

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

A. JUSTIFICATION

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

This request is for extension of a currently approved information collection.

[The Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson Act) established regional fishery management councils, including the Northeast (NE) Fishery Management Council (Council), to develop fishery management plans for federally regulated fisheries. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is requesting a three-year extension of Office of Management and Budget (OMB) approval of the information collections described in OMB Control No. 0648-0475 to continue management of the days-at-sea (DAS) Leasing Program for the NE Multispecies Fishery Management Plan (FMP). A three-year clearance would enable NMFS to continue to manage the DAS Leasing Program through October 2015. This is nine years after the effective date of the final rule that permanently renewed this program.

The Days at Sea (DAS) Leasing Program was first implemented under Amendment 13 to the Northeast (NE) Multispecies FMP ([RIN 0648-AN17](#), final rule published April 27, 2004), to increase the economic efficiency of vessel operations by allowing vessels to acquire additional DAS, or lease unused DAS to another vessel. The ability for vessel owners to downgrade their baseline to current vessel specifications for the purposes of leasing was approved under a revision to the information collection in 0648-0475 as part of Framework Adjustment (FW) 40B to the FMP ([RIN 0648-AS33](#), final rule published June 1, 2005). This program has not only provided flexibility to the fishery, but it has also enabled NMFS to examine the effectiveness of this management tool.

All eligible vessels with a valid limited access multispecies DAS permit are able to participate in the leasing program by submitting an application to NMFS.

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

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

The information requested is used by several offices of NMFS to implement the DAS Leasing Program and to track DAS usage. The primary offices would include the NMFS Office of Law Enforcement (OLE) to ensure individual harvesters are authorized to use a DAS and to ensure DAS allocations are not exceeded; and the Sustainable Fisheries Division, Analysis and Program Support Division, Fisheries Data Service Division for program support and data analysis. Owner name and permit number are common ownership identifiers used by NMFS. During the operation of the DAS Leasing Program, this information is used to verify the existence of current, valid permits aboard vessels participating in the leasing program. Vessel name and official number are commonly used as vessel identifiers. This information is necessary to verify the status of vessel permits, identify the horsepower (HP) and length overall (LOA) baseline specifications of the vessel, determine available DAS to be used in the leasing request, and execute the DAS lease. Signatures of the participants in the program are necessary to acknowledge the DAS transfer by both parties. Without both signatures, the leasing request would not be processed.

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

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

NMFS OLE currently tracks the DAS usage of permit holders. Information collected through this information request would enable enforcement officials, including the United States Coast Guard (USCG), to monitor compliance with the provisions of the FMP, including those governing DAS usage.

Information relating to the total price paid for the DAS is used by offices within NMFS as well as by the Council to assess the value of DAS to permit holders. This information could be used in the evaluation of the effects of future management measures on individual permit holders as well as communities. This information may also be used in future vessel buy-back programs and other effort reducing programs.

Although it is unknown how many DAS leasing requests an individual permit holder would submit, it is anticipated that not every permit holder would submit a request. There is the possibility that an individual permit holder would submit several DAS leasing requests, both as a lessor and a lessee. Based on the previous three year's participation data, an estimated 500 lease requests are expected to be processed in a year. Participation in the DAS Leasing Program's baseline downgrade program is available once per the lifetime of the program to each vessel with a limited access NE Multispecies DAS permit.

NOAA 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](#).

The information collected as part of the DAS Leasing Program may be used in the analysis of current management initiatives and in the development of future management measures for the NE multispecies fishery.

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.

Applicants would have the choice to submit a DAS lease in paper format or electronically. Currently permit holders whose permits are held in Confirmation of Permit History (CPH) may submit their lease request only in paper format. All paper requests must have an original signature from both permit holders involved in the transaction. Electronic leases are completed online by the applicants. Online applicants must log on to their personal fish-on-line account via a password and submit a lease request in the Days At Sea Leasing section.

The DAS Leasing Program baseline downgrade form must be submitted in paper format.

The paper forms used to collect the information needed to operate this leasing program are available in a portable document format fillable online at the NOAA Northeast Regional Office (NERO) website (www.nero.noaa.gov).

4. Describe efforts to identify duplication.

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

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

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

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

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

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

The data collection is consistent with OMB guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice soliciting public comments on the extension of this information collection was published on May 4, 2012 (77 FR 26512). No comments were received.

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

Neither payments nor gifts are given to the respondents.

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

As stated on the forms, all data will be kept confidential as required by [NOAA Administrative Order 216-100](#) and Section 402 (b) of the Magnuson-Stevens Fishery Conservation and Management Act. Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). Only authorized personnel have access to this information as necessary to implement the DAS leasing program.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of sensitive nature.

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

There is a decrease in burden hours from the previous submission of this information collection, due to decreased use of the Leasing Program. Based on the last three years of data from the program, we are decreasing the estimated number of DAS Leasing requests. This program is restricted to the limited access permit holders in the NE Multispecies FMP (approximately 1,400 vessels). From April 2009, through March 2012, NOAA Fisheries Service processed a total of 1607 lease applications, with approximately 979 lease applications being processed in fishing year 2009 and only 381 leases being processed in fishing year 2011. The estimated number of potential lease requests for this program, based on previous participation, is approximately 500 lease applications per year.

Permit holders wishing to participate in the DAS Leasing Program are required to fill out a NE Multispecies DAS Leasing Program Application form. One form is required in order to process an individual DAS leasing request. Both participants in the lease agreement (the lessor and the lessee) need to enter information particular to their permit onto the form and sign the form at the bottom, indicating their agreement with the specifics of the lease. This results in a total of 1000 responses (2 individual responses per DAS leasing application).

It is estimated that the public reporting for this collection will continue to average 5 minutes per response. Using an estimated average burden of 5 minutes per response, a total of 83 hours (1,000 responses x 5 minutes/response) is estimated to be the burden for participants in this data collection.

The estimated burden for the one-time permit baseline characteristics downgrade for the DAS Leasing Program is approximately 1 hour to fill out the request form and assemble any necessary documentation for the potential participants. It is estimated that NMFS would receive 5 applications annually. Therefore, the additional burden for this aspect of the program is 5 hours per year.

The total annualized responses for this collection are 1,005 (1,000 DAS lease applications + 5 baseline downgrade requests). The total annualized requested hours are 88 (83 + 5). These figures are summarized in Table 1.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

This information collection does not require respondents to purchase new or additional equipment or services. Most computers, telephones and/or facsimile machines utilized by the respondents would have already been purchased as part of customary and usual business practices, thus start up costs associated with these programs are negligible. The estimates of the total annual cost burden to respondents resulting from this collection are summarized in Table 1 below.

For each DAS leasing request, two respondents would have to enter information onto the DAS application form and sign the form at the bottom. It is not known whether DAS leasing agreements between individuals would occur in person, or through other means. Accordingly, participants may mail the DAS application form to the other participant to complete the transaction. This form would then have to be mailed to NOAA Fisheries Service for processing. With 500 applications (1,000 responses) anticipated per year for the DAS Leasing Program, there would be a maximum cost of \$450 (1000 stamps x \$0.45/stamp): online submission is an option, but we are requesting approval for the maximum cost. Participants may wish to retain a copy of the DAS leasing application for their own records. Using an estimate of \$0.10 per page for copying costs, participants would incur an additional \$100 cost (\$0.10 x 1,000 1-page copies) for copying services related to the DAS leasing program. Postage and copying costs would total \$550.

For the one-time opportunity to downgrade a vessel's DAS Leasing Program baseline, vessels would be required to submit a completed downgrade request form and mail it to NOAA Fisheries Service. Participants may wish to make copies of supporting documents when submitting this information to NOAA's National Marine Fisheries Service. The total cost for mailing DAS Leasing Program baseline downgrade request forms amounts to \$2.25 (5 requests x \$0.45/request) annually. Copying costs associated with this provision would total approximately \$2.50 (5 participants x 5 pages copied/participant x \$0.10/copy) annually. Together, the annualized costs for the downgrade provision amounts to \$4.75.

The costs to individuals participating in the DAS Leasing Program for record-keeping and application purposes total \$554.75 (\$550 + \$4.75), rounded to \$555.

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

The estimates of the annual administrative costs to the Federal Government from this program are summarized in Table 2.

Costs associated with the lease program reflect a cost of \$15/hour to the government at the ZP-02 level. The cost to the government for the DAS Leasing Program requires 10 minutes per request. This results in an estimated annualized cost to the government of \$1,250 (500 applications x 10 minutes/response x \$15/hour) to review DAS leasing requests.

Additional costs incurred by the government include the costs of distributing receipts of the DAS lease to both participants. It is estimated that one toner cartridge will be necessary to print these receipts at approximately \$40. These receipts are mailed to participants resulting in postage costs of \$450 (1000 responses x \$0.45 postage). This results in an additional annual cost of \$490 to the government for the management of the DAS leasing program.

The DAS Leasing Program baseline downgrade provision would result in an overall annual total cost to the government of \$150 (5 applications x 2 hours x \$15/hour) to process the downgrade requests. Note that the costs associated with the DAS Leasing Program baseline downgrade provision are a conservative estimate and would only be realized one time for each vessel participating.

Additional costs incurred by the government include the costs of distributing the receipts of the DAS downgrade approval letter. The letters are mailed to the participants resulting in postage costs of \$2.25 (5 responses x \$0.45 postage). This results in an additional annual cost of \$2.25 to the government for the management of the DAS leasing downgrade requests.

In total, the costs to the government from the DAS leasing program are approximately \$1,882 (\$1,250 + \$480 +\$150+\$2.25).

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

Adjustments:

The burden hour and cost estimates for DAS Leasing Applications have been decreased to more accurately reflect usage of the program by eligible participants (decrease of 400 respondents and responses, 34 hours and \$136). The baseline downgrade estimates have also been decreased to more accurately reflect the usage of the program by eligible participants (decrease of 462 respondents and responses, 462 hours and \$434).

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 NOAA Fisheries Service 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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

Table 1. Burden hours and cost

Collection	Number of Entities	Items per Entity	Total Number of Items	Total Costs (\$) of Materials per Vessel	Response Time (Hours)	Total Burden (Hours)	Cost (\$) to Government*	Cost (\$) to Public
DAS Leasing	500	2	1000	\$0.55	0.083	83	\$1,754.00	\$550.00
Request to Downgrade	5	1	5	\$0.55	1	5	\$152.25	\$4.75
TOTALS			1005			88	\$1,906.25	\$554.75

Table 2. Cost to Federal Government

Collection	Salary at ZP-02 level per hour	Total Number of Items	Response Time (Hours)	Processing Cost	Total Cost (\$) of Materials and Postage	Total Cost (\$) to Government
DAS Leasing	\$15	500	0.167	\$1,254	\$500.00	\$1,754.00
Request to Downgrade	\$15	5	2	\$150.00	\$2.25	\$152.25

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.