Canada to the US will take an average of 24 hours, and there are a total of 10 herring transport trips during the year, the total number of transmissions would be 240, based on hourly automatic VMS reporting. **Assuming each transmission costs \$0.03, the total cost would be \$7.20.** For each trip, two email messages with information on the vessel, days and times of arrival into and departure from the US EEZ, and description of fishing activities, will need to be transmitted via VMS. Each message is estimated to cost \$2 per message, for a **total of \$40.**

Total costs for the 10 vessels: \$12,727,20.

Area and DAS Declaration

Costs associated with area and DAS declarations prior to each trip fishing under a NE Multispecies DAS are estimated at \$0.50/submission. In 2008, approximately 25,000 trips were taken under a groundfish DAS. Since not all of the allocated DAS were used during 2008, and because of continued effort reductions in the fishery, there is an incentive to maximize the utilization of DAS allocated. Therefore, a conservative estimate of the number of trips expected was determined to be approximately 30,000 trips/year. **The yearly cost associated with VMS declarations for these 30,000 trips is \$15,000** ($30,000 \text{ trips} \times \$0.50/\text{trip}$).

As described above, it is estimated that approximately one percent of the yearly trips into the GOM will be required to declare that the vessel is in the GOM Differential DAS Area due to

circumstances beyond its control and is not fishing or transiting. Each declaration would be required to be made via VMS. Each declaration would cost \$0.50. During the 2004 fishing year, approximately 14,043 trips were taken into the GOM RMA. Therefore, approximately 140 GOM Differential DAS Area heaving-to declarations are expected each year, **resulting in an annualized cost burden of \$70.**

Herring vessels issued All Areas Limited Access and/or Area 2 or 3 Limited Access permits are required notify NMFS OLE of the time and port of landing via VMS six (6) hours prior to crossing the VMS demarcation line ending their trip. Each notification would cost \$0.50. Herring vessels are expected to make approximately 2,775 notifications to NMFS OLE informing them of the time and port of landing. **For the 2,775 notifications per year expected from this provision, the annualized cost to herring vessels would be \$1,388** ($\$0.50 \times 2,775$ declarations).

Expedited submission of proposed Special Access Programs

The NE multispecies regulations specify the issues must be addressed in an application for a new SAP. However, it is unknown how many pages an application for a new SAP would be. The only costs associated with this submission would be the costs to copy and mail the application to the Council and NMFS for review. Without knowing how long these applications would be, it is difficult to approximate the costs associated with this submission. A rough estimate of approximately 10 pages was used to for this submission. Copying costs are estimated at \$0.10/page. Mailing a document of this size would likely require at least two stamps at \$0.44 each. **This would result in a total annualized cost of approximately \$2 for the one estimated submission per year.**

DAS Credits for Standing by Entangled Whales

Vessels communicating with the USCG for the Center for Coastal Studies would likely communication using VHF or cellular phones. This would result in little or no cost to the vessel. However, it is possible that the vessel could be operating beyond the effective rang of VHF radio or cellular phone capabilities. Under this circumstance, communications would only be possible using a satellite phone. However, due to the prohibitive cost of using the satellite phone fir this elective measure, it is not likely that vessels would use the satellite phone to report an entangled whale. Vessels may request a DAS credit for time spent standing by an entangled whale by providing a written request to the Regional Administrator as specified above. Costs associated with this written request would involve postage costs only. **Assuming 10 such request would be mailed per year, this would amount to a cost of approximately \$4.40** ($10 \times \0.44 per stamp). Therefore, for this submission, the public costs associated with this measure only include the costs for mailing in DAS credit requests to the Regional Administrator.

DAS Transfer Program

Participants in the DAS Transfer Program are required to submit a DAS Transfer Application that has been signed by both the seller and buyer. It is likely that for each request, the application would be mailed first to the buyer and then to NMFS. Therefore, two stamps are required for

each submission. For their records, two copies would likely be made, resulting in an estimated copying cost of \$280 when using a cost of \$0.10/page for this submission. **This results in an overall annualized cost to the public of \$1,512** (\$1,232 for postage of 1,400 applications, and \$280 for copying costs).

Gillnet tagging

Gillnet tags are purchased from, and supplied to industry by, an independent contractor. **The cost associated with the purchase of gillnet tags is \$1.15 per tag for an annual cost of \$55,200** (48,000 tags X \$1.15). This price includes shipping and handling, but there is an additional shipping and handling charge of \$5.00 for orders of less than 20 tags.

Lobster Trap Tags

Lobster trap tags are purchased by Federal lobster permit holders from a designated vendor using the NMFS Lobster Trap Tag Form or state agency equivalent. Permit holders are responsible for the cost of the tags which is currently \$0.14 per tag. The number of tags that may be purchased is based on the areas that the vessel designates on the permit renewal application, and permit holders are authorized to purchase an amount of tags equal to their trap allocation plus an additional 10% to cover routine losses. Of the 2,700 Federal lobster permit holders estimated to purchase tags, it is estimated that 2,500 would be authorized to purchase up to 880 trap tags, at a total cost of about \$123.20 per permit holder (880 tags X \$0.14 per tag) and an overall cost of \$308,000.00 (\$123.20 per permit holder X 2,500 permit holders) for all 2,500 permit holders combined. It is also estimated that 200 of the 2,700 permit holders expected to purchase tags would be eligible to purchase up to 1,980 tags. The estimated cost per permit holder at that level is \$277.20 per permit holder (\$0.14 per tag X 1,980 tags) and an overall cost for the 200 permit holders is estimated at \$55,400 (200 permit holders X \$277.20). **The estimated total cost to purchase tags for one year by all 2,700 permit holders is \$363,440.**

All 2,700 permit holders that purchase trap tags could encounter losses of traps during the year. Accordingly, if 2,700 permit holders each request an additional 10% of their allocation as replacement tags then the cost breakdown for the public is:

2,500 vessels with allocations of 800 could order 10% for replacements,
80 tags X \$0.14 per tag = \$11.20 per permit holder X 2,500 = \$28,000;
200 vessels with allocations of 1,800 could order 10% replacement tags,
180 tags X \$0.14 = \$25.20 per permit holder X 200 = \$5,040.00.

The total cost of all 2,700 permit holders replacing tags on 10% of their traps due to losses is \$28,000 + \$5,040 = \$33,040.

State Quota Transfers

The cost burden associated with ability of states to transfer or combine summer flounder or bluefish quota is estimated to be \$0.44 or a **total of \$3.52 for eight requests.**

Sector Allocations

The submission of sector allocation proposals, plans of operations, and annual reports required would incur costs from copying and the postage of these documents to the Council and the RA. It is unknown how large these documents would be. Postage and copying costs would be proportional to the size of the document and would be an additional cost associated with participating in this provision of Amendment 13. The estimated costs for copying and postage that were used for the submission of an application of a new SAP described above (an average of 10 pages per submission at \$0.10/page copying cost and two \$0.44 stamps/submission) were used to provide a minimum annualized cost for each of these submissions under the sector allocation provisions. However, since these documents must be submitted to both the Council and NMFS, the total annualized cost burden for the submission of each document is estimated at \$4 per submission (\$2 for two copies of a 10-page document, and two stamps for each document), for a total of **\$6**.

The total cost to the Public for all items included in the Permit Family of Forms is \$6,262,267 (\$1,760,000 in start-up costs, and \$4,50,267 in operations and maintenance costs).

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

A full summary of the following information may be found in Table 1.

Vessel permitting

All Federal fishery permits, annual renewals for Federal fishery permits, dealer permits, and operator permits are included in this collection of information. Estimated annualized cost to the Federal Government assumes that the average cost for issuance of a permit is \$33/permit, including labor, printing, distribution, computer time, and handling. The total annual cost to the Government for initial and renewal permit applications for vessels, dealers, and operators, is estimated to be **\$710,622**. The NE Region of NMFS may implement a fee system to allow recovery of a significant portion of these costs as allowed under the Magnuson-Stevens Act. Estimated annualized cost to process applications for vessel replacement/upgrade, or history retention/CPH assumes a \$25/hour wage and overhead value for the Government, for a total cost of **\$46,250**.

Total Government costs are **\$756,872**.

VMS/Call-in Requirements and VMS Power Down Exemption

\$300,000 per year include staff costs, Internet connection, training, travel, and the annual costs for equipment and the back-up system. Salary costs are those minimally associated with two GS-13 computer specialists and one GS-11 VMS technician, including benefits.

There is a \$25 per hour wage and overhead cost to the Government associated with the call-ins to verify proof of VMS installation and processing of the VMS Certification Form. Assuming 550 vessels purchase new or replacement VMS units each year, the **total annual cost to the**

government for receiving verification calls and processing certification forms is estimated at \$2,282. There is no cost to the Government associated with automated VMS polling of vessel position. **The cost to the Government associated with turning off the VMS unit is estimated at \$25/hour, a total annual cost of \$39,675.**

The cost associated with call-in notification for the 20-day spawning season block of time out of the NE multispecies and monkfish fisheries and notification of the required 120 days out of the non-exempt NE multispecies gillnet fishery. Assuming 400 vessels call out of the fishery each year and a \$25/hour wage and overhead rate, this provision costs the Government a total of **\$2,500.**

Departure/Landing call-in for Monkfish and Occasional Sea Scallop Vessels: **\$1,675.**

Notifications of transit to another port while under the GOM cod trip limit are estimated to cost the Government \$25/hour; assuming one (1) notification per year, the total cost to the Government is **\$0.83.**

The cost to the government associated with herring vessel notifications to NMFS OLE regarding the time and place of vessel landings include cost associated with processing these notices. It is estimated that approximately three (3) minutes (0.05 hours) are required to process each email and inform responsible staff of the intended time and place of landing. Assuming approximately 2,775 landing notices would be sent by herring vessels each year, and using a wage rate of \$25/hour, **the total yearly cost to the government for this provision amounts to \$3,469** (0.05 hours/notice x 2,775 notices x \$25/hour).

Good Samaritan Credits

Cost to the government associated with applications for Good Samaritan Credits are estimated at \$25 per hour. Assuming a total of 10 requests per year results in a total annual cost to the government of **\$250.**

DAS Credits for Standing By Entangled Whales

Although a majority of the communications from vessels standing by an entangled whale would occur directly with the Center for Coastal Studies, the U.S. Coast Guard may facilitate such communications. Therefore, the U.S. Coast Guard is estimated to spend approximately 30 minutes (0.5 hours) communicating to vessels standing by an entangled whale. Using a wage rate of \$25/hour and assuming 10 such entanglement notifications per year results in an annualized cost to the government of \$250. It is estimated that it would take approximately 1 hour to respond to a written request for a DAS credit from vessels that have stood by an entangled whale. Using a wage rate of \$25/hour and assuming a total of 10 requests per year results in an annualized cost to the government of \$250, with total cost **\$500.**

Exemption programs authorized for permit holders

The cost burden associated with issuing LOAs for exemption programs authorized for permit holder is estimated to be \$25/hour to the Government, for a total annual cost of **\$22,359** for all exemption programs.

DAS Transfer Program

Costs associated with the DAS Transfer Program reflect a cost of \$25/hour to the Government. The cost to the government for the DAS Transfer Program is expected to require 10 minutes (0.17 hours) per request. This results in an estimated annualized cost to the government of **\$5,950** (1,400 applications x 0.17 hours/response x \$25 per hour) to review DAS transfer requests. Additional costs likely to be incurred by the government include the costs of distributing confirmations of the DAS transfer to both participants. These confirmations would be mailed to participants resulting in postage costs of **\$1,232**. **This results in an overall cost of \$7,182 to the Government for the management of the DAS Transfer Program.**

Gillnet and Lobster Trap tagging

The cost to the Federal Government associated with NE multispecies and monkfish gillnet category designation, the issuance of initial and replacement tags, and the act of updating the tag database to account for lost tags are estimated to be \$25/hour, for a total cost of **\$1,770**. No cost is associated with the attachment of tags to gillnets. Similarly, the cost associated with lobster area designation and issuance of lobster trap tags, and responses to notification of lost tags is \$25 per hour, for a total cost of **\$10,091**.

Lobster Area 5 Waivers

With an estimated 69 waiver requests per year, and review time of approximately one hours, at \$25 per hour, **the Government cost would be \$925.**

Expedited submission of proposed SAPs

Applications for proposed SAPs would be required to meet a number of requirements prior to its approval by the Council and the RA. These applications would require extensive review by NMFS staff. It is expected that each application would take approximately four (4) hours to review. Using a wage rate of \$25 per hour for wages and overhead, review of SAP submission has an estimated annualized cost to the Government of **\$100.**

State Quota Transfer

Assuming eight (8) quota transfers per year, the total annual cost to the Federal Government is **\$200.**

Proposed Sector Allocation

Sector proposals (including the sector allocation proposal and the operations plan) submitted under the procedure outlined in Amendment 13 would require extensive review by the Council and NMFS to ensure that operation plans meet the objectives of the FMP without jeopardizing the rebuilding plans of groundfish stocks. It is estimated that each application would require at least four (4) hours review per application. Using a wage rate of \$25 per hour, **application review will cost the Government \$300 per year.** In addition, each approved sector would be required to submit an annual report summarizing the sector's activities and harvest levels for the fishing year. This report would likely require approximately 2 hours review time to evaluate the performance of the sector. This review would cost the government \$50 per submission, or **\$100.** Two annual reports are expected from the two existing sectors, resulting in an annualized cost of **\$100** for this submission. **The total annual cost to the Government for reviewing all sector submissions is \$400.**

The total cost to the Government for all items included in the Permit Family of Forms is \$1,149,998.

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

In the past years, the collection has been revised as part of the FMP amendment process or as new FMPs are approved and implemented. In some instances new requirements were added, and in others, requirements were dropped. All burden figures are based on the estimated number of individuals most likely to be affected. The actual number of dealers, vessel operators, and appeals may differ from these estimates.

The number of respondents listed is significantly less than the number presented in past renewals. In past renewals, individual respondents were counted multiple times. The number presented here includes only individuals submitting initial and renewal applications, Canadian herring transport vessels, states applying for quota transfers, and individuals/organizations submitting sector proposals. These individuals/organizations are assumed to be the universe of respondents from whom all other information in this submission will be collected.

Under Framework 42, the yellowtail flounder trip limit requirements for the Cape Cod/GOM and the SNE/MA Yellowtail Flounder Areas (excluding the U.S./Canada Management Area) were made the same in all months. Vessels are now relieved of the requirement to request an LOA to be exempt from the yellowtail possession limits associated with each of these areas, and the burden estimates for these requirements have been removed from this submission.

The total annual hours listed is also less than in previous submissions, which included a time burden for automated means of information collection, namely the automated VMS polling of vessel position. Additional hours have been subtracted due to the observer program requirements' now being included in OMB Control No. 0648-0593, Observer Programs' Information That Can Be Gathered Only Through Questions.

The total annualized cost listed in is significantly higher than in previous submissions. Outside of increases related to mergers and changes, the increase can be attributed to a change in the

accounting for VMS installation costs. The figure presented in this submission assumes that roughly one third of the vessels currently equipped with VMS units will replace their equipment each year. This assumption increases the number of vessels installing VMS units, and thus increases the estimated costs associated with purchasing and certifying installation for each unit.

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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures. The requirements are mandatory for all participants in the indicated fisheries.

| TABLE I | # of Entities | Items per Entity | Total # of Items | Response Time | Total Burden | Cost to: | |
|--|---------------|------------------|------------------|---------------|---------------|--------------------|------------------|
| | | | | | | Public | Govt. |
| Permit Requirements ⁽¹⁾ | | | | | | | |
| Initial Vessel Permit ⁽²⁾ (\$0.44 for postage) | 1,200 | 1 | 1,200 | 0.750 | 900 | \$ 528 | \$39,600 |
| Vessel Permit Renewal ⁽²⁾ (\$0.44 for postage) | 8,000 | 1 | 8,000 | 0.500 | 4,000 | \$3,520 | \$264,000 |
| Initial Dealer Permit ⁽²⁾ (\$0.44 for postage) | 134 | 1 | 134 | 0.250 | 34 | \$59 | \$4,422 |
| Dealer Permit Renewal ⁽²⁾ (\$0.44 for postage) | 1,000 | 1 | 1,000 | 0.083 | 83 | \$ 440 | \$33,000 |
| Initial Operator Permit (time plus \$10 for photograph and \$0.44 for postage) ⁽²⁾ | 700 | 1 | 700 | 1.000 | 700 | \$7,308 | \$23,100 |
| Operator Permit Renewal (time plus \$10 for photograph and \$0.44 for postage) ⁽²⁾⁽³⁾ | 10,500 | 1 | 10,500 | 1.000 | 10,500 | \$109,620 | \$346,500 |
| RUPH Application | | | | | | | |
| Replacement/Upgrade ⁽⁴⁾ (\$0.44 for postage) | 600 | 1 | 600 | 3.000 | 1,800 | \$264 | \$45,000 |
| History Retention ⁽⁴⁾ (\$0.44 for postage) | 100 | 1 | 100 | 0.500 | 50 | \$44 | \$1,250 |
| Vessel Specification Verification ⁽⁴⁾ (cost of survey) | 300 | 1 | 300 | NA | NA | \$112,500 | 0 |
| Unseaworthy vessel (proof of loss) (cost of survey) | 150 | 1 | 150 | NA | NA | \$60,000 | 0 |
| | | | 22,684 | | 18,067 | \$294,283 | \$756,872 |
| VMS/Call-in Requirements | | | | | | | |
| Declaration of days out of gillnet fishery (Multispecies and Monkfish Vessels) | 400 | 5 | 2,000 | 0.050 | 100 | 0 | \$2,500 |
| Departure/Landing call-in for Monkfish and Occasional Sea Scallop Vessels | | | | | | 0 | |
| Monkfish | 170 | 9 | 1,530 | 0.033 | 50 | 0 | \$1,262 |
| Sea Scallops (Limited Access Occasional) | 25 | 20 | 500 | 0.033 | 17 | 0 | \$413 |
| | | | | | 167 | | \$1,675 |
| VMS Installation (cost of \$3,200/unit) | 550 | 1 | 550 | NA | NA | \$1,760,000 | 0 |
| Proof of VMS Installation | | | | | | | |
| VMS Certification Form | 550 | 1 | 550 | 0.083 | 46 | \$242 | \$1,141 |
| Call-in for unit confirmation | 550 | 1 | 550 | 0.167 | 92 | \$550 | \$1,141 |
| | | | | | 138 | | \$2,282 |

| | # of Entities | Items per Entity | Total # of Items | Response Time | Total Burden | Cost to: | |
|--|---------------|------------------|------------------|---------------|--------------|------------------|------------------|
| | | | | | | Public | Govt. |
| VMS Operation⁽⁶⁾ | | | | | | | |
| Scallop | 347 | 1 | 347 | NA | NA | \$624,600 | 0 |
| Surf Clam/Ocean Quahog | 62 | 1 | 62 | NA | NA | \$111,600 | 0 |
| Herring (Categories A, B and C) | 111 | 1 | 111 | NA | NA | \$199,800 | 0 |
| Multispecies | 997 | 1 | 997 | NA | NA | \$1,794,600 | 0 |
| Monkfish | 25 | 1 | 25 | NA | NA | \$45,000 | 0 |
| Combination | 45 | 1 | 45 | NA | NA | \$81,000 | 0 |
| | | | | | | 2,856,600 | |
| Automated VMS polling of vessel position⁽⁷⁾ | | | | | | | |
| Scallop (365*48) | 347 | 17,520 | 6,079,440 | NA | NA | 303,972 | 0 |
| Surf Clam/Ocean Quahog, Herring (365*24) | 62 | 8,760 | 543,120 | NA | NA | 27,156 | 0 |
| Herring (365*24) | 111 | 8,760 | 972,360 | NA | NA | 48,618 | 0 |
| Multispecies (365*24) | 997 | 8,760 | 8,733,720 | NA | NA | 436,686 | 0 |
| Monkfish (365*24) | 25 | 8,760 | 219,000 | NA | NA | 10,950 | 0 |
| Combination (365*48) | 45 | 17,520 | 788,400 | NA | NA | 39,420 | 0 |
| | | | | | | 866,802 | \$300,000 |
| VMS Power Down Exemption | | | | | | | |
| Scallop | 347 | 2 | 694 | 0.500 | 347 | 305.36 | |
| Surf Clam/Ocean Quahog | 62 | 2 | 124 | 0.500 | 62 | 54.56 | |
| Herring | 111 | 2 | 222 | 0.500 | 111 | 97.68 | |
| Multispecies | 997 | 2 | 1,994 | 0.500 | 997 | 877.36 | |
| Monkfish | 25 | 2 | 50 | 0.500 | 25 | 22 | |
| Combination | 45 | 2 | 90 | 0.500 | 45 | 39.60 | |
| | | | 3,174 | | 1,587 | 1,396.56 | \$39,675 |
| VMS for Canadian Herring Transport Vessels | | | | | | | |
| Installation and Operation/Maintenance Costs | 10 | 1 | 10 | NA | NA | \$12,670 | 0 |
| Installation confirmation | 10 | 2 | 20 | 0.125 | 3 | \$10 | 0 |
| Automated VMS polling | 10 | 24 | 240 | NA | NA | 7 | 0 |
| Emails for US EEZ Arrival/Departure | 10 | 2 | 20 | 0.250 | 5 | 40 | 0 |
| | | | | | 6 | 1,2,727 | |
| Area and DAS Declaration (time burden and message cost) | | | | | | | |
| Groundfish vessels fishing under any NE Multispecies DAS | 997 | 30 | 30,000 | 0.083 | 2,490 | \$15,000 | 0 |
| GOM Differential DAS Area Heaving-to Declaration | 140 | 1 | 140 | 0.083 | 12 | \$70 | 0 |
| NMFS OLE Landings Notification for Herring Vessels | 111 | 25 | 2,775 | 0.083 | 230 | \$1,388 | \$3,469 |
| | | | 32,915 | | 2,732 | | \$3,469 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

| | | | | | | Cost to: | |
|---|---------------|------------------|------------------|---------------|--------------|----------------|-----------------|
| | # of Entities | Items per Entity | Total # of Items | Response Time | Total Burden | Public | Govt. |
| DAS Credits for Standing By Entangled Whale | | | | | | | |
| Notification and Communication with USCG and Center for Coastal Studies | 1,400 | 1 | 10 | 2 | 20 | 0 | \$250 |
| Request for DAS Credit | 1,400 | 1 | 10 | 0.500 | 5 | \$4 | \$250 |
| | | | 20 | | 25 | \$4 | \$500 |
| Expedited Submission of Proposed Special Access Programs | 1 | 1 | 1 | 20 | 20 | \$2 | \$100 |
| Exemption programs authorized for federal permit holders | | | | | | | |
| Midwater Trawl Exemption | 30 | 52 | 1,560 | 0.083 | 129 | 0 | \$3,237 |
| Purse Seine Exemption | 30 | 52 | 1,560 | 0.083 | 129 | 0 | \$3,237 |
| Cultivator Shoals Whiting Exemption | 35 | 18 | 630 | 0.083 | 52 | 0 | \$1,307 |
| Nantucket Shoals Dogfish Exemption | 1 | 1 | 1 | 0.083 | 0 | 0 | \$2.08 |
| Raised Footrope Trawl Whiting Fishery [Sept 1 - Dec 31] | 37 | 16 | 592 | 0.083 | 49 | 0 | \$1,228 |
| Summer Flounder Small-Mesh Exemption | 91 | 24 | 2,184 | 0.083 | 181 | 0 | \$4,532 |
| SNE Little Tunny Gillnet Exemption | 40 | 1 | 40 | 0.083 | 3 | 0 | \$83 |
| Winter Flounder State Waters Exemption | 1 | 1 | 1 | 0.033 | 0 | 0 | \$0.83 |
| State waters Sea Scallop Exemption | 50 | 2 | 100 | 0.033 | 3 | 0 | \$82.50 |
| GOM/Nantucket Lightship Party/Charter Exemption | 91 | 4 | 364 | 0.083 | 30 | 0 | \$755.30 |
| NAFO Regulatory Area Request | 50 | 1 | 50 | 0.083 | 4 | 0 | \$103.75 |
| Monkfish Southern Fishery Management Area Landing Limit & Minimum Fish Size Exemption | 301 | 12 | 3,612 | 0.083 | 300 | 0 | \$7,495 |
| WGOM and Cashes Ledge Closed Area Charter/Party Exemption Cert. | 91 | 1 | 91 | 0.083 | 8 | 0 | \$188.83 |
| | | | 10,786 | | 888 | 0 | \$22,359 |
| DAS Transfer Program | 1,400 | 1 | 1,400 | 0.083 | 116 | \$1,512 | \$7,182 |
| Change in Multispecies Permit Category | 20 | 1 | 20 | 0.083 | 1.66 | | \$41.50 |
| Transiting to Another Port | 1 | 1 | 1 | 0.083 | 0.083 | | \$0.83 |
| Transfer at Sea | 8 | 1 | 1 | 0.083 | 0.083 | | \$2.08 |

| | # of Entities | Items per Entity | Total # of Items | Response Time | Total Burden | Cost to: | |
|--|---------------|------------------|------------------|---------------|---------------|--------------------|--------------------|
| | | | | | | Public | Govt. |
| Gillnet Designations/Request for tags | | | | | | | |
| Designation with request for tags | 300 | 1 | 300 | 0.170 | 51 | NA | |
| Request for tags (designation already given) (\$1.15 x total number of items (tags)) | 300 | 160 | 48,000 | 0.033 | 1,584 | \$55,200 | |
| Additional tags ⁽⁸⁾ | 300 | 1 | 300 | 0.033 | 10 | NA | |
| Notification of lost tags ⁽⁹⁾ | 300 | 1 | 300 | 0.033 | 10 | NA | |
| Attachment of Gillnet Tags | 300 | 160 | 48,000 | 0.017 | 816 | NA | |
| | | | 96,900 | | 2,471 | \$55,200 | \$1,770 |
| Lobster Area Designation and Requests for Trap Tags | | | | | | | |
| Designation with request for tags | 2,700 | 1 | 2,700 | 0.083 | 224 | \$363,440 | |
| Additional tags - assumes entire allocation isn't ordered initially ⁽¹⁰⁾ | 1,350 | 1 | 1,350 | 0.033 | 45 | NA | |
| Notification of lost tags and replacement of lost tags ⁽¹¹⁾ | 2,700 | 1 | 2,700 | 0.050 | 135 | \$33,040 | |
| | | | 6,750 | | 404 | | \$10,091 |
| | | | | | | | |
| Lobster Area 5 Waiver | 69 | 1 | 69 | 0.54 | 37 | | \$925 |
| State Quota Transfers | 8 | 1 | 8 | 1 | 8 | \$4 | \$200 |
| Proposed Sector Allocation | | | | | | | |
| Sector Allocation Proposal | 1 | 1 | 1 | 50 | 50 | \$2 | \$100 |
| Plan of Operations | 2 | 1 | 2 | 50 | 100 | \$2 | \$200 |
| Annual Report | 2 | 1 | 2 | 6 | 12 | \$2 | \$100 |
| | | | 5 | | 162 | \$6 | \$400 |
| TOTALS⁽¹²⁾ | 21,554 | | 179,903 | | 26,832 | \$6,262,267 | \$1,149,998 |

(1) The cost to the government is estimated to be \$25 per burden hour unless otherwise noted.

(2) The cost to the government is estimated to be \$33 per burden hour.

(3) The burden is divided by 3 because the operator permit is renewed every 3 years.

(4) Survey to verify undocumented specifications average \$375.

(6) Assumes an estimated cost of \$150/vessel per month.

(7) 365 days per year multiplied by the number of polls per day (2 per hour for scallops and combination vessels, 1 per hour for all others).

(8) Cost of additional gillnet tags included in total allowed in initial request.

(9) Assumes that all participants will replace 10 percent of their total allotment annually.

(10) Cost of additional lobster tags is included in total allowed in initial request so only time burdens shown here.

(11) Assumes that all participants will replace 10 percent of their total allotment annually.

(12) Counts each affected entity once.