

**SUPPORTING STATEMENT
WEST COAST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO.: 0648-0204**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This request is for revision and extension of a current information collection.

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Pacific Council), to develop fishery management plans (FMP) for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMPs are intended to regulate fishing for stocks to prevent overfishing and achieve the optimum yield from the fisheries for the benefit of the U.S.

Section 303 (b) (1) of the Magnuson-Stevens Act specifically authorizes the establishment of permit requirements. Almost all international, federal, state, and local fishery management authority uses permits as part of their management systems.

The Pacific Council has prepared FMPs for: 1) the coastal pelagic species (CPS) fishery off the U.S. West Coast and 2) U.S. West Coast Fisheries for Highly Migratory Species (HMS). Each of these FMPs Created permit programs which are administered by the West Coast Region, NMFS. Both permits are valid for a two-year term.

There are three types of permits: basic fishery permits (e.g., highly migratory species), limited entry permits for selected fisheries (e.g., West Coast coastal pelagic fishery), and exempted fishing permits (EFPs). Basic permits are used in all fisheries where there are no specific limitations or eligibility criteria for entry to the fishery. Limited access/entry permits are used to prevent overcapitalization or address other management goals in the fishery. EFPs are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. A specific form for an FMP application is not required; however, an application for an EFP must provide a narrative description of the proposed activity to fully document the intended operations. This documentation allows NMFS, the Pacific Council and affected state/territorial fisher agency to evaluate the consequences of the excepted fishing activity and weigh the benefits and costs. EFPs allow innovation that may relieve excessive fishing effort or discover new methods that may resolve existing technological barriers to better management of the fishery and resource. There are provisions for transfers among owners and for appeals of actions of certain limited entry permits such as the coastal pelagic species limited entry permits. There are provisions in the permit process for appeals of permit denials.

General permit requirements are found in 50 CFR 660.1-3 ([Subpart A](#)) with the specific requirements contained in relevant sections of 50 CFR 660 ([Subpart I](#) and [Subpart K](#)).

Permits and the information obtained through permit applications are essential in the management of these fisheries. They serve to identify actual or potential participants in the various fisheries. These data are needed to help measure the impacts of management controls on participants in the fisheries. Permits are also effective tools in the enforcement of other fishery regulations. The threat of permit sanctions that would exclude a vessel from the fishery may be more effective than fines for violations of specific fishery regulations. Further, transferable limited access/entry permits may have a resale value and may be an asset that the government can seize in settlement of penalties for fishery violations.

Permits also provide an important link between the NMFS and fishermen via the permit application process. They make it easier for NMFS staff to contact fishermen and advise them of changes in the regulations or fishery conditions and give fishermen a direct point of contact in case they have questions or issues they want to bring to the attention of NMFS or a fishery management council.

This request is for a revision to the existing reporting requirements approved under OMB Control Number 0648-0204, West Coast Region Family of Forms. The West Coast Region (WCR) Permits Office administers permits required for persons to participate in Federally-managed fisheries off the West Coast under the Magnuson-Stevens Fishery Conservation and Management act, 16 U.S.C. 1801 et seq. The WCR Permits Office proposes to revise two permits within the collection of information approved under OMB Control Number 0648-0204.

Currently, under 50 CFR part 660.707, HMS permits are issued to vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington. Permits are issued for a 2-year term and remain valid until the first date of renewal. The Inter-American Tropical Tuna Commission (IATTC) adopted amended Resolution C-11-06 which requires a vessel on the IATTC regional vessel registry to add a photograph of the vessel showing its identifying vessel markings. NMFS proposes to revise OMB Control Number 0648-0204 to require new and renewing HMS applicants to submit a vessel photo with their application. Owners can email or mail photographs to the permits office, which in turn will be submitted to the IATTC vessel database manager. Online submission option is expected to be available through the National Permits System (NPS) by 2016 year-end.

NMFS estimates this revision could affect up to 1639 respondents, which is the total number of permitted HMS vessels. In October 2015, NMFA submitted a Paper Reduction Act (PRA) change request to the Office of Management and Budget (OMB) to add a pre-filled renewal form with basic data to the existing package (OMB Control Number 0648-0204) to substitute for the current renewal form. This approved change will reduce the expected burden from photo submissions. Forms can be completed by signing and dating a statement of acknowledgement that all current information is correct. This reduces the renewal time for permits to 3 minutes. In addition, revisions to the CPS form will be made to include vessel dimensions to assist with fleet capacity record-keeping.

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 on the NMFS West Coast Region federal fisheries permit application forms by the West Coast Region is utilized to determine whether the applicant meets the eligibility criteria for a permit for the fishery the applicant intends to participate in. The data may also be used by several offices of NMFS, USCG, and state and territorial fishery-management, research, and enforcement agencies. As requested, summaries of permit application information are provided to the Western Pacific and Pacific Councils, member states, and interested parties to describe the characteristics of the fishery and estimate the nature and magnitude of the impacts of fishery regulations on different permit holders. Information on the vessel (as provided in documentation or registration certificates) is used to ascertain actual or potential participants in different sectors of each fishery and the amount of harvesting pressure they might exert on the fishery. This is important in determining the potential effectiveness and impacts of different management approaches and in assessing the capacity of the fleets in the fisheries.

The information collected is basic data on applicants, such as name of owner and vessel operator, name of vessel and its official number, address, telephone number, and international radio call sign. Independently verifiable data on the vessel's USCG documentation or state registration certificates identify the legal ownership of the vessel being permitted. This latter requirement is essential for imposing permit sanctions, which are an effective fisheries enforcement tool. Since many vessels may be owned by partnerships or corporations, identification of ownership on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. By having addresses, NMFS can mail fishery information to vessel owners and operators; also permit renewal forms are sent to permit holders quickly and easily. Telephone numbers (business, home, facsimile) and email addresses are used to assist NMFS in processing the application by allowing questions to be resolved more quickly than by correspondence.

Disclosure of the Employer Identification Numbers of the corporate applicants is mandatory in accordance with the Debt Collection Improvement Act ([31 U.S.C. 7701](#)), which requires that agencies obtain taxpayer identification numbers from person applying for Federal permits. Vessel owner or his or her agent's signature is required as legally binding actions, which ensure eligibility to receive or transfer a permit under specific FMP regulations. False statements without the signature of the applicant would be difficult to prosecute.

Sections of the HMS form will be revised to meet the new photo requirement. Section 4 has been added to indicate that a photograph of the vessel will be required and submission options. Photos can be submitted with the paper application or email to the Long Beach Permits Office at wcr.permits@noaa.gov. Photos will only need to be submitted by a permit holder once. Photos will be added to the IATTC vessel registry and kept on file with the WCR Permits Office. New photos are only necessary if adjustments to vessel dimensions occur. In addition, minor adjustments have been made to page 1 to improve clarity for applicants, such as adding selection boxes for gear types and relocating citizenship verification. Detailed instructions are provided on page 2 of the application and have been updated accordingly.

The WCR Permits Office is also revising the CPS form to collect additional information for CPS permits approved under OMB Control Number 0648-0204. WCR Permits Office will modify the current form to indicate the inclusion of a required copy of the most current documentation that includes overall vessel length, width, and breadth (e.g. Coast Guard documentation, Vessel Tonnage Certificate, Marine Survey) for permits assigned to vessels. In addition, areas to include this information directly onto the form will be added. This information is necessary to monitor the accurate and most recent calculated gross tonnage of the CPS limited entry fleet and will not increase burden to permit holders beyond the current time of 15 minutes to complete forms

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries 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 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.

The West Coast Region's Web site at http://www.westcoast.fisheries.noaa.gov/permits/commercial_fishing_research_permits.html is used to inform the public about the WCR permit programs and provides a means by which the application form for the Pacific HMS and coastal pelagic species limited entry permits may be obtained. A public interface option is available through the National Permits System (NPS) website at <http://fisheriespermits.noaa.gov> to allow WCR permit applicants to apply for and renew Pacific HMS permits and renew CPS permits. EFP applications have no forms associated with them. These applications are relatively rare events and cannot be predicted in advance.

4. Describe efforts to identify duplication.

One Federal program that provides some similar information is the vessel documentation program of the U.S. Coast Guard. The permit process incorporates verification of the current USCG Certificate of Documentation data on file for vessels to determine information about the vessels and their ownership. This is achieved via a NMFS internet site that reflects quarterly updates from USCG data sources. Similar verification is occasionally conducted via state vessel registration contacts. The HMS permit application does not contain a requirement to provide duplicate information. The CPS permit form for transfers and renewals does request vessels information, in which a request for USCG Certificate of Documentation, vessel tonnage certificate, or marine survey is necessary to verify the calculated gross tonnage of vessels. Although USCG Certificate of Documentation data is available, vessel tonnage certificates and marine surveys are not. For consistency, it is necessary to include all options available on the form.

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

All of the vessels in the Pacific coastal pelagic fishery are small business entities of similar size and are affected comparably. All fishing operations involving vessels in the highly migratory fisheries, except the large scale tuna purse seine vessels (having a carrying capacity more than 400 short tons), can be categorized as small businesses. However, the reporting burden of applying for a permit is slight relative to the overall cost of fishing. No special measures are needed to accommodate different sized businesses. Only the minimum data to meet the permit program objectives are requested from the permit applications.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If permit data are not available or are collected less frequently, NMFS will have difficulty monitoring the fishery, determining entry and exit patterns, and providing information needed to ensure full impact analysis from the regulatory programs. NMFS Enforcement will not be assured of being able to identify current permit holders for purposes of compliance monitoring and enforcement of the regulations. There will be less frequent contact with fishermen and our ability to contact permit holders to consult them prior to adopting new regulations and to advise them of regulatory changes will diminish. Our ability to document transfers of marketable permits under the current CPS limited access permit programs will be compromised.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with the 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 Federal Register Notice published on March 9, 2016 (81 FR 12471) solicited public comment on the collection; none was received.

Comments were invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

A representative of a non-governmental organization and a member of an academic institution stated “no comments” on any of these items.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this program.

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: under the Magnuson-Stevens Act and [NOAA Administrative Order 216-100](#), information submitted in accordance with regulatory requirements under the Act is confidential. This includes confidential information submitted with a permit application. Personal and proprietary information is not released to the public.

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.

It is estimated that 90 percent of HMS permit holders (1,475 of 1,639 current valid permit holders) renew their permits every 2 years with minimal changes in information, taking 3 minutes per response. Thus, 1,475 vessels will renew with a burden of 74 hours, or an annualized burden of 37 hours (738 responses). Permits renewals are staggered, with only half of current permit holders expected to renew in a given year. In addition, there will be substitution vessels for the 10 percent (164 vessels) which depart the fishery, at a burden of 30 minutes for new permits, with a total burden estimated at 82 hours. The annualized burden for this sector is 41 hours per year (82 responses). Thus, **the total annualized burden is 78 hours (37 + 41)**. Total annualized responses are 820.

For the proposed photo collection, once they are stored, only photos from new permits will pose a burden. The first collection will affect 100% of HMS permit holders (1,639 current valid permit holders), taking an additional 30 minutes per year for 820 responses. After the first photo is collected, only 10% of HMS new permits will add additional 82 burden hours and an annualized burden of 41 hours per year: $410 \text{ hours} + 41 + 41 = 492/3 = \mathbf{164 \text{ hours}}$ (no additional responses) .

For the west coast coastal pelagic fishery permits, there will be no new permits issued, only renewals and transfers. It is estimated that there will be 65 respondents x 0.25 per hour, for renewals, equaling 16.25 hours. The annualized burden for this sector would be 8.1 hours (33 responses). Transfers are estimated at 7 respondents x 0.50 hr/response = 3.50 hours (annualized to 1.75 hours, 4 responses). Appeals are estimated at 5 respondents x 2 hours/response = 10 hours (annualized to 5 hours; 3 responses). **Thus, the total annualized burden is 15 hours (8.1 + 1.75 + 5). Total annualized responses are 40.**

For EFPs, it is estimated that there will be one new permit issued each year x 60 minutes to complete. **Thus, the total annualized burden hours would be 1 hour and 1 response per year.**

Total respondents will be 1705. Total annualized responses will be 861. Total annualized hours will be 258.

The estimated total annual labor cost to respondents is estimated at \$1,880 per year. This was derived by multiplying the number of hours of burden each year times an hourly cost rate of \$20, the estimated total cost for administrative staff support in an office setting.

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).

There is no "start-up" capital cost for complying with these requirements. 70 percent of HMS new and renewing applicants (574 applicants) plus 28 CPS applicants (totaling 602) are expected to mail in permit applications. The annual cost to the respondents for postage, faxes, copies, etc. related to this collection for mail-in applications is estimated at \$439.46 (approximately \$0.73 per response). With the implementation of NPS, approximately 30% of HMS new and renewing permits applicants (246 applicants) are expected to use the online permit application option. The online permit application process eliminated cost from stamps and envelopes and the remaining cost will be for copies of HMS permits (approximately \$0.10 per person) and is estimated to be \$24.60. The total recordkeeping/recording cost to HMS and CPS applications is estimated at \$464.06.

A total of 820 Pacific HMS permits applications (615 renewals and 205 new applications) are expected per year. At \$30 per application fee, this will add \$24,600, bringing the total to \$25,064.

For the one EFP permit, adding \$1 for mailing brings the grand total to \$25,065.

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

The estimated annualized cost to the government is estimated at \$18,543.20. This is based on the approximate cost of a ZP II Interval I Permits Technician in the Los Angeles Area for sending out permit renewal notices, reviewing application, responding to inquiries, awarding the permit and processing the data. The breakdown is as follows:

Mail-in HMS and CPS permit applications:

66 minutes x 602 responses = 662.2 hrs x \$21.41 per hr = \$14,177.70

Online permit applications:

29 minutes x 246 responses = 118.9 x \$21.41 per hour = \$2,545.65

Photo Submission (10% after the first renewal post-PRA approval):

30 minutes x 170 responses = 85 x \$21.41 per hour = \$1,819.85.

15. Explain the reasons for any changes or adjustments.

Program Change:

With the proposed requirement for photo submission for new and renewing HMS applications, burden will increase by an annualized 164 hours.

Adjustments:

Burden will decrease by 41 hours for HMS permits.

Due to the use of the online HMS permit application through NPS and pre-filled renewal form (approved under a 2015 change request); the average reporting cost per item has decreased, although the number of applications has increased slightly. There is a net decrease in costs of \$1,047.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No publications based solely on permit data are planned at this time.

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.

The expiration dates will be shown on the application forms.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.