

**SUPPORTING STATEMENT  
SOUTHEAST REGION PERMIT FAMILY OF FORMS  
OMB CONTROL NO.: 0648-0205**

**A. JUSTIFICATION**

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

The National Marine Fisheries Service's (NMFS) Highly Migratory Species (HMS) Management Division is preparing a final rule (RIN 0648-AW83) that would, among other things, create an open access HMS Commercial Caribbean Small Boat permit (CCSB). This permit would authorize the retention of bigeye, albacore, yellowfin, and skipjack (BAYS) tunas, swordfish, and sharks by vessels operating in the U.S. Caribbean commercial HMS fisheries. The federal HMS CCSB would be a new permit administered by the Southeast Regional Office (SERO) which currently administers many other HMS vessel and dealer permits. The prerequisites to obtaining a HMS CCSB include vessel overall length that is less than 45 feet and the vessel may not have any other valid Atlantic HMS vessel permits.

As part of the creation of this new permit, NMFS requests to add the CCSB to the SERO Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone (EEZ) form, which is covered by OMB Control No. 0648-0205. The CCSB will be added to the list of Open Access Commercial Permits, followed by check boxes (New; Renewal; Duplicate).

**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 is used on a regular basis by various offices of NMFS, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff and the public to answer questions about the nature of the Nation's fishery resources.

NMFS would be significantly hindered in its ability to fulfill its fishery management missions without these data. It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS retains control over the information and safeguards it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. 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 measure and a pre-dissemination review pursuant to Section 515 of the Public Law 106-554.

**NOTE: The mockup of the permit form with the CCSB permit checkbox added is temporary, as other changes submitted for OMB approval may be made to the form before this particular rule is implemented. The software for the permit form is very cumbersome, so we decided just to take the currently approved permit and neatly write in the new label and checkbox.**

**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.**

Regarding the permitting data collection, the Southeast Region's Web site (<http://sero.nmfs.noaa.gov/permits/permits.htm>): allows the public to obtain a copy of the permit application, which can be downloaded and completed electronically, and then printed. Otherwise, the Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) permit application and issuance. This capability cannot be accomplished in the Southeast Region without significant changes to the permit issuance criteria and our permit issuance processes. These changes have been initiated, in that the Southeast Region Permits Team may be switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the future.

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

The information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication.

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

Because all applicants are considered small businesses or small entities, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS's fisheries management are requested from the vessel owners.

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

A major component of fisheries management in the Region is the permit system and the information collected by these permits. Without the collection of this information, mandates developed through fishery management plans cannot be fulfilled.

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

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

**8. Provide a copy of 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 solicited comments on the proposed rule for Amendment 4 to the HMS Consolidated FMP (77 FR 15701, March 16, 2012). Comments regarding the collection of information requirements include: (1) NMFS should require vessel owners to possess territorial government issued commercial fishing licenses as a pre-requisite for obtaining the CCSB permit. NMFS responded that fishermen must abide by applicable territorial regulations including any residency or permitting requirements of that territory, however NMFS may not issue the CCSB permit contingent on possession of a territorial permit because the provisions of the territorial permit may not be compatible with the federal management requirements of the CCSB permit. (2) NMFS should consider allowing HMS permits to be valid for more than one year. NMFS responded that allowing HMS permits to be valid for longer than one year would likely result in permit information changing and not being updated by permit holders. NMFS needs to have current permit information in order to make appropriate fishery management decisions and believes that an annual renewal cycle balances the burden on the public with fishery management needs. **Amplification:** Maintaining up to date permit information on an annual basis is critical for the mission of NMFS for effective fishery management measures and meeting international treaty obligations. Every permit in this agency is issued on an annual basis in order to ensure that the data is up to date. Less frequent permit renewals would mean that address information is incorrect and regulatory mailings of outreach documents necessary for compliance are not delivered potentially resulting in increased enforcement action and non-compliance with international treaty obligations. The low burden associated with annual reporting decreases the risk of these negative effects.

These data collection programs were all part of FMPs or amendments to these FMPs. As such, public comments were solicited for all parts of the rule, including the collection of information requests. As part of the FMP development process, public hearings are held throughout the region soliciting comments from constituents about any part of the proposed FMP and associated rule. Additionally, upon publication of the Notice of Availability of the Amendment in the Federal Register, the public has 60 days to comment on the Amendment. Likewise, upon publication of the proposed rule, which includes any reporting requirements, the public had 60 days to comment on the rule and its associated collections.

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

There are no payments or other remunerations to respondents.

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

All data submitted under the proposed collection will be handled as confidential material in accordance with M-SFCMA, Section 402b, and NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics.

This information collection is included in a comprehensive NMFS Permits and Registrations System of Records Notice, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries, published 04/17/2008 and effective 06/11/2008.

**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.**

No questions of a sensitive nature are asked.

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

Current estimated burden hours for this collection of information are 3,893 hours.

*New application for the HMS Caribbean Handgear Vessel Permit:*

The collection of information under the modified application form is anticipated to result in an estimated 100 new responses for fishermen who may wish to apply for the new permit. NMFS estimates that it will take approximately 20 minutes for fishermen to fill out the modified Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone (EEZ) form. Therefore, the burden associated with the new permit application form will be approximately 34 burden hours (100 respondents x 20 minutes = 2,000 minutes/60 minutes = 34 hours).

Therefore, the new burden hours would total 3,927.

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

There would be a \$25.00 permit application charge for the HMS CHP that is administered by SERO. The application charges for 100 applicants would total \$2,500 (100 responses x \$25.00 = \$2,500). Additionally, fishermen would incur postage costs. The total annual cost to the public for mailing in the form would be \$45.00 (100 applications x \$0.45 = \$45.00). The current total annual cost to the public from OMB Control No. 0648-0205 is \$691,640. The combined new total annual costs under this modification would be \$694,185.00 (\$691,640 + \$2,500 + 45).

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

Currently, the cost to the Federal government for this collection is for the observer program which costs \$1,040,000.

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

Under this modification to OMB Control No. 0648-0205, the total number of responses would be 21,980 (current 21,880 plus 100 new responses). The total time burden would be 3,927 hours (current 3,893 plus 34 additional hours).

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

The results from this collection are not planned for statistical publication, although NOAA Fisheries may distribute the results of the observations for general information.

**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.**

NA.

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

This collection does not employ statistical methods.