

**JUSTIFICATION FOR CHANGE  
SOUTHEAST REGION PERMIT FAMILY OF FORMS  
OMB CONTROL NO. 0648-0205**

This change request would revise the Federal Permit Application Form for Vessels Fishing in the Exclusive Economic Zone (EEZ) (Federal Permit Application Form). Amendment 20A to the Gulf and South Atlantic Coastal Migratory Pelagics FMP (RIN 0648-BD83) will remove the income qualification requirements for Gulf and South Atlantic king and Spanish mackerel commercial vessel permits.

Currently, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the three calendar years preceding the application. This requirement is difficult to enforce and has recently been removed as a requirement to obtain or renew a Gulf reef fish permit. No other Federal permit in the Southeast Region has an income qualification requirement except the spiny lobster permit, which mirrors requirements by Florida. This action would not affect the number of king mackerel permits issued, which are limited access, but it could increase the number of Spanish mackerel permits issued, which are open access. Elimination of the income qualification requirement would afford more flexibility to fishermen by allowing them to earn a larger portion of income from non-fishing occupations. It would also provide a beneficial economic impact because it would eliminate the time incurred by these small businesses to demonstrate they meet the income qualification requirements. The proposed rule for this action published on March 19, 2014 (79 FR 15284).

Comments on the proposed rule related to the income qualification requirement and National Marine Fisheries Service (NMFS) responses are as follows. Several commenters agreed with eliminating the income qualification requirement. Those commenters stated that the cost associated with purchasing any Federal permit on the moratorium list is daunting and income restrictions need to be lifted to allow such a person to gain a commercial permit for king mackerel and other species. NMFS responded that NMFS agrees with the Council's decision to eliminate the income qualification requirement. The Council determined and NMFS agrees that the income qualification requirement did not serve the function for which it was intended because the requirement was difficult to enforce. No other Federal permit in the Southeast Region has an income qualification requirement, except the commercial spiny lobster permit, which mirrors Florida's requirements. Eliminating the income qualification requirement will afford Spanish and king mackerel permit applicants more flexibility in determining the income-generating activities they might pursue. Commercial permit applicants can increase their participation in activities not related to commercial or for-hire fishing or limit their involvement in commercial or for-hire fishing without fearing the loss of their permit.

One commenter disagreed with eliminating the income qualification requirement. That commenter was concerned that charter vessel and headboat operators may switch to full-time commercial mackerel fishing that is more profitable than sport fishing, especially at certain times of the year, and that this increase in commercial harvest might cause overfishing of the resource. NMFS responded that NMFS does not agree that keeping the income qualification requirement will limit the ability of charter vessel and headboat operators to obtain a commercial permit. The

previous regulation allowed income from charter fishing to be used to meet the income requirement.

NMFS estimates these requirements would decrease the reporting burden for Gulf and South Atlantic king and Spanish mackerel commercial permit holders who are completing the Federal Permit Application Form to obtain or renew a Gulf or South Atlantic king or Spanish mackerel commercial vessel permit by 2 minutes per response.

As of the date of publication of the proposed rule (March 19, 2014), there are 1,658 king mackerel commercial vessel permit holders and 1,285 Spanish mackerel commercial vessel permit holders. Therefore, there are a total of 2,943 permit holders whose burden for submitting a Federal Permit Application Form would decrease by 2 minutes per response, for a total of 5,886 minutes or 98.1 (98) burden hours. It is unknown how many additional Spanish mackerel permits could be issued as a result of this rulemaking.

Therefore, for OMB Control No. 0648-0205, the new burden hour total would be 6,138 hours (6,236, new burden for pending revision- 98 hours). The respondents, responses, and total costs for this collection would remain the same at: 12,406; 13,577; and \$539,949, respectively.