

**SUPPORTING STATEMENT  
SOUTHEAST REGION PERMIT FAMILY OF FORMS  
OMB CONTROL NO. 0648-0205**

**A. JUSTIFICATION**

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

This is a resubmission of a revision, with the final rule, RIN 0648-BC12, of the existing reporting requirements that are currently approved under OMB Control No. 0648-0205, Southeast Region Permit Family of Forms. The Generic Dealer Amendment amends eight fishery management plans (FMPs) in the Gulf of Mexico and South Atlantic regions. The rule contains information collection requirements that revise OMB Control Nos. 0648-0205 and 0648-0013.

If implemented, this rule would modify the permitting and reporting requirements for seafood dealers who first receive species managed by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). These revisions would create a single dealer permit for dealers who first receive fish managed by the Councils, require both purchase and non-purchase reports to be submitted online on a weekly basis, prohibit dealers from first receiving fish from federally-permitted vessels if they are delinquent in submitting reports, and revise the sale and purchase provisions based on the new dealer permitting requirements. The intent of this rule is to obtain timelier purchase information from dealers to better monitor annual catch limits (ACLs) and achieve optimum yield in accordance with the requirements of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act).

The rule, RIN 0648-BC12, Generic Dealer Amendment, would revise OMB Control No. 0648-0205 by adding 700 new dealers who would be required to complete a Federal Permit Application for an Annual Dealer Permit and adding “doing business as” (DBA) names, email addresses, Southeast Regional Office (SERO) dealer numbers (if they have one already), removing the fishery-specific check boxes, adding the “Gulf and South Atlantic Dealer Permit” (GSAD) check box, adding a checkbox to find out if the dealer’s address is also a facility, and adding clarification in the instructions about what is required for state wholesale licenses on the Federal Permit Application for an Annual Dealer Permit.

**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 is used by various offices of the National Marine Fisheries Service (NMFS), Regional Fishery Management Council staff, the United States Coast Guard (USCG), U.S. Army Corp of Engineers, and state fishery agencies under contract to NMFS to develop, implement and monitor fishery management strategies. Analyses and summarizations of data are used by NMFS, the Regional Councils, the Departments of State and Commerce, Office of

Management and Budget (OMB), the fishing industry, Congressional staff and the public to answer questions about the nature of the Nation's fishery resources.

### **Annual Dealer Permit:**

Identification of dealer/processors is needed to obtain first purchase information on landings to evaluate the biological, economic, and social implications of management measures. The intent of proposed rule, RIN 0648-BC12, the Generic Dealer Amendment, is to obtain timelier purchase information from dealers to better monitor annual catch limits (ACLs) for the various Gulf and South Atlantic species managed by NMFS Southeast Regional Office and the Gulf and South Atlantic Fishery Management Councils. The proposed rule could add up to 700 additional dealers and require these dealers to obtain a Federal permit called a "Gulf and South Atlantic dealer permit". These dealers are believed to focus their business on state specific species however they were identified as having purchased small amounts of species managed by the Gulf and South Atlantic Fishery Management Councils in the past. This permit would allow these dealers to purchase all species managed by the Gulf and South Atlantic Fishery Management Councils (except for IFQ species, for which an IFQ dealer endorsement would still be required). This generic dealer permit would replace the fishery-specific dealer permits that currently exist. The Annual Dealer Permit Application would therefore be revised to add checkboxes for new and renewal requests for the GSAD. The checkboxes for new and renewal of the old fishery-specific dealer permit would be removed. The Annual Dealer Permit Application would also be revised to add "doing business as" (DBA) names for all dealer entities which will provide the Southeast Fisheries Science Center with unique dealer numbers to track ACLs. The email addresses will give the Southeast Region Permits office another means of communicating with the dealers. Adding the SERO Dealer number will help SERO avoid double counting dealers. Adding a check box to find out if the dealer address is also the facility will prevent dealers from having to fill out this information again in the facility section. The Magnuson-Stevens Act, [Regulatory Flexibility Act](#), and [Executive Orders 12866](#) and [12131](#) require the determination of these facts. For a dealer to first receive fish harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer, as specified in 50 CFR 622.20(c)(1) for Gulf reef fish, 622.90(a)(1) for Gulf red drum, 622.170(c)(1) for South Atlantic snapper-grouper, 622.200(c)(1) for South Atlantic rock shrimp, 622.240(b)(1) for South Atlantic golden crab, 622.270(d)(1) for Atlantic dolphin and wahoo, 622.370(c)(1) for Gulf and South Atlantic coastal migratory pelagics, and 622.400(a)(5)(i) for Gulf and South Atlantic spiny lobster.

### **Fishing in the EEZ:**

The vessel permit application form is used to collect vessel information. Permits are issued annually or more frequently at the request of the applicant if changes are necessary. There is one vessel permit application form that is used for both new vessels that are applying for a vessel permit and for previously permitted vessels that want to renew their vessel permit. Requiring the DBA information will help the Southeast Fisheries Science Center track ACLs and the Southeast Region Permits office know which vessels are active. For a person on aboard a vessel to harvest or possess in or from the EEZ, a vessel permit is required, as specified in 50 CFR 622.20 for Gulf reef fish, 622.50 for Gulf shrimp, 622.70 for Gulf coral, 622.170 for South Atlantic snapper-grouper (including wreckfish), 622.200 for South Atlantic shrimp (including rock shrimp), 622.240 for South Atlantic golden crab, 622.270 for Atlantic dolphin and wahoo,

622.370 for Gulf and South Atlantic coastal migratory pelagics, 622.400 for Gulf and South Atlantic spiny lobster, and 622.470 for Caribbean coral.

**Vessel Fishing for Wreckfish off the South Atlantic:**

Annually, on or about March 1, the Regional Administrator (RA) will provide each Wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15, as specified in 50 CFR 622.172(b). NMFS will no longer send wreckfish shareholders a list of wreckfish dealers because with implementation of the final rule for the Generic Dealer Amendment, RIN 0648-BC12, any federally permitted dealer will be able to purchase wreckfish. NMFS will also no longer provide dealers a list of vessels that have wreckfish permits because all dealers will be able to purchase wreckfish upon implementation of the rule. There is no change in burden or cost for these revisions.

**These current information collections have no change in requirements, burden or cost at this time:**

**Commercial Vessel Monitoring System Installation Checklist:**

The South Atlantic Rock Shrimp fishery is required to install and maintain Vessel Monitoring Systems (VMS) on commercially permitted vessels, as specified in 50 CFR 622.205. The Checklist is required to ensure proper installation and operation of the VMS system. Rock shrimp vessels must complete a form supplied by NMFS verifying that a VMS unit has been installed on the vessel and is operational. The form requests information regarding vessel name, Federal permit number, vessel documentation or state registration number, information (name, address, and telephone number) on the installing dealer, date of installation, serial number of unit, and e-mail address of vessel. The form also requests responses to questions regarding whether or not the unit is operational, if operating instructions have been provided to the vessel owner, and if the vessel owner has been trained on use of the VMS unit by the vendor. Once the form has been completed, the vessel owner or authorized representative signs and dates the form, and returns it to the address listed on the form. In addition, in order to ensure VMS unit connectivity, all vessel owners required, or choosing to use, VMS units would be required to call NMFS Office of Law Enforcement (OLE) for the Northeast Region (NER) to confirm connectivity of new and replacement VMS units (currently, there are no estimated new VMS or replacement units).

**Notification of Lost or Stolen Traps and /or Notification of Authorization for Trap Retrieval:**

Vessel and permit holders are required to notify NMFS when a trap is lost, stolen, or being retrieved for inventory purposes, as specified in 50 CFR 50 CFR 622.249(c) for South Atlantic golden crab, 622.403(b)(3) and 622.405(b) for Gulf and South Atlantic spiny lobster .

**Zone Transit Notification:**

For a person aboard a fishing vessel to fish for Golden Crab in either the Northern Zone, the Middle Zone or the Southern Zone, a Golden Crab (South Atlantic EEZ) permit is required. In order to transit a non-permitted zone a Zone Transit Notification Form must be completed, as specified in 50 CFR 622.241(b)(2).

**Coupons for Tracking Individual Transferable Quota (ITQ):**

A dealer may receive a wreckfish only from a vessel for which a commercial permit for wreckfish has been issued, as required under 50 CFR 622.170(a)(2). A dealer must receive the "Fish House" part of ITQ coupons in amounts totaling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the dealer reports required by 50 CFR 622.176(c). An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

**Annual landings report:**

The owner or operator of a vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued must annually report the permitted vessel's total annual landings of shrimp and value, by species, on a form provided by the Southeast Fisheries Science Center's Science and Research Director (SRD). Compliance with this reporting requirement is required for permit renewal, as specified in 50 CFR 622.51(a)(4).

**Operators of vessels fishing for Dolphin/Wahoo or Rock shrimp:**

For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, either a Rock Shrimp (South Atlantic EEZ) permit or a South Atlantic Rock Shrimp (Carolinas EEZ) permit is required, as specified in 50 CFR 622.270(c). A vessel may not be issued both a Rock Shrimp (South Atlantic EEZ) permit and a Rock Shrimp (Carolinas Zone) permit simultaneously. If a vessel has a Rock Shrimp (South Atlantic EEZ) permit, which is valid (not expired) as of the date of this application, and the vessel owner is applying for a Rock Shrimp (Carolinas Zone) permit on the same vessel, the Rock Shrimp (South Atlantic EEZ) permit must first be transferred from the vessel or surrendered to NMFS for a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, either a Rock Shrimp (South Atlantic EEZ) permit or a South Atlantic Rock Shrimp (Carolinas EEZ) permit is required.

A vessel must be issued an Atlantic dolphin/wahoo commercial permit to be eligible for exemption from the bag and possession limits for dolphin/wahoo in the Atlantic EEZ or to sell dolphin-wahoo harvested in the Atlantic EEZ. The permit will only be valid if there is someone on the vessel that has a valid Vessel Operator Permit Card issued by the Southeast Regional Office of NMFS or by the Northeast Regional Office of NMFS.

**Transfer notarization:**

Transfer notification application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers, as specified in 50 CFR 622.4. In those cases where a permit, license, or endorsement is transferable, the seller must sign the back of the permit, license, or endorsement and have the signed transfer document notarized.

**Change of Information for permit holders:**

The owner or operator of a vessel with a permit, a person with a coral permit, a person with an operator permit, or a dealer with a permit must notify the RA within 30 days after any change in

the application information specified, as required by 50 CFR 622.4. This information includes: name, address, telephone number, date the business was formed, and other identifying information of the business. The permit is void if any change in the information is not reported within 30 days.

#### **Colombian Treaty Waters:**

This Federal permitting requirement is part of the negotiated treaty with Columbia that permits U.S. vessels to fish in Columbia waters (50 CFR 300.123).

#### **Aquacultured Live Rock:**

The purpose of this data collection is to collect information on types and quantities of live rock that are harvested, as specified in 50 CFR 622.70(a)(2) and 622.71(a). Although these data are collected by some state fishery agencies (notably Florida), it is important to collect this information from harvesters with a Federal permit that are not from a state that requires regular permitting.

NMFS would be significantly hindered in its ability to fulfill the majority of its scientific research and fishery management missions without these data. It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS retains control over the information and safeguards it from improper access, modification, and destruction, consistent with the National Oceanic and Atmospheric Administration's (NOAA) standards for confidentiality, privacy, and electronic information. 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 measure and a pre-dissemination review pursuant to [Section 515 of the 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.**

Regarding the permitting data collection, the Southeast Region's Web site (<http://sero.nmfs.noaa.gov/permits/permits.htm>) allows the public to obtain a copy of the dealer permit and the vessel permit application, which can be downloaded and completed electronically, and printed. The Southeast Region Permits Team has switched from a non-web client-server application (R-base) to a relational database web application (PIMS), and is actively investigating opportunities to implement online application capabilities.

### **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 identify 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, NMFS is confident it is aware of similar collections

if they exist. 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 or small entities, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS's fisheries management are requested from the dealers and vessel owners.

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

The Southeast Region's three fishery management councils established by Congress are expected to fulfill the mandates of the Magnuson-Stevens Act. These mandates are accomplished through fishery management plans for marine finfish and crustaceans that support important commercial and recreational fisheries in the GOM, South Atlantic Ocean, and Caribbean Sea and consider conservation and management issues, sociological and economic issues, and regulatory issues. Functions and activities required to fulfill this and other responsibilities as specified in the Magnuson-Stevens Act include: providing guidance on fisheries management; providing technical assistance and advise in preparing FMPs in accordance with national standard guidelines and other applicable laws; coordinating public review and compilation of comments; initiating Secretarial review of FMPs and amendments; drafting regulations and Federal Register Notices, as well as reviewing and responding to comments received during rulemaking; FMP implementation; and monitoring.

A major component of fisheries management in the Southeast Region is the permit system and the information collected by these permits. Without the collection of this information, mandates developed through fishery management plans cannot be fulfilled.

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

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

**8. Provide 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 proposed rule, RIN 0648-BC12, was published on January 2, 2014 (79 FR 81) soliciting public comment on the information collection requirements. NMFS received five comment

submissions on the proposed rule. One comment expressed general support for the actions contained in the Generic Dealer Amendment and the proposed rule.

Another commenter stated increasing regulations and reporting frequencies are economically detrimental to smaller businesses. The impacts of reporting were not thoroughly considered, such as the additional cost of computer maintenance. In addition, the assessment understated the significance of the economic effects of the proposed rule on small entities. NMFS responded that NMFS agrees that increasing regulations may have adverse economic effects on businesses and the significance of these effects may be greater for smaller businesses; however, NMFS disagrees that the economic effects of the proposed rule on small entities was understated. As stated in the analysis provided in the proposed rule, none of the requirements contained in this final rule require special professional skills and all affected small entities are expected to already have staff with the appropriate skills to meet these requirements. The analysis also provided an estimate of the permitting requirement for entities that do not currently have a Federal permit (\$74.42 per entity), the expected cost of a computer (less than \$750), and the expected cost of internet access (less than \$100 per month) for any entities that do not currently have a computer or internet service. Although these expenses may be burdensome to some dealers, overall the requirements are not be expected to adversely affect a substantial number of small entities because the use of computers and the internet has become commonplace and a vital tool in business management and, according to the SBA, in 2010, approximately 94 percent of businesses used computers and 95 percent of these had internet service. All affected entities currently operate in states that require reporting and all states, except South Carolina, allow electronic reporting. Satisfying the reporting frequency requirements of this final rule will only require more frequent submission of the same quantity of data. Because the majority of small businesses affected by this rule are expected to already have the required skill, hardware, and internet access to meet state and common general business operational requirements, the economic effects of this final rule are expected to be minor.

The additional comments were regarding the reporting requirements and are addressed in the 0648-0013 collection.

No changes were made to the rule or the reporting burden in response to these comments.

These data collection programs are all part of FMPs or amendments to these FMPs. As such, public comments were solicited for all parts of the rule, including the collection of information requests. As part of the FMP development process, public hearings are held throughout the region soliciting comments from constituents about any part of the proposed FMP and associated rule. Additionally, upon publication of the Notice of Availability of the Amendment in the Federal Register, the public has 60 days to comment on the Amendment. Likewise, upon publication of the proposed rule, which includes any reporting requirements, the public has 45 days to comment on the rule and its associated collections. Also, notices were published regarding all aspects of the collection discussed earlier in this supporting statement.

**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.**

As stated on the forms, all data submitted under the proposed collection will be handled as confidential material in accordance with the MSA, Section 402b, and [NOAA Administrative Order 216-100](#), Protection of Confidential Fishery Statistics.

This information collection is included in a comprehensive NMFS Permits and Registrations System of Records Notice (SORN), [COMMERCE/NOAA #19](#), Permits and Registrations for U.S. Federally Regulated Fisheries, published 04/17/2008 and effective 06/11/2008. An updated SORN was submitted to the Department of Commerce on May 30, 2013.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are asked.

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

Current estimated burden hours for this collection of information total 5,999 hours.

For the annual dealer permit, there are currently 426 respondents, 426 responses, 20 minutes per response, and a total of 144 burden hours. The proposed rule, RIN 0648-BC12, the Generic Dealer Amendment, would add approximately 700 respondents, 700 responses, and 237 burden hours. The additional time for filling out the DBA information, the email addresses, and the dealer numbers would not be estimated to increase the average time per response.

For the Vessel Permits for Fishing in the EEZ, there are currently 7,412 respondents, 7,412 responses, 40 minutes per response, and a total of 4,941 burden hours. The DBA information would not be estimated to increase the burden hours.

**For the entire collection, current total unduplicated respondents are 11, 706, increasing to 12, 406; responses are 12,877, increasing to 13,577 and hours are 5,999, increasing to 6,236.**

**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).**

The current total annual cost burden for this collection of information is \$490, 634.



**The Generic Dealer Amendment would add \$49,000 in dealer permit fees and \$315 in mail costs for a new total of \$539,949.**

EEZ fishery vessel permit fees	\$309,604
Floy tags for Black Sea Bass Pot Endorsement holders	\$1,701
Operator card permit fees	\$30,700
Aquacultured live rock permit fees	\$558
Wreckfish permit fees	\$350
Dealer permit fees: 426 + <b>700 new dealers</b> = <b>1126</b> x (\$50 + \$20) (\$12.50 for each additional fishery: estimate 1.6 additional fisheries)	\$29,820 + <b>\$49,000</b> <b>= \$78,820</b>
Rock Shrimp VMS Manufacturer Monthly Fee x 12	\$61,488
Rock Shrimp VMS Transmission Costs	\$33,600
Transfer notarization	\$17,100
Mail Costs (add in 700 new dealers x .45 postage costs = \$315)	\$5,713 + <b>\$315</b> <b>= \$6,028</b>
<b>TOTAL</b>	<b>\$539,949</b>

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

There are currently no costs to the government beyond regular staff hours: **40,464** (3 hours per response) at a cost to the government of \$15/hour, or **\$606,960**.

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

**Program Changes:**

For the approximately 700 additional dealers that could be added through the requirements of propose rule, RIN 0648-BC12, the Generic Dealer Amendment, 700 respondents, 700 responses, 233 burden hours, and \$49,315 would be added to OMB Control No. 0648-0205. The additional time for filling out the DBA information, email addresses, and dealer numbers would add a net of zero minutes to the average time per response and zero additional burden hours. **Therefore, the new totals would be 12,406 respondents, 13,577 responses, 6,232 burden hours, and \$539,949.**

For the Permits for Fishing in the EEZ, the DBA information would add a net of zero minutes to the average time per response and therefore, zero additional burden hours.

Changes to the wreckfish requirements have no associated burden changes.

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

The results from this collection are not planned for statistical publication, although NOAA Fisheries may distribute the results of the observations for general information.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

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.