

JUSTIFICATION FOR CHANGE
HIGH SEAS FISHING PERMIT APPLICATION INFORMATION
OMB CONTROL NO. 0648-0304

The National Marine Fisheries Service (NMFS) issues permits, under the High Seas Fishing Compliance Act (HSFCA), to United States (U.S.) fishing vessels fishing on the high seas. Such permits are required for all vessels fishing on the high seas. NMFS proposes to modify the permit application in the following ways:

- Add “Northwest Atlantic Trawl Fishery” to the list of authorized high seas fishing activities on the application as well as add “trawl vessel” to the list of authorized vessel types,
- Explicitly require the Employer Identification Number or Social Security Number, as appropriate, and
- Eliminate the requirement to submit a copy of a corporation’s Articles of Incorporation.

Addition of Northwest Atlantic Trawl Fishery

NMFS policy requires that a holder of a HSFCA permit also obtain any additional applicable permits required by the Magnuson-Stevens Act and any other permits issued pursuant to regional fishery management arrangements that have competence over the area to be fished. The additional permits are to be identified in the permit application; an applicant for a high seas permit must select the authorized fisheries listed on the application form. NMFS proposes to add “Northwest Atlantic Trawl Fishery” to the list of authorized high seas fishing activities on the HSFCA permit application as well as add “trawl vessel” to the list of authorized vessel types. The purpose of this change is to allow up to 10 vessels to fish on the high seas in the Northwest Atlantic Fisheries Organization’s (NAFO) Regulatory Area (NRA) in accordance with NAFO’s Conservation and Enforcement Measures.

The Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, signed in Ottawa in October 1978, established NAFO. The prime objective of NAFO has been to contribute to the optimum utilization, rational management, and conservation of fishery resources in the Convention Area through consultation and cooperation among Contracting Parties. The United States became a member of NAFO following its accession to the Convention on November 29, 1995. As a member of NAFO, the United States received small quotas for some species (squid and shrimp), and shared quotas for other species (redfish and yellowtail flounder) after it joined the organization. However, these quota allocations have been too small for U.S. vessels to conduct an economically viable fishery in the NRA.

The United States has engaged in discussions with Canada over the last several years in an attempt to obtain a portion of its NAFO Divisions 3LNO (Grand Bank) yellowtail flounder quota. At the 30th Annual NAFO meeting held in Vigo, Spain, from September 22-26, 2008, the U.S. and Canada signed an arrangement concerning the transfer of up to 1,500 metric tons of 3LNO yellowtail flounder quota from Canada to the United States on an annual basis through December 31, 2018. The United States would authorize the fishing of this yellowtail flounder quota through HSFCA permits.

The requirement to obtain a HSFCA permit may affect up to 10 vessels that NMFS anticipates will participate in this fishery. Currently, 668 HSFCA permits have been issued to vessels to participate in authorized high seas activities. Each permit is valid for 5 years. The current burden estimate of 100 hours per year, based on 200 applications per year with 30 minutes per response, is a generous estimate and would not be exceeded by the addition of these 10 vessels. Additionally, the minor changes being made to the HSFCA permit form will not alter the existing burden estimate of 30 minutes per response. Thus, no change to the existing burden estimate for OMB Control Number 0648-0304 is being requested. This action would simply update the existing permit form to include the newly authorized high seas fishing activity and vessel type.

Taxpayer Identification Number

NMFS will clarify on the application form for the HSFCA permit that the Taxpayer Identification Number (TIN) includes either an Employer Identification Number (EIN) or Social Security Number (SSN). Applicants who are business entities must submit an EIN and applicants who are individuals must submit their SSN. The application form instructions would also reflect this change in the application. A non-refundable application fee is collected at the time of application.

The collection of the TIN would be in compliance with 31 U.S.C. 7701, which requires all recipients of any license or permit from the Federal government to submit their TIN. TINs will be used to help collect monies owed to the Federal government; specifically for NMFS, if an applicant for a permit fails to pay the appropriate fees¹, a TIN is necessary for debt collection activities.

The information collected on this permit form is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries, published 04/17/2008 and effective 06/11/2008.

Submission of Corporate Documents

The requirement to submit a copy of the Articles of Incorporation of a business when submitting the permit application has been taken out. NMFS may use resources available on the internet rather than the Articles of Incorporation to verify the existence of corporations.

¹ Permits may be issued before an application fee clears.