

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
West Coast Region Permit Family of Forms
OMB Control No. 0648-0204

This is a request for a revision and extension to the existing reporting requirements of the collection of information *West Coast Region Family of Forms*.

The National Marine Fisheries Service (NMFS) West Coast Region (WCR) Long Beach 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 [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 use permits as part of their management systems.

The Pacific Council has prepared FMPs for the coastal pelagic species (CPS) fishery and Pacific Highly Migratory Species (HMS) off the U.S. West Coast. Each of these FMPs created permit programs which are administered by the West Coast Region, NMFS.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.

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 an FMP. A specific form for an EFP application is not required; however, an applicant 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.

Pacific Highly Migratory Species Permits (HMS)

Under 50 CFR part 660.707, HMS permits are issued to vessels that fish for HMS 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. Permits are endorsed for specific gear types including troll/jig, longline, bait boat, purse seine, drift gillnet, and charter. Currently, active permits range from 1600 – 1700 with vessels continuously leaving and joining the fishery.

The appeals process is available to any permit owners who have had their initial permit issuance or renewal denied by NMFS. An appeals request must be made by the permit requester or owner in writing within 30 calendar days of NMFS' initial determination and must explain how the requirements for issuance or renewal of a permit have not been met and/or provide pertinent information that was not considered by the NMFS in making the initial determination.

Drift Gillnet Limited Entry Permit (DGN LE)

In March 2017, the Pacific Fisheries Management Council (Council) authorized a Federal limited entry permit for the California large mesh drift gillnet fishery under 50 CFR part 660.707(f). The Council adopted Alternative 1: only fishermen authorized to fish with large mesh drift gillnet gear under the state law would be entitled to a DGN LE permit issued by NMFS. Fishermen who held a valid California state DGN permit on April 13, 2018, effective date of the final rule 0648-BG81 (83 FR 11146), would be eligible for the Federal DGN LE permit. New permits were only issued during the first application period. NMFS is no longer accepting new applications and only renewals. Currently, there are 61 Federal DGN LE permits eligible for renewal. Permits that are not renewed will be expired permanently.

The DGN LE program mostly mirrors current state practices. Permits will be valid for one year with an annual renewal period. Permit holders are eligible to transfer permits every three years using a transfer form to monitor changes in the fishery. This transfer form asks that both parties provide information regarding captains, vessel ownership, transfer history, and evidence of

fishing with DGN gear. Transferees must have at least three years of fishing history using DGN gear. Evidence of fishing includes copies of logbook pages with names of the vessel's crew or a letter from a vessel operator verifying the transferees fishing history. Permit holders are also required to be onboard the vessel when fishing, but authorized to designate an alternate operator for up to 15 days. Designation of an alternate operator for over 15 days for reasons of serious illness requires a physician's note to be submitted to NMFS. Physician notes must be sent to the Fisheries Permits office for review and approval. This allows the Sustainable Fisheries Division (SFD) to provide the NMFS Office of Law Enforcement (OLE) with a record of clearance for an alternate operator.

Coastal Pelagic Species Limited Entry Permit (CPS)

On January 27, 2003, NMFS published a final rule (68 FR 3819) for the Council-adopted Amendment 10 of the CPS FMP establishing a capacity goal for the CPS fleet and set conditions for a limited entry permit fishery. The fleet capacity was set to an aggregated gross tonnage of 5650.9gt with 65 federal limited entry permits (currently 64 permits). Each permit has a fixed gross tonnage determined by applying the USGS formula at 46 CFR 69.209 to vessels using their overall length (l), depth (d), and breath (b). Permits can be transferred with the following restrictions: (1) full transferability of permits only to vessels of comparable capacity (vessel GT +.10 (GT) or less), and (2) permits can be combined up to a greater level of capacity in cases where the vessel to which the permits would be transferred to is of greater harvesting capacity than the vessel from which the permit originated.

Exempted Fishing Permits (EFPs)

EFPs are issued in the interest of developing an efficient and productive fishery for harvest of HMS or CPS that would otherwise be prohibited. In accordance with the criteria and procedures specific in 50 CFR 600.745, the permit issuance requests 2-year exemptions from various prohibitions under the HMS and CPS FMPs to test the effects and efficacy of using supplemental gear types.

There is no permit appeal requirement for EFPs. EFP denial requirements are found at 50 CFR 600.745. After receiving a complete application (including all required analysis and consultation and responses from the public), if the agency denies an EFP, the applicant will be notified in writing of the decision to deny the EFP and the reasons for the denial. The decision of a Regional Administrator or Director to grant or deny an EFP is the final action of NMFS. NMFS may publish notification in the Federal Register describing the reasons for denial.

Appeals

Permit appeal requirements are found at 50 CFR 660.512(g), 50 CFR 660(b)(3), and 50 CFR 660(f)(7). The appeals process is available to any permit transfer requesters or permit owners who have had their permit transfer or renewal denied by NMFS. An appeals request must be made by the permit requester or owner in writing within 30 calendar days of NMFS initial determination and must explain how the requirements for transfer or renewal of a permit have not been met and/or provide pertinent information that was not considered by the NMFS in making the initial determination.

2. **1** Explain how, by whom, how frequently, and for what purpose the information will be used.
1 If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information requested by NMFS for the Federal fisheries permit application forms is utilized to determine whether the applicant meets the eligibility criteria for a permit for the fishery the applicant intends to participate in. These data may also be used by several offices of NMFS, USCG, and state and territorial fishery-management, research, and enforcement agencies. 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 (USCG documentation or state registration 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. Photos of vessels may also be collected in conjunction with IATTC resolutions and High Seas Fishing Compliance Act (16 U.S.C. 2431 *et seq*).

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.

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 <https://www.fisheries.noaa.gov/west-coast/commercial-fishing/west-coast-fishing-permits> is used to inform the public about the WCR permit programs and provides a means to obtain the application forms for the Pacific HMS; and transfer forms for LE DGN and LE CPS permits. Currently, EFPs managed by the Council for supplemental gear

for swordfish can be found at

<https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/highly-migratory-species-exempted-fishing-permits>.

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 and CPS permits. EFP applications have no Federal forms associated with them. These applications are relatively rare events and cannot be predicted in advance. LE DGN applications will only be made available to current state LE DGN permit holders and will only be accepted by mail until an online form is available.

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 (USCG). 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 vessel 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. The LE DGN permit form for new applications and transfers requests vessel information to verify vessel ownership and federal fishery participation eligibility.

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 CPS and HMS fishery (including DGN) are categorized as small business entities of similar size and are affected comparably. 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 CPS and DGN 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 October 9, 2019 (84 FR 54117) solicited public comments. No comments were received in response to the Federal Register Notice.

NMFS asked for comments from Pacific Highly Migratory Species Permit holders, including dual permit holders with LE DGN and/or LE CPS permits. 1 public comment from a permit holder was received in response to the time burden of the permit forms. This comment noted that there was minimal time involved in trolling jig fisheries. No changes were made based on this comment. NMFS feels that the estimated time for HMS permits applications and renewals accurately reflects this minimal time for that fishery.

10 “no comments” were received regarding the permit family of forms.

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 of other forms of information technology.

- 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. (add rows as necessary)

For wage costs: use www.bls.gov/oes , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
HMS New Paper	Fisherman	266	133	133	20 min	44.33	\$14.49	\$642.34
HMS New Online	Fisherman	255	127.5	127.5	15 min	31.88	\$14.49	\$461.94
HMS Renew Paper	Fisherman	937	468.5	468.5	10 min	78.08	\$14.49	\$1,131.38
HMS Renew Online	Fisherman	155	77.5	77.5	5 min	6.46	\$14.49	\$93.61
CPS Renewal	Fisherman	64	32	32	10 min	5.3	\$14.49	\$76.80
CPS Transfer	Fisherman	6	2	2	30 min	1	\$14.49	\$14.49
EFP	Fisherman	20	20	20	60 min	20	\$14.49	\$289.8
LE DGN Renew	Fisherman	61	61	61	10 min	10.2	\$14.49	\$147.80
LE DGN Transfer	Fisherman	1	1	1	30 min	.5	\$14.49	\$7.25
LE DGN Designation Request	Fisherman	1	1	1	30 min	.5	\$14.49	\$7.25
LE DGN Exemption Request	Fisherman	1	1	1	30 min	.5	\$14.49	\$7.25
Appeals	Fisherman	1	1	1	240 min	4	\$14.49	\$57.96
Total				925.5		202.75		\$2,937.87

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). (add rows as necessary)

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
HMS New Paper	266	133	133	\$19	\$2,527
HMS New Online	255	127.5	127.5	\$19	\$2,422.5
HMS Renew Paper	937	468.5	468.5	\$19	\$8,901.5
HMS Renew Online	155	77.5	77.5	\$19	\$1,472.5
CPS Renewal	64	32	32	\$0	\$0
CPS Transfer	6	2	2	\$0	\$0
EFP	20	20	20	\$0	\$0
LE DGN Renew	61	61	61	\$50	\$3,050
LE DGN Transfer	1	1	1	\$0	\$0
LE DGN Designation Request	1	1	1	\$0	\$0
LE DGN Exemption Request	1	1	1	\$0	\$0
Appeals	1	1	1	\$0	\$0
Totals			925.5		\$18,373.50

14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Positions (1 FTE)	ZP - II	\$47,797	50%		\$23,898.5
Contractor Cost					
Travel					
Other Costs					
TOTAL		\$47,797			\$23,898.5

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
HMS New Paper	266	162	133	81	44.33	27	Increased number of applications received
HMS New Online	255	276	127.5	138	31.88	35	Increased number of applications received
HMS Renew Paper	937	893	468.5	447	78.08	75	Increased number of applications received
HMS Renew Online	155	276	77.5	138	6.46	12	Fewer applications received
CPS Renewal	64	64	32	32	5.3	8	Renewal forms are pre-filled reducing the time to complete the form.
CPS Transfers	6	6	2	2	1	1	No change
EFP	20	1	20	1	20	1	Increase in average EFPs per year
LE DGN New	0	74	0	74	0	37	No longer accepting New DGN applications
LE DGN Renew	61	74	61	74	10.2	25	Decrease in permits received and pre-filled form reduce the time to complete the form.
LE DGN Transfer	1	6	1	2	.5	1	This was previously combined with Drift Gillnet Permits in ROCIS. New IC created in ROCIS since the Drift Gillnet Permit Applications was removed, but this is not a new requirement.
LE DGN Designation Request	1	0	1	0	.5	0	NEW REQUIREMENT: This requirement was inadvertently omitted from the previous revision package.
LE DGN Exemption Request	1	0	1	0	.5	0	NEW REQUIREMENT: This requirement was inadvertently omitted from the previous revision package.
Appeals	1	1	1	1	4	4	
Total for Collection	1,760	1,833	921.5	990	197.25	226	
Difference	-73		-68.5		-28.75		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
HMS New Paper	\$642.34	\$595.08	\$2,527	\$ 24,532	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). Fee change; decrease from \$33 per response to \$19 per response.
HMS New Online	\$461.94	\$771.40	\$2,422.50		Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). Fee change; decrease from \$33 per response to \$19 per response.
HMS Renew Paper	\$1,131.38	\$1,653.00	\$8,901.50		Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). Fee change; decrease from \$33 per response to \$19 per response.
HMS Renew Online	\$93.61	\$264.48	\$1,472.50		Labor costs updated using BLS Occupational Employment data (previously renewal used flat

					rate of \$22.04 for all collections). Fee change; decrease from \$33 per response to \$19 per response.
CPS Renewal	\$76.80	\$176.32	\$0		Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). These collections are now submitted via online application, so no costs are incurred.
CPS Transfers	\$14.49	\$22.04	\$0	\$25	
EFP	\$289.8	\$22.04	\$0	\$1	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). This collection is now submitted via online application, so no costs are incurred.
LE DGN New	0	\$815.48	\$0	\$55	No longer collected
LE DGN Renew	\$147.80	\$551.00	\$3,050	\$55	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). Renewals are only accepted via mail until an online form is available.
LE DGN Transfer	\$7.25	\$44.28	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). This was previously combined with Drift Gillnet Permits in ROCIS. New IC created in ROCIS since the Drift Gillnet Permit Applications was removed, but this is not a new requirement.
LE DGN Designation Request	\$7.25	0	\$0	0	NEW REQUIREMENT: This requirement was inadvertently omitted from the previous revision package.
LE DGN Exemption Request	\$7.25	0	\$0	0	NEW REQUIREMENT: This requirement was inadvertently omitted from the previous revision package.
Appeals	\$57.96	\$88.16	\$0	\$1	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$22.04 for all collections). Appeal can be submitted via e-mail, so no costs incurred.
Total for Collection	\$2,937.87	\$5,003.28	\$18,373.50	\$24,669	
Difference		-\$2,065.41		-\$6,295.50	

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, renewal, and transfer forms.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.

Part B

This collection does not involve statistical analyses.