

**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 and Atlantic Regions. The fisheries in the Southeast and Atlantic Regions are managed under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) (16 U.S.C. 1801), the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971), 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 a commercial smoothhound shark permit in association with the upcoming final rule, RIN 0648-BB02, Amendment 9 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) (Amendment 9). Among other things, Amendment 9 will implement a commercial smoothhound shark permit requirement for vessels retaining smoothhound sharks caught in Federal waters of the Atlantic Ocean, including the Gulf of Mexico (Gulf) and Caribbean Sea. This permit requirement will aid in identifying the participants in the smoothhound shark fishery to facilitate information gathering for fishery management and quota monitoring, facilitate enforcement of fishing regulations, and help maintain a sustainable fishery. The commercial smoothhound shark permitting requirement would become effective at a date specified after approval of this revision request.

In April 2011, NMFS submitted a Paperwork Reduction Act (PRA) change request to the Office of Management and Budget (OMB) to add a commercial smoothhound shark permit to the existing HMS permit PRA package (OMB Control No. 0648-0327). OMB subsequently approved the change request to add the Federal commercial smoothhound shark permit to the HMS permit PRA package in May 2011. In July 2015, the commercial smoothhound shark permit was removed from the HMS permit PRA package (OMB Control No. 0648-0327) because NMFS planned to move it to the Southeast Regional Office (SERO) Permit Family of Forms (OMB Control No. 0648-0205). This revision seeks to affect that move by adding the previously-approved commercial smoothhound shark permit to the SERO Permit Family of Forms because the SERO permit office will administer the smoothhound shark permit. The revision also addresses a new permit fee of \$25 (\$10 if issued in conjunction with another SERO-administered permit) related to SERO's administration of the permit and provide a more accurate estimate of the number of respondents, reducing the estimated number of respondents from 4,000 to 500. This reduction in the estimated number of respondents is based on recent landings data. At the time of the initial 4,000 respondent estimate, NMFS did not have an

estimate of the number of fishermen fishing for smoothhound sharks and instead used an estimate of the number of spiny dogfish fishermen as a proxy. Since then, it has become apparent that significant differences exist between the two fisheries and a more targeted estimate of the number of smoothhound shark fishermen is available based on recent landings data.

This revision would add 500 respondents, 500 responses, and a maximum of 250 burden hours to fill out and submit an application for a commercial smoothhound shark permit. Additionally, the \$25 application fee would result in a maximum of \$12,500 additional cost.

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

Fishing in the Exclusive Economic Zone (EEZ):

With the exception of the commercial smoothhound shark permit that would be added with this revision, no other EEZ fishing permits would change. 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 used to harvest or possess federally-managed species 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. For a person aboard a vessel used to harvest or possess any highly migratory species (i.e., sharks, tunas, swordfish), a vessel permit(s) is required as specified at 50 CFR 635.4. The smoothhound shark permit will be required under this section.

Annual Dealer Permit:

Identification of dealers or 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 more timely 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 MSA, [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. As with the Gulf and South Atlantic species, dealers purchasing swordfish and sharks caught in the Atlantic Ocean, including the Gulf of

Mexico and Caribbean Sea, must have a dealer permit as specified in 50 CFR 635.4. These requirements for shark and swordfish dealers are needed not only to comply with the statutes and executive orders mentioned above but also to comply with international requirements under ATCA.

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. Compliance with this reporting requirement is required for permit renewal, as specified in [50 CFR 622.51\(a\)\(4\)](#).

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

For a person aboard a fishing vessel used to fish for rock shrimp in Federal waters from the state border of Virginia and North Carolina to the east coast of Florida, either a Commercial Vessel Permit for Rock Shrimp must be issued to fish off of North and South Carolina (Carolinas Zone) or off of Georgia and Florida (South Atlantic EEZ), as specified in [50 CFR 622.200](#). A vessel may not be issued permits to fish in both areas simultaneously. If a vessel has a valid Commercial Vessel Permit for Rock Shrimp for the South Atlantic EEZ, and the vessel owner is applying for a Carolinas Zone permit on the same vessel, the South Atlantic EEZ permit must

first be transferred from the vessel or surrendered to NMFS in order for a person aboard a fishing vessel to fish commercially for rock shrimp in Federal waters in the other zone.

A vessel must be issued an Atlantic dolphin/wahoo commercial permit (50 CFR 622.270) to be eligible for exemption from the bag and possession limits for dolphin/wahoo in the Atlantic EEZ or to sell dolphin or 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 NMFS Southeast Regional Office or the Northeast Regional Office.

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](#).

Aquacultured Live Rock:

There were 18 permits issued for Aquacultured Lived Rock and it was 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 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.

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.

All permits in this collection must be renewed annually. Permits can be used to accomplish many functions. One of the main purposes for issuing permits is to identify the participants in a particular trade or industry. NMFS manages fisheries on a regional basis; likewise, permits are issued by regional offices and the permit databases are regionally distributed. The information requested is used by various offices of NMFS, staff of the regional fishery management councils (Regional Councils), the United States Coast Guard, United States 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, OMB, the fishing industry, Congressional staff, and the public to answer questions about the nature of the Nation's fishery resources.

Vessel Permits

The general information collected for vessel permits includes all or some of the following:

- Vessel owner, corporate status, birthdate or corporation filed date, social security number or Federal ID number, names of additional owners, and contact information (e.g., address, phone, etc.);
- Vessel name, registration, and port;
- Vessel characteristics (including length) and construction type;
- Gear type/category;
- IMO/LR number (for commercial vessels ≥ 20 meters (65' 7")); and
- Signature and payment/delivery information.

Collection of information through annual vessel permits provides current information on the vessel owners participating in these fisheries, thus facilitating information gathering for quota monitoring necessary to avoid exceeding catch quotas. For example, NMFS requires that vessel permits be displayed to dealers and that permit numbers be recorded on dealer reports in order to validate landings of HMS.

A current permit holder list aids NMFS in the communication and enforcement of fishery regulations through distribution of management program brochures, fish identification guides, and regulatory compliance guides. In addition, a permit "universe" facilitates collecting catch and effort information about commercial and recreational fisheries, as required by law. NMFS constructs sampling frames for dockside and telephone surveys from permit holder lists and uses the list to select vessels for logbooks and/or at-sea observers (addressed under separate collections). Such surveys, logbooks, and observer reports provide essential information for management of fisheries in the United States, particularly in terms of quota allocation decisions that follow MSA recommendations, such as allocating fishing opportunities consistent with

traditional fishing patterns and considering the economic values to various user groups. Another purpose of the vessel permit requirement is that it serves as a useful tool in support of enforcement of fishery regulations. That is, the permit can be revoked as a penalty for a violation of fishery conservation measures.

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 application for the commercial smoothhound shark permit can be obtained online at SERO's Web site (<http://sero.nmfs.noaa.gov/>), and click on Fishing Permit Applications. This Web site allows the public to obtain a copy of this form, complete it electronically, download it, and print it out.

SERO's Web site also includes other forms under this collection, including vessel and dealer permit applications, which can also 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 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 commercial smoothhound shark permit has been identified.

The MSA'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' 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 United States would have difficulty fulfilling reporting and compliance obligations under MSA and ATCA, possibly resulting in violations of MSA requirements, including catch reporting requirements.

Smoothhound sharks are managed under the MSA and the 2006 Consolidated Atlantic HMS FMP as amended. Section 303(b) of the MSA provides statutory authority to require permits for fisheries governed by FMPs issued by the Secretary of Commerce.

Regulations at 50 CFR parts 635, 622, and 300 subpart M require the permits listed above. The importance of the information collected prior to permit issuance and the use of the permit system is explained in Question 2.

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 to consider implementation of a commercial smoothhound shark permit was published on August 7, 2014 (79 FR 46217) as part of Amendment 9 to the 2006 Consolidated Atlantic HMS FMP. No comments pertaining to the smoothhound shark permit were received.

NMFS published a Federal Register notice on September 9, 2015, soliciting comments on the revision of this information collection (80 FR 54553). No comments were 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 published on August 7, 2015, and became effective on October 15, 2015.

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 5,836 hours, the number of responses total 13,494, and the number of respondents total 13,409.

For the smoothhound shark commercial permit, NMFS estimates 500 respondents to apply. If a respondent is applying for or renewing another SERO-administered permit at the same time, applying for a smoothhound shark permit would only require checking an additional box, which would take approximately 10 seconds. If the respondent is not applying for or renewing a SERO-administered permit at the same time, a new application must be filled out which would take approximately 30 minutes. Thus the total burden estimate is somewhere between 1.4 hours (500 respondents x 10 seconds = 5,000 seconds/3,600 seconds = 1.4 hours) and 250 burden hours (500 respondents x 30 minutes = 15,000 minutes/60 minutes = 250 hours). It is possible that respondents already hold a permit issued through the SERO Permits Office due to participation in other SERO fisheries (including other shark fisheries), and could renew their permit at the same time, and therefore, they would simply need to check a box on their existing form to apply for a commercial smoothhound shark permit, significantly reducing the burden hour estimate. However, at this time, NMFS does not have an estimate of the number of respondents who would apply for a smoothhound shark permit that could also apply for or renew another permit administered through SERO permit office. Therefore, for the purpose of this revision request, NMFS assumes the high estimate of 250 burden hours for the commercial smoothhound shark permit.

Therefore, for OMB Control No. 0648-0205, the new respondent number would be 13,909 (13,409 + 500); responses would be 13,994 (13,494 + 500) and the new burden hour total would be 6,086 hours (5,836 hours + 250 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 \$444,878.

There is a \$25 charge for a stand-alone commercial smoothhound shark permit or \$10 if issued in conjunction with another SERO-administered permit. Thus, the total annual cost to the public for the permit is somewhere between \$12,500, if none of the 500 respondents apply for or renew another SERO-administered permit (500 respondents x \$25), and \$5,000, if all the respondents apply for or renew another SERO-administered permit (500 respondents x \$10). For the purpose of this revision request, NMFS assumes the high estimate of \$12,500 in total annual costs for the commercial smoothhound shark permit.

Therefore, for OMB Control No. 0648-0205, the new cost burden to respondents would be \$457,378 (\$444,878 + \$12,500).

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

There are currently no costs to the government beyond regular staff hours: **41,982** (3 hours per response) at a cost to the government of \$15/hour, or **\$629,730**.

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

Program Changes:

For the addition of the commercial smoothhound shark permit to the existing SERO vessel permit application, NMFS adds 500 respondents, 500 responses, and 250 burden hours (30 minutes/response) and \$12,500 annually to this collection of information.

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.