

JUSTIFICATION FOR CHANGE
SOUTHWEST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0204

The National Marine Fisheries Service (NMFS) issues permits required for persons to participate in Federally-managed fisheries off the West Coast. NMFS proposes to modify OMB Control No. 0648-0204 with two changes; by requesting applicants for Pacific Highly Migratory Species (HMS) Vessel Permits to confirm United States (U.S.) citizenship – NOT a new requirement for the permit – the certification had simply not been included on the form - and by providing an electronic means for submitting permit applications.

In order to qualify for a Pacific HMS permit, commercial fishing vessels of five net tons or more must be registered (documented) by the U.S. Coast Guard (USCG), and vessels less than five net tons must be registered by the Department of Motor Vehicles (DMV). Although the USCG requires U.S. citizenship information in the Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation; Redocumentation (CG-1258), the DMV State registration does not require vessel owners to provide U.S. citizenship information. NMFS Southwest Region receives HMS permit applications from vessels documented by the USCG as well as State registration numbers from the DMV. Because HMS permit applications currently do not request U.S. citizenship information, NMFS is unable to verify citizenship information from vessels with state registration numbers. Therefore, NMFS Southwest Region would like to modify HMS permit applications to ascertain from the applicant their permit eligibility through the confirmation of their citizenship. Language stating the general eligibility requirements under 46 U.S.C. 12103 (b) will be included in the permit modification as stated below:

Eligibility for Southwest Region HMS Permits depends in part on the applicant being eligible to own a Coast Guard documented vessel under 46 U.S.C. 12103 (b).

Eligible Owners.— For purposes of subsection (a)(1), the following are eligible owners:

- (1) An individual who is a citizen of the United States.
- (2) An association, trust, joint venture, or other entity if—
 - (A) each of its members is a citizen of the United States; and
 - (B) it is capable of holding title to a vessel under the laws of the United States or a State.
- (3) A partnership if—
 - (A) each general partner is a citizen of the United States; and
 - (B) the controlling interest in the partnership is owned by citizens of the United States.
- (4) A corporation if—
 - (A) it is incorporated under the laws of the United States or a State;
 - (B) its chief executive officer, by whatever title, and the chairman of its board of directors are citizens of the United States; and
 - (C) no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum.
- (5) The United States Government.

(6) The government of a State.

The burden estimates will not be affected by these changes as there will be no modification to current eligibility requirements nor will any additional documentation from the applicant be requested.

The second modification would provide permit applicants an electronic means for submitting applications. Currently, NMFS Southwest Region uses the National Permit System (NPS) to process paper applications mailed by applicants. NMFS Southwest Region has developed a public interface in NPS to allow applicants to create a personal account and apply for certain NMFS permits via online application process.

The online application process would require the same information as paper applications and provide the same instructions. The public interface allows for payment of the application fee through an online payment process through Pay.gov. Once payment and permit application are approved, the appropriate permit would then be mailed to the applicant. The burden estimates will not be affected by providing the option of an online application and payment for permits.