

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

Abstract

This request is for a revision of this collection of information required by National Marine Fisheries Service (NMFS), West Coast Region – Long Beach Permits Office. There are minor changes to individual data collections. This statement addresses data collections authorized by the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS), developed by the Pacific Fishery Management Council (PFMC or Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, U.S.C. 1801 et seq. (Magnuson-Stevens Act or MSA). The FMP governs HMS fisheries in the U.S. exclusive economic zone (EEZ).

This statement includes data collections required to issue exempted fishing permits (EFP) as prescribed at 50 CFR 600.745(b)(2). Letters of Acknowledgement (LOAs) for EFPs and Exempted Educational Activity Authorizations (EEAAs) were historically collected under OMB Control No. 0648-0309. To reduce burden estimates, NMFS Headquarters proposed to move LOAs and EEAAAs to their respective region's permit family-of-forms collections.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognized the need for permit issuance. Almost every international, federal, state, and local fishery management authority recognizes the value of and uses permits as an integral part of their management systems. Identification of the participants, their gear types, descriptions of their vessels, and expected activity levels are needed to measure the consequences of management controls, and is an effective tool in the enforcement of other fishery regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the vessel from the fishery altogether.

Responses to the items in the supporting statement are broken out by the various type of permit function: 1) permit programs which are administered by the West Coast Region, NMFS under the Pacific Council prepared FMPs for the coastal pelagic species (CPS) fishery and Pacific Highly Migratory Species (HMS) off the U.S. West Coast; and 2) application and reporting requirements for an exempted (experimental) fishing permits (EFPs) including LOAs and EEAAAs. For each section of the information collection, we have presented the total number of burden hours and cost burden.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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 breadth (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)

Section 301 of the MSA, 16 U.S.C. 1851(a) provides national standards for fishery management plans and regulations. Standard One requires that "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery..." To comply with this standard and effectively manage a fishery, NMFS needs to know the amount and species of fish will be caught, where and how fish will be caught, and the catch disposition. Exempted fishing (previously called "experimental"), by definition, is to conduct fishing activities that would otherwise be prohibited by regulation. The requirements for EFP applications are prescribed at 50 CFR 600.745 (b) (2). The exempted fishing permits are issued to conduct limited experimental/research activities in support of projects that may benefit the Highly Migratory Species fishery and the environment. These activities may include gear testing, public display, data collection, exploratory fishing, compensation fishing, conservation engineering, health and safety surveys, environmental cleanup, and/or hazard removal purposes. The intent is to respond to changes in the resource, fishery and other applicable laws, and to requests of the public or government, resulting in better management of the fishery resource.

In order to control this fishing and determine the extent of this fishing, NMFS requires information to determine if granting an EFP is justified. Further, NMFS collects catch and landing data resulting from these authorized EFP activities. The EFP regulations supplement existing information collections required by the various fishery management plans by establishing minimum standards for these activities. The regulations related to the specific fisheries may impose additional requirements on participants. The regulations do not provide an appeals process for unsuccessful EFP applicants.

Letter of Acknowledgment (LOA)

NMFS evaluates research activity based on review of a scientific research plan, in order to reduce the potential for abuse by using the exemption to obtain marketable fish outside of established fishing seasons or areas, or to otherwise avoid applicable regulations. An accepted convention of any bona fide scientific research project is the advance preparation of a written research plan that guides the conduct of the research. NMFS requests the voluntary submission of a scientific research plan, which is acknowledged by a letter of acknowledgment (LOA) from the appropriate NMFS official, to establish a basis for a presumption that an activity in the EEZ is scientific research, and unregulated, as opposed to regulated fishing.

Additionally, LOAs are required under Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) of 1972 for the incidental take of marine mammals during fisheries surveys and related research activities conducted by the Northwest Fisheries Science Center (NWFSC), NMFS. Management of certain marine mammals falls under the jurisdiction of the NMFS under the MMPA and Endangered Species Act (ESA) and mechanisms exist under both the MMPA and ESA to assess the effect of incidental takings and to authorize appropriate levels of take.

Exempted Educational Activity Authorization (EEAA)

NMFS may grant exemptions from fishery regulations for educational or other activities (*e.g.*, using non-regulation gear). An EEAA is a permit issued by the Regional Office to accredited educational institutions that authorize, for educational purposes, the target or incidental harvest of species managed under a fisheries management plan or fishery regulations that would otherwise be prohibited. EEAs are generally of limited scope and duration and authorize the take of the amount of fish necessary to demonstrate the lesson. Regulations at 50 CFR 600.745(b) supplement existing information collections required by the various fishery management plans establishing minimum standards for these activities. Researchers are requested to submit reports of their scientific research activity after its completion.

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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the

current collection.

Pacific HMS Permits:

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.

Exempted Fishing Permits (EFPs)

The information collection for EFPs involves a written application made to the Council and NMFS and, if approved, there are specific reporting requirements detailed in the terms and conditions of the permit. EFPs are issued to various applicants and allow them to undertake fishing activities that would otherwise be prohibited by regulation. Every two years the Council will request EFP applications. This coincides with the issuance of bi-annual fishery specifications, which include set-asides for research purposes. On a voluntary basis, applicants make an application for an EFP to the Council and to NMFS. An application for an EFP must contain all information required for an EFP application given at 50 CFR 600.745 (b)(2). A narrative description of the proposed activity is required to fully document the proposed project. The Council initially reviews EFP applications and makes a recommendation to NMFS on whether to approve or disapprove individual proposals. Subsequently, NMFS conducts a separate review and the recommendation of the Council either approves or disapproves the individual applications. These decisions are final; there is no appeal process.

The EFP application allows the Council and NMFS to evaluate the exempted fishing activity and weigh the possible benefits and costs of a particular project. EFPs may lead to better management of the

resource by allowing innovation that may resolve existing technological barriers or by providing additional scientific and management data. The total number of EFP applications and the proposed activities described in EFP applications may vary for each exempted fishery. An EFP is usually valid for two years or less. The approval of an EFP project by the PFMC and NMFS may result in several individual EFPs being issued to sponsoring organizations and participating vessels or processing plants. Such EFPs are required to hold participants individually accountable for their activities under the terms and conditions of the overarching EFP project.

NMFS has required more detailed information as EFPs have become more numerous and complex, with greater associated impacts on the fisheries and other parts of the environment. An application from a sponsor organization (*e.g.*, state agency, non-profit organization) or individual or entity includes a statement of the purposes and goals of the exempted fishing activities, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; anticipated impacts on marine mammals or endangered species; description of project activities; and the names and responsibilities of participants. Information on the vessel (including a copy of the United States Coast Guard (USCG) documentation, state fishing license, state vessel registration, or the information from those documents), gear used, fishing area, and dates of fishing are needed for identification of the participants at sea, and for boardings and inspections by NMFS enforcement vessels or overflights. The information also precludes substitution of gear or vessels that may otherwise be prohibited by other regulations in effect. Information on the gear being utilized assists in making management decisions, since it helps show how gear restrictions affect the members of the fishery. Gear, fishing areas, and the duration/timing of fishing activities may be important factors to consider in determining appropriate permit conditions to attach to the EFP. Similarly, information from processors (first receivers) about offloads of fish caught under an EFP may require information about plans to weigh, sort and process fish, efforts to monitor these activities, and details on the data to be collected and documented.

The information collection for a processor or vessel participating in an EFP project (overseen by sponsored organization) includes: applicant name, address and telephone number, date of birth (DOB) of the vessel operator and/or vessel owner or plant manager; vessel name and official number; Pacific Coast Groundfish LEP number; and date of the application. If a business entity owns the vessel, a Tax Identification Number (TIN) may be required. This information is used to identify the permit applicant and the legal ownership of the processor or vessel to be registered to the permit. The collection of this information is essential to comply with the regulations and for enforcement purposes. The TIN/DOB allows enforcement to conduct an enforcement check prior to issuing the EFP. For example, violations of catch regulations may result in disqualification of EFP applicant and/or suspension or revocation of a permit. Since many vessels are owned by corporations, identification of the owner on the application form allows NMFS to sanction the company, as well as the individual vessel operator, for repeated violations of federal regulations. Telephone and fax numbers are required so that NMFS staff can contact applicants to resolve outstanding issues in a quick and efficient manner, or to notify permit holders of the need to cease fishing activities.

Supplemental application information may be requested. For example, other information on the physical vessel characteristics, such as hold or fuel capacity, units and size of gear, or refrigeration capability, may be used to inventory the relative fishing power of each craft. This information may be used in estimating the effects of fishing effort on the biological status of stocks, or to assist NMFS in its national security role for the Federal Emergency Planning Administration. In some cases, EFPs are issued allowing the permit holder to keep fish (made available as a research set-asides) in compensation for collecting resource survey information according to a NMFS-approved protocol. In these cases, the application must state that the vessel's participation is contingent upon compensation. In other EFPs, the participating vessels fish what is normally available under current regulations.

An authorized representative of the vessel/processor owner or applicant organization must sign the EFP application to certify that the information provided is correct and true and that the applicant is eligible to receive a permit under the other FMP regulations. The signed document provides NMFS evidence that the applicant attests to the authenticity of the application. If there are false statements or misrepresentations made by the applicant, a signed document will be important in successfully taking legal actions against the permit holder. All of the information in this section is needed to help effectively evaluate the proposed fishing activity, its scope and impacts, and to determine whether the activity is appropriate and whether it should be approved or disapproved. NMFS also requires an authorized representative to sign the EFP certifying that they and all vessel operators, crew, owners, and applicant staff understand and will comply with the terms and conditions.

After an EFP is approved, the permit holder will be required to provide various reports and information as required by the terms and conditions of the EFP. The types of reports and information submitted under EFPs vary according to the nature of the EFP. In some cases, the applicant is a state requesting permits for multiple vessels, and the state is required to collect catch information from the vessels and submit summary reports. Participating vessels may be required to have an observer. The frequency of data reports depends upon the nature of the fishery and monitoring requirements set by NMFS. The frequency may start as bi-weekly, go to weekly, and then every 2-3 days when the remaining allocation is small (the normal season is 10- 12 weeks). In other cases where only individual vessels are involved, a data report submitted at the end of the fishing trip covered by the permit or a vessel may need to provide logbooks after a trip or at some other prescribed interval. In addition, vessels and/or first receivers may be required to provide notifications to enforcement or fishery monitors in advance of EFP trip or offload. Some EFPs' objective is to test reporting and monitoring systems on a large scale that may require the purchase of electronic equipment. Equipment costs are usually covered by one of the many federal grant programs targeted at supporting this type of research.

NMFS Regions, Centers, and enforcement use exempted fishing activity reports to ensure activities are carried out as described in the permit, document the catch for inclusion in the total catch, and consider the permittee for future permits. For all EFPs, NMFS will require a final report (and sometimes interim reports) that presents the results of the EFP project. The latter is important for NMFS and the Council in considering changes in management requirements based on the EFP results or to determine whether further research or data collection is required.

a. Letter of Acknowledgment (LOA)

NMFS reviews each scientific research plan submitted to establish that the sponsoring organization and personnel involved are recognized scientific investigators, that the specific project contemplated appears to be scientific research and not fishing, and that the vessel or vessels to be used are or will be used exclusively for research for the duration of the scientific research cruise. The information collected, which is likely to include confidential research catch statistics and proprietary research information, will not be disseminated to the public except in aggregate as part of the total mortality in the fishery. Total mortality is part of a routine NMFS determination of the status of the affected stocks and is subject to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#) whenever conducted.

NMFS also uses any reports or articles, voluntarily submitted, to confirm that the activities conducted were scientific research, and to consider the appropriateness of acknowledging future requests.

b. Exempted Educational Activity Authorization (EEAA)

Regulations at [50 CFR 600.745\(b\)\(2\) and \(d\)\(2\)](#) identify the information that an applicant must submit

to receive an EFP or EEAA. This information includes:

- (i). Date of the application.
- (ii). Applicant's name, mailing address, and telephone number.
- (iii). A statement of the purposes and goals of the exempted fishery for which an EFP/EEAA is needed, including justification for issuance of the EFP/EEAA. For EEAA, evidence the sponsoring institution is a valid educational institution.
- (iv). For each vessel to be covered by the EFP/EEAA, as soon as the information is available and before operations begin under the EFP:
 - (a) A copy of the United States Coast Guard (USCG) documentation, state license, or registration of each vessel, or the information contained on the appropriate document.
 - (b) The current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.
- (v). Species (target and incidental) expected to be harvested under the EFP, the amount(s) of such harvest necessary to conduct the exempted fishing, the arrangements for disposition of all regulated species harvested under the EFP, and a detailed explanation of any anticipated impacts on marine mammals or endangered species. See (viii) for authorization.
- (vi). For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
- (vii). Signature of the applicant.
- (viii). The Regional Administrator or Director, as appropriate, may request from an applicant additional information necessary to make the determinations required under this section. NMFS Regions, and NMFS and USCG enforcement use EFP and EEAA applications to identify the entities and vessels involved and ensure the applicant carries out activities within the restraints of the permit.

NMFS evaluates EEAA applications to confirm their educational value and determine their usefulness to the overall goals of the applicable fishery management plan and for issuance of permits. NMFS Regions use the species (including marine mammals and endangered species) and amounts to be caught, the time and location of the projected catch, and any additional information requested to be provided to analyze the impact of the activity on the fishery stocks, endangered species, marine mammals and cumulative effects on the environment for the purposes of compliance with NEPA.

NMFS anticipates that the information collected, which is likely to include confidential fish catch statistics and proprietary fishing practice and strategy information, will not be disseminated to the public unless specifically authorized as part of the EFP or EEAA. If NMFS makes public nonconfidential information, then 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](#).

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. This 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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.

There is no standard application form for EFPs or EEAs. For EFPs, the initial application is made to the Council, which provides guidelines on the types of information that must be submitted as part of the application (Pacific Fishery Management Council Operating Procedure – COP 19). Those vessel owners who will participate in an EFP project need to provide basic identifier information (*e.g.*, vessel owner name and business address, phone number, vessel name and number) as per EFP regulations. Sponsors of an EFP project (*e.g.*, states, non-profits, research institutes) must provide an expanded set of information that will allow the PFMC and NMFS to judge their application. Applicants may be required to provide revised applications to NMFS incorporating changes directed by the Council and/or NMFS. No improved information technology has been identified as a practical means for reducing the burden on the public. However, NMFS continues to investigate the possibility of using standardized electronic systems for a permit application

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

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 impacts small businesses or other small entities, describe any 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.

EFP, LOA and EEAA respondents to this information collection vary from large research organizations to individual fishermen or educators. Many respondents are categorized as small businesses or entities. These regulations were drafted with the consideration that the typical respondent would be a small entity, with the requirement made flexible enough that the Regional Administrator can tailor them to the scope of the project.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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.

A written EFP application is required so that the Council, NMFS, and other interested parties can evaluate the proposed activity. For those applications that are approved, the EFP document becomes the basis of the EFP, which essentially serves as a signed agreement to conduct specified activities. The Council has recently changed the interval for submission of applications to once every two years, because most projects are two years in duration and the allocations of groundfish are on a set biennial basis. Because an EFP authorizes activities that otherwise would be prohibited, review of the application assures that the experiment is designed appropriately to achieve its purposes, and to allow law enforcement agents and management staff to monitor EFP fishing activities. In addition, an application helps state and Federal officials to consider emerging changes in the fishery, account for EFP landings and their impacts on the overall fishery, and to closely monitor scheduled activities. A longer permit period would allow prohibited activities to take place beyond the time needed to evaluate the activity. If various EFP reports are not provided various intervals (bi-weekly, monthly, etc.), NMFS staff will not be able to effectively track impacts of EFP fishing on the fishery, evaluate interim progress, and judge the overall success or failure of concluded EFP projects.

If the information requested in the scientific research plan is not obtained, enforcement of violations of the MSA where the violator asserts he/she was conducting scientific research and not fishing will continue to be difficult to prove. Legitimate researchers will continue to be inconvenienced and enforcement units will continue to conduct needless and inappropriate boarding of scientific research vessels whose activities are confused with fishing. If the information requested by EFP and EEAA is not obtained, there will be no standard way of dealing with these activities from Region to Region, there will be more incidents of persons who believe they are conducting scientific research being found in violation of the MSA, and the catches of some activities taking large amounts of fish currently considered scientific research may go unrecorded, possibly contributing to overfishing.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

For CPS and HMS permit programs, the collection is consistent with the OMB Guidelines.

For EFPs and EEAAAs, summary data reports may be required more often than quarterly. The frequency is necessary in summary and data reports to keep track of the catch to date compared to the project allocation of fish.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice published on October 15, 2021 (86 FR 57412) 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. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided under this program at this time.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

As stated on the applicable forms, some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under [NOAA Administrative Order 216-100](#), Protection of Confidential Fisheries Statistics. Phone number, fax and email information, taxpayer identification number (TIN), and date of birth (DOB) are not released to the public. Similarly, the shareholder names associated with a business entity that owns a sablefish endorsed permit or has a vessel registered to a sablefish endorsed permit are confidential, as are any medical records provided to obtain an exemption from the owner on board requirement. The amount of tier landing reported as part of a transfer of sablefish endorsed permit is also considered confidential and not releasable to the public.

The information collected is part of a Privacy Act System of Records (SORN), COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. An amended notice was published on August 7, 2015 (80 FR 47457) and became effective on September 15, 2015 (80 FR 55327).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not require the submission of information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Highly Migratory Species		1,292		646		115		\$1,844
HMS New Paper	Fisherman	66		33	20 min	11	\$16.02	\$176.22
HMS New Online	Fisherman	460		230	15 min	57.5	\$16.02	\$921.15
HMS Renew Paper	Fisherman	354		177	10 min	29.5	\$16.02	\$472.59
HMS Renew Online	Fisherman	412		206	5 min	17.1	\$16.02	\$273.94
Coastal Pelagic Species		64		35		7		\$108.94
CPS Renewal	Fisherman	64		35	10 min	5.3	\$16.02	\$84.91
CPS Transfer	Fisherman	6		3	30 min	1.5	\$16.02	\$24.03
LE DGN Renew	Fisherman	50	1	50	10 min	8.3	\$16.02	\$132.97
LE DGN Transfer	Fisherman	1	1	1	30 min	0.5	\$16.02	\$8.01
LE DGN Designation Request	Fisherman	1	1	1	30 min	0.5	\$16.02	\$8.01
LE DGN Exemption Request	Fisherman	1	1	1	30 min	0.5	\$16.02	\$8.01
EFP Application	Fisherman	47	1	47	60 min	47	\$16.02	\$752.94
Letters of Acknowledgement (LOA)	Fisherman	1	1	1	420 min	7	\$16.02	\$112.14
Exempted Educational Activity Authorization (EEAA)	Fisherman	1	1	1	420 min	7	\$16.02	\$112.14
Appeals	Fisherman	1	1	1	240 min	4	\$16.02	\$64.08
Totals				784		198		\$3,151.14

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Highly Migratory Species	1,292		646		\$16,796
HMS New Paper	66	33	33	\$26	\$858
HMS New Online	460	230	230	\$26	\$5,980
HMS Renew Paper	354	177	177	\$26	\$4,602
HMS Renew Online	412	206	206	\$26	\$5,356
Coastal Pelagic Species	64		35		\$0
CPS Renewal	64	32	32	\$0	\$0
CPS Transfer	6	3	3	\$0	\$0
LE DGN Renew	50	50	50	\$22	\$1100
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
EFP Application	47	47	47	\$0	\$0
Letters of Acknowledgement (LOA)	1	1	1	\$0	\$0
Exempted Educational Activity Authorization (EEAA)	1	1	1	\$0	\$0
Appeals	1	1	1	\$0	\$0
Totals			784		\$17,896.00

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

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					\$23,899

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

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	
Highly Migratory Species	1,292	1,613	646	807	115	161	
HMS New Paper	66	266	33	133	11	44.33	Decreased number of applications received
HMS New Online	460	255	230	127.5	57.5	31.88	Increased number of applications received
HMS Renew Paper	354	937	177	468.5	29.5	78.08	Decreased number of applications received
HMS Renew Online	412	155	206	77.5	17.1	6.46	Increased number of applications received
Coastal Pelagic Species	64	64	35	34	7	6	
CPS Renewal	64	64	32	32	5.3	5.3	No change
CPS Transfer	6	4	3	2	1.5	1	Increased number of applications received
LE DGN Renew	50	61	50	61	8.3	10.2	Decreased number of applications received
LE DGN Transfer	1	1	1	1	0.5	0.5	Decreased number of applications received
LE DGN Designation Request	1	1	1	1	0.5	0.5	No change
LE DGN Exemption Request	1	1	1	1	0.5	0.5	No change
EFP Application	47	20	47	20	47	20	Increase in average EFPs per year
Letters of Acknowledgement (LOA)	1	0	1	0	7	0	This was previously collected under OMB Control No. 0648-0309
Exempted Educational Activity Authorization (EAAA)	1	0	1	0	7	0	This was previously collected under OMB Control No. 0648-0309
Appeals	1	1	1	1	4	4	No change
Total for Collection	1,459	1,762	784	926	198	204	
Difference		-303		-142 (+2 agency discretion -144 adjustment)		-6 (+14 agency discretion -20 adjustment)	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Highly Migratory Species	\$1,844	\$2,329.27	\$16,796	\$15,323	Increased costs due to processing fee increase
HMS New Paper	\$176.22	\$642.34	\$858	\$2,527	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections). Processing Fee increased.
HMS New Online	\$921.15	\$461.94	\$5,980	\$2,422.50	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections). Processing Fee increased.
HMS Renew Paper	\$472.59	\$1,131.38	\$4,602	\$8,901.50	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections). Processing Fee increased.
HMS Renew Online	\$273.94	\$93.61	\$5,356	\$1,472.50	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections). Processing Fee increased.
Coastal Pelagic Species	\$108.94	\$91.29	\$0	\$0	

CPS Renewal	\$84.91	\$76.80	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
CPS Transfer	\$24.03	\$14.49	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
LE DGN Renew	\$132.97	\$147.80	\$1,100	\$3,050	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections). Renewal costs reduced from \$50 to \$22.
LE DGN Transfer	\$8.01	\$7.25	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
LE DGN Designation Request	\$8.01	\$7.25	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
LE DGN Exemption Request	\$8.01	\$7.25	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
EFP Application	\$752.94	\$289.8	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
Letters of Acknowledgement (LOA)	\$112.14	\$0	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
Exempted Educational Activity Authorization (EEAA)	\$112.14	\$0	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
Appeals	\$64.08	\$57.96	\$0	\$0	Labor costs updated using BLS Occupational Employment data (previously renewal used flat rate of \$14.49 for all collections).
Total for Collection	\$3,151	\$2,938	\$17,896	\$18,373	
Difference	\$213	- \$477			

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).