

**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 request is for a revision of the existing reporting requirements that are currently approved under OMB Control No. 0648-0205, Southeast Region Permit Family of Forms, in association with proposed rule, RIN 0648-BD81, Amendment 8 to the Fishery Management Plan (FMP), developed under the authority of the [Magnuson-Stevens Act](#) (MSA), 16 U.S.C. 1801, for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.

If implemented, the proposed rule, RIN 0648-BD81, would establish a transit provision to allow fishing vessels with rock shrimp aboard to transit the Oculina Bank Habitat Area of Particular Concern (HAPC) under limited circumstances. To be considered to be in transit and thus excepted from the prohibition on possessing rock shrimp in the Oculina Bank HAPC, a vessel must have a valid commercial permit for rock shrimp, and would be required to maintain a direct and non-stop continuous course at a minimum speed of 5 knots as determined by an operating Vessel Monitoring Systems (VMS) approved for the South Atlantic rock shrimp fishery onboard the vessel that registers a VMS ping (signal) rate of 1 ping per 5 minutes, and the vessel's gear would be required to be appropriately stowed. This transit provision would allow rock shrimp fishermen to access additional rock shrimp fishing grounds in less time and using less fuel than if the fishermen were required to travel around the Oculina Bank HAPC. Currently, all 79 vessels participating in the rock shrimp fishery have a VMS unit. However, 22 of those vessels have older VMS units, purchased in 2003, and these units would need to be upgraded to have the capability to ping at the higher rate so those vessels would need to update their current VMS unit or purchase a new VMS unit. Replacement units would not be eligible for reimbursement by the National Marine Fisheries Service (NMFS) Office of Law Enforcement VMS fund. The 22 vessels needing to upgrade their VMS units would have to pay for the installation, maintenance, and increased communication charges associated with having a VMS. The other 57 vessels with newer VMS units would incur additional charges to reconfigure or upgrade their VMS hardware/software to implement the more frequent ping rate that would be required through the HAPC. The ping rate information being transmitted through the VMS units would be used by the NMFS Office of Law Enforcement to better track rock shrimp vessels transiting through the Oculina Bank HAPC.

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 NMFS, staff of the Regional Fishery Management Councils (Regional Councils), 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.

Commercial Vessel Monitoring System (VMS) Installation Checklist:

The South Atlantic Rock Shrimp fishery is required to install and maintain 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. The proposed rule, RIN 0648-BD81, would require new VMS units to be purchased for 22 vessels and VMS units to be reconfigured or upgraded for 57 vessels with hardware/software to allow a more frequent ping rate. The ping rate information being transmitted through the VMS units would be used by the NMFS Office of Law Enforcement to better track rock shrimp vessels transiting through the Oculina Bank HAPC.

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

Fishing in the EEZ:

The Federal 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. For a person on board 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.

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 Gulf and South Atlantic dealer permit was implemented in 2014 to obtain timelier purchase information from dealers to better monitor annual catch limits for the various Gulf and South Atlantic species managed by NMFS Southeast Regional Office and the Gulf and South Atlantic Fishery Management Councils. This permit allows dealers to purchase all species managed by

the Gulf and South Atlantic Fishery Management Councils (except for Individual Fishing Quota (IFQ) species, for which an IFQ dealer endorsement would still be required). 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 Exclusive Economic Zone (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.

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\(b\)](#).

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 [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 vessel permit application or the dealer permit application, which can be downloaded and completed electronically, and printed. There is also an option now to complete a vessel permit application online and submit it online, for certain fisheries. All other permitting requirements are currently still paper forms, including the VMS checklist. The VMS position reports are all transmitted electronically. The ping rate information being transmitted through the VMS units would be used by the NMFS Office of Law Enforcement to better track rock shrimp vessels transiting through the Oculina Bank HAPC. The VMS units provide vessel characteristics data, and enforcement information to increase compliance in the fishery, as described in the response to Question 2.

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 Regional 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 Gulf of Mexico, 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.

The proposed rule for RIN 0648-BD81 will be published coincident with this submission soliciting public comment on the information collection requirements related to that proposed rule.

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 Amendments in the Federal Register, the public has 60 days to comment on the Amendments. Likewise, upon publication of the proposed rule, which includes any reporting requirements, the public has 30 days to comment on the proposed rule RIN 0648-BD81 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 6,138 hours.

Rock shrimp VMS changes

Only a VMS that has been approved by NMFS for use in the South Atlantic rock shrimp fishery may be used, and it must be properly registered and activated with an approved communications provider for the new vessel. Additionally, it must be installed by a qualified marine electrician. When reinstalling and reactivating the NMFS-approved VMS, the vessel owner or operator must: (1) follow procedures indicated on an installation and activation checklist, available from NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL 33701; phone: (727) 824-5347; (2) submit to NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL, a statement certifying compliance with the checklist, as prescribed on the checklist; and (3) submit to NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL 33701, a vendor-completed installation certification checklist, available from NMFS, Office for Law Enforcement, Southeast Region, St Petersburg, FL 33701; phone: (727) 824-5347. On a one-time basis, the burden on each vessel owner or operator would be 15 minutes to complete a compliance checklist and certification plus 4 hours for initial installation (4.25 hours per 22 vessels in the rock shrimp fishery that would need to upgrade their VMS units for a total of 93.5 hours (94), annualized to 31).

Therefore, for OMB Control No. 0648-0205, the new responses would be 13,584 (13,577 plus 22 responses annualized to 7) and the new burden hour total would be 6,169 hours (6,138 hours current burden + 31 hours).

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 labor burden for this collection of information is \$539,949.

Rock shrimp VMS changes

NMFS estimates the 22 vessels in the rock shrimp fishery that would need to upgrade their VMS units (including purchasing the unit and installation costs), per RIN 0648-BD81, would cost approximately \$61,490, annualized to \$20,497. This includes purchasing the lowest priced VMS unit at \$2,495 each (\$54,890 for 22 vessels) and installation costs of \$300 each (\$6,600 for 22 units). In addition, the 57 vessels that do not need to replace their VMS unit would incur increased communication charges of \$150-\$250 (\$200 average) per vessel to reconfigure or upgrade their VMS's hardware/software (\$11,400 total for 57 vessels, annualized to \$3,800) and an additional one-time mail cost of \$5,700 total for the 57 vessels for postage to mail to the vendor and mail back from the vendor the VMS unit being sent for reconfiguring or upgrading (\$50 for postage to mail to and \$50 to mail back from the vendor for each of the 57 vessels), annualized to \$1,900. Finally, postage for the VMS checklists ($\$0.45 \times 22 = \9.90 , annualized to \$3.30). Therefore, the total cost of VMS upgrades for the rock shrimp fleet is estimated to be \$78,600, annualized to \$26,200 over 3 years.

The proposed rule 0648-BD81, would add \$26,200 to the current total of \$539,949, for a new cost burden total of \$566,149.

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	\$78,820
Rock Shrimp VMS Manufacturer Monthly Fee x 12	\$61,488
Rock Shrimp VMS Transmission Costs	\$33,600
Rock Shrimp VMS Upgrades (purchases and installation)	\$20,497
Rock Shrimp VMS Upgrades (hardware/software)	\$3,800
Transfer notarization	\$17,100
Mail Costs (includes Rock Shrimp VMS Upgrade mail costs of \$5,700 (57 x \$100) annualized to \$1,900 and VMS activation checklist postage (22 x \$0.45) annualized to \$3)	\$7,931
TOTAL	\$566,149

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 additional VMS responses, burden hours and costs for upgraded units and upgraded hardware/software, per RIN 0648-BD81, 7 responses, 31 hours and \$26,200 would be added to OMB Control No. 0648-0205. **Therefore, the new totals for responses, burden hours and cost would be 3,584 responses, 6,267 burden hours and \$566,149.**

The respondents for this collection would remain the same at 12,406.

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.