

**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 a current information collection.

The collection consists of vessel and dealer permits that are part of the National Marine Fisheries Service (NMFS) program to manage fisheries in the Southeast Region. The fisheries in the Southeast Region are managed under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) (16 U.S.C. 1801) and regulations at [50 CFR part 622](#), [50 CFR part 635](#) and [50 CFR part 300](#). NMFS issues permits to fishing vessels and dealers in order to collect information necessary to comply with domestic and international fisheries obligations, secure compliance with regulations, and disseminate necessary information.

This collection is revised to add the collection of an International Maritime Organization/ Lloyd's Registry (IMO/LR) number to the permit application for commercial HMS vessels ≥ 20 meters (65' 7") in length. The International Commission for the Conservation of Atlantic Tunas (ICCAT) approved a recommendation (13-13) for Contracting Parties to require commercial vessels ≥ 20 meters (65' 7") in length to obtain an IMO/LR number from IHS/Fairplay by no later than January 1, 2016. Under ATCA, the Secretary promulgates regulations as may be necessary and appropriate to carry out ICCAT recommendations. Current HMS regulations at § 635.4(h) are sufficient to comply with this Recommendation, because they allow NMFS to collect required supporting documents, including an IMO/LR number, as a condition for obtaining an Atlantic HMS permit and for being included on the ICCAT list of authorized large scale fishing vessels. This requirement was described in proposed and final rules that published in the [Federal Register](#) on September 11, 2014, and December 5, 2014, respectively. This one-time requirement would apply to owners of commercial vessels ≥ 20 meters (65' 7") in length seeking to renew or obtain a HMS limited access permits, including the Atlantic tuna longline, shark incidental, shark directed, swordfish incidental, swordfish directed, and swordfish handgear permits. Permit applications that do not contain the required supporting documents will be considered incomplete. NMFS amends the "Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone (EEZ)" so that affected constituents can provide their IMO/LR number upon permit purchase or renewal. The revised form with changes highlighted is submitted with this request.

This request would also revise the Report for the Deposit or Harvest of Aquacultured Live Rock. NMFS is adding/revising information on this form, including

1. Adding language to the instructions, specifically, "If not originally approved, then provide a new sample of rock."

2. Adding the USCG documentation number or state registration number for the primary vessel the permit is used on.
3. Changing the wording in the instructions for the box describing the deposited material, including adding in the “type and specific geographic origin” of the material.
4. Adding a yes/no check box for whether a sample of the deposit material has been provided to NMFS, with the requirement to do so if it has not.

Currently, there are 18 permit holders for Aquacultured Lived Rock and it is estimated that approximately 36 reports will be submitted each year, at an average of 15 minutes per response. The current burden time associated with this form is 1 report at 5 minutes (0 hours) (per the OMB Control No. 0648-0205 revision/extension submitted in 2013, in association with Amendment 18B). Therefore, the additional burden time is 9 hours (36 reports x 15 min/60 min = 9 hours).

Also, this revision removes the responses, time and cost burden associated with the South Atlantic rock shrimp VMS requirement and transfers those responses, time and cost burden to the OMB Control No. 0648-0544 information collection.

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), United States Army Corp of Engineers (USACE), 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.

IMO/LR number for commercial HMS vessels ≥ 20 meters (65’ 7”) in length

Section 971d(c)(3) of ATCA provides the statutory authority to promulgate regulations as necessary and appropriate to implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). As a contracting party to ICCAT, the United States is required to implement ICCAT recommendations and take part in the collection of biological statistics for research purposes (fishing effort and catch). ICCAT approved a recommendation for Contracting Parties to require HMS commercial vessels ≥ 20 meters (65’ 7”) in length to obtain an IMO/LR number from IHS/Fairplay by no later than January 1, 2016. SERO would collect this information through the “Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone (EEZ)” for HMS. This requirement would apply to owners of commercial vessels ≥ 20 meters (65’ 7”) in length seeking to renew or obtain a HMS limited access permit(s), including the Atlantic tuna longline, shark incidental, shark directed, swordfish incidental, swordfish directed, and swordfish handgear permits. Permit applications

that do not contain the required supporting documents will be considered incomplete. Collection of this information through annual vessel permits provides current information on the vessel owners participating in these fisheries, thus facilitating quota monitoring necessary to avoid exceeding catch quotas for HMS and helps support enforcement efforts of fishery regulations.

Aquacultured Live Rock:

Currently, there are 18 permit holders for Aquacultured Lived Rock and it is estimated that approximately 36 reports for the Deposit or Harvest of Aquacultured Live Rock will be submitted each year, at an average of 15 minutes per response. The current burden time associated with this form is 0 hours (per the 0205 renewal submitted in 2013, in association with Am 18B). Therefore, the additional burden time is 9 hours (36 reports x 15 min/60 min = 9 hours). 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\(a\)\(2\) through 70\(b\)\(2\) iv](#) and [622.71\(a\)](#). Although these data are collected by some state fishery agencies (notably Florida), it continues to be important to collect this information from harvesters with a federal permit that are not from a state that requires regular permitting.

South Atlantic Rock Shrimp VMS units:

Currently there are 168 vessels with rock shrimp VMS units and there is a time burden associated with installation of new VMS units and maintenance of the VMS units and a cost burden associated with the VMS manufacturer's monthly fee and the VMS transmission costs. These responses, time, and cost burdens will be transferred to the Southeast Region VMS collection of information requirement under 0648-0544.

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 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 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](#)).

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.

The requirement for commercial HMS vessels to obtain an IMO/LR number is accomplished by accessing a secure internet automated system supported by IHS/Fairplay (<http://www.imonumbers.lrfairplay.com/>). Applicants may fill out and submit an application electronically. This automated system is available on a 7 day/24 hour basis, and the IMO/LR number is available at no additional charge to the permit holder.

The Report for the Deposit or Harvest of Aquacultured Live Rock can be obtained online at the Southeast Region's Web site (<http://sero.nmfs.noaa.gov/permits/permits.htm>). This website allows the public to obtain a copy of this form, complete it electronically, download it, and print it out.

The Southeast Region's Web site also includes other forms under this collection, including the vessel permit application and 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.

4. Describe efforts to identify duplication.

The HMS Advisory Panel meets twice per year to discuss issues pertinent to management of HMS fisheries, including permits. This panel includes representatives from fishing and processing industries, environmentalists, the academic community, and the Atlantic, Gulf of Mexico, and Caribbean states and/or territories. Through this forum and the federal rule-making process, information including any potential duplication of permitting requirements is identified. No duplication regarding obtaining the IMO/LR numbers for HMS permits in the SER has been identified.

No duplication regarding the Report for the Deposit or Harvest of Aquacultured Live Rock has been identified.

South Atlantic rock shrimp VMS cost and time burden will be transferred to OMB number 0648-0544 and therefore, no duplication of effort has been identified.

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.

If this information collection were not conducted, the U.S. would have difficulty fulfilling international reporting and compliance obligations under ICCAT, possibly resulting in violations of ICCAT recommendations, including catch and capacity reporting requirements.

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.

Proposed and final rules were published in the Federal Register on September 11, 2014 (79 FR 54247; RIN – 0648-BE12), and December 8, 2014 (79 FR 72557; RIN 0648-BE12), respectively, that solicited public comment regarding the revision of this information collection by including a one-time requirement to obtain an IMO/LR number and to provide that number when purchasing or renewing a commercial permit for vessels ≥ 20 meters (65' 7") in length. No comments were received.

A Federal Register Notice published on May 5, 2015, soliciting comments on the revision of this information collection. No comments were received.

A Federal Register Notice published on July 1, 2015 (80 FR 37603) soliciting comments on the renewal/revision of OMB control number 0648-0544, which included adding the South Atlantic rock shrimp responses, time and cost burden to that collection of information. As of July 15, no comments have been received.

The Southeast Region 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.

In addition, the HMS Advisory Panel meets twice annually to provide input on HMS regulatory and operations programs.

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 and the current responses are 13,577.

For the one-time requirement to obtain the IMO/LR number from HMS permitted vessels when they obtain or renew their permit, NMFS adds 50 responses and 25 burden hours (30 minutes/response) annually to this collection of information.

For revisions to the Report for the Deposit or Harvest of Aquacultured Live Rock, currently, there are 18 permit holders for Aquacultured Lived Rock and it is estimated that approximately 36 reports will be submitted each year, at an average of 15 minutes per response. The current burden time associated with this form is 0 hours (per the revision/extension submitted in 2013, in association with Amendment 18B). Therefore, the additional burden time is 9 hours (36 reports including the previously estimated one report x 15 min/60 min = 9 hours).

NMFS removes the responses, time and cost burden associated with South Atlantic rock shrimp VMS units because it is being removed from this collection and transferred to the 0648-0544 collection. The number of responses removed from this collection is 168. The time burden of 336 hours (for VMS installation 0 hours and VMS maintenance 336 hours for 168 vessels at 2 hours each) is also removed from this collection.

Therefore, for OMB Control No. 0648-0205, the new respondent number would be 13,409 (13,577-168); responses would be 13,494 (13,577 + 50 + 35 - 168) and the new burden hour total would be 5,836 hours (6,138 hours + 25 hours + 9 hours - 336 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.

No cost is added for the one-time requirement to obtain the IMO/LR number.

For the additional live rock reports, at \$0.49 per report, the additional cost will be \$17.

For the South Atlantic rock shrimp VMS requirement that is being removed from this collection and transferred to the 0648-0544 collection, the cost burden of \$95,088 (\$61,488 for the VMS manufacturer monthly fee and the VMS transmission costs for 168 vessels) is removed from this collection.

Therefore, for OMB Control No. 0648-0205, the new cost burden to respondents would be \$444,878 (\$539,949 + \$17 - \$95,088).

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

There are currently no costs to the government beyond regular staff hours: **40,488** (3 hours per response) at a cost to the government of \$15/hour, or **\$607,320**.

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

Program Changes:

For the one-time requirement to obtain the IMO/LR number from HMS permitted vessels when they obtain or renew their permit, NMFS adds 50 respondents, 50 responses, and 25 burden hours (30 minutes/response) annually to this collection of information.

For the South Atlantic rock shrimp VMS requirement that is being removed from this collection and transferred to the 0648-0544 collection, the number of responses removed from this collection is 168 and the number of burden hours is 336. Also, the cost burden of \$95,088 (\$61,488 for the VMS manufacturer monthly fee and the VMS transmission costs for 168 vessels) is removed from this collection.

Adjustment:

The changes in responses, burden and cost for the revised rock shrimp reporting form are not due to the changes in the form, but due to a more realistic and current assessment of the number of reports per year. There are 18 permit holders for Aquacultured Live Rock and it is estimated that approximately 36 reports will be submitted each year, at an average of 15 minutes per response. The current burden time associated with this form is 0 hours (per the 0205 renewal submitted in 2013, in association with Am 18B). Therefore, the additional burden time is 9 hours (36 reports x 15 min/60 min = 9 hours) and at \$0.49 mailing costs for the additional 35 report, \$17 is added to the recordkeeping/reporting costs.

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, NMFS 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.