

**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) is preparing a final rule for Amendment 34 to the Gulf of Mexico Reef Fish Resources Fishery Management Plan (FMP) (RIN 0648-BB72) that will remove the income qualification requirements for renewal of Gulf of Mexico commercial reef fish permits because they are no longer applicable to current commercial fishing practices. The income requirement is not compatible with recent regulatory changes in the Gulf reef fish fishery, such as the implementation of individual fishing quota (IFQ) programs for red snapper and grouper/tilefish species, which account for the majority of Gulf reef fish landings. Regardless of the proportion of a fisherman's income derived from commercial or charter fishing, participation in these IFQ fisheries is restricted to those who possess quota shares or who sell annual allocation. Removing the income qualification requirements will also provide more flexibility to fishermen and allow them to earn income in other occupations. This added flexibility would allow some fishermen to renew their permits even if they did not have the opportunity to earn enough income from fishing. In addition, this income requirement is relatively easy to meet or circumvent, and validation of this income requirement has been difficult. Finally, the elimination of income requirements would decrease the administrative burden to the National Marine Fisheries Service (NMFS) and the applicant by simplifying the permit renewal process. The proposed rule for this action published on July 18, 2012 (77 FR 42251).

This revision would revise the Federal Permit Application Form for Vessels Fishing in the Exclusive Economic Zone (EEZ) (Federal Permit Application Form) by removing the income qualification requirements for Gulf reef fish vessels in the renewal section and the instructions section of the form.

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.

NMFS is removing information on the Federal Permit Application Form because it is no longer needed in the fishery. Keeping the information on the form would be an additional burden to the fishermen and would hinder NMFS ability to fulfill its fishery management missions. The removal of this information will be communicated to applicable parties.

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 34 to the Gulf Reef Fish Resources FMP (77 FR 42251, July 18, 2012). One comment was received regarding the collection of information requirements which stated that there would be no incentive to report catch if the income requirement was removed. NMFS responded that, currently, to obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must be derived from commercial fishing or charter fishing

during either of the 2 calendar years preceding the application. Due to recent regulatory changes implemented in the commercial sector, e.g., establishment of IFQ programs in several fisheries, and to the relative ease of fulfilling or circumventing income requirement provisions, existing income qualification requirements may no longer be relevant. Regardless of the income requirement, the regulations for the Gulf reef fish fishery require dealer reporting and the IFQ program requires trip declarations, 3-hour notifications, and detailed reporting. These requirements and the potential enforcement measures are incentive for fishermen to accurately report their catches.

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 (SORN), COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries, published 04/17/2008 and effective 06/11/2008. A revised SORN has been drafted and is under review by the NMFS Privacy Officer, as of October 10, 2012.

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 3,926 hours.

Removal of Income Qualification Requirements for Gulf reef fish vessels:

NMFS estimates the removal of the income qualification requirements for commercial Gulf reef fish permit holders will result in a net decrease in the time to complete the Federal Permit Application (for all applicants), however, the current burden estimate (20 minutes per applicant) to complete the application form would not decrease because the time to complete the Income Qualification Affidavit is minimal compared to the time to complete the entire application.

Therefore, the burden hour estimate remains the same at 3,926 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 #12 above).

The current annual costs under this collection would remain at \$694,185.

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, in addition to staff time of \$390,000 (15 FTE x \$25/hour).

Total cost is \$1,430,000.

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

The removal of the income qualification requirement does not change the current burden. The total number of responses would remain at 21,980 and the total time burden would remain at 3,926 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.