

**SUPPORTING STATEMENT
SOUTHEAST REGION PERMIT FAMILY OF FORMS
OFFICE OF MANAGEMENT AND BUDGET 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 under OMB Control Number 0648-0205.

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

Specifically, this request would revise the following application forms:

- Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone (Vessel Application)
- Federal Application for Southeast Region Issued Operator Card (Operator Card Application)
- Federal Permit Application for Vessels Fishing for Wreckfish Off the South Atlantic States (Wreckfish Application)
- Federal Permit Application for Dealers (Dealer Application)
- Federal Permit Application for the Harvest of Aquacultured Live Rock in the EEZ Form and Instructions (Aquaculture Live Rock Application)

In addition to revising the application forms, this request would also revise the administration of a vessel decal for participants in two Gulf fisheries. NMFS proposes to revise OMB Control Number 0648-0205 to separate the single decal covering both fisheries into two decals, with one decal administered with each specific fishery permit or endorsement. In addition, this revision would also address a new fee of \$10 per decal, formerly no-cost, to cover administrative costs.

The purpose of revising and expanding the SERO permit application forms is to better comply with National Standard 4 (NS4) of the Magnuson-Stevens Act, which states, in part: “If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.”

In addition, the Regulatory Flexibility Act (RFA) and the Small Business Administration's (SBA) regulations implementing the RFA require Federal agencies, including NMFS, to determine whether their rulemakings have a significant, adverse economic effect on “small”

entities (e.g., businesses) directly regulated by those rulemakings. Agencies must also determine whether their rulemakings have any disproportionate economic effects on small entities relative to large entities. The determination of an entity's size must account for affiliation between entities (e.g., when one business partly or wholly owns another business).

It is not possible to determine accurately whether businesses are affiliated without ownership percentage data for all businesses that possess permits. Ownership percentage data is not currently collected for dealers, but there is anecdotal evidence that some dealers have ownership interests in commercial harvesting permits and vessels. SERO thinks it is prudent to request that permit applicants confirm whether they are small or large entities as per SBA standards.

Based on the above, it has been determined that the proposed revisions to SERO's permit application forms with respect to ownership data, form or type of business, and confirmation of whether entities are small or large are needed to better comply with NS4 of the Magnuson-Stevens Act and the RFA.

With respect to the addition of the sex and race/ethnicity questions, SERO currently uses information from the Census Bureau regarding the distribution of individuals by sex and race/ethnicity within communities affected by its rulemakings. SERO suspects that the distribution of individuals across race/ethnicity and sex at the community level does not reflect the distribution across individuals involved in fisheries. [Executive Order \(E.O.\) 12898](#) requires Federal agencies to analyze the environmental effects, including human health, economic and social effects, of Federal regulatory actions whenever an analysis is required under the National Environmental Policy Act ([NEPA](#)). E.O. 12898 also requires the agency to mitigate any significant and adverse effects of its regulations, provide for effective minority participation in the NEPA process, and to collect, maintain and analyze data on minority populations. Finally, information on minorities is also needed to comply with the "fairness and equitable distribution" provisions of the Magnuson-Stevens Act, including NS4 and section 303(b)(6).

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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 (Councils), the United States Coast Guard, United States Army Corps 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 Councils, the Departments of State and Commerce, the 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.

For example, 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 Employer 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 or category; and
- Signature and payment or delivery information.

Collection of information through annual permits provides current information on the vessel owners, operators, and dealers participating in these fisheries, thus facilitating information gathering for purposes such as catch quota monitoring, which is 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 some species.

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 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 Magnuson-Stevens Act 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.

NMFS requires fishermen (respondents) to display one adhesive decal on their vessel indicating that they have a Federal Charter Vessel/Headboat Permit for Gulf Reef Fish, or the Charter Vessel/Headboat Permit for Gulf Coastal Migratory Pelagic fish, and their respective Historical Captain endorsements if applicable, in at least one of these two Gulf fisheries. NMFS proposes to revise OMB Control Number 0648-0205 to separate the single decal covering both fisheries into two decals, with one decal administered with each specific fishery permit or endorsement. In addition, this revision would also address a new fee of \$10 per decal, from \$0, to cover administrative costs, as required by NOAA Finance Handbook, Exhibit 9-1. NMFS would also revise the Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone to reflect the new fee. The purpose of the decals is to allow individuals and law enforcement officials to identify vessels that have Federal permits more easily.

The following information collections under OMB Control Number 0648-0205 have not been changed:

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, and 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 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, the date the wreckfish were received, the dealer's permit number, and sign each such "Fish House" part. A dealer must then 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 NMFS SERO 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 SERO Regional Administrator 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 anticipates that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following sections, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See the response to Question 10 of this supporting statement for more information on confidentiality and privacy. 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 measures and a pre-dissemination review pursuant to [Section 515 of 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.

Respondents complete permit applications on paper forms, and then they can either mail or bring applications to the SERO Permits Office. Online application renewals are currently available only for some of the permits included on the form titled, “Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone.” The SERO Permits Office can mail applications and instructions or they can be downloaded from the SERO Permits Office Web site at sero.nmfs.noaa.gov/permits. This Web site allows the public to obtain copies of the forms, complete them electronically, and then download and print them. The SERO Permits Office cannot send or receive applications by fax or email, because applications must have an original signature, which is not possible by fax or email.

4. Describe efforts to identify duplication.

The Caribbean, Gulf of Mexico, and South Atlantic Fishery Management Councils and their advisory groups meet multiple times per year to discuss issues pertinent to management of fisheries in the southeast region, including permits and permitting requirements. These groups include representatives from fishing and processing industries, environmentalists, the academic community, and the Atlantic, Gulf, and U.S. Caribbean states and territories. Through these forums and the Federal rule-making process, information including any potential duplication of permitting requirements is identified. No duplication regarding the permits proposed for revision has been identified.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Because nearly all applicants are currently thought to be small businesses or small entities, separate requirements based on size of business have not been developed. However, one of the purposes of the proposed revisions is to determine more accurately if permit holders are in fact small entities. Only the minimum data to meet the current and future needs of NMFS' fisheries management are requested from the applicants.

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 or conducted less frequently, the United States would have difficulty fulfilling reporting and compliance obligations under Magnuson-Stevens Act, possibly resulting in violations of Magnuson-Stevens Act requirements, including catch-reporting requirements.

Species harvested in fisheries with permits under this collection of information are managed under the Magnuson-Stevens Act and in several fishery management plans (FMPs). Section 303(b) of the Magnuson-Stevens Act provides statutory authority to require permits for fisheries governed by FMPs issued by the Secretary of Commerce.

In addition, regulations at 50 CFR parts 300 subpart M, 622, and 635 require the permits under this collection of information. The importance of the information collected prior to permit issuance and the use of the permit system is explained under 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.

NMFS published a Federal Register notice on January 11, 2016, soliciting comments for a 60-day period on the revision of this information collection (81 FR 1173). No comments were received.

The SERO Permits Office sent the revised dealer permit application form to nine dealers for pre-testing purposes; more specifically to estimate the time burden of the revised form and assess applicant comprehension of the new questions and revisions to existing questions. A separate

questionnaire requested the time to fill out the form and any additional comments. Two questionnaires were returned. Information is below:

Form	Time Burden	Additional Comments
#1	25 minutes	“Easy, self-explanatory[sic] form.”
#2	50 minutes	“Thank you.”

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 Magnuson-Stevens Act, 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 annual burden hours for this collection of information total 6,086 hours, the number of responses total 13,994, and the number of respondents total 13,909.

This revision request would not require respondents to renew or reapply for currently held, valid permits. If OMB approves this revision request, respondents would utilize the revised forms when they apply for or renew their permits. For purposes of this revision request, NMFS assumes that all current permit holders would renew their permits.

For the Vessel Application, which includes any additional vessel decals needed, NMFS estimates 5,580 respondents to apply. NMFS estimates the time burden for each form would increase by 9.2 minutes per application, and overall burden for this form would increase by 855.84 (856) hours.

For the Operator Card Application, NMFS estimates 552 respondents to apply. NMFS estimates the time burden for each form would increase by 1.08 minutes per application, and overall burden for this form would increase by 9.97 (10) hours.

For the Wreckfish Application, NMFS estimates five respondents to apply. NMFS estimates the time burden for each form would increase by 1.08 minutes per application, and overall burden would increase by 0.09 (0) hours.

For the Dealer Application, NMFS estimates 485 respondents to apply. NMFS estimates the time burden for each form would increase by 8.75 minutes per application, and overall burden would increase by 70.73 (71) hours.

For the Aquaculture Live Rock Application, NMFS estimates 19 respondents to apply. NMFS estimates the time burden for each form would increase by 1.08 minutes per application, and overall burden would increase by 0.34 (0) hours.

Therefore, for OMB Control No. 0648-0205, the new annual burden hour total would be 7,023 hours (6,086 hours approved + 937 hours requested). Although NMFS estimates that this revision would affect 6,641 respondents, *there is no information to suggest that this revision request would change the overall number of respondents (13,909) included under the collection of information in OMB Control No. 0648-0205. Under this revision request, NMFS estimates the number of responses from revising the decal requirement would increase by 2,645 to 16,639, from 13,994. NMFS estimates there would be no other increase, because respondents would not have to re-apply for existing, valid permits.*

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 recordkeeping/reporting costs for this collection of information is \$457,378.

For each applicable respondent, there would be a \$10 charge per decal to permit holders with at least one of these two Gulf fishery permits: a Federal Charter Vessel/Headboat Permit for Gulf Reef Fish, or the Charter Vessel/Headboat Permit for Gulf Coastal Migratory Pelagic fish, and their respective Historical Captain endorsements if applicable. The cost would be \$20 per respondent if they held both permits and required both decals.

The maximum number of respondents, and the maximum number of permits and endorsements if each permit was split up, would be 2,645. Generally, the 1,331 applicants have a set of 2 permits, but it is not required. Each of the two permits that the applicant may have can be split up and held by individual applicants. Some of these permits have been split up and that is why there is an odd number of permits, and the 1,331 applicants are not exactly half of the maximum number of permits and endorsements (2,645). Thus, the total annual cost to the public for the decals is estimated to be \$26,450.

Therefore, for OMB Control No. 0648-0205, the new cost burden to respondents would be \$483,828 (\$457,378 + \$26,450).

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. Any materials or supplies are recouped via “Full Cost-Recovery” as directed by NOAA Finance Handbook, 9-1.

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

Program Changes:

NMFS proposes to revise OMB Control Number 0648-0205 to collect additional information on five applications for economic analysis and for purposes of notifying respondents. These data include race, sex, and business type and ownership information, as well as email addresses and the option to provide cellular contact information for digital notifications. The revision will also include a small business certification section, so NMFS can determine if the respondent is a small or large business according to standards established by the Small Business Administration. These proposed revisions will not change the current cost burden but will increase the annual time burden for respondents as explained herein.

NMFS also proposes to revise OMB Control Number 0648-0205 to split the single vessel decal applicable to two fisheries into two separate decals, with one decal administered with each fishery permit or endorsement; specifically, the decals would apply to the Charter Vessel/Headboat Permit for Gulf Reef Fish and the Charter Vessel/Headboat Permit for Gulf Coastal Migratory Pelagic fish, and their respective Historical Captain endorsements. NMFS estimates separate decals would increase the annual number of responses by 2,645; however, NMFS does not expect the annual number of respondents to change. In addition, this revision also addresses a new fee of \$10 per decal, from \$0, to cover administrative costs, as required by NOAA Finance Handbook, Exhibit 9-1. Therefore, NMFS estimates annual costs would increase by \$26,450. These decals would allow individuals and law enforcement officials to identify vessels that have Federal permits more easily.

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.