

**SUPPORTING STATEMENT
SOUTHEAST REGION AQUACULTURE PROGRAM
OMB CONTROL NO. 0648-xxxx**

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) authorizes the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) manages aquaculture operations in federal waters of the Gulf of Mexico under the Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (Aquaculture FMP). This Aquaculture FMP proposes to implement an offshore aquaculture program in the Gulf of Mexico in conjunction with a proposed rule, RIN 0648-AS65.

This request is for a new collection of information.

A. JUSTIFICATION

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

Aquaculture in federal waters is considered "fishing" under the MSFCMA. Fishing includes activities and operations related to the taking, catching, or harvesting of fish (Sec 3 (16) of the MSFCMA). Any FMP prepared by the Council, or by the Secretary, must include provisions specified in Sec 303(a) of the MSFCMA. Additionally, numerous discretionary provisions may be prescribed, including measures, requirements, or conditions and restrictions determined to be necessary and appropriate for the conservation and management of a fishery (Sec. 303(b)(14) of the MSFCMA). While current regulations authorize NOAA Fisheries to grant Exempted Fishing Permits (EFPs) for aquaculture in federal waters, such permits are of limited duration and are not intended for the large-scale production of fish. As a result, commercial aquaculture in federal waters is not viable under the current permitting process. A FMP must therefore be developed to authorize the development of commercial aquaculture operations if aquaculture is to become a viable industry in federal waters.

Several years ago, Congress considered national legislation that would have authorized and established a regulatory framework for offshore aquaculture in federal waters. The most recent version of the bill, titled the "National Offshore Aquaculture Act of 2007" (posted as a supplementary document), would exempt aquaculture from the MSFCMA definition of "fishing." The bill would also provide regional fishery management councils a consultative role in the development of an offshore aquaculture industry and would not override other existing laws and regulations intended to conserve and manage wild fish stocks. Although Congress did not act on the proposed legislation, it is possible that similar legislation will be enacted in the future.

The purpose of the Aquaculture FMP is to maximize benefits to the Nation by establishing a regional permitting process to manage the development of an environmentally sound and economically sustainable aquaculture industry in federal waters of the Gulf. The Council

initiated this action to provide a programmatic approach to evaluating the impacts of aquaculture proposals in federal waters of the Gulf. This action was also initiated to provide a comprehensive framework for regulating such activities. The Aquaculture FMP and associated Programmatic Environmental Impact Statement (PEIS) are intended to improve the regulatory process for authorizing current and future offshore aquaculture proposals by providing the Council and NOAA Fisheries the information required to review and authorize offshore aquaculture operations.

The primary goal of the Council's proposed aquaculture permitting program is to increase the maximum sustainable yield (MSY) and optimum yield (OY) of federal fisheries in the Gulf by supplementing the harvest of wild caught species with cultured product. The objectives of the Aquaculture FMP are:

1. Provide for the development of environmentally sound and economically sustainable aquaculture fishery to increase the potential yields of the fishery, consistent with the goals and objectives of the MSFCMA;
2. To achieve optimum yield, while not adversely affecting wild stocks, protected resources, and essential fish habitat;
3. To conserve and protect essential fish habitat through proper aquaculture facility siting;
4. To obtain necessary data and information for issuing aquaculture permits and monitoring potential impacts of aquaculture operations;
5. To minimize user conflicts among aquaculture permit operations, commercial fishermen, and recreational anglers;
6. To prevent or mitigate to the extent practicable adverse impacts to wild stocks, protected resources, and essential fish habitat resulting from aquaculture activities;
7. To reduce the nation's dependence on imports by supplementing the harvest of domestic fisheries with cultured products to meet growing United States (U.S.) consumer demand; and,
8. To promote and facilitate effective enforcement of the aquaculture management program.

Supplementing the harvest of domestic fisheries with cultured product will help the U.S. meet consumers' growing demand for seafood and may reduce the nation's dependence on seafood imports. Currently, the U.S. imports over 90 percent of the seafood consumed in the country, and the annual U.S. seafood trade deficit is at an all time high of over \$11 billion. One half of imported seafood products are produced by aquaculture operations. This worldwide trend toward aquaculture production is expected to continue in response to consumers' continued demand for safe, healthy seafood.

The primary goal of federal fishery management, as described in National Standard 1 of the MSFCMA, is to conserve and manage U.S. fisheries to "...prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." OY is defined as the amount of fish that provides the greatest net benefits to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems. While economic and social factors are to be considered in defining the OY of each fishery, OY may not exceed MSY, or the maximum amount of fish that can be removed without impairing the fishery's ability to replace removals through natural growth or replenishment. OY must prevent overfishing and, in the case of an

overfished fishery, must provide for rebuilding stock biomass to a level consistent with that which would produce MSY.

The MSY of each Council-managed fishery is currently limited by the fishery's biological potential. However, establishing an aquaculture fishery would increase total yield above and beyond that which can be produced solely from wild stocks. Increasing the seafood production potential of these fisheries will increase their contributions to local, regional, and national, economies, and their capacity to meet the Nation's nutritional needs.

The environmental permitting, reporting and siting conditions associated with the proposed aquaculture program are consistent with the Council's policy to encourage environmentally responsible marine aquaculture. These conditions are intended to ensure the operations of all offshore aquaculture facilities permitted in the Gulf are consistent with the MSFCMA National Standard (Section 6.12) and do not compromise Council objectives for wild fisheries. Council objectives for wild fisheries include, but are not limited to:

1. Stabilize or sustain wild stocks over the long term (Spiny Lobster FMP (1982), Coastal Migratory Pelagics FMP (1983), Red Drum FMP Amendment 1 (1987), Reef Fish FMP Amendment 1 (1990);
2. Rebuild overfished stocks (Reef Fish FMP (1984);
3. Conserve and protect fish habitat (Reef Fish FMP (1984), Red Drum FMP Amendment 1 (1987);
4. Minimize impacts on protected species, consistent with the requirements of the Endangered Species Act and Marine Mammal Protection Act (Shrimp FMP (1981); and,
5. Minimize user conflicts (Stone Crab FMP (1979), Spiny Lobster FMP (1982), Coastal Migratory Pelagics FMP Amendment 1 (1985), Reef Fish FMP Amendment 1 (1990).

These conditions will assist the Council in promoting the development of a robust commercial aquaculture fishery in the Gulf, without threatening the long-term sustainability or viability of wild fisheries or their contributions to the local, regional, and national economies.

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 administrative functions associated with the aquaculture program (e.g., registration and account setup, landing transactions and most reporting requirements) are intended to be accomplished online via the aquaculture website; therefore, a participant must have access to a computer and Internet access and must set up an appropriate online aquaculture account to participate. Assistance with online functions will be available from Customer Service by calling Monday through Friday between 8 a.m. and 4:30 p.m. eastern time. If some online reporting functions are not available at the time of initial implementation of the aquaculture program, participants may comply by submitting the required information via email to the NOAA Fisheries Southeast Region using the appropriate forms that are available on the website. Once online functions are available, participants must comply by using the online system unless alternative methods are specified.

Operators of aquaculture facilities would be required to submit all information described below to NOAA Fisheries. Currently, all submissions would be via email or standard mail, unless otherwise noted. NOAA Fisheries will examine all reports and monitoring of aquaculture operations. Operators must follow monitoring and reporting procedures consistent with NOAA Fisheries guidelines that will be available on the aquaculture website (Uniform Resource Locator (URL) not yet available) and from the RA upon request. Operators must also comply with all applicable monitoring and reporting requirements specified in their valid Army Corps of Engineers (ACOE) under Section 10 for a permit and valid Environmental Protection Agency (EPA), National Pollutant Discharge Elimination System (NPDES) permit. Additionally, dealers who purchase aquaculture product from facilities would be required to submit information on those purchases.

Application and Renewal for Gulf Aquaculture Permit (mail) – Required information on the application/renewal form would include: business, applicant, and hatchery contact information, documentation of U.S. citizenship or resident alien status, a baseline environmental assessment of the proposed site, a description of the geographic location and dimensions of the aquaculture facility and site, a description of the equipment, allowable aquaculture systems, and methods to be used for grow-out, a list of species to be cultured and estimated production levels, a copy of an emergency disaster plan, and copies of currently valid Federal permits applicable to the proposed aquaculture operation.

Annual Report (mail or website) – The Operator’s annual report is designed to be a summary of all activities that have occurred in the previous calendar year.

Baseline Environmental Assessment (mail) – The permittee must submit a baseline environmental assessment of the proposed aquaculture site. The assessment must be conducted, and the data, analyses, and results must be summarized and presented, consistent with the guidelines specified by NMFS. NMFS' guidelines will include, but may not be limited to, methods and procedures for conducting diver and video surveys, measuring hydrographic conditions, collecting and analyzing benthic sediments and infauna, and measuring water quality characteristics. The guidelines will be available on the SERO Web site.

Certification for Broodstock and Juveniles (mail) – The permittee must certify that: 1) broodstock used to produce juveniles to stock into offshore aquaculture operations were originally harvested from U.S. waters of the Gulf of Mexico and have originated from the same population or sub-population of fish where the aquaculture facility is located or are progeny of such wild broodstock; 2) that all broodstock animals have been individually marked or tagged (e.g., via a Passive Integrated Transponder (PIT), coded wire, dart, or internal anchor tag) to allow for identification of those individuals used in spawning; 3) no transgenic or genetically modified organisms (GMOs) are used or possessed in the aquaculture facility and no transgenic or GMOs were used in the production of the juveniles or associated broodstock; and 4) fin clips or other genetic information have been submitted for each individual broodstock animal in accordance with procedures specified by NOAA Fisheries (available on the SERO Web site).

Request to Harvest Broodstock (website) - At least 30 days prior to each time a permittee or their designee intends to harvest broodstock from the EEZ or state waters, that would be used to produce juvenile fish for an aquaculture facility in the Gulf EEZ, submit a request from to the NOAA Fisheries Service RA, including the following information: the number of animals,

species, and size, the methods, gears, and vessels (including USCG documentation or state registration) to be used for capturing, holding, and transporting broodstock, the date and specific location of intended harvest, and the location to which broodstock will be delivered.

Broodstock Post-Harvest Report (website) – Operators must submit a report including the number and species of broodstock collected, their size (length and weight), and the geographic location where the broodstock were captured. The report must be submitted to the NOAA Fisheries Service RA no later than 15 days after the date of harvest.

Request to Transfer Gulf Aquaculture Permit (mail) - A Gulf Aquaculture Permit is transferable to an eligible person, i.e., a U.S. citizen or permanent resident alien. An eligible person who acquires an aquaculture facility that is currently permitted and who desires to conduct activities for which a permit is required may request that the Regional Administrator (RA) transfer the permit to him/her. Such a person must complete and submit to the RA a permit transfer request form that is available from the RA. A request for permit transfer must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers. The seller must sign the back of the permit, and have the signed transfer document notarized. A transfer is valid only for the duration of the permit being transferred.

Notification of Entanglement or Interaction (website) – Operators would be required to notify NOAA Fisheries Service within 24 hours of discovery of any entanglements or interactions with marine mammals, endangered species, or migratory birds occur. This reporting requirement for the operators will allow NOAA Fisheries to assess the severity of the problem and identify solutions for addressing and preventing future entanglements, or interactions.

Notification of Major Escapement Event (website) – Operators would be required to notify NOAA Fisheries of escapement episodes within 24 hours of the event. This reporting requirement for the operators will allow NOAA Fisheries to assess the severity of the problem and identify solutions for addressing and preventing future escapements.

Notification of Reportable Pathogen Episode (website) - Operators would be required to report pathogen episodes within 24 hours of discovery. Twenty-four hours is considered a reasonable time frame for response and will allow NOAA Fisheries and other agencies to more quickly and efficiently respond to these events.

Notification to Transport Cultured Juveniles to Offshore Systems (phone or website) - Operators would be required to notify NOAA Fisheries 72 hours in advance of transport, harvest, or landing of cultured organisms. A 72-hour notification window will aid enforcement and NOAA Fisheries staff and allow them the opportunity to be present at a facility or landing location when these events occur.

The following two requirements involve the harvest and sale of aquacultured product. First, an operator must provide the harvest and landing notification including the information listed below to NOAA Fisheries 72 hours before such activity begins. Once the aquacultured product is purchased by an authorized dealer, s/he must complete the Dealer Landing Transaction Report.

Harvest and Landing Notification (phone or website) – This is intended to create consistency in the process of reporting and to aid enforcement in conjunction with the notification requirements.

Operators would be required to notify NOAA Fisheries 72 hours in advance of harvest, transport, or landing of cultured organisms. A 72-hour notification window will aid enforcement and NOAA Fisheries staff and allow them the opportunity to be present at a facility or landing location when these events occur. Landings and transactions of cultured species harvested from allowable aquaculture systems in the Gulf EEZ would be tracked using an electronic reporting system developed by NOAA Fisheries. Transactions would be initiated by the Gulf aquaculture dealer. Aquaculture permit holders would verify landings transactions before reporting is complete. If aquaculture permit holders indicate an error occurred during completion of a landing transaction, NOAA Fisheries may require participants to complete a landing transaction correction form.

The electronic reporting process would also be used to collect and monitor landing transactions (i.e. when an aquaculture permit holder sells cultured species to a permitted dealer), including the following information:

- Date, time, and location of transaction;
- The actual ex-vessel value of cultured species sold;
- The weight of the catch sold by species; and,
- Information necessary to identify the fisherman, vessel, and dealer involved in the transaction.

Dealer Permit Application (mail) - Regulations at 50 CFR 622.101 require a Gulf aquaculture dealer permit to sell or attempt to sell an allowable aquaculture species cultured in the Gulf exclusive economic zone (EEZ). This will be addressed by having the dealer check the applicable box on the application in OMB Control No. 0648-0205, Southeast Region Permit Family of Forms.

Dealer Report for Landing and Sale (website) - A dealer who purchases fish from an aquaculture facility in the Gulf EEZ must complete a landing transaction report for each landing and sale of cultured fish via the aquaculture website at the time of the transaction in accordance with reporting form and instructions provided on the website. This report includes, but is not limited to, date, time, and location of transaction; information necessary to identify the Gulf Aquaculture Permit holder, vessel, and dealer involved in the transaction; quantity, in pounds whole weight, and estimated average weight of each species landed to the nearest tenth of a pound; and average price paid for cultured fish landed and sold by market category. After the dealer submits the report and the information has been verified, the website will send a transaction approval code to the dealer and the aquaculture permit holder.

Assurance Bond (mail or email) - An assurance bond sufficient to cover the costs of removal of all components of an aquaculture facility, including cultured organisms¹, is required for operators, to minimize environmental impacts in the case of unforeseen circumstances arising from the operation of such a facility. The assurance bond would also cover the costs of removing organisms with OIE (World Organization of Animal Health)-reportable pathogens, genetically modified organisms, and transgenic species if an operator does not remove these organisms upon order by NOAA Fisheries. The guidelines for the assurance bond will be available on the SERO Web site.

¹ The assurance bond would not be required to cover the costs of removing an oil and gas platform.

Contract with Aquatic Animal Health Expert (mail or email) – A certified aquatic animal health expert would be responsible for certifying juveniles as pathogen-free prior to stocking. Additionally, the animal health expert would be responsible for diagnosing pathogens if an outbreak occurs and reporting information about outbreaks to NOAA Fisheries. The aquatic animal health expert would have to be either a licensed doctor of veterinary medicine or certified by the American Fisheries Society, Fish Health Section, as a fish pathologist or fish health inspector. An operator must also provide a copy of the USDA/Animal and Plant Health Inspection Service (APHIS) VS 17-141 form (OMB Control No. 0579-0278) to NOAA Fisheries prior to stocking allowable species into offshore aquaculture systems. This form must have been signed by the expert with whom the operator has developed a contract, following collection and testing of tissue samples to ensure that fish are free from any OIE-reportable pathogens.

Emergency Disaster Plan (mail or email) - Requiring an emergency disaster plan from operators will help businesses prepare their operations in the event of a disaster, thereby reducing risks of impacting the physical and biological environment.

Fin Clip Samples (mail) - Operators would be required to obtain and submit broodstock fin clips, or other genetic material, to NOAA Fisheries Service. This requirement will allow for enforcement and monitoring in the event that genetic modification of cultured organisms is suspected. NOAA Fisheries Service personnel would be able to identify source broodstock using fin clips or other genetic material and compare it to the genetic make-up of offspring used for culture.

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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries decide to disseminate the information, it will be subject to the quality control measures and 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.

As stated above in the response to Question 2, once system implementation is completed, most information would be submitted via a web-based system, with email an option in the meantime and paper submission an option only in catastrophic circumstances.

The real-time capability of such an electronic process would be advantageous to aquaculture permit holders, NOAA Fisheries, and enforcement personnel.

The application must be mailed to the NOAA Fisheries Permit Office at 263 13th Avenue South, St. Petersburg, FL 33701 and documents related to it may be mailed or e-mailed.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances allow identification of other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NOAA Fisheries is confident it is aware of similar collections if they exist. It has also been determined that the other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NOAA Fisheries managers are requested from participants in the Aquaculture program.

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

NOAA Fisheries would be unable to manage the Aquaculture program if this collection were not conducted or were conducted less frequently. The approved participants would be unknown and harvest rates could not be determined, which may result in detrimental affects.

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

No special circumstances are associated with this information collection.

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.

The notice of availability of the Aquaculture FMP, and the proposed rule to implement the FMP (RIN 0648-AS65) will include a request for comments on this data collection.

Because these data collection programs are part of a fishery management plan, all aspects of the program have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from constituents are routinely submitted, reviewed, and considered. Experience with the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NOAA Fisheries on issues and

concerns to the applicants. The Aquaculture FMP did not raise an unusual amount of controversy during the Council development process. We believe that there are no major problems with the Aquaculture program that have not been resolved.

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

There are no payments or other remunerations to respondents.

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

All data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100, as stated on the applicable forms.

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.

All of the items below are one time, annualized, except for the annual report and the dealer permit.

Collection	Responsible Party	Number of Responses per Responsible Party	Burden Time	Responses	Total One-time/Annual Burden	Annual/Annualized Burden Time
Application for Gulf Aquaculture Permit	Operator (20)	1	3 hours	20	60 hours	20 hours
Annual Report	Operator (20)	1	10 minutes	20	200 minutes (3 hours, 20 minutes (3 hours)	3 hours
Baseline Environmental Assessment	Operator (20)	1	24 hours	20	480 hours	160 hours
Certification for Broodstock and Juveniles	Operator (20)	1	10 minutes	20	200 minutes (3 hours, 20 minutes)	1 hour
Request to Harvest Broodstock	Operator (20)	1	30 minutes	20	10 hours	3.33 (3) hours

Collection	Responsible Party	Number of Responses per Responsible Party	Burden Time	Responses	Total One-time/Annual Burden	Annual/Annualized Burden Time
Broodstock Post-Harvest Report	Operator (20)	1	30 minutes	20	10 hours	3.33 (3) hours
Request to Transfer Gulf Aquaculture Permit	Operator (20)	1	3 hours	20	60 hours	20 hours
Notification of Entanglement or Interaction	Operator (20)	1	30 minutes	20	10 hours	3.33 (3) hours
Notification of Major Escapement Event	Operator (20)	1	30 minutes	20	10 hours	3.33 (3) hours
Notification of Reportable Pathogen Episode	Operator (20)	1	30 minutes	20	10 hours	3.33 (3) hours
Notification to Transport Cultured Juveniles to Offshore Systems	Operator (20)	2	10 minutes	40	400 minutes (6 hours, 40 minutes)	133.33 minutes (2 hours)
Harvest and Landing Notification	Operator (20)	4	30 minutes	80	40 hours	13.33 (13) hours
Dealer Permit Application	Dealer (20)	1	30 minutes	20	10 hours	10 hours
Dealer Report for Landing and Sale	Dealer (20)	4	30 minutes	80	40 hours	13.33 (13) hours
Assurance Bond	Operator (20)	1	1 hour	20	20 hours	6.67 (7) hours
Contract with Aquatic Animal Health Expert <i>(no format, developed by the two parties)</i>	Operator (20)	1	1 hour	20	20 hours	6.67 (7) hours
Emergency Disaster Plan <i>(no format, developed individually by operator)</i>	Operator (20)	1	4 hours	20	80 hours	26.67 (27) hours

Collection	Responsible Party	Number of Responses per Responsible Party	Burden Time	Responses	Total One-time/Annual Burden	Annual/Annualized Burden Time
Fin Clip Samples (<i>no format, consists of collection and mailing of samples</i>)	Operator (20)	1	10 hours	20	200 hours	66.67 (67) hours
Broodstock Marking	Operator (20)	1	8 hours	20	160 hours	53.33 (53 hours)
TOTALS				213*		418

*520 annualized to 173, plus 40 annual

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).

Annual costs

Annual Report – Upon permit issuance, the operator will be required to submit an annual report and pay a \$1,000 annual fee by January 31st of each year to cover costs associated with review of the annual report, technical assistance, review and tracking of reports and other administrative functions.

Annual Site Inspection – Permittees must provide NOAA Fisheries employees and authorized officers access to an aquaculture facility to conduct inspections or sampling necessary to determine compliance with the applicable regulations relating to aquaculture in the Gulf EEZ. Expenses for each inspection may include: costs for diving surveys, data collection and analysis, report preparation, air travel costs, vessel chartering to facility site, meals and other incidental expenses. Estimated cost of each inspection will vary depending on the location and size of the operation. In conducting the inspections, NOAA Fisheries may enter into cooperative agreements with States, may delegate the inspection authority to any State, or may contract with any non-Federal Government entities. NOAA Fisheries may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party inspection results. The non-Federal Government third party may not be the same entity as the permittee.

Dealer permit (for dealers only) – Aquaculture dealers will use the form already approved under OMB Control No. 0648-0205 to apply for an aquaculture dealer permit. A request to modify the form will be submitted to reflect the addition of a check box for an Aquaculture Dealer Permit. The cost for each dealer permit would be a maximum of \$50. Dealer permits must be renewed on an annual basis.

\$1,000 per permittee (\$1,000 x maximum of 20 permits = \$20,000); not including cost for annual site inspection.

Dealer permits: \$50 x 20 = \$1,000.

Total: \$21,000

One-time costs

Application for Gulf Aquaculture Permit – The permit applicant will pay a one-time non-refundable fee of \$10,000 for a 10-year permit. This fee will cover costs of processing the permit application. **Annualized to \$3,333).**

Assurance bond – The amount of the assurance bond will vary according to the size and location of the facility as well as the type of aquaculture systems used and species being cultured. Until we have some historical information from this information collection, it would be extremely difficult to estimate the cost for such a bond. The ACOE also may require a performance bond for removal of aquaculture structures (at the discretion of the permitting official). If the ACOE bond is sufficient to cover the costs of removal of all components of the aquaculture facility and the cultured organisms, then a separate NOAA Fisheries bond may not be required.

Baseline environmental assessment – Permittees are required to submit a baseline environmental assessment of the proposed aquaculture site. The guidelines for this requirement will be developed in consultation with the ACOE, EPA, and other federal agencies having authority to regulate offshore aquaculture. Cost of conducting a baseline assessment will vary depending on the location and size of the proposed operation.

Fin Clip Samples – Permittees are required to obtain and submit broodstock fin clips, or other genetic material, to NOAA Fisheries. These samples must be received at least 30 days before juveniles are stocked into offshore cages. This requirement will allow for enforcement and monitoring in the event that genetic modification of cultured organisms is suspected. NOAA Fisheries personnel would be able to identify source broodstock using fin clips or other genetic material and compare it to the genetic make-up of offspring used for culture. Cost of mailing fin clip material will vary depending on the amount of material being shipped.

Broodstock Marking – Permittees must obtain and submit to NOAA Fisheries Service a signed certification from the owner(s) of the hatchery from which fingerlings or other juvenile organisms are obtained indicating broodstock have been individually marked or tagged (e.g., via a Passive Integrated Transponder (PIT), coded wire, dart, or internal anchor tag) to allow for identification of those individuals used in spawning. Cost of marking will vary depending on the type of tag and the number of broodstock used to produce juveniles for stocking in offshore systems.

Pinger/Location Device – Permittees must maintain a minimum of one properly functioning electronic locating device (e.g., GPS device, pinger with radio signal) on each allowable aquaculture system, i.e., net pen or cage, placed in the water at the aquaculture facility. Cost will vary anywhere from several hundred to several thousand dollars, depending on the type and size.

Marking Restricted Access Zone – Permittees must mark the restricted access zone with a floating device such as a buoy at each corner of the zone. Each floating device must clearly display the aquaculture facility's permit number and the words "RESTRICTED ACCESS" in block letters at least 6 inches in height and in a color that contrasts with the color of the floating

device. The restricted access zone corresponds to the coordinates on the permittees' Army Corps Section 10 permit for the facility. The marking requirement is in line with U.S. Coast Guard regulations which requires the marking of structures, sunken vessels, and other obstructions for the protection of maritime navigation (Title 33 C.F.R. 64).

Genetic Testing – It may be necessary to conduct genetic testing to determine that all broodstock (and progeny of such broodstock) were originally harvested from U.S. waters of the Gulf, were from the same population or sub-population where the facility is located, that juveniles stocked in cages are the progeny of wild broodstock, or other genetic testing necessary to carry out the requirements of the Aquaculture FMP. In conducting this testing, NOAA Fisheries may enter into cooperative agreements with States, may delegate the testing authority to any State, or may contract with any non-Federal Government entities. NOAA Fisheries may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party testing results. The non-Federal Government third party may not be the same entity as the permittee. Estimated costs for these tests range from \$32-\$35 per sample (\$33 average).

Total: \$3,333 per permittee (\$3,333 x maximum of 20 permits = \$66,660); not including costs for assurance bond, baseline environmental assessment, obtaining and mailing fin clip samples, broodstock marking, pinger/location device on each aquaculture system, marking the restricted access zone and genetic testing on broodstock and progeny.

Costs occurring every 5 years:

Renewal of Gulf Aquaculture Permit – After the initial 10 years has passed, the permittee will pay a non-refundable fee of \$5,000 for a 5-year renewal of the permit. This fee will cover costs of processing the permit application. **Annualized to \$1,666.**

Total annualized five-year costs: \$1,666 per permittee (\$1,666 x maximum of 20 permits = \$33,320.

Total known annual/annualized costs:

Annual costs: \$21,000

Application for Gulf Aquaculture Permit (10-year): \$66,660

Renewal of Gulf Aquaculture Permit (5-year): \$33,320

Total: \$120,980

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

Annual costs

Site Inspection – Permittees must provide NOAA Fisheries employees and authorized officers access to an aquaculture facility to conduct inspections or sampling necessary to determine compliance with the applicable regulations relating to aquaculture in the Gulf EEZ. Expenses

for each inspection may include: costs for diving surveys, data collection and analysis, report preparation, air travel costs, vessel chartering to facility site, meals and other incidental expenses. Estimated cost of each visit/inspection would vary depending on the location and size of the operation. In conducting the inspections, NOAA Fisheries may enter into cooperative agreements with States, may delegate the inspection authority to any State, or may contract with any non-Federal Government entities. NOAA Fisheries may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party inspection results. The non-Federal Government third party may not be the same entity as the permittee.

Total: Cost of site inspection will vary depending on location and size of the site.

One time costs

DNA verification – It may be necessary to conduct DNA verification testing on broodstock fin clips to ensure that the samples submitted are in the proper condition to allow for future testing (e.g., DNA not degraded). Estimated costs for DNA verification testing range from \$6-\$13 per sample (\$10 average).

Genetic Testing – It may be necessary to conduct genetic testing to determine that all broodstock (and progeny of such broodstock) were originally harvested from U.S. waters of the Gulf, were from the same population or sub-population where the facility is located, that juveniles stocked in cages are the progeny of wild broodstock, or other genetic testing necessary to carry out the requirements of the Aquaculture FMP. In conducting this testing, NOAA Fisheries may enter into cooperative agreements with States, may delegate the testing authority to any State, or may contract with any non-Federal Government entities. NOAA Fisheries may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party testing results. The non-Federal Government third party may not be the same entity as the permittee. Estimated costs for these tests range from \$32-\$35 per sample (\$33 average).

Genetic Marker Development – In cases where genetic markers do not already exist for a particular species, it may be necessary to develop genetic markers for allowable species cultured under the Gulf Aquaculture Permit. Estimated costs to develop genetic markers for a single species range from \$50,000-\$120,000. This cost does not include collection of genetic material necessary to develop the markers (e.g., fishing trips to collect genetic material from wild fish).

Total: Costs to the Agency will vary depending on the need to conduct testing, and the number of samples tested, as well as whether any genetic markers need to be developed for purposes of aquaculture.

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

This is a new collection of information.

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

The results from this collection are not planned for statistical publication.

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 OMB number will be displayed.

18. Explain each exception to the certification statement.

There are no exemptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.