

**SUPPORTING STATEMENT  
SOUTHWEST REGION PERMIT FAMILY OF FORMS  
OMB CONTROL NO. 0648-0204**

**A. JUSTIFICATION**

This request is for extension of a current information collection.

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

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Pacific Council), to develop fishery management plans (FMP) for fisheries in the United States (U.S.) exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Marine Fisheries Service (NMFS) and the United States Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMPs are intended to regulate fishing for stocks to prevent overfishing and achieve the optimum yield from the fisheries for the benefit of the U.S.

The Pacific Council has prepared FMPs for: 1) the coastal pelagic species (CPS) fishery off the U.S. West Coast and 2) U.S. West Coast Fisheries for Highly Migratory Species. Each of these FMPs created permit programs which are administered by the Southwest Region, NMFS. Both permits are valid for a two-year term.

There are three types of permits: basic fishery permits (e.g., highly migratory species (HMS)), limited entry permits for selected fisheries (e.g., West Coast coastal pelagic fishery), and experimental fishing permits (EFP). Basic permits are used in all fisheries where there are no specific limitations or eligibility criteria for entry to the fishery. Limited access/entry permits are used to prevent overcapitalization or address other management goals in the fishery. EFPs are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. A specific form for an EFP application is not required; however, an application for an EFP must provide a narrative description of the proposed activity to fully document the intended operations. This documentation allows NMFS, the Pacific Council and affected state/territorial fishery agency to evaluate the consequences of the experimental fishing activity and weigh the benefits and costs. EFPs allow innovation that may relieve excessive fishing effort or discover new methods that may resolve existing technological barriers to better management of the fishery and resource. There are provisions for transfers among owners and for appeals of actions of certain limited entry permits such as the coastal pelagic species limited entry permits. There are provisions in the permit process for appeals of permit denials.

General permit requirements are found in 50 CFR 660.1-3 (Subpart A) with the specific requirements contained in relevant sections of 50 CFR 660 (Subpart I and Subpart K).

Permits and the information obtained through permit applications are essential in the management of these fisheries. They serve to identify actual or potential participants in the various fisheries. These data are needed to help measure the impacts of management controls on the participants in the fisheries. Permits are also effective tools in the enforcement of other

fishery regulations. The threat of permit sanctions that would exclude a vessel from the fishery may be more effective than fines for violations of specific fishery regulations. Further, transferable limited access/entry permits may have a resale value and may be an asset that the government can seize in settlement of penalties for fishery violations.

Permits also provide an important link between the NMFS and fishermen via the permit application process. They make it easier for NMFS staff to contact fishermen and advise them of changes in the regulations or fishery conditions and give fishermen a direct point of contact in case they have questions or issues they want to bring to the attention of NMFS or a fishery management council.

Section 303 (b) (1) of the Magnuson-Stevens Act specifically authorizes the establishment of permit requirements. Almost all international, federal, state, and local fishery management authority uses permits as part of their management systems.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The information requested on the NMFS Southwest Region federal fisheries permit application forms by the Southwest Region is utilized to determine whether the applicant meets the eligibility criteria for a permit for the fishery the applicant intends to participate in. The data may also be used by several offices of NMFS, USCG, and state and territorial fishery - management, research, and enforcement agencies. As requested, summaries of permit application information are provided to the Western Pacific and Pacific Councils, member states, and interested parties to describe the characteristics of the fishery and estimate the nature and magnitude of the impacts of fishery regulations on different permit holders. Information on the vessel (as provided in documentation or registration certificates) is used to ascertain actual or potential participants in different sectors of each fishery and the amount of harvesting pressure they might exert on the fishery. This is important in determining the potential effectiveness and impacts of different management approaches and in assessing the capacity of the fleets in the fisheries.

The information collected is basic data on applicants, such as name of owner and vessel operator, name of vessel and its official number, address, telephone number, and radio call sign. Independently verifiable data on the vessel's USCG documentation or state registration certificates identify the legal ownership of the vessel being permitted. This latter requirement is essential for imposing permit sanctions, which are an effective fisheries enforcement tool. Since many vessels may be owned by partnerships or corporations, identification of ownership on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. By having addresses, NMFS can mail fishery information to vessel owners and operators; also permit renewal forms are sent to permit holders quickly and easily. Telephone numbers (business, home, facsimile) are used to assist NMFS in processing the application by allowing questions to be resolved more quickly than by correspondence.

Disclosure of the Employer Identification Numbers of the corporate applicants is mandatory in accordance with the Debt Collection Improvement Act (31 U.S.C. 7701), which requires that agencies obtain taxpayer identification numbers from persons applying for Federal permits. Vessel owner or his or her agent's signature is required as legally binding actions, which ensure eligibility to receive or transfer a permit under specific FMP regulations. False statements without the signature of the applicant would be difficult to prosecute.

Appeals of permit denials must be accompanied by documentation from the appellant to demonstrate why the permit should have been granted. This could include fishing logs, invoices from fish sales, State landings records, auction house receipts, financial transaction records relative to vessel ownership, or other records to demonstrate that the appellant had met the eligibility criteria for the particular fishery.

The implementing regulations of Amendment 10 to the CPS FMP revised criteria and provisions to allow limited entry permits to be transferred to permit owners or associated vessels. A permit may be transferred only once during a calendar year. Information obtained from transfer and renewal applications allows NMFS to determine eligibility and status of each vessel and permit and overall fishery capacity goals. The coastal pelagic species permit collection is necessary for NMFS to administer and monitor the limited entry program for the fishery. Vessels authorized to fish in a restricted U.S. West Coast fishery need to be distinguished from unauthorized vessels with regard to assessing economic impacts and enforcement at sea.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**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.**

The Southwest Region's (SWR) Website at <http://swr.nmfs.noaa.gov/permits.htm> is used to inform the public about the SWR permit programs and provides a means by which the application forms for the Pacific HMS and coastal pelagic species limited entry permits may be obtained. In April 2013, a public interface option became available through the National Permits System (NPS) website at <https://fisheriespermits.noaa.gov> to allow SWR permit applicants to apply for Pacific HMS permits via the internet. EFP applications have no forms associated with them. These applications are relatively rare events and cannot be predicted in advance.

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

One Federal program that provides some similar information is the vessel documentation program of the U.S. Coast Guard. The permit process incorporates verification of the current USCG Certificate of Documentation data on file for vessels to determine information about the

vessels and their ownership. This is achieved via a NMFS internet site that reflects quarterly updates from USCG data sources. Similar verification is occasionally conducted via state vessel registration contacts. The permit application form no longer contains a requirement to provide duplicate information.

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

All of the vessels in the Pacific coastal pelagic fishery are small business entities of similar size and are affected comparably. All fishing operations involving vessels in the highly migratory fisheries, except the large scale tuna purse seine vessels, can be categorized as small businesses. However, the reporting burden of applying for a permit is slight relative to the overall cost of fishing. No special measures are needed to accommodate different sized businesses. Only the minimum data to meet the permit program objectives are requested from the permit applications.

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

If permit data are not available or are collected less frequently, NMFS will have difficulty monitoring the fishery, determining entry and exit patterns, and providing information needed to ensure full impact analysis from the regulatory programs. NMFS Enforcement will be unable to assure the identity of current permit holders for purposes of compliance monitoring and enforcement of the regulations. There will be less frequent contact with fishermen and our ability to contact permit holders to consult them prior to adopting new regulations and to advise them of regulatory changes will diminish. Our ability to process transfers of marketable permits under the current CPS limited access permit programs will be compromised.

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

The collection is consistent with the OMB Guidelines.

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

A Federal Register Notice published on April 2, 2013 (78 FR 19649) solicited public comment on this collection; none was received.

Efforts to consult with persons outside the agency included surveying members of the Pacific Council HMS Industry Advisory Subpanel, some CPS permit holders and recent HMS permit applicants. A total of 42 people was surveyed with 8 responses received. The questions asked were, for the applicable forms:

- Were the directions easy to understand?
- Do you understand how the data is used?
- Is \_\_\_ minutes a reasonable time to complete the permit application when additional information has not been requested?

All responses indicated that the directions were easy to understand. The online option was viewed very favorably with all respondents indicating that the directions were clear. One respondent noted that they did not know how the data was used other than to identify them and their vessel as a permit holder, which is in fact the primary purpose of the data collection. For online applications, NMFS was able to verify the average online renewal application time to be less than 15 minutes. We received no feedback on the respondents' time needed for paper applications.

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

No payments or gifts are involved in this program.

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

As stated on the forms: under the Magnuson-Stevens Act and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. This includes confidential information submitted with a permit application. Personal and proprietary information is not released to the public.

**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.**

It is estimated that 90 percent of **HMS permit holders** (1,526 of 1,695 current valid permit holders) renew their permits every 2 years with minimal changes in information, taking 6 minutes per year. Thus, 1,526 vessels will renew with a burden of 153 hours, or an annualized burden of 77 hours (763 responses). Permit renewals are staggered, with only half of current permit holders expected to renew in a given year. In addition, there will be substitution vessels for the 10 percent (170 vessels) which depart the fishery, at a burden of 30 minutes for a new permit, with a total burden estimated at 85 hours. The annualized burden for this sector is 42 hours per year (85 responses). **Thus, the total annualized burden is 119 hours (77 + 42). Total annualized responses are 848.**

For the **West Coast Coastal Pelagic** fishery permits, there will be no new permits issued, only biannual renewals. It is estimated that there will be 65 respondents renewing x 15 minutes,

equaling 16 hours. The annualized burden for this sector would be 8 hours (33 responses). Transfers are estimated at 7 respondents/responses x 30 minutes/response = 3 hours, 30 minutes (4 hours) (annualized to 2 hours, 4 responses). Appeals are estimated at 5 respondents x 2 hours/response = 10 hours (annualized to 5 hours; 3 responses). **Thus, the total annualized burden is 15 hours (8 + 2 + 5). Total annualized responses are 40.**

For EFPs, it is estimated that there will be one new permit issued each year x 60 minutes to complete. **Thus, the total annualized burden hours would be 1 hour and 1 response per year.**

**The total number of unique respondents will be 1,761 over two years. The total annualized responses will be 889 (40 CPS + 848 HMS + 1 EFP). The total annualized burden hours will be 135.**

The estimated total annual labor cost to respondents is estimated at \$2,693 per year. This was derived by multiplying the number of hours of burden each year times an hourly cost rate of \$20, the estimated total cost for administrative staff support in an office setting.

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

There is no "start-up" capital cost for complying with these requirements. Eighty percent of HMS applicants (678 applicants) and 33 CPS applicants are expected to mail in permit applications. The annual cost to the respondents for postage, faxes, copies, etc. related to this collection for mail-in permit applications is estimated at \$654.12 (approximately \$0.92 per response). With the implementation of NPS, approximately 20% of HMS permit applicants (170 applicants) are expected to use the online permit application option. The online permit application process eliminated cost from stamps and envelopes and the remaining cost will be for copies of HMS permits (approximately \$0.10 per person) and is estimated to be \$17. The total cost to HMS and CPS applicants for applications is estimated at \$671.12.

A total of 848 Pacific HMS permit applications (763 renewals and 85 new applications) are expected per year. At \$30 per application fee, this will add \$25,440.

For the one EFP permit, adding \$1 for mailing brings the **total to \$26,112.**

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

The estimated annualized cost to the government is estimated at \$16,616.64. This is based on the approximate cost of a GS-7/8 Permits Technician in the Los Angeles Area for sending out permit renewal notices, reviewing application, responding to inquiries, awarding the permit and processing the data. The breakdown is as follows:

Mail-in HMS and CPS permit applications:

1.10 hrs x 711 responses = 782.1 (782) hrs x \$19.23 per hr = \$15,039.78

Online permit applications:

29 minutes x 170 responses 82.17 (82) hrs x \$19.23 per hr = \$1,576.86

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

**Adjustments:**

Annual HMS permit responses have remained about the same, with only a slight decrease of 34 permits, with other response categories remaining the same. There is an associated decrease in burden of 4 hours.

Due to fewer responses, but mainly due to the anticipated use of the online permit application through NPS (approved under a 2012 change request), the reporting/recordkeeping cost has decreased by \$1,192.

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

No publications based solely on permit data are planned at this time.

**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.**

The expiration dates will be shown on the application forms.

**18. Explain each exception to the certification statement.**

There are no exceptions.

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

This collection does not employ statistical methods.