

**SUPPORTING STATEMENT  
GREATER ATLANTIC REGION PERMIT FAMILY OF FORMS  
OMB CONTROL NO. 0648-0202**

**A. JUSTIFICATION**

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

This request is for revision of a current information collection in connection with a proposed rule, 0648-BF26. The National Marine Fisheries Service (NMFS) is proposing to establish accumulation limits for entities that hold limited access Northeast Multispecies permits. Entities that exceed the accumulation limit would be required to designate one or more permits “unusable” so that the entity manages its allocation within the accumulation limit. Currently, the proposed limits are much greater than any entity has accumulated and, therefore, it is unlikely that the limits will be reached in the near future. We are estimating a total of two entities per year submitting this information.

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The Council develops management plans for fishery resources in New England.

The Secretary was given certain regulatory authorities to ensure that these resources are utilized in the most beneficial manner. The requirement of a permit for users of these resources is one of the regulatory steps taken to carry out conservation and management objectives. Section 303 (b) (1) of the Magnuson-Stevens Act specifically addresses the need for permit issuance. In addition, almost every international, Federal, state, and local fishery management authority recognizes the value and use of permits as part of their respective management systems. Thus, the Secretary has promulgated rules for the issuance of Federal fisheries permits.

The issuance of a permit is an essential part of managing fishery resources. The purpose and use of permits is to: (1) Register vessel owners, vessel operators, fishing vessels, fish dealers, and processors; (2) list the characteristics of fishing vessels and/or dealer/processor operations; (3) exercise influence over compliance (e.g., withhold permit issuance pending collection of unpaid penalties, or unsubmitted, but required data); (4) provide a mailing list for the dissemination of important information to the industry; (5) register participants to be considered for limited entry; and (6) provide a universe for data collection samples. Identification of the participants, their gear types, vessels, and expected activity levels is an effective and necessary tool in the enforcement of fishery regulations. This information is needed to measure the consequences of management controls as well. Limited access (moratorium) permits are necessary to control fishing effort by managing the number of participants in a fishery. Dealer and vessel permits are necessary to ensure that data collections cover entire fisheries. Vessel operator permits serve as primarily a compliance and information dissemination tool.

The permit system is an integral part of the management of fisheries in the Northeast Region of NMFS. Consolidated regulations for the fisheries included in this collection are found at 50 CFR part 648 and 50 CFR part 697. It would not be possible to carry out the mandates of the Magnuson-Stevens Act and other laws if approval to continue these previously approved collections were to be denied.

This information collection includes requirements for onboard vessel monitoring systems (VMS). Vessels with particular permits are required to use an electronic VMS to declare their intent to fish before starting a particular trip, change their intent to fish during a trip, report the area they will be fishing in, whether they are fishing or transiting, and to report real-time catch, including information on kept and discarded catch. While vessels are also required to report catch information weekly or monthly depending on their permit through vessel trip reports (VTRs)(VTR collection approved in OMB Control No. 0648-0212), it is often necessary to have daily catch reporting in order to have a real-time understanding of the operation of the fishery. Real time catch reporting is especially important for high volume fisheries, where large amounts of fish are landed in short periods of time, so that the fishery can be shut down when approaching the annual, regional, or seasonal quota. VMS are also used for enforcement purposes to monitor where vessels are fishing on a real-time basis and enforce area restrictions.

Vessels are also required to request, in writing, to participate in any of the various exemption programs offered in the Northeast region. Exemption programs may allow a vessel to fish in an area that is limited to vessels of a particular size, using a certain gear type, or fishing for a particular species. Vessels are also required to request gillnet and lobster tags through the Northeast region permit office when using gillnet gear or lobster traps.

Lastly, vessel owners that own multiple vessels, but would like to request communication from NMFS be consolidated into one mailing (and not separate mailings for each vessel), may request the single letter vessel owner option to improve efficiency of their business practice.

A new collection of information within the current permit family of forms would require an entity to identify one or more permits that it is rendering “unusable” for the next fishing year in order to operate within the Potential Sector Contribution (PSC) limit. The proposed PSC limit is 232.5, and currently, no entity has a PSC greater than 140. As a result, it is unlikely that any entity will reach this limit within the next few years, if ever. Nonetheless, as a precautionary approach, the “Northeast Multispecies Permit Shelving Form” is being added to the family of forms 0648-0202.

**There are no changes to any of the other information collections:**

**Vessel Permits (Initial and Permit Renewal):**

There are two major categories of vessel permits: open access and limited access (also called moratorium). Since there are no eligibility requirements, open access permits are available to anyone who applies. Conversely, limited access permits are issued to only those applicants who meet the specific qualification requirements for a particular fishery. The permits included in this submission are for the following open and limited access fisheries: Atlantic herring, Atlantic mackerel, Atlantic sea scallop, black sea bass, Atlantic bluefish, longfin and *Illex* squid, longfin

squid, butterfish, monkfish, Northeast (NE) multispecies, ocean quahog, Maine mahogany quahog, scup, spiny dogfish, summer flounder, surf clam, tilefish, deep-sea red crab, NE skates, incidental squid in a highly migratory species (HMS) trawl, and American lobster. Some fisheries are entirely limited access (e.g., American lobster), while others are entirely open access (e.g., bluefish and spiny dogfish). However, most of the fisheries included in the Northeast Permit Family of Forms have both limited access and open access categories. Therefore, if an applicant does not meet the eligibility requirements of a limited access fishery, they may apply for an open access permit. Permit applications include the following information, along with any other information deemed necessary by the Regional Administrator: vessel and vessel owner name; address; vessel length; horsepower; gross tonnage; construction material; fish hold capacity; fishing permits requested; etc. Vessels that are owned by Corporations, Limited Liability Companies, and Partnerships are required to include all persons having an ownership interest in the vessel. An ownership form is included in both vessel and dealer permit forms and is required with each application for a vessel or dealer permit. Annual renewal is considered important in establishing participants who have an active interest in maintaining their ability to participate in a limited access fishery, and conversely allowing permits to lapse and be cancelled for those who do not.

Entry into limited access fisheries typically requires proof of vessel eligibility, usually in the form of documented landings of the managed species or species group to be submitted with the permit application. Eligibility for limited access fisheries is established only once, during the initial year of the program. In subsequent fishing years, the permit is reissued in the same manner as open access permits. The permit applicant will be provided a pre-printed renewal form each year on which they select the open access permits they want, and the limited access permits for which their vessel has qualified.

### **Operator Permits (Initial and Renewal):**

The vessel operator permit enables NMFS to send notices of proposed and approved regulatory changes to vessel operators, as well as vessel owners, improving the flow of information to the industry. These permits are required for all operators of vessels issued vessel permits from the Northeast region and possessing or fishing in the following fisheries: Atlantic herring, Atlantic mackerel, Atlantic sea scallop, black sea bass, Atlantic bluefish, *Illex* squid, longfin squid, butterfish, monkfish, NE multispecies, ocean quahog, Maine mahogany quahog, scup, spiny dogfish, surf clam, tilefish, deep-sea red crab, NE skates, and American lobster.

The possible revocation of vessel, dealer, and operator permits helps to ensure compliance with reporting and other fishery specific regulatory requirements. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of withdrawing or not renewing permits. Fines for fishing without a permit can be more substantial and easier to enforce than fines for other violations. Vessel owners may be willing to pay the lower fines if the violation brings enough economic benefit, but do not want to be excluded from the fishery.

### **Dealer/Processor Permits (Initial and Renewal):**

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

Magnuson-Stevens Act, Regulatory Flexibility Act, and Executive Orders 12866 and 12131 require the determination of these facts. This collection of information includes the following dealer permits: Atlantic hagfish, Atlantic herring, Atlantic herring at-sea dealer, Atlantic mackerel, Atlantic sea scallop, black sea bass, bluefish, *Illex* squid, longfin squid, butterfish, monkfish, NE multispecies, ocean quahog, scup, spiny dogfish, summer flounder, surf clam, tilefish, deep-sea red crab, NE skates, and American lobster.

### **Vessel Replacements and Confirmations of Permit History:**

The vessel replacement and confirmation of permit history (RPH) application provides a one-step venue for applicants to request replacement of one vessel by another vessel and/or retention of a vessel's limited access permit history. This form saves time and effort by guiding applicants through the process, and by including these inter-related permit actions on one form.

The term vessel replacement, in general, refers to replacing an existing limited access vessel with another vessel. This application requires that the same entity must own both the limited access vessel (and fishing history) that is being replaced and the replacement vessel.

A vessel owner must maintain the limited access permit status for an eligible vessel by renewing the permits or applying for a confirmation of permit history (CPH) on an annual basis. A CPH is issued to a person who does not currently own a fishing vessel, but who has legally retained the fishing and permit history of the vessel for the purpose of transferring it to a replacement vessel at a future date. A CPH is only issued to vessels that have been sold, sunk, or destroyed. Annual renewal is considered important in establishing participants who have an active interest in maintaining their ability to participate in a limited access fishery, and conversely allowing permits to lapse and be cancelled for those who do not.

### **Vessel Monitoring Systems (VMS):**

A VMS provides an effective means of monitoring vessel activity, including assessing fishing effort, through determining vessel location. This information is necessary to enforce management measures such as days-at-sea (DAS), closed area provisions, and to prevent overfishing through electronic catch reporting, where applicable. VMS enables industry participants to provide information on the nature and purpose of their activities electronically and to send and receive electronic messages while on board their vessels. VMS units are also capable of transmitting catch and landings information. Section 303(b)(4) of the Magnuson-Stevens Act authorizes the Secretary to require the use of devices such as VMS that would facilitate enforcement of FMP provisions.

VMS is currently required for the following industry participants (1) A scallop vessel issued a Full-time or Part-time limited access scallop permit, or an LAGC scallop permit; (2) A scallop vessel issued an Occasional limited access permit when fishing under the Sea Scallop Area Access Program specified under § 648.60; (3) A vessel issued an offshore limited access monkfish permit; (4) A vessel issued a limited access NE multispecies Category A, D, E, or F permit; or a vessel issued a limited access NE multispecies small vessel category or Handgear A permit that fishes in multiple stock areas; (5) A vessel issued a surfclam (SF 1) or an ocean quahog (OQ 6) open access permit; (6) A vessel issued a limited access Atlantic mackerel or

longfin squid/butterfish moratorium permit; (7) A vessel issued a Maine mahogany quahog (OQ 7) limited access permit; (8) A limited access monkfish vessel electing to fish in the Offshore Fishery Program in the SFMA; (9) A vessel issued a limited access herring permit, vessels acting as a herring carrier, and vessels issued an open access Category E permit . In addition, NMFS issues an annual permit for Canadian vessels that participate in the Atlantic herring fishery. The owner or operator of any foreign fishing vessel must install VMS units and maintain them in working order.

Industry participants in these fisheries must provide proof of VMS installation with the vessel's permit application or renewal. In addition, all vessel owners required, or choosing to use, a VMS unit must call the NMFS Greater Atlantic Region OLE to confirm connectivity of the unit with the OLE system upon installation of a new or replacement VMS unit, and send a VMS certification form as an official statement that the federally permitted fishing vessel has an operational VMS unit installed. In addition, all vessels required to use VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hr a day, throughout the year; or at least twice per hour, 24 hr a day, throughout the year, for vessels issued a scallop permit. VMS units send position reports automatically with the frequency set by the operator. VMS activity declaration and reporting requirements specific to the permit type and the circumstance are required by regulations at §648.10.

#### **Good Samaritan DAS Credits:**

Limited access vessels fishing under DAS requirements that have assisted in USCG search and rescue operations or assisted in towing a disabled vessel may apply for Good Samaritan credits (§648.53(e)). This provision enables such vessels to not accrue DAS for the documented time of their assistance efforts.

#### **DAS Credit for Standing by an Entangled Whale:**

Every year, there are many reports of large whale entanglements. However, few entangled whales are actually disentangled because many of the reported entangled whales are never relocated. Given effort limitations, vessels are reluctant to take the time to provide rescuers information about entangled whales because they could lose valuable fishing time. As a result, the NE Multispecies FMP provides DAS credit for vessels that stand by an entangled whale. This credit provides an incentive for vessels to report and stand by entangled whales so that they can be successfully disentangled.

#### **DAS Credit for a Canceled Trip:**

NMFS permits vessels that have canceled a fishing trip due to unforeseen circumstances, but have not yet conducted any fishing activity, to be credited DAS upon written request of the vessels owner/operator. This provision applies to all fisheries that operate under a DAS management system, specifically the Northeast (NE) multispecies, monkfish, and Atlantic sea scallop fisheries. A canceled trip DAS credit is only be approved in cases where fishing gear was set or hauled and the vessel was, therefore, not in possession of any fish. The vessel's VMS will provide data that will help determine whether or not the vessel hand engaged in setting or hauling fishing gear. To ensure the enforceability of this provision, vessels seeking a canceled

trip DAS credit are required to notify NMFS Office of Law Enforcement to coordinate a monitored landing event. The initial notification method depends upon the reporting requirements of the vessel's permit type. Vessels required to report using a VMS unit will be required to send a VMS email and vessels not required to use a VMS must call the interactive voice response (IVR) backup line. Additionally, after landing, both VMS and IVR vessels would be required to submit a DAS credit request form.

### **Vessel Monitoring System Power Down Exemption**

For vessels fishing with a permit that requires VMS, the vessel owner may sign out of the VMS program for a minimum period of 30 consecutive days by obtaining a valid letter of exemption (§648.(c)(2)). The vessel may not engage in any fisheries until the VMS unit is turned back on, and the vessel must comply with all conditions and requirements of said letter. Normally, vessels carrying permits that require VMS units must transmit a signal indicating the vessel's position either once or twice per hour, 24 hours a day, depending on the permit type. The vessel power down exemption allows both voluntary VMS users and vessels required to use VMS to stop transmitting their position under certain provisions, provided the vessel will be out of the water for a minimum of 72 hours, or for vessels with a valid NE multispecies limited access permit, a surfclam and ocean quahog permit, or an Atlantic sea scallop limited access permit, the vessel will remain at dock/mooring and not engage in any fisheries for a minimum of one month. Vessel operators are allowed to discontinue the use of VMS as long as a valid letter of exemption is obtained and the vessel complies with the conditions and requirements of the exemption letter. The vessel is required to retain this exemption letter on board the vessel. The vessel owner may also request to extend the time period for which the exemption was granted.

### **Exemption Programs Authorized for Federal Permit Holders:**

Several NE Region FMPs allow exemptions from the regulations for fisheries conducted in a manner already consistent with the goals and objectives of the FMP. For example, the minimum mesh requirement of the summer flounder fishery is waived for a fishery that occurs in an area where the gear selectivity measure would have no significant conservation benefit (§648.104(b)(1)). Similarly, under the NE Multispecies FMP, many exemptions have been authorized for small mesh fisheries and fisheries not requiring effort controls as each one is demonstrated to have a negligible effect on species under protection (§648.80(a)).

The purpose of fishery exemptions is to allow federally permitted vessels to conduct fisheries that might otherwise be restricted. In this way, the social and economic impacts associated with conservation plans are lessened. The NE Multispecies FMP anticipates the need for such exemptions. As a result, an expedited process exists at §648.80(a)(8) for adding, deleting, or modifying exempted fisheries. According to this measure, if the RA, after consultation with the NEFMC, determines that the fishery in question would have less than 5 percent bycatch of regulated multispecies and the exemption will not jeopardize fishing mortality objectives, the exemption may be allowed and added to the list of exemptions under §648.80(a).

Because exemptions provide alternatives to the often restrictive fisheries managed under an FMP, special permitting or Letters of Authorization (LOA) are often required to ensure compliance and consistency with the purpose of the exemption. Special permits and LOAs

provide a list of participants, their period of participation, and assist the agency in compliance monitoring. Special permits and LOAs also serve to resolve confusion and delay caused when a vessel in an

authorized exemption program is boarded by enforcement officers to determine whether or not the vessel is fishing illegally.

The following exemptions contain collection of information requirements under OMB Control No. 0648-0202, i.e. requests for Letters of Authorization (LOA) from the Regional Administrator (RA):

- Summer flounder small-mesh exemption (§648.104(b)(1)): For vessels desiring an exemption from the minimum mesh-size requirements for the summer flounder fishery
- Winter flounder state waters exemption: for vessels issued a NE multispecies permit wishing to land winter flounder in state waters with a mesh size smaller than the specified minimum
- Midwater trawl exemption (§648.80(d)(2)): For vessels wishing to fish with mid-water trawls in the GOM/Georges Bank (GB) Exemption area
- Purse seine exemption (§648.80(e)(2)): For vessels wishing to fish with purse seines in the GOM/GB Exemption area
- Herring Carrier Exemption (§648.4(a)(10)(ii)): Allows federally permitted herring vessels to operate as herring carriers as long as no gear capable of fishing is on board. The carrier LOA has a minimum 7 day enrollment period. There is an option to declare into the herring fishery as a carrier using a VMS unit on a per trip basis instead of applying for this LOA. Using the VMS declaration option there would no longer be a 7 day minimum enrollment period.
- Herring Transfer at Sea Exemption (§648.13): Allows Federally permitted herring vessels to transfer or receive herring at sea to/from another herring vessel, a herring at-sea processor, and/or herring carrier vessel.
- Nantucket Shoals dogfish exemption (§648.80(a)(10)): For vessels wishing an exemption from minimum mesh size requirements in the Nantucket Shoals dogfish exemption area
- Southern New England (SNE) Little Tunny Gillnet Exemption (§648.80(b)(9)): For vessels wishing to fish with gillnet gear with a mesh size smaller than the minimum required mesh size in the SNE Little Tunny Gillnet Exemption Area
- Western GOM and Cashes Ledge closed areas party/charter exemption (§648.81 (f)(5) (v)(A)): For vessels fishing under Charter/Party regulations in GOM and Cashes Ledge closed areas
- Nantucket Lightship party/charter exemption (§648.81(c)(2)(ii)(A)): For owners of charter/party vessels intending to fish in the Nantucket Lightship Closure Area
- State waters sea scallop exemption program (§648.54): Limited access sea scallop vessels wishing to participate in either the state waters DAS exemption program or the state waters gear exemption program must notify the RA by VMS or call-in notification. Participants in the sea scallop state waters exemption programs using VMS notification must notify the RA prior to the first trip in the exemption program and prior to the first planned trip in the EEZ, at an estimated 5 minutes per response. Participants in these exemption programs using the call-in system must notify the RA at least 7 days prior to fishing under the exemption. If participants using the call-in system wish to withdraw from either state waters exemption program prior to the end of the 7-day designated exemption period requirement, they must also call the RA to notify of early withdrawal.

- Northwest Atlantic Fisheries Organization (NAFO) regulatory area request (§648.17): Allows vessels possessing a valid High Seas Fishing Compliance permit fishing in the NAFO Regulatory Area to be exempt from NE multispecies and monkfish regulations while transiting the EEZ with NE multispecies on board and land NE multispecies in U.S. ports.
- Raised footrope trawl whiting fishery (§648.80(a)(15)): For vessels wishing to fish with nets with a mesh size smaller than the minimum specified mesh size in the Raised Footrope Trawl Whiting Fishery area
- Monkfish Southern Fishery Management Area (SFMA) landing limit exemption (§648.94(f)): For permitted monkfish vessels that do not have VMS unit that wish to fish exclusively in the Northern Fishery Management Area (NFMA)
- Surf Clam/Quahog GB Closed Area Exemption: Allows vessels access to a portion of the GB Closed Area for harvesting surfclams and ocean quahogs provided all harvesting be conducted under the terms and conditions of a paralytic shellfish poisoning (PSP) testing protocol.
- White and Red Hake Transfer at Sea Exemption (§648.13(e)): A vessel issued a Federal NE multispecies permit may transfer from one vessel to another, for use as bait, up to 500 lb of whiting and unlimited amounts of red hake, per trip, as long as the transferring vessel possesses a Federal NE multispecies permit and the receiving vessel possesses a written receipt for any small-mesh multispecies purchased at sea.
- Cultivator Shoals Whiting Exemption (§648.80(a)(6)): A vessel issued a NE multispecies limited access (Category A-F) or open access (Category K) permit can land 30,000 lb of silver hake (whiting) and offshore hake combined per trip in this area.
- GOM/GB Transiting: A vessel subject to the minimum mesh size restrictions may transit through the GOM and GB RMAs with nets on board with a mesh size smaller than the minimum mesh size specified and with small mesh exempted species on board.
- Skate Bait Exemption (§648.322(c)): A holder of a Federal skate permit may be exempted from the skate wing possession limit restrictions in order to land whole skates for use as bait.
- Mackerel, Squid, Butterfish Transfer at Sea (§648.13): A vessel with a valid longfin squid, *Illex* squid, and/or butterfish permit may transfer and receive longfin squid, *Illex* squid, and/or butterfish at sea.
- GOM Cod Landing Limit Exemption: A NE multispecies day at sea (DAS) permit holder and fishing exclusively south of the GOM RMA, may receive an exemption from the more restrictive GOM cod landing limit. If the vessel declares through VMS, the GOM Cod Trip Limit Exemption form should be sent, via VMS, prior to leaving the dock for each trip.
- GOM Rolling Closed Area Charter/Party: The vessel may not use a NE multispecies DAS, fish on a sector trip, or fish under the provisions of a Handgear A, Handgear B, or Small Vessel (Category C) permit during the entire period for which the LOA is valid.

### **Change in multispecies permit category (VMS):**

NE multispecies vessels are authorized to change the category of DAS used or change the area declared to be fished so that the vessel may fish both inside and outside of the Eastern U.S./Canada Area on the same trip. Vessels issued both a NE multispecies permit and a

monkfish permit are also authorized to change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS, while remaining subject to the to the NE multispecies DAS usage requirements during the course of a trip.

**Transiting to another port (VMS):**

Because the possession limits for GOM cod can be smaller than the possession limit for GB cod, common pool vessels fishing south of the GOM RMA are currently required to declare intent to fish outside of the GOM RMA via VMS (§648.86(b)(4)). This declaration exempts the declaring vessel from the GOM cod possession limits when it is fishing in the GB RMA but transiting through the GOM RMA with a higher possession of cod on board the vessel. Common pool vessels fishing under the GOM Cod Landing Exemption may transit from one port to another provided that the operator notifies the RA prior to transiting (§648.86(b)(3)).

**Gillnet Tagging Program and Category Designation:**

Gillnet vessels are required to elect a gillnet category designation by selecting either the “Day gillnet” or “Trip gillnet” category on a form provided by NMFS (§648.4(c)(2)(ii)). On this same form, vessel owners who have selected the “Day gillnet” category may request the required net tags and send a check for the cost of the tags. If the maximum number of tags is not requested on the initial form, vessel owners may request additional tags at any time during the fishing year through an additional form. If any tags are lost or destroyed, the RA must be notified as soon as possible via letter or fax. The vessel owner may also request replacement tags via the same letter or fax, including a check for the cost of the replacement tags (§648.82(k)). This tagging program helps enforce limits on the number of nets a vessel is allowed to fish at a given time.

**American Lobster Trap Area Designation and Tagging Program:**

Each owner of a fishing vessel that fishes with traps capable of catching American lobster must declare to NMFS on the annual application for permit renewal which management areas the vessel will fish in for lobster with trap gear during that fishing season. Any lobster trap fished in Federal waters must be affixed with a valid lobster trap tag (unless exempted by the RA). Trap tags are issued by the RA or by state agencies by agreement with the RA. The trap tags must be purchased using a NMFS trap tag order form or state equivalent. The purpose of the trap tags is to enforce the number of traps a vessel is authorized to fish based on the area(s) designated. Vessel owners are required to report lost, destroyed, or missing tags to the RA within 7 days of the loss incident, and may request replacement of the lost, destroyed, or missing tags (§697.4). Vessels that possess both an American lobster permit for traps in Area 5 and Federal limited access black sea bass permit have the option to participate in the Area 5 waiver category. By opting for this category, they are allowed a limited possession limit for lobster while directing trap fishing on black sea bass. They can opt in and out of this category throughout the permit year by notifying the NE Region Permit Office and completing a permit application (§697.26).

### **State Quota Transfer Requests:**

The summer flounder and bluefish fisheries are currently managed by a commercial quota allocated on a state-by-state basis. The summer flounder and bluefish quotas are annual allocations. These two fisheries allow states to request that quota be transferred or combined between and among states for a particular fishery (§648.100(e), §648.160(f)). Requests are made in writing to the RA. Quota transfers allow flexibility among the states in managing their allocations, thereby addressing unforeseen variations and contingencies in the fisheries.

### **Vessel Owner Single Letter Option:**

Vessel owners that own multiple vessels but would like to request communication from NMFS be consolidated into one mailing (and not separate mailings for each vessel) may request the single letter vessel owner option to improve efficiency of their business practice.

### **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.**

A new collection of information within the current permit family of forms would require an entity to identify one or more permits that it is rendering “unusable” for the next fishing year in order to operate within the Potential Sector Contribution (PSC) limit. The proposed PSC limit is 232.5, and currently, no entity has a PSC greater than 140. As a result, it is unlikely that any entity will reach this limit within the next few years, if ever. Nonetheless, as a precautionary approach, the “Northeast Multispecies Permit Shelving Form” is being added to the family of forms 0648-0202. Burden estimates estimate 2 potential users that will each spend 30 minutes to complete the form. The 30 minutes includes time each entity would spend reviewing its permit histories, allocations, and determining which permit(s) to shelve.

The entity would complete the form and submit it to NMFS no later than April 1, to render a permit “unusable” for the following fishing year, which begins 30 days later on May 1. The form will identify which permit(s) will be inactive for the next fishing year. This information will not be disseminated to the public.

### **There are no changes to any of the other information collections:**

### **Vessel Permit Application (Initial and Renewal):**

The 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 are two vessel permit application forms—an initial form for new vessels and a renewal form for previously permitted vessels.

In section 1 of the permit application, information such as name and address of the owner is used to identify the applicant and legal ownership of the vessel. This requirement is essential in the use of permits as a fisheries enforcement tool. For example, violations of catch regulations may

result in the suspension of a vessel's permit. Since a corporation may own several vessels, identification of ownership on the application form allows NMFS to sanction the company as well as the individual vessel or vessel operator for repeated violations of regulations. This information is also used to provide a mailing list or email list for corresponding with Federally permitted vessels. The regulations specify that mailing address is required. The regulations authorize such requirements to be added as found necessary.

A USCG documentation number, or state registration number when appropriate, serves to further identify an individual vessel. This number is especially useful in tracking permit histories to past owners, assuring that qualified vessels obtain proper moratorium permits. That history becomes more and more important as additional fisheries undergo moratoriums limiting the access of participants.

Telephone numbers are required to assist NMFS in processing the application. Possessing a telephone number for an applicant enables questions to be resolved more efficiently and inexpensively than via correspondence, thus facilitating timely issuance of the permits. Home and principal port information provides managers with information on the distribution of fishing effort and fishing communities--vital components in evaluation of socio-economic impacts of fishing regulations.

The vessel information requested in section 2 of the initial application is required for evaluation of fishing power and capacity and is used by fishery economists and researchers to estimate the impacts of the fishing fleet on a resource and perform other studies as appropriate. Information from this database is used frequently throughout the year as studies are needed.

The fishery information requested in section 3 is used by NMFS, the Councils, and other fishery research and management organizations to evaluate the placement, qualifications, and fishing methods of participants in the various fisheries. This information defines the type of permit issued to an applicant and which restrictions apply to that type of permit.

Section 4 of the initial permit application, and section 5 of the renewal application, requires that the permit holder sign and date the application. A signature is required on all application forms for legal accountability and protection of the applicant.

The regulations at § 648.4(a)(2)(i)(M) specify that for any vessel acquired after March 1, 1994, a vessel owner is not eligible to be issued a limited access scallop permit for the vessel if the issuance of the permit will result in the vessel owner, or in any other person who is a shareholder or partner of the vessel owner, having an ownership interest in a total number of limited access scallop vessels and limited access scallop confirmations of permit history in excess of 5 percent of the number of all limited access scallop vessels and confirmations of permit history at the time of permit application. The same provisions are outlined for the LAGC Atlantic scallop permit holders at §648.53 (h)(3)(ii). Having an ownership interest includes, but is not limited to, persons who are shareholders in a vessel owned by a corporation, who are partners (general or limited) to a vessel owner, or who, in any way, partly own the vessel. Completion of the Atlantic Scallop Ownership Form permits NMFS to ascertain, in accordance with the regulations at §648.4 (a)(2)(i)(M), the percent of ownership of the limited access or LAGC Atlantic scallop permit applicants.

The renewal application differs from the initial application in that each year a pre-printed application, based on the most recent permit, is mailed to each permit holder. Any changes that are necessary can be quickly accomplished simply by noting the changes in the appropriate “Changes” column. The renewal application enables the vessel owner to renew permits by simply signing and returning the form. However, if the vessel owner wants to make changes to the vessel’s permits, or if the applicant no longer owns the vessel, this can be noted on the application by checking the appropriate section. The information provided is used by the NMFS permit office to ensure that data are accurate and up-to-date.

### **Dealer/Processor Application (Initial and Renewal):**

Dealer permits are issued annually or more frequently if changes are requested by the applicant. There are two types of applications, initial and renewal. Section 1 of the Dealer permit application requests information on the dealer including vessel permit number, company name, owner name, company street and mailing address, and telephone and FAX number where applicable. In section 2, the applicant selects the fisheries for which he/she wants dealer permits. Section 3 is the signature block section where the applicant attests to the truth and accuracy of the information provided. Dealer information can be used by enforcement officers to check for regulatory infractions in all of the fisheries, and by NMFS scientists and economists as a basis for sampling. The dealer permit requirement ensures complete reporting from dealers for federally permitted fisheries. Reports furnished by permitted dealers are used to gather important information on the volume, value, and distribution of high value, overfished stocks at the point of first purchase.

### **Operator Application (Initial and Renewal):**

Any operator of a vessel fishing for or possessing: Atlantic sea scallops, NE multispecies, spiny dogfish, monkfish, Atlantic herring, Atlantic surfclam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, black sea bass, or Atlantic bluefish, harvested in or from the EEZ; tilefish harvested in or from the EEZ portion of the Tilefish Management Unit; skates harvested in or from the EEZ portion of the Skate Management Unit; or Atlantic deep-sea red crab harvested in or from the EEZ portion of the Red Crab Management Unit, issued a permit, including carrier and processing permits, must carry a valid operator permit on board. These permits are renewed every three years. The Operator Permit Application requires that the applicant provide the following information: Name, address, city, state and zip code, telephone number, birth date, hair color, eye color, height, and weight. The applicant must include one passport-sized photograph with their application to ensure positive identification and aid in enforcement actions. The vessel operator permit enables NMFS to send notices of proposed or approved regulatory changes to vessel operators as well as vessel owners, improving the flow of information to the industry and their ability to stay informed of regulatory changes. In addition, the issuance of permits to vessel operators serves as a compliance tool.

### **Vessel Replacement and Confirmation of Permit History (RPH):**

In order to replace a vessel holding limited access permits with another vessel or retain a vessel’s limited access permit history, a vessel owner or authorized representative must complete an RPH

application. The purpose of this form is to formalize procedures necessary to insure that vessel owners replace vessels within the required parameters (10 percent for length overall and 20 percent for horsepower), with the exception of limited access Handgear A permitted vessels (§648.4(a)(E)). This form also formalizes the procedures by which vessel owners may retain their vessel's limited access permit history.

Applicants are asked to indicate the type of action being requested on the first page of the application. The instructions listed on this page then direct the applicant to the appropriate section of the application. All applicants must complete the information listed on page 2 of the application: Name of the old vessel, permit number, USCG or state registration number, current owner of vessel or permit history, street and mailing address of owner, telephone number of owner, and owner signature. In cases where the owner no longer owns the vessel, but has retained the fishing history, a bill of sale stating the retention of history signed by both the buyer and seller must be submitted.

Section A is to be completed by applicants wishing to replace their old vessel. This section requests information pertaining to the name of the new vessel, permit number (if applicable), USCG or state registration number, and the type of limited access permits being transferred. Applicants must submit proof of size and horsepower for both old and new vessels to ensure the replacement is within the required parameters. The original vessel is that which first received the limited access permit for a particular fishery. The baseline is established according to the year when that fishery's limited access permits were first issued.

Section B is completed by applicants wishing to retain their vessel's limited access permit history. In the event that the vessel was sold, the applicant must submit a bill of sale signed by both the buyer and seller stating that the fishing history was retained by the seller. In the instance the vessel sank or was destroyed, the applicant must submit proof of this with a USCG marine casualty report, other proof of casualty, or insurance document. Once the application and supporting documents are received by NMFS, a Confirmation of Permit History certificate will be processed and sent to the applicant.

Section D lists the acceptable forms and sources of verification for vessel specifications, vessel ownership, vessel history retention, and vessel sinkage or destruction. This information is necessary so that the regulations can be administered as they were written and to further the conservation goals and objectives of these fisheries (§648.4(a)(1)(i)(F)).

The number of vessel owners replacing, upgrading, or retaining their vessel's fishing history varies depending on circumstance. Thus, it is difficult to estimate how many vessel owners will need to complete an RPH application on an annual basis. The regulations state that a vessel owner with a limited access or moratorium fishing permit is limited to one vessel replacement per permit year (§648.4(a)(E)). This prevents "stacking" of permits.

### **VMS Requirements:**

The data collected through the VMS are used in many analyses by NMFS, the Councils, states, Departments of State and Commerce, OMB, Corps of Engineers, Congressional staffs, academics, researchers, the fishing industry and the public. The VMS declarations are used by

vessel owners and agency representatives to monitor and enforce area based management measures and to track fishing effort relative to catch.

Vessels required to have an operational VMS unit on board must complete a form supplied by NMFS verifying that a VMS unit has been installed on the vessel and is operational. The form requests information regarding vessel name, Federal permit number, vessel documentation or state registration number, information (name, address, and telephone number) on the installing dealer, date of installation, serial number of unit, and e-mail address of vessel. The form also requests responses to questions regarding whether or not the unit is operational, if operating instructions have been provided to the vessel owner, and if the vessel owner has been trained on use of the VMS unit by the vendor. Once the form has been completed, the vessel owner or authorized representative signs and dates the form, and returns it to the address listed on the form. In addition, in order to ensure VMS unit connectivity, all vessel owners required, or choosing to use, VMS units would be required to call NMFS OLE to confirm connectivity of new and replacement VMS units.

### **VMS Reporting:**

#### Activity declaration:

The owner or operator of a vessel issued a permit type with a VMS requirement must use their VMS unit to declare into the fishery and declare the gear type they are using for the following fishing trips: limited access scallop, general category scallop, multispecies sector or DAS, monkfish DAS, herring, surfclam, ocean quahog, Maine mahogany quahog, longfin squid, or mackerel. This information collection also includes when vessels declare out of fishery using their VMS units.

#### Atlantic herring vessels:

The owner or operator of a vessel issued a limited access permit to fish for herring must report catches (retained and discarded) of herring daily via VMS, unless exempted by the Regional Administrator. The report includes at least the following information, and any other information required by the Regional Administrator: Fishing Vessel Trip Report serial number; permit number; month, day, and year herring was caught; pounds retained for each herring management area; and pounds discarded for each herring management area. The owner or operator of any vessel issues a limited access herring permit that fishes any part of a tow with midwater trawl gear (including midwater pair-trawl gear) in Management Areas 1A, 1B, and/or 3 must also report the estimated total amount of all species retained (in pounds, landed weight) from each of the Gulf of Maine (GOM) and George's Bank (GB) modified haddock stock areas via the required reporting method specified for Atlantic herring owners or operators at §648.7(b)(2)(i), unless otherwise specified by §648.201. VMS catch reports must be submitted in 24-hr intervals for each day and must be submitted by 0900 hr of the following day. Daily Reports are required even if herring caught that day has not yet been landed.

All vessels on a declared herring trip are required to notify NMFS Law Enforcement via VMS of the time and place of offloading at least six hours prior to crossing the VMS

demarcation line on their return trip to port (or six hours prior to landing if the vessel does not fish seaward of the demarcation line).

Atlantic mackerel and longfin squid/butterfish limited access vessels:

The owner or operator of a vessel issued a limited access Atlantic mackerel (Tier 1,2 and 3) and/or longfin squid/butterfish permit must report catches (retained and discarded) of mackerel and longfin squid via VMS daily, unless exempted by the Regional Administrator. The report shall include at least the following information, and any other information required by the Regional Administrator: Fishing Vessel Trip Report serial number; permit number; month, day, and year fish was caught; and pounds retained and discarded. Daily Atlantic mackerel and longfin squid/butterfish VMS catch reports must be submitted in 24-hr intervals for each day and must be submitted by 0900 hr of the following day. Reports are required even if mackerel or longfin squid caught that day has not yet been landed.

Limited access mackerel vessels on trips that land more than 20,000 lb are also required to notify NMFS Law Enforcement via VMS of the time and place of offloading at least six hours prior to crossing the VMS demarcation line on their return trip to port (or six hours prior to landing if the vessel does not fish seaward of the demarcation line).

NE multispecies limited access vessels:

The owner or operator of a vessel issued a limited access permit to fish for NE multispecies must report catches (retained and discarded) of NE multispecies either daily or per-trip via VMS, unless exempted by the Regional Administrator. The report includes at least the following information, and any other information required by the Regional Administrator: Fishing Vessel Trip Report serial number; permit number; month, day, and year fish was caught; and pounds retained and discarded. Daily reporting is required if the vessel is declared into the GOM broad stock area plus any other BSA, any part of the Eastern US/Canada Area, or the Redfish Exemption Area, otherwise trip-level reporting is acceptable. In addition to daily reporting, a catch report must be sent before switching codends when fishing under the Redfish Exemption, and upon completion of the large-mesh portion of the trip when fishing under the Small-Mesh exemption in Southern New England. Daily VMS catch reports must be submitted in 24-hr intervals for each day and must be submitted by 0900 hr of the following day. Daily reports are required regardless of the area actually fished, even if no fish are caught, and even if fish caught that day have not yet been landed.

Limited access sector vessels going on a declared groundfish trip must send a trip start hail when fishing on an NMFS exemption. All vessels on a groundfish-declared trip must send a multi-species trip end hail through their VMS unit at least 6 hours before arrival.

### Monkfish:

Those vessels on monkfish-declared trips that exceed their DAS charge must submit a monkfish trip limit overage DAS adjustment through VMS before crossing the VMS demarcation line on return to port.

### Sea Scallop:

All limited access and LAGC IFQ scallop-permitted vessels must submit a scallop daily catch report by 0900 daily. Limited access and General Category vessels must submit a scallop pre-landing notification at least 6 hours before arrival when on the following trips: a declared LACG scallop trip, a declared limited access scallop access area trip, a vessel with an LAGC IFQ or NGOM scallop permit declared trip outside the scallop fishery when scallops are kept, or when declaring out of the limited access scallop day-at-sea fishery to transit to a port south of 39 degrees North with scallops onboard.

### RSA and EFP trips:

Vessels on RSA or EFP trips must sent VMS trip start hail and trip end hail messages if specifically required in their RSA or EFP LOA.

### **DAS Credits**

There is one DAS credit request form with three options that is used by NMFS to determine if a DAS credit is warranted. All DAS credit requests require the following information: Vessel name, owner name, permit number, USGC documentation or state registration number, vessel operator, trip departure and landing date, and fishery. A signature is required on all forms for legal accountability and protection of the applicant. The number of vessel owners requesting DAS credits varies depending on circumstance. Thus, it is difficult to estimate how many vessel owners will need to complete a DAS credit request form on an annual basis.

### Good Samaritan DAS Credits:

Limited access vessels fishing under DAS requirements that have assisted in USCG search and rescue operations or assisted in towing a disabled vessel may apply for Good Samaritan credits . This provision enables such vessels to not accrue DAS for the documented time of their assistance efforts. Vessel may request DAS credit for time assisting USCG search and rescue via the DAS credit request form. This option requires at least the following information: Date and time when the vessel began assisting in search and rescue activities, date and time when the vessel recommenced fishing, vessel information for the assisted vessel, and the location of the incident. Vessels may, in theory, assist in search and rescue activities multiple times per year and request DAS credit for such efforts. This information would then be used by NMFS OLE staff to verify that the vessel met the provision's requirements and to provide DAS credit for time spent, if appropriate.

### DAS Credit for Standing by an Entangled Whale:

Vessels standing by an entangled whale would be required to notify the USCG and/or the Center for Coastal Studies of the location of the entangled whale and that the vessel intends to stand by the entangled whale until a response team arrives. The vessel would be required to remain available to answer questions on the condition of the animal, possible species identification, severity of entanglement, etc., and take photographs of the whale, if possible. Once a response team arrives or the vessel is notified that a response team is not available to conduct a rescue operation, the vessel may discontinue standing by the entangled whale and can resume fishing operations. The vessel could then request DAS credit for time spent standing by the entangled whale via the DAS credit request form. This option requires at least the following information: Date and time when the vessel began its stand-by status, date of first communication with the USCG and/or the Center for Coastal Studies, and date and time when the vessel terminated its stand-by status. Vessels may, in theory, stand by multiple entangled whales per year and request DAS credit for such efforts.

Information provided by the vessel to the USCG and/or the Center for Coastal Studies would be used by these organizations to identify the species of the whale, track the position of the animal, and monitor the condition of its entanglement. This information would then be used by NMFS OLE staff to verify that the vessel had stood by an entangled whale and to provide DAS credit for time spent standing by an entangled whale, if appropriate.

### DAS Credit for a Canceled Trip:

Vessels will request a DAS credit if they have declared a trip, but have not engaged in any fishing activity. The vessel's VMS will provide data that will help determine whether or not the vessel had engaged in setting or hauling fishing gear. To ensure the enforceability of this provision, vessels seeking a canceled trip DAS credit are required to notify NMFS Office of Law Enforcement to coordinate a monitored landing event. The initial notification method depends upon the reporting requirements of the vessel's permit type. The credit request form requires the date and time of initial notification and reason for ending the trip for this option.

### **Vessel Monitoring System Power Down Exemption:**

Vessels carrying permits that require VMS and vessels choosing to use VMS may apply for a power down exemption to stop position transmission under certain provisions provided the vessel would be out of the water for a minimum of 72 hours, or at dock/mooring and not engaging in any fisheries for a minimum of one month. The information required on the VMS Power Down Exemption Form is necessary to maintain compliance with area closures and DAS provisions. The form requests the vessel name, Federal permit number, vessel documentation or state registration number, duration of the exemption period (the dates that the VMS unit will be turned on and off), and either 1) the shipyard address where the vessel will be out of the water for more than 72 consecutive hours, or 2) the port location at which the vessel will be

docked/moored for a minimum one month period. There is no limit to either the length of time a VMS unit may be turned off or the number of times a vessel may participate in this program.

### **Exemption Programs Authorized for Federal Permit Holders:**

In addition to permits, this family of forms includes requirements for participation in Northeast exemption programs.

Federally permitted vessel operators/owners seeking to participate in the exemption programs for all fisheries where such programs are authorized, may be required to obtain either a Letter of Authorization or an exemption permit/certificate for their vessel from NMFS during period of the exemption program. For admittance into an exemption program, the entrant may be required to notify NMFS of intent to participate, or for some exemption programs, the entrant may provide entry and exit notice via a telephone call or VMS. These LOAs or exemption permits are to be kept on board the vessel during the extent of program participation in order to verify enrollment in the exemption program. This documentation is used by OLE to determine what regulations are applicable. Data about fishing behavior and performance from exemption programs may also be used in management decisions.

The information collected for participation in exemption programs consists of vessel owner name, NMFS permit number, vessel name, and participation period, which is filled out on the LOA application form. Vessels wishing to withdraw from a program, after the minimum participation period has been met, must provide NMFS with similar information via phone call or a withdrawal form.

### **Change in multispecies permit category (VMS):**

NE multispecies vessels can change their category of DAS used or change the area declared to be fished so that the vessel may fish both inside and outside of the Eastern U.S./Canada Area on the same trip. This is done via an email using their VMS units. This information is necessary so that vessels are able to have the flexibility to change their DAS declaration while remaining subject to the NE multispecies DAS usage requirements during the course of a trip.

### **Transiting to another port (VMS):**

The declaration of the intent to fish outside of the GOM RMA via VMS prior to each trip is necessary to identify which NE Multispecies vessels are exempt from the GOM cod trip limits. Any vessel intending to fish outside of the GOM RMA would be required to declare its intent to do so prior to each fishing trip via an email through their VMS unit.

### **NE Multispecies Gillnet Tagging Program and Day Gillnet Category Designation:**

Vessel owners electing to fish with gillnet gear must complete a gillnet category designation/net tag order form when applying (either through renewal, replacement, or transfer) for a limited access NE multispecies permit. The information requested on this form enables NMFS to monitor and track the level of participation in the gillnet fishery, and its effect on effort reduction and stock rebuilding goals of the NE Multispecies FMP. The first portion of the form

requires that gillnet vessels select one of two gillnet category designations: “Day gillnet” or “Trip gillnet.” Owners that declare their vessel as a “Day gillnet” vessel are subject to a maximum number of gillnets determined by the location fished. Vessel owners who elect to fish in the Day gillnet category must also purchase the appropriate number of uniquely numbered net tags--currently up to but not exceeding 160 tags. Roundfish nets are required to be tagged with two tags, while flatfish nets require only one tag. If any of the original tags are lost (e.g., weather, gear conflicts), the vessel owner or representative must report the lost tags as soon as possible via letter or fax to the RA. The vessel owner may also make a request for replacement tags in the same letter or fax to the RA, including a check for the cost of the replacement tags. If the maximum number of tags is not requested on the initial form, vessel owners may request additional tags at any time during the fishing year via an additional form. To aid in enforcement and administration of the program, gillnet vessel owners are required to carry a Gillnet Fishing Certificate onboard their vessel. This Certificate identifies the category designation in which the vessel is enrolled and, if enrolled under the day gillnet designation, the amount of tags and tag numbers that were issued.

The use of a restricted number of tags prevents uncontrolled increases in the number of nets used by vessel operators in response to reductions in DAS. Day gillnet vessels typically return to port each night, after trips of 12 to 15 hours. As DAS are calculated in hours away from port, these trips resulted in more DAS than specified in the reduction schedule (e.g., two trips of 12 hours equaled one 24-hour DAS). Under this requirement, if the vessel declares into the Day gillnet category, each trip under a NE multispecies DAS lasting between 3 and 15 hours is counted as a minimum of 15 hours against the annual DAS allocation. Trips lasting more than 15 hours are counted in hours from the time the vessel called into a DAS until it has returned to port and called out of a DAS. Conversely, trip gillnet vessels typically remain at sea for one or more days at a time. As a result, each trip under a NE multispecies DAS is counted in hours from the time the vessel called into a DAS until it has returned to port and called out of a DAS.

Vessel owners that declare their vessel a “Trip gillnet” vessel are required to bring all gear to port at the end of each fishing trip. On the other hand, Day gillnet vessels can leave their gear in the water, but must declare 120 days out of the gillnet fishery, in minimum blocks of 7 days. At least 21 of these days must be taken during the period from June 1 through September 30. The purpose of the 120 day period out of the gillnet fishery is to ensure that operators of Day gillnet vessels remove their gear from the water for a significant period of time.

Section 2 of the form requires the applicant to specify how many tags they are ordering, the total amount enclosed, and contact information for the applicant. Section 3 of the form requires vessel, permit, and fishery information associated with the request, and the applicant signature and date block.

### **Monkfish Gillnet Area Declaration and Tagging Program:**

Prior to making a trip, vessels with limited access monkfish permits will be required to declare, for a 30 days or longer period of time, into the Northern Fishery Management Area (NFMA) to fish under the less restrictive size limit (11-inch tail-length) and trip limits. Vessels do not have to declare into the NFMA if they choose to fish under the more restrictive 14-inch minimum size limit. This declaration will require that the vessel fish only in the NFMA during the 30-day

period beginning with the date of declaration. If the vessel has not made a NFMA declaration, it will be presumed that the vessel fished in the Southern Fishery Management Area (SFMA) during the trip and the more conservative restrictions will apply to the entire trip. A vessel that has declared its intent to fish only in the NFMA may transit the SFMA provided that it complies with the transiting provisions described in section 5.4 of Monkfish FMP and §648.94(e). The area declaration is needed to ensure that vessels do not fish in the SFMA and transit the NFMA to land monkfish under the less restrictive measures that apply in the NMFA. The minimum 30-day declaration period is necessary to improve enforceability. Otherwise, vessels could rapidly switch fishing areas leading to confusion and poor compliance with the more restrictive measures of the SFMA.

Vessels holding limited access monkfish permits while fishing under a monkfish DAS are required to tag all gillnets being fished, up to a maximum of 160 gillnets, depending on permit type. As a result, owners of vessels holding a limited access monkfish permit must complete the above mentioned gillnet category designation/net tag order form. If the vessel holds a limited access NE multispecies permit, vessel owners may complete this form to comply with NE multispecies and monkfish gillnet tagging requirements simultaneously. However, vessels issued a limited access NE multispecies permit designated in the Trip gillnet category that also hold a limited access monkfish permit are not required to tag gillnets used solely under a NE multispecies DAS. The purpose of this requirement is to control and monitor gillnet effort in the directed monkfish fishery.

#### **American Lobster Trap Area Designation and Tagging Program:**

Lobster vessels using trap gear are required to designate trap fishing areas and affix trap tags to their traps. Permit holders designate their trap areas for the year on the annual permit renewal application. The tags must be purchased using the Lobster Trap Tag Order Form. Part A of the form requests the following information: Permit holder name, address, city, state, zip code, telephone number, vessel name, Federal permit number, and vessel documentation number or state registration number. In part B, the permit holder or authorized representative specifies the number of tags being ordered, the total cost of the tags, and the method of payment. In part C, the permit holder or authorized representative signs and dates the form. Federal lobster permit holders with lobster licenses in states that have a trap tag agreement with the RA must purchase their tags using the equivalent state form. In all cases, Federal permit holders are provided annually with information from NMFS on how to purchase their trap tags. The purpose of the trap tagging program and the information collected is to enforce the number of traps that a vessel is authorized to fish based on the lobster trap fishing areas designated on the permit.

#### **State Quota Transfers**

The summer flounder and bluefish regulations allow one or more states to transfer all or part of their annual commercial quota. Two or more states implementing a state commercial quota for summer flounder or bluefish may also request approval from the RA to combine all or part of their quotas into an overall regional quota. The intent of these regulations is to provide a mechanism within the overall coastwide quota to give the states flexibility in quota management, in order to respond to changes in landing patterns or emergency situations. The states wishing to utilize these provisions must apply to the RA with a letter stating their request. Requests for

transfer or the combination of commercial quotas for summer flounder or bluefish must be made by individual or joint letter(s) signed by the principal state officials with marine fishery management responsibility and expertise, or his/her previously named designee, for each state involved. The letter(s) must certify that all pertinent state requirements have been met and identify the states involved and the amount of quota transferred or combined (§648.100(d), §648.120(e), §648.160(f)). Such requests must meet the approval of the RA. NMFS uses the information collected to process an in-season action that formally and publically transfers the quota. The frequency of requests is dependent upon supply and demand of a state's summer flounder or bluefish quota.

### **Vessel Owner Single Letter Option**

In order to request a single mailing for a business with multiple commercial fishing permits, the vessel owner must fill out a the vessel owner single letter option form and mail it to the NMFS Northeast region permit office. Vessel owners can request this option so that they receive fewer mailings from NMFS. This reduces the overall burden of paper that is received by vessel owners regarding fisheries regulations on an annual basis. This information collection was used in a one-time action, and there are no current plans to advertise it again, but it may be requested individually.

NOAA 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.**

After the initial permit issuance, permit renewal has been made as simple as possible and currently feasible for both the public and the issuing office. The information obtained from current permits is used to prepare a computer-generated, pre-printed renewal permit, which is sent to the permit holder for updating. If there are no changes in the information required on the permit, renewal requires only the applicant's signature. This feature minimizes the reporting burden on the public as well as the administrative burden on the agency.

Permit information and all initial permit applications are posted as fillable Adobe Acrobat documents (PDF file format) on the Greater Atlantic Regional Office's (GARFO) web site: <http://www.greateratlantic.fisheries.noaa.gov>. Posting such information on the internet makes it widely available to the public, thereby reducing both public and administrative burden. The Initial Vessel Application, Vessel Operator Permit Application, Initial Dealer Permit, RPH Application, Gillnet Tag Order Form, DAS Credit Request Form, LOA Request Form, VMS Power Down Exemption Request, VMS Certification Form, Missing Gillnet Tag Replacement Form, and Lobster Trap Tag Order Form, along with their respective instructions, can currently

be found at <http://www.greateratlantic.fisheries.noaa.gov>. At this time, permit applications, with signature and accompanying documents, must be mailed for legal accountability.

All data submitted through the vessel's VMS unit is electronic. VMS vessel polling is automated and besides for the initial cost, does not impose any burden on commercial fishing vessels. None of the results of the information collection are made available to the public over the internet.

**4. Describe efforts to identify duplication.**

The information to be collected through the issuance of permits is not duplicated elsewhere. The information collected on daily VMS catch reports is often duplicated on vessel trip reports (VTRs) which are approved under the 0648-0212 family of forms. However, VMS daily catch reports are necessary to monitor fisheries catch in real-time. VTRs are submitted to NMFS on a weekly or monthly basis, and are therefore used to cross-check the accuracy of the daily VMS catch reports. None of the other information collected through this family of forms is duplicated elsewhere.

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

Only the minimum data needed to meet the permit objectives are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed. Detailed instructions are included with the application to help facilitate proper completion of the form.

NMFS has currently certified four vendors to provide VMS service to vessels participating in the fisheries that require VMS as a condition of their permits. Each vendor offers comparable equipment and services over a range of prices. This reduces the burden on the public by increasing competition among vendors, thereby decreasing costs to the fishing industry to obtain and operate a VMS unit. Further, the increased variety of VMS units may allow vessel owners/operators to select the most economical and efficient unit to purchase, therefore minimizing costs associated with VMS.

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

The consequences of not conducting the collection of information described in Questions 1 and 2 would be immense. Permits and VMS are required by the regulations and if we did not collect the information necessary for the issuance of permits and implementation of VMS programs then no one could legally fish for federally managed species. This collection of information is necessary for a variety of reasons. Information on permit applications and renewal forms for vessels, dealers, and operators, is necessary for accurately tracking information about who is issued permits annually, gathering data on permit holders, and ensuring compliance with fishing regulations. Furthermore, this information (in a consolidated form) is used by a variety of researchers, students, and managers when making important fisheries policy decisions. Information collected during vessel replacements is necessary to ensure that vessel replacements are not occurring outside of the regulatory requirements. VMS units are crucial for enforcing area based fishing regulations; without VMS tracking of fishing vessel activity, it would be near

impossible to monitor whether fishing vessels are complying with such regulations. VMS catch reporting is vital to gaining real-time data on fish catch. Without such information, or if the information was collected less frequently, it would be very difficult to monitor fisheries quotas and ensure sustainable harvests that prevent overfishing. To the extent practicable, frequency of information collection under the Permit Family of Forms has been minimized. To reduce the frequency any further would compromise the intent of each collection of information requirement.

An annual request for tags is required of vessel owners participating in the NE multispecies gillnet, monkfish gillnet, and lobster trap fisheries. It is not useful to conduct this collection less frequently since it is expected that tags will routinely be lost as part of doing business. Furthermore, the number of nets and traps being fished by a vessel frequently changes. In addition, annual adjustments allow for further reductions in the number of gillnets and lobster traps to be implemented if such management measures should prove necessary.

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

There are no circumstances in this collection that require information to be collected 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 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, 0648-BF26, will be published coincident with this submission.

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

No payment or gift will be made to respondents; however, respondents may use tax-exempt Capital Construction Fund monies to purchase VMS devices because of their safety benefits.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

All data will be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc). In addition, any information collected under the Permit Family of Forms would be considered confidential and would not be disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.



**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.**

There are no questions of a sensitive nature involved in this collection of information.

**12. Provide an estimate in hours of the burden of the collection of information.**

This revision would require any entity that has exceeded the potential sector contribution (PSC) allocation limit to render one or more permits “unusable” so that the entity would be operating within the allocation limit.

Currently, no entity exceeds the PSC allocation limit; the most PSC any entity holds is approximately 140 PSC, and the proposed limit would be 232.5. As a result, it is unlikely that any entity would reach this threshold. However, if 2 entities had to complete a “Permit Shelving Form” and render one or more permits unusable, the total burden estimate would be 1 hr (30 minutes per form).

A full summary of the burden estimate can be found in Table 1. Two responses and one hour are added.

**Below is a SECTION of Table 1, Vessel, Dealer and Operator Permits showing shelving form**

The vessel, dealer, and operator permit information collections are an estimated total burden of 7,393 hours (see details below, complete burden is in Table 1). The operator permit renewal burden is divided because it is renewed every three years.

	# of Entities	Items per Entity	Total # of Items	Response Time (hours)	Total Time Burden (hours)
<b>Permit Requirements</b>					
Initial Vessel Permit	1,200	1	1,200	0.750	900
Vessel Permit Renewal	4,600	1	4,600	0.500	2,300
Initial Dealer Permit	134	1	134	0.250	34
Dealer Permit Renewal	900	1	900	0.083	75
Initial Operator Permit	700	1	700	1.000	700
Operator Permit Renewal	8,500	1	8,500	1.000	2,833
Permit Shelving Form	2	1	2	0.500	1
<b>Dealer E-mail Collection</b>	350	1	350	0.083	29
<b>RPH Application</b>					
Replacement/CPH	92	1	92	1.500	138
History Retention	1	1	1	1.500	2
Vessel Specification Verification	23	1	23	0.000	0
Unseaworthy vessel (proof of loss)	12	1	12	0.000	0

**Total Annual Burden Hours Estimated for the Greater Atlantic Region Permit Family of Forms**

The total annual burden hours estimated for the NE Region Permit Family of Forms is 17,482 hours (see Table 1 for details).

**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).**

Currently, no entity exceeds the PSC allocation limit; the most PSC any entity holds is approximately 140 PSC, and the proposed limit would be 232.5. As a result, it is unlikely that any entity would reach this threshold. However, if 2 entities had to complete a “Permit Shelving Form” and render one or more permits unusable, the total annual cost burden would be \$1 for two entities to mail the form.

**Please refer to Table 1 for figures.**

**Total Annual Public Cost Burden Estimated for the Greater Atlantic Region Permit Family of Forms**

The total annual public cost burden estimated for the Greater Atlantic Region Permit Family of Forms is \$3,248,425 (\$1 in postage added) (see details in Table 1).

**14. Provide estimates of annualized cost to the Federal Government.**

**Vessel, Dealer, and Operator Permits**

All Federal fishery permits, annual renewals for Federal fishery permits, dealer permits, and operator permits are included in this collection of information. Estimated annualized cost to “shelve” a permit and identify it in the database system as unusable would be \$387, utilizing an estimated 10 work hours for a Band 3 analyst earning \$38.70/hour wage and overhead value for the Government.

**Total Annual Government Cost Burden Estimated for the NE Region Permit Family of Forms**

The total cost to the Government for all items included in the Permit Family of Forms is \$865,607.

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

**Program Change:** This revision/extension is necessary to implement new accumulation limits within the Northeast Multispecies limited access fishery.

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

Results from this collection may be used in scientific, management, technical, or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

**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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are employed in the information collection procedures. The requirements are mandatory for all participants in the indicated fisheries.

Table 1.

	# of Entities	Items per Entity	Total # of Items	Response Time (hours)	Total Time Burden (hours)	Public Cost	Govt. Cost
<b>Permit Requirements</b>							
Initial Vessel Permit	1,200	1	1,200	0.750	900	\$588	\$39,600
Vessel Permit Renewal	4,600	1	4,600	0.500	2,300	\$2,254	\$151,800
Initial Dealer Permit	134	1	134	0.250	34	\$66	\$4,422
Dealer Permit Renewal	900	1	900	0.083	75	\$441	\$29,700
Initial Operator Permit	700	1	700	1.000	700	\$343	\$23,100
Operator Permit Renewal	8,500	1	8,500	0.033	2,833	\$41,650	\$280,500
Permit Shelving Form	2	1	2	0.500	1	\$1	\$387
<b>RPH Application</b>							
Replacement/CPH	92	1	92	1.500	138	\$45	\$3,450
History Retention	1	1	1	1.500	2	\$0	\$38
Vessel Specification Verification	23	1	23	0.000	0	\$11	\$0
Unseaworthy vessel (proof of loss)	12	1	12	0.000	0	\$4,500	\$0
<b>VMS Installation</b>	430	1	430	1.000	430	\$1,462,000	\$0
<b>Proof of VMS Installation</b>							
VMS Certification Form	430	1	430	0.083	36	\$211	\$3,225
Industry calling in to confirm reporting to NOAA	430	1	430	0.083	36	\$430	\$896
<b>VMS Operation</b>							
<b>Total NE VMS Vessel Population</b>	1,000	1	0	0.000	0	\$600,000	\$0
<b>Automated VMS polling of vessel position</b>							
Scallop-permitted Vessels	430	17,520	0	0.000	0	\$452,016	\$0
All Other-permitted Vessels	470	8,760	0	0.000	0	\$247,032	\$0
<b>VMS for Canadian Herring Transport Vessels</b>							
Installation and Operation Maintenance Fees	0	1	0	0.000	0	\$0	\$0
VMS certification form and Installation confirmation	0	1	0	0.000	0	\$0	\$0
Automated VMS polling	4	288	0	0.000	0	\$69	\$0

Emails for US EEZ Arrival/Departure and Transshipment Activity	4	18	72	0.083	6	\$72	\$150
<b>Northeast Multispecies VMS Reporting</b>							
<b>Declaration:</b> Limited Access Multispecies Vessels	6,571	1	6,571	0.083	545	\$6,571	\$49,283
Multispecies Trip Start Hail	1,973	1	1,973	0.083	164	\$1,973	
Multispecies Trip End Hail	6,571	1	6,571	0.083	545	\$6,571	
Multispecies Catch Report	19,713	1	19,713	0.083	1,636	\$19,713	
<b>Atlantic Sea Scallop VMS Reporting</b>							
<b>Declaration:</b> Limited Access & LAGC Scallop Vessels	9,067	1	9,067	0.083	753	\$9,067	\$68,003
Scallop Pre-Landing Notification	5,966	1	5,966	0.083	495	\$5,966	
Scallop Catch Report	18,134	1	18,134	0.083	1,505	\$18,134	
<b>Herring VMS Reporting</b>							
<b>Declaration:</b> Atlantic Herring Cat A/B/C/E Vessels	97	13	1266	0.083	106	\$1266	\$7,553
Herring Pre-Landing Notification	1,007	1	1,007	0.083	84	\$1,007	
Herring Catch Report	3,021	1	3,021	0.083	25	\$3,021	
<b>Atlantic Mackerel and Longfin Squid VMS Reporting</b>							
<b>Declaration:</b> Atlantic Mackerel and Longfin Squid/Butterfish Limited Access Cat 1, T1, T2, T3 Vessels	2,217	1	2,217	0.083	184	\$2,217	\$16,628
Mackerel/Longfin Squid Catch Report	3,568	1	3,568	0.083	296	\$3,568	
Atlantic Mackerel Pre-Land Notification	15	1	15	0.083	1	\$15	
<b>Surfclam and Quahog VMS Reporting</b>							
<b>Declaration:</b> Surfclam, Ocean Quahog and Maine Mahogany Quahog Vessels	4,106	1	4,106	0.083	342	\$4,106	\$30,795
<b>Monkfish VMS Reporting</b>							
<b>Declaration:</b> Monkfish Cat F and Vessels Electing to Use	1,398	1	1,398	0.083	116	\$1,398	\$10,485
Trip Limit Overage Days at Sea Adjustment	362	1	362	0.083	30	\$362	
<b>Declared Out of Fishery VMS Reporting</b>							
<b>Declaration:</b> DOF-reporting Vessels	15,004	1	15,004	0.083	1,250	\$15,004	\$112,530
<b>RSA/EFP VMS Reporting</b>							
<b>Declaration (see Note)</b>	0	0	0	0.083	0	\$0	\$2,375
RSA/EFP Trip Start Hail	475	1	475	0.083	39.6	\$475	

RSA/EFP Trip End Hail	475	1	475	0.083	39.5	\$475	
<b>Good Samaritan Credits</b>	24	1	24	0.500	12	\$35	\$600
<b>Credits for Standing By Entangled Whale</b>							
Notification and Communication with USCG and Center for Coastal Studies	10	2	20	2.000	40	\$0	\$1,000
Request for DAS Credit	10	2	20	0.500	10	\$0	\$250
<b>DAS Credit for a Canceled Trip</b>							
VMS Email	845	1	845	0.083	70	\$1,217	\$1,753
Form Submission	1,908	1	1,908	0.166	318	\$935	\$7,950
<b>VMS Power Down Exemption</b>							
Multispecies, Monkfish, Scallop, Herring, Surfclam, Ocean Quahog, Maine Mahogany Quahog, Longfin Squid/Mackerel Vessels	283	1	283	0.250	71	\$139	\$2,123
<b>Exemption programs authorized for federal permit holders</b>							
Midwater Trawl Exemption	30	2	60	0.083	5	\$29	\$125
Purse Seine Exemption	20	2	40	0.083	3	\$20	\$83
Cultivator Shoals Whiting Exemption	15	2	30	0.083	2	\$15	\$62
Nantucket Shoals Dogfish Exemption	10	1	10	0.083	1	\$5	\$20.75
GOM/Nantucket Lightship Party/Charter Exemption	20	1	20	0.083	2	\$10	\$41.50
Raised Footrope Trawl Whiting Fishery [Sept 1 - Dec 31]	20	2	40	0.083	3	\$20	\$83
Summer Flounder Small-Mesh Exemption	70	2	140	0.083	12	\$69	\$291
SNE Little Tunny Gillnet Exemption	40	1	40	0.083	3	\$20	\$83
Winter Flounder State Waters Exemption	1	1	1	0.033	0	\$0	\$0.83
State waters Sea Scallop Exemption	50	2	100	0.033	3	\$49	\$82.50
NAFO Regulatory Area Request	50	1	50	0.083	4	\$25	\$103.75
Monkfish Southern Fishery Management Area Landing Limit & Minimum Fish Size Exemption	8	1	8	0.083	1	\$4	\$16.60
WGOM and Cashes Ledge Closed Area Charter/Party Exemption	93	1	93	0.083	8	\$46	\$193
Herring Carrier Exemption	15	1	15	0.083	1	\$0	\$31
Herring Transfer at Sea Exemption	35	1	35	0.083	3	\$0	\$73
Surf Clam/Quahog GB Closed Area Exemption	47	1	47	0.083	4	\$0	\$100

GOM Cod Landing Limit Exemption	5	1	5	0.083	0	\$2	\$10
GOM Rolling Closed Area Charter/Party	110	1	110	0.083	9	\$54	\$228
Skate Bait Exemption	70	1	70	0.083	6	\$34	\$145
White and Red Hake Transfer at Sea	13	1	13	0.083	1	\$6	\$27
GOM/GB Transiting	10	1	10	0.083	1	\$5	\$21
Mackerel, Squid, Butterfish Transfer at Sea	8	1	8	0.083	1	\$4	\$17
<b>Change in Multispecies Permit Category</b>	689	1	689	0.083	57	\$345	\$4,306
<b>Transiting to Another Port</b>	139	1	139	0.033	5	\$28	\$869
<b>Gillnet Designations/Request for tags</b>	300	1	300	0.00	0	\$0	\$623
Request for tags (\$1.20 x total number of items (tags))	300	160	48,000	0.083	25	\$57,600	\$0
Additional tags	300	1	300	0.033	10	\$0	\$248
Notification of lost tags	300	1	300	0.033	10	\$0	\$248
Attachment of Gillnet Tags	300	160	48,000	0.017	816	\$0	\$0
<b>Lobster Area 5 Waiver</b>	20	3	60	0.330	20	\$0	\$495
<b>Lobster Area Designation and Requests for Trap Tags</b>	1,900	1	1,900	0.083	158	\$251,978	\$3,943
Additional tags - assumes entire allocation isn't ordered initially	950	1	950	0.033	31	\$0	\$784
Notification of lost tags and replacement of lost tags	1,900	1	1,900	0.050	95	\$22,910	\$2,375
<b>State Quota Transfers</b>	10	1	10	1.000	10	\$200	\$250
<b>Vessel Owner Single Letter Option</b>	50	1	50	0.083	4	\$25	\$100
<b>TOTALS</b>	135,940	26,993	224, 767	18.5	17,482	\$3,248,424	\$865,607