

**SUPPORTING STATEMENT  
NORTHWEST REGION FEDERAL FISHERIES PERMITS  
OMB CONTROL NO. 0648-0203**

**INTRODUCTION**

This request is for extension, with some revisions, of this collection of information required by National Marine Fisheries Service (NMFS), Northwest Region (NWR). There are minor changes to individual information collections, and some one-time requirements have been removed.

This statement addresses data collections authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), developed by the Pacific Fishery Management Council (PFMC) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). The FMP governs the groundfish fishery off Washington, Oregon, and California (WOC). In addition, this statement includes data collections to issue exempted fishing permits (EFP) as prescribed at 50 CFR 600.745(b)(2).

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognized the need for permit issuance. Almost every international, federal, state, and local fishery management authority recognizes the value of and uses permits as an integral part of their management systems.— Identification of the participants, their gear types, descriptions of their vessels, and expected activity levels are needed to measure the consequences of management controls, and is an effective tool in the enforcement of other fishery regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the vessel from the fishery altogether.

Some of the responses to the items in the supporting statement are broken out by the various type of permit function: 1) issuance of an exempted (experimental) fishing permits (EFPs) and 2) Pacific Coast groundfish limited entry permits (LEPs), including transfer and renewal, as well as other information collections necessary for the sablefish permit stacking program. For each section of the information collection, we have presented the total number of burden hours and cost burden.

Currently, there are 397 limited entry permits of which 164 permits have a sablefish endorsement. The number of EFPs varies from year to year dependent on the number of applications submitted to and approved by PFMC and NMFS.

**A. JUSTIFICATION**

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

**Exempted Fishing Permits (EFPs)**

The requirements associated for EFP are prescribed at 50 CFR 600.745 (b)(2). Exempted (previously called "experimental") fishing permits are issued to applicants to conduct fishing activities that would otherwise be prohibited under a FMP. The exempted fishing permits allow

vessels to fish for public display, data collection, exploration, health and safety, environmental cleanup, hazard removal purposes, or to conduct limited testing. The intent is to respond to changes in the resource, fishery and other applicable law, and to requests of the public or government, resulting in better management of the fishery resource.

Section 301 of the MSA, 16 U.S.C. 1851(a) provides national standards for fishery management plans and regulations. Standard One requires that “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery...” To comply with this standard and effectively manage a fishery, NMFS needs to know the amount and species of fish caught, where fish were caught, and the catch disposition. Exempted fishing, by definition, is fishing outside of the standard regulations. To control this fishing and determine the extent of this fishing, NMFS requires information to determine if granting an exempted fishing permit (EFP) or exempted educational activity authorization (EEAA) is justified. Further, NMFS collects catch and landing data resulting from these authorized EFP activities. The EFP regulations supplement existing information collections required by the various fishery management plans by establishing minimum standards for these activities. The regulations related to the specific fisheries may impose additional requirements. The regulations do not provide an appeals process for unsuccessful EFP applicants.

### **Pacific Coast Groundfish Limited Entry Permits (LEPs)**

The collection of information for limited entry permits is authorized by Amendments 4, 6 and 9 to the Pacific Coast Groundfish FMP and by 50 CFR 660 Subpart G. Amendment 6 initially established the limited entry program. This amendment was approved on September 4, 1992. Amendment 6 to the FMP addressed the issue of excess fleet harvesting capacity by instituting a limited entry program based on the issuance of federal permits to control the overall fleet harvest capacity of the three major gear types (trawl, longline, and fish pot) that account for the majority of the Pacific Coast groundfish harvest. Amendment 6 was intended to control the capacity of the groundfish fishing fleet in three main ways: (1) limiting the overall number of vessels; (2) limiting the number of vessels using each of the three major gear types; and, (3) limiting increases in vessel harvest capacity by limiting vessel length. Amendment 6 provided the basic program elements of the limited entry permit program including the requirement to register a vessel to a limited entry permit to participate in the limited entry fishery, initial eligibility and qualification criteria for a LEP, requirements associated with gear and size endorsements, renewal and transfer of permits, and appeal process. Eligibility and registration requirements for the limited entry fishery and transfer and renewal requirements are found at 50 CFR 660.25.

Permit appeal requirements are found at 50 CFR 660.25. The appeals process is available to permit owners who have had their LEP transfers or renewal requests denied by NMFS. An appeals request must be made by the permit owner in writing within 30 calendar days of NMFS initial determination and must explain how the requirements for transfer or renewal of a permit have been met and/or provide pertinent information that was not considered by the NMFS in making the initial determination.

In 1993, NMFS carried out a one-time LEP application and issuance process. Vessel owners were required to complete an application for a groundfish LEP and submit proof of their landings and other evidence relevant to meet the permit qualification criteria. Vessels that met specified minimum landing requirements were qualified to receive a LEP. Approximately 650

LEPs were initially issued and since that time no additional LEPs have been issued. Currently, there are 397 LEPs. Since the 1993, there has been a reduction in the number of LEPs due to: the Federal buyback program of limited entry permits conducted in 2003; combination of permits where two or more permits are combined to increase the size endorsement increases in a remaining permit (example: if two permits are combined, one permit remains active and the other is permanently expired); and the permanent expiration of permits (due to failure to renew or permanent sanction).

Amendment 9 to the FMP, which was approved on June 27, 1997, provided for a sablefish endorsement to the limited entry permit. Amendment 9 attempted to respond to a number of problems associated with derby fishery that resulted in short, intense seasons. Among the problems associated with the fishery were ones of safety, product quality and value, abandoned gear, and overcapitalization of the fleet, discards, and lost fishing opportunities. The endorsement limited participation in the fixed gear sablefish fishery to those vessels that demonstrated historical participation in the sablefish fishery. As part of the issuance of this endorsement, permits were given tier designation (1, 2 or 3) based on historic catch which entitles the vessel registered to it to harvest a specific quantity of sablefish beyond the normal trip limits. A specific amount of sablefish is assigned to each tier designation, with Tier 1 being providing the largest amount. If multiple sablefish endorsed LEPs are stacked to a single vessel, the vessel land cumulative sablefish tier amounts and may use any of the gears endorsed on any of the permits. The requirements associated with sablefish endorsements and tier assignments are found at 50 CFR 660.230.

In November 2000, the Council approved Amendment 14, which introduced a permit stacking program to the limited entry, fixed gear primary sablefish season. On August 7, 2001, NMFS published regulations that implemented certain provisions of Amendment 14 to the Pacific Coast Groundfish FMP (66 FR 41152). These provisions included the following: 1) authorizes permit/vessel owners to stack (register either simultaneously or cumulatively) up to three sablefish endorsed Pacific Coast Groundfish Limited Entry permits on a single vessel during the primary season in a given year and 2) limits the number of sablefish endorsed permits a person could own or hold (i.e.; lease) at any one time to 3 except if the permit owner had owned more than three sablefish endorsed LEPs prior to November 1, 2000 and 3) prohibited a corporation or partnership from owning a sablefish endorsed permit except if it had owned such permits prior to November 1, 2000.

Other provisions of Amendment 14 to the Groundfish FMP were implemented through regulations published on March 2, 2006 (71 FR 10614). This final rule implemented permit stacking regulations that include the following provisions: (1) permit owners and permit holders (vessel owners) would be required to document their ownership interests in their permits to ensure that no person holds or has ownership interest in more than three permits; (2) an owner on board requirement for permit owners who did not own sablefish-endorsed permits as of November 1, 2000 (3) permit transferors would be required to certify sablefish landings at the time of a midseason transfers. These provisions allowed for lengthened duration of the limited entry, fixed gear primary sablefish fishery and supported the objectives of this amendment which include: promote safety in the fishery, provide flexibility to participants, prevent excessive concentration of harvest privilege, maintain or direct benefits to fishing communities, and reduce capacity in the limited entry fixed gear fleet and thus promotes efficiency. Requirements

associated with this rulemaking are found at 50 CFR 660.25, 660. and 660.231. ([https://nwr2.nmfs.noaa.gov/nwp\\_public\\_ss/home/index\\_pub\\_permits\\_ss.cfm](https://nwr2.nmfs.noaa.gov/nwp_public_ss/home/index_pub_permits_ss.cfm))

In addition to these three amendments to the Groundfish FMP, Amendment 20 added two sector endorsements to existing trawl endorsed permits. In 2011, NMFS provided a one-time application process to acquire a catcher processor and a mothership catcher vessel endorsement to the trawl permit. NMFS issued 10 catcher processor endorsements and 37 mothership catcher vessel endorsements. The catcher processor endorsement allows vessels registered to this permit to participate in the catcher processor fishery which targets whiting at sea. These 10 catcher processors participate in a single fishing cooperative and the cooperative receives annual sector allocation of whiting and bycatch species. Similarly, vessels registered to a mothership catcher vessel endorsed permit fish for whiting at sea and deliver whiting to a mothership for processing. The mothership fishery receives a separate annual allocation of whiting and bycatch species. Owners of the mothership catcher vessel permits can be members of a cooperative. This change eliminated the EFP requirement for vessels and processors.

**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.**

### **Exempted Fishing Permits (EFPs)**

Exempted fishing permits are issued to applicants and allow them to undertake fishing activities that would otherwise be prohibited under a FMP. Every two years the Council will request EFP applications. On a voluntary basis, applicants make an application for an EFP initially to the Council and to NMFS. An application for an EFP must contain all information required for an EFP application given at 50 CFR 600.745 (b)(2). A narrative description of the proposed activity is required to fully document the intended project. The PFMC initially reviews EFP applications and makes a recommendation to NMFS on whether to approve or disapprove individual proposals. Subsequently, NMFS conducts its separate review and the recommendation of the Council and either approves or disapproves the individual applications. These decisions are final; there is no appeal process.

For proposals that are approved, NMFS prepares terms and conditions of the EFP which typically require the permit holder to submit data and summary reports during and/or at the end of the permit period and to provide other notifications (i.e.; declaration of fishing under an EFP or meeting or surpassing specified catch limits). EFP projects are carried out over two years. Participating vessels may be required to have an observer. EFPs holders are required to complete interim and final summary reports describing activities and results of the project. The interim reports are reviewed by NMFS to ensure the project is being carried out in compliance with the terms and conditions and applicable regulations. The final reports are reviewed by both NMFS and the Council in considering subsequent requests to continue an EFP project in a succeeding year or two year period.

The EFP application allows PFMC and NMFS to evaluate the possible consequences of the exempted fishing activity and weigh the possible benefits and costs in making of a particular project. Exempted fishing permits may lead to better management of the resource by allowing

innovation that may resolve existing technological barriers or by providing additional scientific and management data. The total number of EFP applications and the proposed activities described in EFP applications may vary every two years, and may be different for each exempted fishery. An EFP is usually valid for two years or less. The approval of an EFP project by the PFMC and NMFS may result in several individual EFPs being issued to participating vessels or processing plants. Such EFPs are required of vessels and processing plants in order to hold them individually accountable for their activities under the terms and conditions of the overarching EFP project.

An application from a sponsor organization (i.e.; state agency, non-profit organization) or individual or entity includes a statement of the purposes and goals of the exempted fishery, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; anticipated impacts on marine mammals or endangered species, description of any other project activities and names and responsibilities of participants. Information on the vessel (including a copy of the United States Coast Guard (USCG) documentation, state fishing license, state vessel registration, or the information from those documents), gear used, fishing area, and time of fishing is needed for identification of the participants at sea, and for boardings and inspections by NMFS enforcement vessels or overflights. The information also precludes substitution of gear or vessels that may otherwise be prohibited by other regulations in effect. Information on the gear being used is also used in making management decisions, since it helps show how gear restrictions affect the members of the fishery. Gear, fishing areas and duration and timing of fishing activities may be important factors to consider in determining appropriate permit conditions to attach to the EFP. Similarly, information from processors (first receivers) about offloads of fish caught under an EFP may require information about plans to weigh, sort and process fish, efforts to monitor these activities, and details on the data to be collected and documented.

The information collection for a processor or vessel participating in an EFP project (overseen by sponsored organization) includes: name, address and telephone number, date of birth (DOB) of the vessel operator and/or vessel owner; vessel name and official number; Pacific Coast Groundfish limited entry permit number; and date of the application. If a business entity owns the vessel a Tax Identification Number (TIN) may be required. This information is used to identify the permit applicant and the legal ownership of the vessel to be registered to the permit. The collection of this information is essential to comply with the regulations and for enforcement purposes. The TIN/DOB allows enforcement to conduct an enforcement check prior to issuing the EFP. For example, violations of catch regulations may result in suspension or revocation of a permit. Since many vessels are owned by corporations, identification of the owner on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone and fax numbers are required so that NMFS staff can contact applicants to resolve outstanding issues in a quick and efficient manner, or to notify permit holders of the need to cease fishing activities.

Supplemental application information may be requested. For example, other information on the physical vessel characteristics such as hold or fuel capacity, units and size of gear, or refrigeration capability may be used to inventory the relative fishing power of each craft. This information may be used in estimating the effects of fishing effort on the biological status of stocks, or to assist NMFS in its national security role for the Federal Emergency Planning Administration. In some cases EFPs are issued allowing the permit holder to keep fish in

compensation for collecting resource survey information according to a NMFS-approved protocol. In these cases the application must state that the vessel's participation is contingent upon compensation.

Also, permit holders operating under an EFP may be required to provide supplementary information as required by the terms and conditions of the EFP. For example, in a full retention fishery (no sorting/discarding of fish at sea), NMFS may require an electronic monitoring systems on a vessel to assess the technology as a monitoring option. Further, EFP holders may be required to file (interim and/or final) reports describing the results of the project and/or to provide data so that Council and NMFS can evaluate the techniques used or data collected and decide if management regulations/specifications should be changed.

An authorized representative of the vessel/processor owner or applicant organization must sign the EFP application to certify that the information provided is correct and true and that the applicant is eligible to receive a permit under the other FMP regulations. The signed document provides NMFS evidence that the applicant attests to the authenticity of the application. If there are false statements or misrepresentations made by the applicant, a signed document will be important in successfully taking legal actions against the permit holder. All of the information in this section is needed to help effectively evaluate the proposed fishing activity, its scope and impacts, and to determine whether the activity is appropriate and whether it should be approved or disapproved. NMFS also requires an authorized representative to sign the EFP certifying that they and all vessel operators, crew, owners and applicant staff understand and will comply with the terms and conditions.

The information requested may be used by several offices of NMFS, the USCG and state fishery enforcement agencies under contract to NMFS and summarizations of EFP may be used by NMFS, the Council, states, and fishery organizations in considering revisions and enhancements to existing fishery policies and management specifications.

Typically, an applicant or sponsor of an EFP project makes no more than one application every two years for a particular exempted activity or fishery. Sponsor organizations and vessels requiring EFPs may make one application every two years that will provide basic identifier information needed to issue the permit. The types of reports submitted under EFPs vary according to the nature of the EFP. In some cases the applicant is a state requesting permits for multiple vessels, and the state is required to collect catch information from the vessels and submit summary reports. The frequency of data reports depends upon the nature of the fishery and monitoring requirements set by NMFS. The frequency may start as bi-weekly, go to weekly, and then every 2-3 days when the remaining allocation is small (the normal season is 10-12 weeks). In other cases where only individual vessels are involved, a data report submitted at the end of the fishing trip covered by the permit. Also, vessels and/or first receivers may be required to provide notifications to enforcement or fishery monitors in advance of EFP trip or offload.

The previous information collection included call-in notifications which usually involves a vessel owner notifying a processor of an estimated time of delivery so that a catch monitor can be present to observe and account for the offload This collection does not include burden estimates for call-in notifications, but depending on the nature of future EFP activities, they may be required as part of the terms and conditions of an EFP permit.. The implementation of the

Pacific Coast trawl rationalization program regulations now require that catcher vessels deliver to licensed facilities that have catch monitors available to observer and account for the offload. This has alleviated the need for a call in notifications.

Similarly, EFPs issued to first receivers (processors) may require a catch monitor plan indicating how catch will be offloaded, weighed, sorted and documented at the landing facility. EFPs issued to sponsoring organizations (state agencies, non-profit organizations) may require more detailed plans on how the project activities will be carried out to allow for effective monitoring by the sponsor, NMFS program staff and enforcement agents. For example, certain prohibited species cannot be process and must be forfeited to law enforcement agents or agency staff. NMFS will require an interim and final report that presents the results of the EFP project to consider relative progress or final results. The latter is important in considering changes in management requirements based on the EFP results or whether further research or data collection is required.

### **Limited Entry Permits (LEPs)**

**Annual Permit Renewal:** All permit owners are required to renew each of their LEP on an annual basis as given at 50 CFR 660.25. There are currently 397 valid LEPs. NMFS is required to mail a permit renewal form and instruction letter to all permit owners on or before September 15th of each year. Payment of the renewal fee and signed/dated form is due to the NMFS by November 30<sup>th</sup> each year. Failure to renew the LEP by December 31st may result in permanent expiration of the LEP.

NMFS provides current permit data on the renewal form including: permit number; vessel name and official number (USCG or state documentation number); endorsements (gear, size, fishery), permit owner name, business address, business phone, fax and Email; permit holder (vessel owner) name, business address, business phone, fax number, email address if different from permit owner). NMFS may require as part of the annual renewal process either the DOB or TIN for a permit owner or owner of a vessel registered to an LEP, if such information has not been collected previously. Typically, this information is provided when there is a change in permit owner or vessel registration. If there are changes to the address, phone, fax or email information of the permit or vessel owner, the permit owner may update those items on the renewal form. If the permit owner is a corporation, partnership, or other entity, the authorized representative signing the renewal form will be requested to print his/her name. By signing this form, the permit owner or authorized representative certifies that the data is correct and true and that they are authorized to complete this form on behalf of the permit owner(s). We estimate that approximately 80% of the permit renewals received in a given year do not involve any changes to the current permit information. Any change in the permit owner name, the vessel registered to the permit or vessel owner name cannot be made as part of the renewal process but must be requested formally using a permit transfer form.

This updated information allows NMFS to maintain current contact information for those individuals and entities who are registered to the permit. NMFS uses this information to contact permit and vessel owners about changes in fishery regulations and specifications, including closures. Also, NOAA enforcement agents may need to contact permit and vessel owners about investigative matters. Submission of a signed/dated renewal form and fee payment affirms that the permit owner wishes to continue to maintain this privilege to participate in the limited entry

fishery. The updated permit data provides information for NOAA enforcement agents on which vessels are authorized to participate in the fish. The TIN/DOB information will allow NMFS enforcement to positively identify individuals who may be under investigation for possible violations associated with the limited entry fishery. Further, updated permit data allows fishery managers to effectively analyze the demographics associated with permit and vessel owners.

NMFS collects the TIN (for business entity) and DOB (for an individual) for any permit owner or vessel owner as part of a transfer request and as part of ownership interest form required of business entities that with own or hold a sablefish endorsed LEP. The TIN is required to comply with the Debt Collection Improvement Act of 1996 (31 U.S.C. 7701 (c) (1)). Additionally, this information assists NMFS law enforcement in identifying businesses that may be under investigation for fishing activities. The transfer form and ownership interest form include a statement that advises the permit owner and vessel owner that TINs and DOBs will not be released to the public.

Also, the regulations provide at 50 CFR 660.160 that during the renewal period each year, the owner of vessel registered to a catcher processor endorsed permit must declare if the vessel will operate in the whiting fishery solely as a mothership operation. This provision was incorporated into the regulations at the request of at-sea processing vessel owners who wanted to avoid confusion as to whether a vessel is processing whiting only or will be fishing and processing whiting as catcher processor in the following year. The owner of a trawl endorsed permit need only check a box on the limited entry permit renewal form to make a mothership designation for the registered vessel. This designation appears only on the renewal forms of the 10 catcher processor endorsed permits.

Similarly, mothership catcher vessel endorsed permit renewals require the permit owner to indicate whether they will participate in the cooperative or non-coop fishery in the following year and must indicate which mothership permit they intend to obligate their whiting catch history assignment to for the following year. The groundfish regulations at 50 CFR 660.150(c) (7) require the collection of this information. This declaration is non-binding but was included in the Amendment 20 of the Groundfish FMP in order to assist industry in planning for the forthcoming at-sea whiting season.

NMFS has included a revision to this collection that requires permit owners, as part of their annual permit renewal requirement to indicate whether they are small businesses as defined by the Small Business Administration. A separate section has been added to the LEP renewal form that includes a mandatory response to a question asking if the permit owner is a small business, organization consistent with criteria (provided in the Section) developed by the Small Business Administration. The responses to this question will be useful to the preparation of the Regulatory Flexibility Act analyses required for many rulemakings made by NMFS. Such analyses require that the agency assess the impacts of regulations on small businesses. Data used in the past has been data and has not directly been collected for businesses participating in the groundfish fishery.

Also, as part of renewals, NMFS may request on an optional basis cell phone numbers and short message service (SMS) data to allow NMFS to transmit messages alerting industry of changes in fishery regulations, IFQ account status and balances.



The persons, business entities and the individuals who have an ownership interest in these business entities own a Federal government permit that provides a conditional privilege to fish for groundfish in the Exclusive Economic Zone. NMFS will require TIN and DOB information for both LEP and EFP collections to assist the Office of Law Enforcement in identifying individuals who may have a sanction that prevents the issuance of the permit.

**Permit Transfer:** A permit owner must formally request a transfer of a LEP as required at 50 CFR 660.25. The term “permit transfer” refers to one or more of the following actions: change in permit owner, change in vessel owner, and/or change in the vessel currently registered to the permit. NMFS requires that the permit owner make a formal request using the Change of Vessel Registration or Permit Ownership/Holder Application and submitting his/her current permit. By regulation (50 CFR 660.25(f)), a change in vessel registration can only occur once in a calendar year for any one permit. However, the regulations allow a permit owner to request changes in permit ownership or changes to vessel ownership as frequently as necessary during the calendar year, as long as the registered vessel remains the same or the permit has no vessel registered to it. The number of transfers requested is estimated to be about 150 per year.

A transfer form is required to: formally document the request; accurately track changes in permit owners, vessel owners (if different), changes in the vessel register to the LEP (including changes in vessel name); verify compliance with permit regulations (i.e.; new permit owner eligibility); and maintain current business address, business phone number, fax number information on new individuals/entities registered to the permit and to provide relevant information about the vessel registered to participate in the groundfish fishery. The following information is required from the permit owner on a permit transfer request form:

1. For all transfer requests, the LEP number; name and vessel registration number of vessel currently registered to the LEP; current permit owner name(s) and TIN for a business entity) or DOB (for an individual); current business address and telephone number, fax number(optional); title (if corporate officer), email address (optional); signature and date. If the signee is an authorized representative, we may request the individual to print their name to clearly identify name. The new permit owner will be required to respond as to whether they are eligible to own a documented United States (U.S.) vessel. If the permit holder is a corporation, partnership, or other entity, we may request the printed name/title and DOB of the authorized representative (person) for that entity.
2. If there are multiple owners of the permit, the owners must establish with NMFS at the outset whether one or all owners must authorize any future change to the LEP. Either one or all permit owners must sign the application to certify that the information provided is correct and true, to authorize the request and to certify that all entities or individuals listed to the LEP are eligible to own or hold the permit. Similarly, for business entities, an authorized representative must sign the application to certify that the information provided is correct and true, and is authorized to sign the request for the permit owner and certify that all entities and individuals are eligible to own or hold the LEP per the regulations.
3. For a request to transfer the LEP to a new LEP owner: the name of the new permit owner, TIN (for a business entity) or DOB (for individual), business address, title (if

corporate officer), telephone and fax numbers, and email address. If the permit holder is a corporation, partnership, or other entity, the applicant may be required to provide the name and DOB of an authorized representative (person) for that entity.

4. For a request to transfer the LEP to a new vessel owner (usually an individual leasing permit for use on his/her permit from a permit owner): the name of the new vessel owner, TIN (for a business entity) or DOB (for an individual), business address, title (if corporate officer), telephone and fax numbers and email address. If the permit holder is a corporation, partnership, or other entity, NMFS may request the name of the authorized representative (person) for that entity. The new vessel owner will be required to certify whether they are eligible to own a U.S. documented vessel.

5. For a transfer of the LEP to a new vessel, the vessel name and documentation number for both current and new vessel, and the new vessel's length overall.

If the permit is sablefish endorsed and the transfer request falls after the start of the primary season, the permit owner must list the cumulative amount of sablefish harvested to date and credited against the tier amount. Both the current permit owner and either the new permit owner and/or owner of the vessel registered to the LEP must sign and date the form acknowledging the cumulative amount of sablefish tier allocation has been landed to date on the LEP.

The applicant requesting a transfer must have the form notarized at the time of signature. Notarization of the document certifies that the individual signing the document has verified their identity with a notary public. As appropriate, the permit owner may be requested to provide evidence of authority to authorize a transfer, such as: corporate resolution, contract for sale or lease, court order relative to a divorce decree, litigation, or settlement of an estate. Further, if the permit is registered to a new vessel that has not recently participated in the fishery, a recent marine survey (prepared in the last 3 years) is required that certifies the length overall of the vessel. NMFS uses this information to check compliance with the size endorsement requirement (vessel length cannot exceed endorsed length by more than 5 feet). The marine survey may be done by professional marine surveyor or alternatively, the vessel owner or other person (boat builder, harbor master) may submit a letter attesting to the length overall of the vessel. For a corporation, NMFS may require the date of incorporation and the state of incorporation as necessary.

NMFS may require a current U.S. Coast Guard or state vessel registration documentation, U.S. Coast Guard Report of Marine Accident, Injury or Death (CG-2692), affidavit of lost permit, proof of citizenship or other such credible documentation necessary to determine compliance with the transfer regulations. The accident report confirms if a vessel was totally lost, and in such situations, a permit owner is allowed an exemption from the one change in vessel registration rule.

The information collected from transfer forms is used by the NMFS for the purposes of determining whether individuals and vessels are eligible to be registered to a limited entry permit; maintaining an accurate record of current permit registrations and permit histories; and administering the limited entry program. The question on the form asking if the permit owner and vessel owner are eligible to own an U.S. documented vessel, requires that the owner of the

permit and vessel registered to the LEP certify eligibility to own or hold the LEP. Also, the NMFS uses the permit owner and vessel owner addresses information to mail public notices about changes in fishery regulations and in-season changes. LEPs provide permit data to enforcement agents to assist their tracking vessels in the vessel monitoring system and establishing whether fishing violations may occurred.

Also, current and historical permit data is used by states, the PFMC and NMFS staff, industry and academia for various purposes, but primarily to analyze management aspects of the fishery. State agencies use this permit data to confirm vessel participation in a fishery when entering data into a state fish ticket system.

NMFS has made a revision to the transfer form removing questions (not mandatory) asking for sale price of the permit or the lease costs/duration for any permit. We found that most individuals chose not to report this information and the opportunity to report this information may exist with various economic surveys administered by the NMFS, Northwest Fisheries Science Center.

As for appeals, any initial decision by NMFS regarding the issuance, renewal, transfer may be appealed by the permit owner. By regulation, such appeals must be submitted in writing within 30 days to Regional Administrator and must allege facts or circumstances to show why the criteria have been met. Supplemental documentation may be provided by the appellant. There have been only a few appeals of decisions to disapprove a transfer request in recent years (about 2 in the last 10 years). Appeals may be referred to NMFS National Appeals Office for review and recommendation.

**Ownership Interest in a Sablefish Endorsed LEP:** Amendment 14 to the Pacific Coast Groundfish FMP includes several ownership provisions that pertain only to sablefish endorsed limited entry permits. The regulations given at 50 CFR 660.25(b)(3) provide that: 1) no partnership or corporation may own any sablefish endorsed permit unless owned by that entity as of November 1, 2000. Any sablefish endorsed permit sold after November 1, 2000 may only be transferred to an individual person or to a corporation or partnership that had ownership interest in a sablefish endorsed permit as of November 1, 2000; 2) no person, partnership, or corporation may have ownership interest in or otherwise hold more than three sablefish endorsed permits, as of November 1, 2000. If a person, partnership or corporation had an ownership interest in more than three permits as of November 1, 2000, it may continue to have ownership interest in those same permits, but may not acquire additional permits either through purchase or lease; and 3) a partnership or corporation will lose the exemptions given in 1) and 2) above on the effective date

of any change in the corporation or partnership membership as of November 1, 2000. The term “change” refers to the addition of a partner or shareholder to the corporation or partnership.

Each year as part of the annual LEP renewal process and as part of a transfer request of a sablefish endorsed permit, if the permit owner is a corporation, partnership or other business entity or the owner of a vessel registered to a sablefish endorsed LEP is a corporation or partnership, such entities must complete an ownership interest form. Submission of the ownership interest form is mandatory and NMFS will not renew a permit or process a transfer request until such time as a completed ownership interest form is received. If a business entity owns or holds more than one LEP, it is required to fill out only one form as part of renewal or transfer process. Currently, there are about 50 unique business entities that are currently listed on sablefish endorsed LEPs either as permit owners or vessel owners. All of these entities must submit an ownership interest form as part of renewal. The number of entities having to submit an ownership interest form at time of transfer depends on the number of transfer requests initiated for sablefish endorsed permits, where the resulting LEP will list a business entity. For the 2011-2012 time period, on average, there about 80 sablefish endorsed LEP transfers each year of which about 40 ownership interest forms will be required.

As part of renewal, NMFS provides a prefilled ownership interest form to both permit owners and owners of vessels who are business entities registered to sablefish endorsed permits. The prefilled form provides the business entity information (name and business address of record) and a list of shareholders/ partners as given in the prior submission. The respondent is required to add or delete individuals who have ownership interest in an entity and/or update address information for individuals, as needed. As part of a transfer request, if a new vessel owner is a business entity and NMFS has no prior ownership interest information for the entity, it is required to provide an ownership interest form with basic identifier information such as: permit number, vessel name and registration number, business entity name, individual shareholder or partner’s name (first, last, full middle name), TIN for the corporation or partnership that owns the permit; the DOB for every individual who has an ownership interest in the business entity, and each individual’s business address, phone and fax. In addition, an authorized representative representing the corporation/partnership must certify (by signing/dating the form) whether or not an additional individual with ownership interest had been added since the control date. The authorized representative signing the form will be requested to print their name on the form.

The applicant may be required to provide a corporate resolution that authorizes the person signing the form to do so on behalf of the business entity. NMFS may require a copy of the USCG Abstract of Title as proof of ownership for vessel owners and/or owners and articles of incorporation or other documentation deemed necessary for proof of corporate or partnership ownership.

For those permit owners that are a business entity, NMFS compares the list of individuals given on ownership interest form to the prior list on file to determine if an additional individual(s) with ownership interest had been added to the business entity both as part of renewal and any permit transfer. If an addition of a shareholder is found for the exempted business entity, that entity loses its exempted status and be required to divest the permit to an individual owner or other eligible entity, per the regulation. If a shareholder is no longer listed as part of the entity, NMFS makes that change to its database. Again, the regulation was intended to limit existing permit owners who are business entities from adding new investors to their companies.

Also, NMFS staff calculates a permit count for every business entity and for every individual who owns a sablefish endorsed permit to ensure limits on permit owner/holder are not exceeded. This calculation includes any individual who owns a permit or an individual who has an ownership interest in a business entity. For any transfer, NMFS staff reviews the ownership interest forms of new entities holding a sablefish LEP or a grandfathered entity purchasing a sablefish LEP, and recalculate the total number of sablefish endorsed LEPs owned or held by the entity and the individuals who have an ownership interest in the entity. Again, there is a requirement that no individual can own or hold more than 3 sablefish LEPs, unless the person/entity owned more than 3 permits as of the control date.

**Owner On Board Exemption:** The Council designed the permit stacking program to prevent excessive fleet consolidation and maintain the owner/operator nature of the fleet through owner on board requirements and limiting ownership of sablefish permits to only those corporations that owned such permits on November 1, 2000. The Council anticipated situations where a permit owner may not be able to be onboard the vessel due to death, injury or illness. At 50 CFR 660.231, a person who owns a sablefish permit and is prevented from being on board because of death, illness or injury may request a temporary exemption from the owner on board provision. The exemption can be requested only for three years consecutively or cumulatively and must be requested in each individual year.

In the case of death of the permit owner, the exemption is available until such time the permit ownership is reassigned to a beneficiary (typically through a probated will) or after the 3<sup>rd</sup> year of exemption, whichever occurs earlier. The executor or personal representative of the permit owner's estate must request the exemption in writing and must provide a death certificate for the permit owner. The executor/personal representative is required to provide he/she is legally authorized to act on behalf of the deceased permit owner. In some cases, the deceased permit owner may not have a will and NMFS will accept other documents (letters from surviving spouse or immediate family or family attorney, trust documents, marriage certificates, etc.) to provide proof of who is the rightful beneficiary. Once the beneficiary receiving the permit is identified, a change in permit ownership form is used to make the change, with the executor or personal representative signing the form for the deceased. For illness or injury, the permit owner must submit a written request justifying the basis for the exemption and must provide written documentation from a medical professional explaining why the illness or injury prevents them from being on board.

NMFS reviews the exemption request and supplemental documentation provided in order to make a determination if the justification is authentic and if the justification is sufficient to grant an exemption. As necessary, NMFS may seek further clarification from the applicant of aspects of the information justifying the exemption which may require additional documentation. The number of applications made for an exemption since 2006 have average 1-2 per year. Any medical documents provided in support of an exemption request are confidential and not releasable to the public.

**Mid-Season Transfer of a Sablefish Endorsed Permit:** The Pacific Coast Groundfish regulations at 50 CFR 660.25 requires that any transfer (also known as "Change of Vessel Registration, Permit Owner/Holder Application") request for a sablefish endorsed LEP during the primary season must provide the cumulative amount in round weight of sablefish caught against the tier as of the date of the request. Again, there are 3 tier levels (1, 2, 3) and each

provides a distinct allocation of sablefish in and above the normal trip limits. This information must be certified as correct in Section F of the transfer form by the current permit owner and the amount landed to date must be acknowledged by either the new permit owner and/or owner of a new vessel being registered to the LEP. The transfer form is described in the previous section on transfers of LEPs. The number of transfers requested by sablefish endorsed permit owners varies year to year; however, the average is about 80 transfer requests per year.

Sablefish landings are recorded on landing tickets provided by each of the West Coast states and the data is entered into a regional database known as Pacific Coast Fisheries Information Network (PacFIN). There can be a lag time of up to two months from the time a landing ticket is completed dockside to the time the data is available in PacFIN. PacFIN catch records for individual vessels are confidential and they are not accessible by the general public. As such, potential buyers or lessees of sablefish permits and enforcement agents do not have an independent source of information detailing the exact amount of catch that has occurred on a specific permit during the primary season. The potential exists for a permit owner to misrepresent how much catch remains on a particular permit tier when selling or leasing a sablefish endorsed permit.

The current regulations require that any person landing groundfish (permit owner and/or permit holder) keep a copy of all landing tickets accruing to the vessel during fishing operations to substantiate the catch to date for a particular permit. The regulations require the transferor to certify on a transfer form the cumulative amount of sablefish landed on a subject permit during the primary sablefish fishing season if there is a change of vessel registration, permit owner or permit holder. Similarly, the transferee will be required to acknowledge the cumulative amount of sablefish landings stipulated on the form by the transferor by signing and dating the Section F of the transfer form.

NMFS requires this landing information primarily for enforcement purposes. This certification will assist enforcement agents in effectively monitoring catch amounts on a given permit at the point of transfer and establish a common understanding of the cumulative landed amount on the permit at the time of transfer, so that the transferee does not fish in excess of the remaining tier amount. Also, the mid-season transfer certification is intended to inhibit a transferor from misrepresenting the amount of catch remaining on a permit. Enforcement agents may conduct a post season audit of landing records to determine if a particular permit was overfished during the season. If it is found that a particular permit was overfished, the declarations by both parties are important in determining who is culpable for having committed a fishing violation. The certified landed amount listed in this transfer form is not made available to the public and is considered business confidential.

For all of the information collections (EFPs, LEPs, Sablefish) described in this statement, it is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See the response to Question 10 in this section 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.

**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**

**Exempted Fishing Permits (EFPs)**

There is no standard application form for EFPs. The initial application is made to the Council which provides guidelines on the types of information that must be submitted as part of the application (Pacific Fishery Management Council Operating Procedure – COP 19). Those vessel owners who will participate in an EFP project need to provide basic identifier information (vessel owner name and business address, phone number, vessel name and number) as per EFP regulations. Sponsors of an EFP project (states, non-profits) must provide expanded set of information that will allow the PFMC and NMFS to judge their application. Applicants may be required to provide revised applications to NMFS incorporating changes directed by the Council and/or NMFS. No improved information technology has been identified as a practical means for reducing the burden on the public. However, NMFS continues to investigate the possibility of using standardized electronic systems for a permit application.

**Limited Entry Permits (LEPs)**

The permit application forms and instructions have been condensed as much as possible to alleviate public burden while still obtaining the information needed to administer the program. The renewal forms are printed with current permit information and only require the permit owner to revise selected information as needed and sign/date the form. Since 2009, NMFS has provided an online LEP renewal on the NWR Web site ([https://nwr2.nmfs.noaa.gov/nwp\\_public\\_ss/home/index\\_pub\\_permits\\_ss.cfm](https://nwr2.nmfs.noaa.gov/nwp_public_ss/home/index_pub_permits_ss.cfm)) where permit owners can complete an online version of the renewal form and pay the renewal fee using the U.S. Department of Treasury's Pay.gov service. About 10% (~50) of our permit owners have used the online renewal system each year. At this time, many permit owners do not routinely use a computer which limits the level of efficiencies realized by online application processes.

A copy of the transfer application form can be obtained from the NWR Web site and is in a Portable Document Format (PDF) fillable format. The applicant will be required to mail in a hard copy application. Changes in permit owner, holder and vessel registration all involve a signed and dated self-certification and a notary signature and stamp to authenticate the identity of the individual signing the form. Further, permit transfer requests require that the individual return their current permit and frequently to provide other documentation depending on the nature of the requested action. An online transfer system would require the ability to submit scanned documents needed to review certain transfer actions.

We continue to consider an online portal to gather transfer and ownership interest information but for the immediate future, we will continue to require hard copy applications. The sablefish ownership interest form (not prefilled) is available on the NWR web site for those permit owners requesting a change in permit ownership or vessel registration. For the annual renewal process, we provide a prefilled ownership interest forms to permit/vessel owners. At this time,

ownership interest forms must be submitted as hard copy only and submitted separately. However, we are working to provide as part of the online renewal system their most recent ownership interest information and allow the permit owner to confirm that the information is correct. If correct as given, the system captures certification date. If changes are required, we would provide an online version of the form where the respondent can delete or add shareholders (including their business address and date of birth) as appropriate. One major complication is for those permit owners who lease their permit to a vessel owned by a business entity, the lessee would be required to provide an ownership interest form. This would require a separate mailing with a user identification and password to the vessel owner. The vessel owner would need to either certify the ownership information is correct as given or make changes online. This process introduces some complexities and inefficiencies.

The permit number and endorsements, names and business address of permit owners and vessel owners, vessel name and number and effective dates of the LEP are made available at the NMFS NWR web site (see url above).

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

The information collections described here are unique to the Pacific Coast. There are no other programs that involve this unique set of permit owners/holders and collect similar information. The PFMC developed and reviewed the limited entry program (including subsequent sablefish provisions and reviews EFP applications now every two years. The Council process requires staff to prepare analyses for the Council and the public for any new initiatives related to limited entry permit program and consider any issues related to reporting burdens. Similarly, Council members conduct a review of EFP applications and duplication issues are considered as part of such reviews. In each instance, the process allows for public review and comment. Similarly, NMFS publishes a notice of its intent to issue EFPs. These processes assist with identifying other collections that may be gathering the same or similar information. No duplication has been identified.

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

The majority of the EFP applicants and LEP permit owners and vessel owners are independent fishermen who are owner/operators of their vessel or are members of family-owned businesses or members of small partnerships. As such, they are considered to be a small business. The burden will be the same for all businesses, regardless of size, and NMFS will collect information that is essential in determining eligibility for an LEP or EFP, the renewal or transfer of a permit, ownership interest, or satisfy other regulatory requirements. As part of this revised/renewed information collection, we have added a question to the renewal form, requesting that all LEP permit owners (which may be different from vessel owners) indicate whether they are a small business as defined by SBA.

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

### **Exempted Fishing Permits (EFPs)**



A permit application is required to obtain EFP. The Council has recently changed the interval for submission of applications to once every 2 years because most projects are 2 years in duration and the allocations of groundfish are on a set biennial basis. Because an EFP authorizes activities that otherwise would be illegal, review and issuance assure that the experiment is designed appropriately to achieve its purposes and to allow law enforcement agents and management staff to monitor EFP fishing activities. Also, an application helps state and Federal officials to consider emerging changes in the fishery, account for EFP landings and their impacts on the overall fishery and to closely monitor scheduled activities. A longer permit period could allow prohibited activities to take place beyond the time needed to evaluate the activity. If various EFP reports are not provided various intervals (bi-weekly, monthly, etc) NMFS staff will not be able to effectively track impacts of EFP fishing on the fishery, evaluate interim progress and judge the overall success or failure of concluded EFP projects.

### **Limited Entry Permits (LEPs)**

If the collection of permit transfer information is not conducted, NMFS will be unable to limit fishing effort in the groundfish fishery, which is critical to the conservation and management of the groundfish resource. Current permit owner/vessel owner and vessel registration information is important in enforcing management regulations and providing various analysts with high quality permit data. Moreover, the transfer information is essential for NMFS to determine whether the request complies with transfer regulations and to accurately revise permit registrations and track permit registrations. The transfer process must be completed first to allow for the completion of a private sale or lease transaction (funds are held in escrow until NMFS approves the transfer). The annual renewal information collection is necessary to confirm current permit information is correct or to revise it as necessary. If renewals were conducted less frequently, the permit data may not be accurate, as many permit owners do not update their contact information at the time of change. If NMFS has outdated contact information, it would hinder NMFS' ability to efficiently contact permit and vessel owners.

If NMFS does not collect data on individuals who have ownership interests in entities that either own or hold a sablefish LEP, it will not be able to enforce compliance of the limits on the number sablefish endorsed permits owned or held by an individual or to detect changes in grandfathered entities who are allowed to own a sablefish permit. . Individuals that have ownership interests in corporations and partnerships are subject to limits on the total number of permits one can own or hold in an attempt to prevent a small number of individuals controlling a disproportionate share of the fishery. If such collections were done less frequently, the NMFS could not as effectively monitor changes in corporate/partnership membership or accurately monitor the number of permits owned by an individual. Given that changes in business relations occur frequently and continuously, it is necessary to collect this information no less than annually.

For a mid-season transfer of sablefish endorsed LEP, if NMFS does not require the existing permit owner and new permit owner or holder to certify the amount of sablefish landed to date on the permit, there is potential to overfish the tier limit amount on the permit. This would create difficulties for enforcement agents in determining who is accountable for a possible fishing violation. If multiple vessels were able to overfish their tier limits, the cumulative overages could jeopardize the health of the sablefish stock and result in closing the fishing season prematurely. If NMFS does not collect medical information in support of an exemption

request from the owner on board requirement, it would not have the needed information to determine whether to approve or disapprove the request. If a response to the small business question was not required, the agency would not have needed information to carry out Regulatory Flexibility Act analyses associated with various rule makings.

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

**Exempted Fishing Permits**

Summary data reports may be required more often than quarterly. The frequency is necessary in summary and data reports to keep track of the catch to date compared to the project allocation of fish.

**Limited Entry Permits (LEPs) and Sablefish Permit Stacking**

None.

**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 published January 29, 2013 (78 FR 6071) solicited public comment; none was received.

**Exempted Fishing Permits (EFPs)**

NMFS staff provides to potential applicants for an EFP the basic information (per the regulation) needed to make a determination on whether to approve an EFP application and to issue an EFP. NMFS has regular contact with EFP applicants to discuss their applications and to review the nature of the data to be provided, the frequency and format. Because the nature of the EFP activities vary greatly and involve different states, there is need to consult with applicants and others to determine what data is required, at what intervals and in what formats and to consider what constraints may prevent providing this data. Applicants frequently suggest various approaches to the data collection however; NMFS staff will make the final determinations regarding the required data in order to develop appropriate terms and conditions.

**Limited Entry Permits (LEPs)**

The groundfish limited entry program, including the sablefish stacking provisions and its associated information needs were developed by the Council in close coordination with the fishing industry, NMFS, and the States of Washington, Oregon, and California. Public comment was received at Council meetings on various aspects of the limited entry program (including sablefish provisions). On an ongoing basis, staff communicates with permit owners and vessel

owners and provides instruction on how to properly complete a transfer form and ownership interest form. We have also incorporated many suggested changes. Specifically, until recently NMFS required a recent marine survey for any vessel being registered to a permit. The regulations provide that a vessel must have length that approximately matches the size endorsement on the permit. Based on vessel owner feedback, NMFS now allows vessel owners (or another individual such as a boat builder) to submit a letter attesting to the length of the vessel instead of filing a recent marine survey. Many communities do not have a resident marine surveyor and vessel owners noted to NMFS that the cost to have a marine surveyor to travel to their town to do the measurement was prohibitive.

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

Not Applicable.

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

As stated on the applicable forms, some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax and email information, TIN and DOB are not released to the public. Similarly, the shareholder names associated with a business entity that owns a sablefish permit or has a vessel registered to a sablefish endorsed permit are confidential, as are any medical records provided to obtain an exemption from the owner on board requirement.

The information collected is part of a Privacy Act System of Records (SORN), COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065). A revised SORN is under review at the Department of Commerce.

**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.**

Not Applicable.

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

**Table A – Total NWR Federal Fisheries Permit Renewal Annual Burden Hours**

	No. of Respondents	Total No. of Responses Per Year	Average Time per Response	Total Time (hours)
LEP Renewal	286	397	20 minutes	133 hours
LEP Transfer	150	150	30 minutes	75 hours
Ownership Interest for Sablefish	50	50	10 minutes	8 hours

Endorsed LEP – as part of renewal				
Ownership Interest for Sablefish Endorsed LEPS – as part of transfer	40	40	10 minutes	7 hours
EFP Application, Data, Notification and Report Submissions	25	85	See Table A(1)	760 hours
<b>TOTAL</b>	<b>*536</b>	<b>722</b>		<b>983 hours</b>

Note: \*This number represents the number of unique respondents for each specific form or individual information collection.

The total number of hours represents an increase over the prior collection. The EFP application, data, notification and report submission account for most of the increase time burden for the overall collection.

*Detailed break-out of burden and related explanations follow:*

**Table A (1) - Annual Burden Hours - EFPs**

<b>Exempted Fishing Permit (EFP)</b>	<b>No. of Respondents</b>	<b>Total Annual Responses</b>	<b>Average Time per Response</b>	<b>Total Time (hours)</b>
EFP Proposal	10	10	32 hours	320 hours
Harvest Plan	5	5	16 hours	80 hours
Data Reports*	5	60	2 hours	120 hours
Summary Reports	5	10	24 hours	240 hours
<b>Total EFP</b>	<b>25</b>	<b>85</b>		<b>760 hours</b>

\* Reports may be required bi-weekly, monthly or semi-annually

The estimated number of respondents and annual responses relate to 4 specific activities: 1) 10 individuals or organizations are each expected to complete and submit one exempted fishing permit project proposal annually for review by the PFMC and NMFS. The application process is estimated to take 32 hours per application for a total of 320 burden hours per year. 2) 5 EFP holders are required to prepare one harvest plan or catch monitor plan each year which provides more detail on specific requirements to carry out EFP activities and to comply with the terms and conditions. One preseason plan will be required from each of the 5 EFP permit holders and it is estimated that such plans will take 16 hours each to prepare for a total of 80 hours. 3) Data reports will be required to be submitted at various intervals after a landing/delivery. It is estimated that there will be approximately 60 responses at 2 hours per response for a total of 120 burden hours per year. 4) Summary reports are expected to be submitted twice each year by each of the 5 sponsors of EFP projects. They will prepare interim and final reports describing EFP project activities and results.

The annual costs associated with the burden hours for the respondents are as follows:

Proposal Preparation: 320 hours x \$38.99 per hour = \$12,477  
Harvest Plan Preparation: 80 hours x \$38.99 per hour = \$3,197  
Data Report Preparation: 120 hours x \$38.99 per hour = \$4,679  
Summary Report Preparation: 240 hours x \$38.99 per hour = \$9,358  
**Total: \$29,711**

The \$38.99 per hour figure is an estimate from the West Coast Limited Entry Trawl Groundfish Cost Earnings Survey (NOAA Technical Memorandum NMFS-NWFSC-107, September 2010),

as a proxy for respondent annual income. The previously approved collection included an estimate of \$17.02 estimate from the U.S. Census Bureau’s Non-employer Statistics, 2001.

**Table A (2) - Annual Burden Hours for LEPs –Renewals/Transfers**

Groundfish Limited Entry Permit	No. of Respondents	Total No. of Responses Per Year	Average Time per Response	Total Time (hours)
LEP Renewal	286	397	20 minutes	133 hours*
LEP Transfer	150	150	30 minutes	75 hours
Ownership Interest Forms for Sablefish Endorsed LEP – as part of renewal	50	50	10 minutes	8 hours
Ownership Interest for Sablefish Endorsed LEPs – as part of transfer	40	40	10 minutes	7 hours
<b>TOTAL*</b>	<b>526</b>	<b>637</b>		<b>223 hours</b>

Note: These are unique respondents for each individual form completed.

\*Rounded down to 982 in ROCIS.

The annual costs associated with the burden hours for the respondents are as follows:

LEP Renewal Form: 133 hours x \$38.99 per hour = \$5,186

LEP Transfer Form Preparation: 75 hours x \$38.99 per hour = \$2,924

Ownership Interest Form Preparation: 15 hours x \$38.99 per/hr = \$585

**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 Question12 above).**

**Table B – Total Estimated Costs of Annual Cost Burden to Respondents**

Info Collection	Estimated Cost Amount
LEP	\$56,247
EFP	-0-
<b>Total</b>	<b>\$56,247</b>

**Table B (1) - Estimated Annual Cost Burden for LEP Respondents**

COST ITEM	Cost
<b>Renewal:</b>	
Processing Fee \$135 x 397 permits	\$53,595
Notary: Ownership interest forms; \$10 x 50 forms	\$500
Mail: \$0.46 x 397 permits	\$183
<b>Transfer:</b>	
Processing Fee	\$0

Notary: Ownership Interest Forms: \$10 per x 40 forms	\$400
Notary: \$10 x 150 permit transfer forms	\$1,500
Mail: \$0.46 x 150 permit transfers	\$69
<b>TOTAL COST TO RESPONDENTS (Permit Owners)</b>	<b>\$56,247</b>

Note: \*Ownership interest forms are required as part of renewal and typically mailed to NMFS with the completed renewal and transfer forms.

### **Cost Burden for EFP Respondents**

The annual cost burden for EFPs is \$40 (postage only). Applicants are required to mail in original applications and holders are required to mail in signed copies of their permits. All reports are typically sent as email attachments.

**Total cost for LEPs and EFPs and related documents: \$56,287.**

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

**EFP:** The cost to NMFS is incurred through the review, processing and issuance of EFPs. The estimated cost to the government is about \$12,281.

10 EFP applications x 1 hour per permit x \$25.00/hr. (GS-7/step 5 salary) = \$ 250 (clerk time to print/copy/scan/mail/file applications and EFP documents)  
5 EFP Projects x 80 hours per x \$30 per hour (GS-9/step 5 equivalent salary) = \$12,000 (costs to review applications and reports/prepare EFP terms and conditions/follow-with EFP holders)  
5 EFP mailings at \$ 6.10 per mailing = \$31

**LEP:** Most of the LEP administrative costs incurred by NMFS are from staff time, overhead, supplies, and mailing costs associated with permit renewal and transfer processing activities. Estimated annual costs for processing limited entry permit renewal forms and payments are approximately \$53,595 as determined from the most recent renewal processing fee amount given above in Table B. The cost of renewal activities is reimbursed by a permit processing fee paid by the permit owner. There is no processing fee currently required for the transfer of permits.

The annualized cost to the Federal government to process transfer requests is estimated to be:  
150 transfers x 1 hour per application x \$30 per hour (GS-9/ step 5 equivalent salary) = \$ 4,500.

The annualized costs to review and process ownership interest forms are estimated to be 90 ownership interest forms submitted x 10 minutes per application x \$25.00/hr = \$375. Mailings of 150 reissued permit x \$6.10 (certified mail) = \$915.

**Total government cost: \$12,281 + \$59,385 = \$71,666.**

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

Program Changes

Elimination of call-in notifications prior to a landing removed **2,400 responses, 80 hours and \$1,200.**

Previously, 40 of the 45 EFPs were issued to vessels and processors of whiting as a means of prosecuting the fishery and to collect information on a full retention fishery. Response time for participating vessel/processor EFPs was 20 minutes. Since the submission of the previous collection, NMFS has implemented a trawl catch shares program (OMB Control No. 0648-0619) which requires observers to be on all vessels and in the processing plants and observers account for fish caught/landed or discarded at sea. The requirement for an EFP for the whiting fishery for these purposes has been eliminated. This results in a net decrease of **40 permit applications, and based on the previous estimate of 20 minutes per application for this group, a decrease of 13 hours and \$18.**

**Total program changes: Decrease of 2,440 responses, 93 hours and \$1,218.**

### Adjustments

The annual burden hours for LEP transfers and renewals, including ownership interest forms, has increased from 185 hours to 223 hours. Most of the increase is due to an increase in the number of annual number of transfer requests, from 80 to 150 per year, with the **total increase being 88 responses and 38 hours.**

There has been an increase in the estimated regular EFP application time, from 8 to 32 hours. This increase in time to prepare an EFP application is not due to any change in procedures or program regulations, however, given our discussions with applicants we realize that we have underestimated the amount of time required prepare such documents. The nature of current EFP application is focused on experimental activities and requires a well-structured methodology and coordination with a number of participants (i.e. vessels), which requires greater time. For the previously estimated number of 5 applications, this is an increase of 120 hours. For the additional 5 estimated to be received, this adds a total of 160 hours. **Total increase: 5 responses and 280 hours.**

There were previously an estimated 20 harvest plans, and now 5 are expected (one per EFP). At 16 hours per plan, this results in a **decrease of 15 responses and 240 hours.**

EFP Data Reports were previously 1,560 responses x 43 minutes per response = 1,118 hours and the new time burden estimate for data reports is 60 responses x 2 hours per = 120 hours (12 reports for each of the 5 EFPs). The results in a **decrease of 1,500 responses and 998 hours.**

The estimated annual cost burden for LEP respondents is mainly due to an increase of the permit processing fees. The most recent fee calculation included increased NOAA overhead rates and incremental increase of staff time to process renewal applications. The renewal fee for LEPs in 2012 was \$135 per permit. This application fee was an increase from \$110 renewal fee given in the prior collection. The increase in the renewal fee is due a minor increase in staff time to process renewals and slight increases in NOAA overhead rates. The increased renewal fee amount accounts for most of the increase in the total annual cost burden to respondents (**an increase of \$9,705: from \$43,890 (\$110 x 399) to \$53,595 (\$135 x 397).**)

In addition, notary fees for ownership interest forms were incorrectly omitted from the 2009 extension, so an **increase of \$900** is shown. Other minor adjustments due to change in number of responses and increase in postage are a net increase of \$555.

**Total adjustments: Net decrease of 1,422 responses and 920 hours; net increase of \$11,160.**

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

There are no plans to tabulate and publish the data. The names of all registered vessels, permit owners and holders are routinely made available on our web site. Mid-season landing information provided as of a sablefish transfer is considered confidential.

**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.

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

This collection does not employ statistical methods.