

**JUSTIFICATION FOR CHANGE
WEST COAST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0204**

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C 1801 et seq., permits are required for persons to participate in Federally-managed fisheries off the West Coast. The Highly Migratory Species (HMS) permit is required for all commercial and recreational charter vessels participating in HMS fisheries managed under the FMP. Under 50 CFR part 660.707(4), only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a) may be issued or may hold an HMS permit.

HMS Permits are accepted in both paper format submitted by mail and online through the National Permit System (NPS). In a change request approved in 2013, Section 3 was added to identify applicant eligibility prior to permit issuance. Section 3 states “each holder of this permit (including all members of an association or joint venture) is a United States (U.S.) citizen. If the vessel is owned by a trust, partnership, corporation, the permit holder is an ‘eligible owner’ as described on page two of this form.” In response, applicants must check “yes” or “no” to verify U.S. citizenship. Since 2013, 879 revised mail-in paper applications have been received and of those, 202 forms were not checked for citizenship or falsely checked due to misreading. Applications are identified as false when applications are renewals and/or the vessel has a USCG Certificate of Documentation on file. In addition, owners of undocumented vessels are not required to be U.S. citizens, so citizenship cannot be verified unless a selection is made. Applications that are incomplete or demonstrated to have “no” checked for citizenship in error are returned to the applicant without permit issuance and a request for correction. This action increases the time necessary to process a permit and return to the applicant.

The National Marine Fisheries Service (NMFS) seeks approval to change the sentence structure of Section 3 Vessel Ownership Information for the HMS paper application managed through the WCR Permits Office to “Is each holder of this permit a U.S. citizen (including all members of an association or joint venture)? If the vessel is owned by a trust, partnership, corporation, the permit holder is an ‘eligible owner’ as described on page two of this form.”

This change in instruction will not add any additional burden or recordkeeping recording cost, in fact, based on the amount of paper applications received; the overall recordkeeping/reporting cost for the submission of the forms may decrease.

We are submitting the revised HMS permit with this request.