

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Northwest Region Federal Fisheries Permits**  
**OMB Control No. 0648-0203**

**Abstract**

This request is for a revision and extension of a current information collection. The revision, pursuant to final rule 0648-BK93, will add a new permit application for Pacific halibut commercial and recreational charter halibut fisheries in International Pacific Halibut Commission (IPHC) Regulatory Area 2A off of Washington, Oregon, and California; no other revisions are requested.

This collection of information is required by National Marine Fisheries Service (NMFS), West Coast Region – Seattle (WCR-SEATTLE). This supporting statement addresses data collections authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), 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 the groundfish fishery off Washington, Oregon, and California (WOC).

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.

Management of and regulations for Pacific halibut in the Pacific are developed on the international, Federal, and state levels by the International Pacific Halibut Commission (IPHC), the Council, the NMFS West Coast Region, and the states of Washington, Oregon, and California. The IPHC and NMFS manage fishing for Pacific halibut through regulations established under authority of the Convention between the United States Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention), the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c (Halibut Act), and Section 303(b) of the Magnuson-Stevens Act.

Regulations for the guided sport fishery for Pacific halibut (recreational charter halibut fishery) on the West Coast are determined annually by the Council and the IPHC. NMFS publishes these regulations each year as part of the IPHC annual management measures. Regulations for the Pacific halibut fisheries are at 50 CFR 300 subpart E.

Responses to the items in the supporting statement are broken out by the various type of permit function: 1) application and reporting requirements for an exempted (experimental) fishing permits (EFPs) including Letters of Acknowledgement (LOAs) for EFPs and Exempted

Educational Activity Authorizations (EAAAs); 2) transfer and renewal of Pacific Coast Groundfish limited entry permits (LEPs), including other information collections necessary for the sablefish permit stacking program; and 3) application and renewal of a permit for Pacific halibut commercial and recreational charter halibut fisheries in IPHC Regulatory Area 2A off of Washington, Oregon, and California. For each section of the information collection, we have presented the total number of burden hours and cost burden.

Currently, there are 395 LEPs, of which 164 permits have a sablefish endorsement. The number of EFPs varies from year to year dependent on the number of applications submitted to and approved by PFMC and NMFS. The number of Pacific halibut permits is 550 permits each year.

## **Justification**

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

#### **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 groundfish 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.

### **Pacific Coast Groundfish LEPs**

The collection of information for limited entry permits (LEPs) is authorized by Amendments 6, 9, 14, and 20 to the Pacific Coast Groundfish FMP and by 50 CFR 660 Subpart G. Amendment 6 initially established the limited entry program. This amendment was approved on September 4, 1992. Amendment 6 to the FMP addressed the issue of excess fleet harvesting capacity by instituting a limited entry program based on the issuance of federal permits to control the overall fleet harvest capacity of the three major gear types (trawl, longline, and fish pot) that account for the majority of the Pacific Coast groundfish harvest. Amendment 6 was intended to control the capacity of the groundfish fishing fleet in three ways: 1) limiting the overall number of vessels; 2) limiting the number of vessels using each of the three major gear types; and, 3) limiting increases in vessel harvest capacity by limiting vessel length. Amendment 6 provided the basic program elements of the LEP program including the requirement to register a vessel to a LEP to participate in the limited entry fishery, initial eligibility and qualification criteria for an LEP, requirements associated with gear and size endorsements, renewal and transfer of permits, and appeal process. Eligibility and registration requirements for the limited entry fishery and permit transfer and renewal requirements are found at 50 CFR 660.25.

Permit appeal requirements are found at 50 CFR 660.25. The appeals process is available to permit owners who have had their LEP transfers or renewal requests denied by NMFS. An appeals request must be made by the permit 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 been met and/or provide pertinent information that was not considered by the NMFS in making the initial determination.

In 1993, NMFS carried out a one-time LEP application and issuance process. Vessel owners

were required to complete an application for a groundfish LEP and submit proof of their landings and other evidence relevant to meet the permit qualification criteria. Vessels that met specified minimum landing requirements were qualified to receive an LEP. Each permit has a gear endorsement and a size endorsement, which further defines the fishing privilege. Approximately 650 LEPs were initially issued, and since that time, no additional LEPs have been issued. Currently, there are 395 LEPs. Since 1993, there has been a reduction in the number of LEPs due to: the Federal buyback program of LEPs conducted in 2003; combination of permits where two or more permits are combined to increase the size endorsement in a remaining permit (*i.e.*, if two permits are combined, one permit remains active and the other is permanently expired); and the permanent expiration of permits (due to failure to renew or enforcement sanction). Amendment 9 to the FMP, which was approved on June 27, 1997, provided for a sablefish endorsement to the LEP.

Amendment 9 attempted to respond to a number of problems associated with the derby fishery phenomenon (*i.e.*, a fishery of brief duration during which fishers race to take as much catch as they can before the fishery closes) that resulted in short, intense seasons. Among the problems associated with the fishery were issues of safety, product quality and value, abandoned gear, overcapitalization of the fleet, discards, and lost fishing opportunities. The endorsement limited participation in the fixed gear sablefish fishery (*i.e.*, fish pots and longlines) to those vessels that demonstrated historical participation in the sablefish fishery. As part of the issuance of this endorsement, permits were given tier designation (1, 2 or 3) based on historic catch, which entitles the vessel registered to it to harvest a specific quantity of sablefish beyond the normal trip limits.

In November 2000, the Council approved Amendment 14, which introduced a permit stacking program to the limited entry, fixed gear primary sablefish season. It allowed a vessel owner to “stack” up to three LE permits on one vessel along with associated sablefish catch limits. This, in combinations with a concurrent action to extend the season length, in effect established a limited tradable quota system for participants in the primary (tier) sablefish fishery. On August 7, 2001, NMFS published regulations that implemented certain provisions of Amendment 14 to the Pacific Coast Groundfish FMP (66 FR 41152). These provisions included the following: 1) authorizes permit/vessel owners to stack (*i.e.*, register either simultaneously or cumulatively) up to three sablefish endorsed Pacific Coast Groundfish LEPs on a single vessel during the primary season in a given year; 2) limits the number of sablefish endorsed permits a person could own or hold (*i.e.*, lease) at any one time to three except if the permit owner had owned more than three sablefish endorsed LEPs prior to November 1, 2000; and, 3) prohibits a corporation or partnership from owning a sablefish endorsed permit, except if it had owned such permits prior to November 1, 2000. If multiple sablefish endorsed LEPs are stacked to a single vessel, the vessel may land the cumulative sablefish tier amounts and may use any of the gears endorsed on any of the permits. The requirements associated with sablefish endorsements and tier assignments are found at 50 CFR 660.230.

Since implementation of the permit stacking program in 2002 (66 FR 41152, August 7, 2001), there have been several provisions related to the number of permits that can be registered to a vessel. These provisions were known as own/hold<sup>1</sup> control limits. The PFMC approved an own/hold limit which would allow the “stacking” of permits on a vessel. The provision allows

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<sup>1</sup> Hold is defined in regulation to mean “to own or have ownership interest in, a vessel that is registered to a sablefish-endorsed permit owned by another person

participants in the LE fixed gear primary sablefish fishery to register multiple fixed gear sablefish-endorsed permits to a single vessel. The vessel was then allowed to take up to the full primary (tier) season fixed gear sablefish cumulative limit associated with each permit registered to the vessel. At the same time, the Council limited the number of permits allowed to be “stacked” on a single vessel to three permits<sup>2</sup>. This was known as the three-permit rule. This limit was intended to prevent concentration of harvest privileges in a few persons, partnerships, or corporations. However, unforeseen complications have arisen as many persons, partnerships or corporations have harvest privileges in both Alaska sablefish and West Coast sablefish fisheries.

Additional provisions of Amendment 14 to the Groundfish FMP were implemented through regulations published on March 2, 2006 (71 FR 10614). This final rule implemented permit stacking regulations that include the following provisions: 1) permit owners and permit holders (vessel owners) that are corporations or other business entities would be required to document their ownership interests in their permits to ensure that no person holds or has ownership interest in more than three permits; 2) an owner on board requirement for permit owners who did not own sablefish-endorsed permits as of November 1, 2000; and, 3) permit transferors would be required to certify sablefish landings at the time of a midseason transfers. These provisions allowed for lengthened duration of the limited entry, fixed gear primary sablefish fishery and supported the objectives of this amendment which include: promote safety in the fishery, provide flexibility to participants, prevent excessive concentration of harvest privilege, maintain or direct benefits to fishing communities, and reduce capacity in the limited entry fixed gear fleet, and thus promotes efficiency. Requirements associated with this rulemaking are found at 50 CFR 660.25 and 660.231.

In September 2013, the Council initiated the sablefish permit stacking program review, which included consideration of the current three-permit ownership limitation (also referred to as an own/hold rule), exploring a regulatory amendment to provide relief to industry members who were limited because of their participation in the Alaska sablefish fishery. At its June 2014 meeting, the Council recommended a process by which vessel owners, whom meet certain qualifying criteria, may petition NMFS for a limited exemption to the ownership limitation. NMFS implemented regulations that describe that ownership limitation exemption process in Proposed Rule 0648-BE42.

Regulations in Alaska sablefish fisheries require that a sablefish quota owner must have part ownership in the vessel that will fish their quota. If that particular vessel also fishes in the limited entry fixed gear sablefish fishery off the West Coast and is registered to sablefish-endorsed permits, then each sablefish permit registered to that vessel would count toward their three permit ownership limit and could put them over that limit.

The intent of this exemption is to allow owners of a vessel registered to limited entry fixed gear sablefish permit(s) that are also part-owners of a vessel fishing sablefish in Alaska, to seek an ownership limitation exemption. The exemption, if granted, would mean that limited entry sablefish permit(s) registered to a vessel (of which they have an ownership interest in) would not count toward their ownership limit of three permits. This new process for application and issuance of an exemption to the ownership limitation would be described at §660.25(b)(3)(iv) (D). Regulations would include qualifying criteria, application process that includes submission

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<sup>2</sup> For the purposes of Amendment 14 all permits registered to the vessel, even those which are only partially owned, would count towards the three-permit limit.

of a new form that will give NMFS the information it needs to make an initial administrative determination (IAD), and a description of the circumstances under which the exemption would become null and void. Applicants would follow existing regulations at §660.25(g) regarding appeal of the IAD, if needed. To acquire the necessary information in order to make an IAD, NMFS developed a new form that will collect the ownership interest information in order to confirm that the vessel owner meets the exemption criteria. This form (also known as the Sablefish Permit Hold Count Exemption Identification of Ownership Interest Form) would collect ownership interest information, broken down into percentages, similar to the form used in the Shorebased IFQ Program.

In addition to these amendments to the Groundfish FMP, Amendment 20 provided for two sector endorsements to select trawl-endorsed permits. In 2011, NMFS provided a one-time application process to acquire a catcher processor and a mothership catcher vessel endorsement to the trawl permit. NMFS issued 10 catcher processor endorsements and 37 mothership catcher vessel endorsements to trawl LEPs. The catcher processor endorsement allows vessels registered to this permit to participate in the catcher processor fishery, which targets whiting at sea. These 10 catcher processors participate in a single fishing cooperative and the cooperative receives annual sector allocation of whiting and bycatch species. Similarly, vessels registered to a mothership catcher vessel endorsed permit may fish for whiting at sea in the mothership fishery and deliver whiting to a mothership for processing. The mothership fishery receives a separate annual allocation of whiting and bycatch species. Owners of the mothership catcher vessel permits can be members of a cooperative. Since 2011, there has been one mothership cooperative and all mothership catcher vessel endorsed permits have been members of the cooperative.

### **Pacific Halibut Permits for Area 2A**

The Northern Pacific Halibut Act of 1982 (Halibut Act) gives the Secretary of Commerce (Secretary) responsibility for implementing the provisions of the Halibut Convention between the United States and Canada (16 U.S.C. 773-773k). The Halibut Act requires that the Secretary adopt regulations to carry out the purposes and objectives of the Halibut Convention and Halibut Act (16 U.S.C. 773(c)). The Halibut Convention established the IPHC to develop Pacific halibut stocks and reach and maintain the fishery's optimum yield/the stocks of Pacific halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels.

Additionally, the Halibut Act also authorizes the regional fishery management councils having authority for a particular geographic area to develop regulations in addition to, but not in conflict with, regulations issued by the IPHC to govern the Pacific halibut catch in U.S. Convention waters (16 U.S.C. 773c(c)). As a result, NMFS implements annual regulations that approve changes to the Council's Pacific Halibut Catch Sharing Plan for the IPHC's regulatory Area 2A off of Washington, Oregon, and California.

The IPHC sets the overall mortality limit for Area 2A, and the Council's Catch Sharing Plan approved by NMFS provides the formula to then allocate Pacific halibut among user groups in Area 2A. In the rule approving the Council's Catch Sharing Plan, NMFS also implements management measures governing the recreational fisheries that are not implemented through the IPHC. These measures include the recreational fishery seasons, allocations, and management measures for Area 2A.

Currently, vessels participating in commercial and recreational charter fisheries in Regulatory Area 2A are permitted by the IPHC. Additionally, the non-tribal directed commercial Pacific halibut fishery operates based on the overall quota set through NMFS regulations, and is conducted through a series of fishing periods and specific vessel-length limits called fishing period limits, which are set by the IPHC and announced via IPHC Media Releases.

As requested by the IPHC and recommended by the Council at its November 2020 meeting, under the proposed rule, NMFS would establish a new Pacific halibut permit to allow for the permitting Area 2A vessels. The new permit would be for IPHC Regulatory Area 2A vessels participating in recreational charter and three commercial fisheries: a non-tribal directed commercial fishery, an incidental commercial Pacific halibut fishery during the sablefish fishery, and an incidental commercial Pacific halibut fishery during the salmon troll fishery. Currently, no person shall fish for Pacific halibut from a vessel, nor possess Pacific halibut on board a vessel, used either for commercial fishing or as a charter vessel in IPHC Regulatory Area 2A, unless the IPHC has issued a permit valid for fishing in IPHC Regulatory Area 2A in respect of that vessel. Because the Council intends to maintain this requirement NMFS' new Pacific halibut permit is necessary to maintain consistency within the fishery.

Permits and the information obtained through permit applications are essential in the management of the Pacific halibut fishery. 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.

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.

**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.**

### **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.

### **Limited Entry Permits (LEPs)**

**a. Annual Permit Renewal:** All permit owners are required to renew each LEP on an annual basis as given at 50 CFR 660.25. There are currently 395 valid LEPs. NMFS is required to mail a LEP Renewal Form and instruction letter to all permit owners on or before September 15<sup>th</sup> of each year. Payment of the renewal fee and signed/dated form is due to the NMFS by November 30<sup>th</sup> each year. Failure to renew the LEP by December 31<sup>st</sup> may result in permanent expiration of the LEP.

NMFS provides current permit data on the renewal form to the permit owner including: permit number; vessel name and official number (USCG or state documentation number); endorsements (*i.e.*, gear, size, fishery); permit owner name, business address, business phone, fax number, and email address; permit holder (vessel owner) name, business address, business phone, fax number, and email address (if different from permit owner). As part of the annual renewal process, NMFS may require either the DOB or TIN for a permit owner or owner of a vessel registered to an LEP, if such information has not been collected previously or there is a need to reconfirm the data on file. If there are changes to the address, phone, fax, or email information of the permit or vessel owner, the permit owner may update those items on the renewal form. If the permit owner is a corporation, partnership, or other entity, the authorized representative signing the renewal form will be requested to print his/her name and title. By signing this form, the permit owner or authorized representative certifies that the data is correct and true and that they are authorized to complete this form on behalf of the permit owner(s). We estimate that approximately 85% of the permit renewals received in a given year do not involve any changes to the current permit information. Any change in the permit owner name, the vessel registered to the permit, or vessel owner name cannot be made as part of the renewal process, but must be requested separately using a permit transfer form.

This updated permit renewal form allows NMFS to maintain current contact information in its database for permit and vessel owners registered to the permit. NMFS uses this information to contact permit and vessel owners about issues related to their permits. In addition, National Oceanic and Atmospheric Administration (NOAA) enforcement agents may access permit data to contact permit and vessel owners about investigative matters. Updated permit data allows fishery managers to effectively analyze which communities are currently associated with permit

and vessel owners. Finally, submission of a signed/dated renewal form and fee payment affirms that the permit owner wishes to continue to maintain this privilege and participate in the limited entry fishery.

The regulations provided at 50 CFR 660.160 also require that during the renewal period each year, the owner of a vessel registered to a catcher processor endorsed permit must declare if the vessel will operate in the whiting fishery solely as a mothership operation. This provision was incorporated into the regulations at the request of at-sea processing vessel owners who wanted to avoid confusion as to whether a vessel is processing whiting only or will be fishing and processing whiting as catcher processor in the following year. The owner of a trawl-endorsed permit need only check a box on the Catcher Processor Endorsed Permit Renewal Form to make a mothership designation for the registered vessel. This designation only appears on the renewal forms of the 10 catcher processor endorsed permits.

Similarly, the groundfish regulations at 50 CFR 660.150(c)(7) require the permit owner of mothership catcher vessel endorsed permit to indicate whether they will participate in the cooperative or non-coop fishery in the following year and which mothership permit they intend to obligate their whiting catch to for the following year. This declaration is non-binding, but was included at the request of industry in the Amendment 20 of the Groundfish FMP in order to assist industry in planning for the forthcoming at-sea whiting season.

As part of each renewal form (known as the Mothership/Catcher Vessel Endorsed Renewal Form), the permit owner must indicate whether they are small businesses using size standards criteria as defined by NMFS. The responses to this question will be useful in preparing the Regulatory Flexibility Act analyses required for rulemakings made by NMFS. Such analyses require that the agency assess the impacts of regulations on small businesses. Data collected from businesses participating in the groundfish fishery provides a better understanding of current size of these firms.

**b. Permit Transfer:** A permit owner must request a transfer of a LEP as required at 50 CFR 660.25 using a transfer form. The term “permit transfer” refers to one or both of the following actions: change in permit owner and/or change in the vessel currently registered to the permit. NMFS requires that the permit owner make a formal request using the Change of Vessel Registration or Permit Owner Application form. By regulation (50 CFR 660.25(f)), a change in vessel registration can only occur once after January 1<sup>st</sup> for any one permit (mothership catcher vessel and catcher processor endorsed permits may have up two vessels registered after January 1<sup>st</sup>). However, the regulations allow for changes in permit ownership as frequently as necessary during the calendar year. The number of transfers requested is estimated to be about 120 per year.

There are instances where the ownership of a vessel will change during the year. While we do not consider this to be a transfer (since vessel registrations are within the purview of states and USCG), NMFS may request vessel owners to provide a state or USCG vessel registration document to prove the change in ownership, TIN/DOB for each owner, and current phone number, fax number, and email address. This information allows us to update our vessel owner records.

A transfer form is required to: formally document the request; accurately track changes in permit

owners and vessel registered to the LEP (including changes in vessel name); verify compliance with permit regulations (*i.e.*; new permit owner eligibility); and maintain current business address, business phone number, fax number, and email address information. LEPs convey a conditional privilege to harvest a public resource. LEPs are marketable assets and as such, it is important to maintain accurate registration data. The following information is required from the permit owner on a permit transfer request form:

- 1) For all transfer requests, the applicant must provide on the form the LEP number; name and vessel registration number of vessel currently registered to the LEP; current permit owner name(s) and TIN (for a business entity) or DOB (for an individual); current business address, telephone number, fax number(optional), and email address (optional); signature, and date. The signee is required to print their name to clearly identify the individual's name.

The new permit owner will be required to respond as to whether they are eligible to own a documented United States (U.S.) vessel. If the permit owner is a corporation, partnership, or other entity, we may request the printed name and title. Recently, WCR-Seattle has decided to rescind the requirement to have the form notarized. On advice from NMFS General Counsel, it has been determined that notarization of the document does not provide substantive advantages in a situation where there is a legal action involving a permit. The certification statement signed by the permit owner or designee is deemed sufficient to hold the permit owner accountable for the content of the form.

- 2) For a request to transfer the LEP to a new LEP owner, the following information is required: the name of the new permit owner, TIN (for a business entity) or DOB (for individual), business address, title (if corporate officer), telephone and fax numbers, and email address. If the permit owner is a corporation, partnership, or other entity, the applicant may be required to provide the name and DOB of an authorized representative (person) for that entity.
- 3) For a request to register a vessel to an LEP, the permit owner must provide in the form the vessel name and documentation number for both current and new vessel, and the new vessel's length overall. If the permit is registered to a new vessel that has not recently participated in the fishery, a recent marine survey (prepared in the last 3 years) is required that certifies the length overall of the vessel and a copy of the USCG or state vessel registration document. NMFS uses this information to check compliance with the size endorsement requirement (*i.e.*, vessel length cannot exceed endorsed length by more than 5 feet). The marine survey may be done by professional marine surveyor or the vessel owner or other person (*e.g.*, boat builder, harbormaster) may submit a letter attesting to the length overall of the vessel.
- 4) If the permit is sablefish endorsed and the transfer request falls on/after the start of the sablefish primary season, the permit owner must list the cumulative amount of tier amount harvested to date. Both the current permit owner and either the new permit owner and/or owner of the vessel registered to the LEP must sign and date the form acknowledging the cumulative amount of sablefish tier allocation has been landed to date on the LEP.

The regulations provide that NMFS may request additional documentation or other such credible documentation necessary to determine compliance with the transfer regulations. As appropriate, the permit owner may be requested to provide evidence of authority to authorize a transfer, such as corporate resolution, contract for sale or lease, court order relative to a divorce decree,

litigation, bankruptcy, or settlement of an estate. Similarly, NMFS may request proof of U.S. citizenship of the permit or vessel owner as permit owners must U.S. citizens or U.S. owned corporations. For a corporation, NMFS may require an article of incorporation and disclosure of the state of incorporation as necessary. In addition, a U.S. Coast Guard Report of Marine Accident, Injury or Death (CG-2692) maybe requested to confirm if a vessel was totally lost at sea, to allow for an exemption from the one change in vessel registration rule.

The information collected from transfer forms is used by NMFS for the purposes of determining whether individuals and vessels are eligible to be registered to an LEP; maintaining an accurate record of current permit registrations and permit histories; and administering the limited entry program. The question on the form asking if the permit owner and vessel owner are eligible to own an U.S. documented vessel, requires that the owner of the permit and vessel registered to the LEP certify eligibility to own or hold the LEP. In addition, the NMFS may use the permit owner and vessel owner address information to mail public notices about changes in fishery regulations and in-season changes. LEPs provide permit data to enforcement agents to assist their tracking vessels in the vessel monitoring system and establishing whether fishing violations may have occurred.

In addition, current and historical permit data is used by states, the Council, USCG, NMFS staff, industry, and academia for various purposes, but primarily to analyze management aspects of the fishery. State agencies use this permit data to confirm vessel participation in a fishery when entering data into a state fish ticket system.

NMFS collects the TIN (for business entity) and DOB (for an individual) for any permit owner or vessel owner as part of a transfer request and as part of the ownership interest form required of business entities that own or hold a sablefish endorsed LEP. TIN and DOB information allow NMFS to uniquely identify entities and individuals that own or hold permits. This is important to accurately quantify how many permits are owned or held by a person or entity. This information assists NMFS law enforcement in identifying businesses that may be under investigation for fishing activities. The transfer form and ownership interest form include a statement that advises the permit owner and vessel owner that TINs and DOBs are considered confidential and will not be released to the public.

The permit owner may appeal any initial decision by NMFS regarding the issuance, renewal, or transfer of an LEP. By regulation, such appeals must be submitted in writing within 30 calendar days to Regional Administrator and must allege facts or circumstances to show why the criteria have been met. Supplemental documentation may be required from the appellant. There have been no appeals of decisions to disapprove a transfer or renewal request in recent years. Appeals may be referred to NMFS National Appeals Office for review and recommendation.

**c. Ownership Interest in a Sablefish Endorsed LEP:** Amendment 14 to the Pacific Coast Groundfish FMP includes several ownership provisions that pertain only to sablefish endorsed LEPs. The regulations at 50 CFR 660.25(b)(3) provide that: 1) no partnership or corporation may own any sablefish endorsed permit unless owned by that entity as of November 1, 2000. Any sablefish endorsed permit sold after November 1, 2000 may only be transferred to an individual person or to a corporation or partnership that had ownership interest in a sablefish endorsed permit as of November 1, 2000; 2) no person, partnership, or corporation may have ownership interest in or otherwise hold more than three sablefish endorsed permits, as of November 1,

2000. If a person, partnership or corporation had an ownership interest in more than three permits as of November 1, 2000, it may continue to have ownership interest in those same permits, but may not acquire additional permits either through purchase or lease; and 3) a partnership or corporation will lose the exemptions given in 1) and 2) above on the effective date of any change in the corporation or partnership membership as of November 1, 2000. The term “change” refers to the addition of a partner or shareholder to the corporation or partnership.

For renewals and transfers of sablefish endorsed permits, if a permit owner or vessel owner is a corporation, partnership, or other business entity; such entities must complete an Identification of Ownership Interest Form. NMFS will not renew a permit or process a transfer request until a completed ownership interest form is received. If a business entity owns or holds more than one LEP, it is required to fill out only one form as part of renewal or transfer process. Currently, there are about 50 unique business entities that are listed on sablefish endorsed LEPs either as a permit owner or vessel owners. The number of entities having to submit an ownership interest form at time of transfer depends on the number of transfer requests initiated for sablefish endorsed permits, where the resulting LEP will list a business entity. On average, there about 80 sablefish endorsed LEP transfers each year of which about 30 ownership interest forms will be required.

As part of renewal, NMFS provides a prefilled ownership interest form to both permit and vessel owners who are business entities registered to sablefish endorsed permits. The prefilled form provides the business entity information (name and business address of record) and a list of shareholders/partners as given in their prior submission. As needed, the respondent adds or deletes individuals who have ownership interest in an entity and/or updates address information for listed individuals. If there are no changes to the ownership interest information, the permit/vessel owner is only required to sign/date the form.

As part of a transfer request, if the resulting permit will have a permit or vessel owner that is a business entity, the entity is required to provide an ownership interest form with basic identifier information such as: permit number, vessel name and registration number, business entity name and address, individual shareholder or partner’s name (first, last, full middle name), TIN for the corporation or partnership that owns the permit, the DOB for every individual who has an ownership interest in the business entity, and each individual’s business address. In addition, an authorized representative representing the corporation/partnership must certify (by signing/dating the form) whether or not an additional individual with ownership interest had been added since the control date. The authorized representative signing the form will be requested to print their name on the form. The applicant may be required to provide a corporate resolution that authorizes the person signing the form to do so on behalf of the business entity. NMFS may require a copy of the USCG Abstract of Title as proof of ownership for vessel owners and/or owners and articles of incorporation or other documentation deemed necessary for proof of corporate or partnership ownership.

Similar to the permit transfer request form, WCR-Seattle has recently decided to rescind the requirement to have the form notarized. On advice from NMFS General Counsel, it has been determined that notarization of the document has marginal benefit in cases where there may be a legal dispute involving the transfer of a permit. The certification statement signed by the permit owner or designee is deemed sufficient to hold the permit owner accountable for the content of the form.

For those permit owners that are a business entity, NMFS compares the list of individuals given on the ownership interest form to the prior list of shareholders on file to determine if an additional individual(s) with ownership interest had been added to the business entity both as part of renewal and any permit transfer. If there is an addition of a shareholder for the exempted business entity, that entity loses its exempted status and will be required to divest the permit to an individual owner or other eligible entity. If a shareholder is no longer listed as part of the entity, NMFS makes that change to its database. Again, the regulation was intended to limit permit ownership to existing permit owners who are family businesses.

In addition, ownership interest data allows NMFS staff to calculate a permit count for every business entity and for every individual (including shareholders) who owns a sablefish endorsed permit to ensure limits on permit owner/holder are not exceeded. The regulations provide that no entity or individual can own or hold more than three sablefish LEPS, unless the person/entity owned more than three permits as of the control date. The term “hold” refers to an owner of a vessel registered to a sablefish endorsed permit it does not own. This calculation includes any individual who owns a permit or an individual who has an ownership interest in a business entity. For any transfer, NMFS staff reviews the ownership interest forms of new entities holding a sablefish endorsed LEP or a grandfathered entity purchasing a sablefish endorsed LEP, and recalculates the total number of sablefish endorsed LEPs owned or held by the entity and the individuals who have an ownership interest in the entity. If any entity or individual owns or holds more than three permits (and is not grandfathered to own more than three permits), the transfer will be disapproved.

**d. Owner On Board Exemption:** The Council designed the permit stacking program to maintain the owner/operator nature of the fleet. All new permit owners (since November 1, 2000) are required to be an individual permit owner and to be onboard the vessel when fishing the tier amounts. The Council anticipated situations where a permit owner may not be able to be onboard the vessel due to death, illness, or injury. At 50 CFR 660.231, a person who owns a sablefish endorsed permit and is prevented from being onboard because of death, illness, or injury may request a temporary exemption from the owner on board provision. The exemption can only be requested for three years consecutively or three years cumulatively and must be requested in writing each year.

In the case of death of the permit owner, the exemption is available until such time the permit ownership is reassigned to a beneficiary (typically through a probated will) or after the 3<sup>rd</sup> year of exemption, whichever occurs first. The executor or personal representative of the permit owner’s estate must request the exemption in writing and must provide a death certificate for the permit owner. The executor/personal representative is required to provide documentation showing that he/she is legally authorized to act on behalf of the deceased permit owner. In some cases, the deceased permit owner may not have a will and NMFS will accept other documents (*e.g.*, letters from surviving spouse or immediate family or family attorney, trust documents, marriage certificates, etc.) to provide proof of who is the rightful beneficiary. Once the beneficiary receiving the permit is identified, a change in permit ownership form is used to make the change, with the executor or personal representative signing the transfer form on behalf of the deceased’s estate. For illness or injury, the permit owner must submit a written request for the exemption and must provide written documentation from a medical professional explaining the nature of the illness or injury and why the illness or injury prevents the permit owner from being on board a



fishing vessel.

NMFS reviews the exemption request and the supporting documentation to make a determination to grant an exemption. As necessary, NMFS may seek further clarification from the applicant of aspects of the information justifying the exemption, which may require additional documentation. The number of applications made for an exemption since 2006 have averaged about two requests per year. Any medical documents provided in support of an exemption request are confidential and not releasable to the public.

**e. Mid-Season Transfer of a Sablefish Endorsed Permit:** The Pacific Coast Groundfish regulations at 50 CFR 660.25 requires that any transfer (also known as “Change of Vessel Registration and/or Permit Owner Application”) request made during the primary season for a sablefish endorsed LEP provide the cumulative amount of sablefish caught against the tier as of the date of the request. Again, one of three tier levels (1, 2, or 3) is assigned to a sablefish permit and each tier provides a specific allocation of sablefish pounds available for harvest in and above the normal trip limits. The tier amount landed to date must be certified as correct by the current permit owner signing Section F of the transfer form and this amount must be acknowledged by the new permit or vessel owner registered to the LEP. The transfer form is described in the previous section on transfers of LEPs. The number of transfers requested by sablefish endorsed permit owners varies year to year; however, the average is about 60 transfer requests per year.

Sablefish landings are recorded on landing tickets provided by each of the West Coast states and the data is entered into a regional database known as Pacific Coast Fisheries Information Network (PacFIN). There can be a lag time of up to two months from the time a landing ticket is completed dockside to the time the data is available in PacFIN. PacFIN catch records for individual vessels are confidential and they are not accessible by the general public. As such, buyers or lessees of sablefish permits do not have an independent source of information detailing the exact amount of catch that has occurred on a specific permit during the primary season. The current regulations require that any person landing groundfish (*i.e.*, permit owner and/or permit holder) keep a copy of all landing tickets accruing to the vessel during fishing operations to substantiate the catch to date for a particular permit.

NMFS requires this landing information primarily for enforcement purposes. The potential exists for a permit owner to misrepresent how much of the tier amount remains on a particular permit when selling or leasing a sablefish endorsed permit. The mid-season transfer certification is intended to inhibit a transferor from misrepresenting the amount of catch remaining on a permit. This certification will assist enforcement agents in effectively monitoring catch amounts on a given permit at the point of transfer and establish a common understanding of the cumulative landed amount on the permit at the time of transfer, so that the transferee does not fish in excess of the remaining tier amount. Enforcement agents may conduct a post-season audit of landing records to determine if a particular permit was overfished during the season. If it is found that a particular permit was overfished, the declarations by both parties are important in determining who may be culpable for having committed a violation. The certified landed amount listed in the transfer form is not made available to the public and is considered business confidential.

### **Pacific Halibut Permits**

Beginning in January 2023, individuals that would like to take or possess Pacific halibut inside IPHC Regulatory Area 2A will be required to hold a Pacific halibut permit issued by NMFS under regulations found at 50 CFR 300.63. Permits will be issued on a first come, first serve basis. Individuals that apply for a commercial permit must specify the type of endorsement they want on their permit. The three types of endorsements available for commercial take and possession of Pacific halibut are: (a) the incidental catch fishery during the salmon troll fishery specified in 300.63(b)(2); (b) the incidental catch fishery during the sablefish fishery specified in 300.63(b)(3); or (c) the directed commercial fishery during the fishing periods specified in 300.63(g)(1). Individuals conducting recreational charter fishing that wish to take or possess Pacific halibut in IPHC Regulatory Area 2A must hold a Pacific halibut permit that authorizes recreational charter fishing and may not register as a commercial fishing vessel.

The information requested by NMFS for the Pacific halibut commercial and recreational fisheries permit application forms is utilized to determine whether an applicant meets the eligibility criteria for a permit for the fishery the applicant intends to participate in. This information 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. 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.

For all of the information collections (*i.e.*, EFPs, LOAs, EEAs, LEPs, Sablefish) described in this statement, it is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See the response to Question 10 in this section 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.**

### **Exempted Fishing Permits (EFPs)**

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 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.

### **Limited Entry Permits (LEPs)**

The permit application forms and instructions have been condensed as much as possible to alleviate public burden while still obtaining the information needed to administer the program. The renewal forms are printed with current permit information and only require the permit owner to revise address/contact information as needed, respond to a few brief questions, and sign/date the form. From 2009-2012, NMFS WCR-Seattle provided permit owners with an online LEP renewal site. About 10% (~50) of our permits were renewed using the online system each year. In 2013, we implemented a new permit database system, which is developed and maintained by the Northwest Fisheries Science Center. We have not developed an online renewal system as part of this new database. At this time, many permit owners do not routinely use a computer, which limits the level of efficiencies realized by online application processes. Due to the relative limited use of the previous online system and the need to use existing funding to develop other database enhancements, we do not anticipate offering an online renewal system in the near future.

We continue to consider an online portal to gather transfer and ownership interest information, however, for the immediate future, we will continue to require hard copy applications. A copy of the transfer application and sablefish ownership interest form can be obtained from the Limited Entry Permit page on the NMFS [WCR website](#) and is in a Portable Document Format (PDF) format. The applicant is required to mail in a hard copy application, which must be signed and dated. Additionally, permit transfer requests require submission of other documentation depending on the nature of the requested action. Some permit and vessel owners are providing transfer documents as an attachment to emails, which expedites the process of reissuing a permit.

All current and historical LEP registrations including endorsements, names, and business address of permit owners and vessel owners, vessel name and number, and effective dates of the LEP are made available to the public through NMFS [WCR Pacific Coast Fisheries Permits System website](#).

### **Pacific Halibut Permits**

The permit application forms and instructions have been condensed as much as possible to alleviate public burden while still obtaining the information needed to administer the program. Participants wanting to apply for Pacific halibut permits will utilize an online interface. This interface will allow permit applicants to apply for and renew Pacific halibut permits on an annual basis. Permits and other pertinent information will be sent electronically to the vessel owner's email address provided on the permit application following the applicable permit deadline. Permit applications must be submitted by the specific deadline for the endorsed commercial fishery (the incidental catch fishery during the salmon troll fishery, the incidental catch fishery during the sablefish fishery, or the directed commercial fishery) or recreational charter fishery and will expire annually on December 31.

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

The information collections described here are unique to the Pacific Coast and tied to specific regulatory requirements. There are no other programs that involve this unique set of permit owners/holders and collect similar information. The NMFS and PFMC initially developed the limited entry program and periodically review the program. The PFMC process requires staff to prepare analyses for the Council and the public for any new initiatives related to the LEP program and consider any issues related to reporting burdens. Any changes to the permit regulations involve a public comment period. Similarly, Council members conduct a review of EFP applications and duplication issues are considered as part of such reviews. In each instance, the process allows for public review and comment. Similarly, NMFS publishes a notice of its intent to issue EFPs. These processes assist with identifying other collections that may be gathering the same or similar information. The IPHC will no longer maintain the Pacific halibut permits and instead the NMFS will take over all permitting for Pacific halibut permits. Information requested for Pacific halibut permits is used to verify vessel ownership and federal fishery participation eligibility. No duplication has been identified.

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

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.

The majority of LEP permit owners and vessel owners and Pacific halibut permit holders are independent fishermen/women who are owner/operators of their vessel, members of family-owned businesses, or members of small partnerships. As such, they are considered to be small businesses. The burden will be the same for all businesses, regardless of size, and NMFS will collect information that is essential in determining eligibility for an LEP, EFP, or Pacific halibut permit, the renewal or transfer of a permit, ownership interest, or satisfy other regulatory requirements. As noted previously, we provide renewal and ownership interest forms with information previously provided by the permit/vessel owner to reduce the amount of time needed to complete it and we provide a checklist to those seeking to make permit transfer listing supplemental documents required depending on the action.

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

**Exempted Fishing Permits (EFPs)**

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.

**Limited Entry Permits (LEPs)**

The annual renewal information collection is necessary to confirm current permit information is correct or to revise it as necessary. If renewals were conducted less frequently, the permit data may not be accurate, as many permit owners do not update their contact information at the time of change. If NMFS has outdated contact information, it would hinder NMFS' ability to efficiently contact permit and vessel owners.

If the collection of permit transfer information is not conducted, NMFS will be unable to limit fishing effort in the groundfish fishery, which is critical to the conservation and management of the groundfish resource. Current permit owner/vessel owner and vessel registration information is important in enforcing management regulations and providing various analysts with high quality permit data. Moreover, the transfer information is essential for NMFS to determine whether the request complies with transfer regulations and to accurately revise permit registrations and track permit registrations. The transfer process must be completed first to allow

for the completion of a private sale or lease transaction (*i.e.*, funds are held in escrow until NMFS approves the transfer). Because these permits have value and are considered assets, it is important that changes are carried out formally, are accurate, and allow permit owners to carry out business transactions involving these privileges.

If NMFS does not collect data on individuals who have ownership interests in entities that either own or hold a sablefish endorsed LEP, it will not be able to enforce compliance of the limits on the number of sablefish endorsed permits owned or held by an individual or to detect changes in grandfathered entities who are allowed to own a sablefish permit. Individuals that have ownership interests in corporations and partnerships are subject to limits on the total number of permits one can own or hold to prevent a small number of individuals from controlling a disproportionate share of the fishery. If such collections were done less frequently, NMFS could not as effectively monitor changes in corporate/partnership membership or accurately monitor the number of permits owned or held by an individual. Given that changes in business ownership occur with some regularity, it is necessary to collect this information no less than annually. If NMFS does not require the existing permit owner and new permit owner or holder to certify the amount of tier sablefish landed to date, there is potential for the transferee to overfish the tier limit amount on the permit. This would create difficulties for enforcement agents in determining who is accountable for a possible fishing violation. If multiple vessels were able to overfish their tier limits, the cumulative overages could jeopardize the health of the sablefish stock and result in closing the fishing season prematurely.

If NMFS does not collect medical information in support of an exemption request from the owner on board requirement, it would not have the needed information to determine whether to approve or disapprove the request. The intent of the Council was to allow for the exemption in cases where there is sufficient proof that the permit owner is unable to be onboard the vessel. If the permit owner was allowed to make the request less frequently, there is potential that permit owners who have recovered from their illness or injury to receive the exemption for a longer period than is needed.

If a response to the small business question were not required, the agency would not have needed information about industry to carry out Regulatory Flexibility Act analyses associated with various rule makings. If the response were requested less frequently, the agency would be unable to effectively track changes in the size of such entities.

### **Pacific Halibut Permits**

Similar to LEPs, 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.

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

## **Exempted Fishing Permits (EFPs) and Exempted Educational Activity Authorizations (EEAAs)**

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.

The collection of information will be consistent with all other 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 June 10, 2022 (87 FR 35506) solicited public comment for extension of this information collection. No comments were received.

A proposed rule, RIN 0648-BK93, published July 26, 2022 (87 FR 44318) solicited public comment for revision and extension of this information collection. No comments were received.

**9. Explain any decisions to provide payments or gifts 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 assurance in statute, regulation, or agency policy.**

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, TIN, and 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 and attitudes, religious beliefs, and other matters that are commonly considered private.**

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



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

<b>Information Collection</b>	<b>Type of Respondent (e.g., Occupational Title)</b>	<b># of Respondents (a)</b>	<b>Annual # of Responses / Respondent (b)</b>	<b>Total # of Annual Responses (c) = (a) x (b)</b>	<b>Burden Hrs / Response (d)</b>	<b>Total Annual Burden Hrs (e) = (c) x (d)</b>	<b>Hourly Wage Rate (for Type of Respondent) (f)</b>	<b>Total Annual Wage Burden Costs (g) = (e) x (f)</b>
LEP Renewal	Fisherpersons/Anglers	275	1 to 2	395	20 mins	132	\$16.70	\$2,204.40
LEP Transfer	Fisherpersons/Anglers	130	1	130	30 mins	65	\$16.70	\$1,085.50
Identification of Ownership Interest for Sablefish Endorsed LEP – as part of renewal	Fisherpersons/Anglers	50	1	50	5 mins	4	\$16.70	\$66.80
Identification of Ownership Interest for Sablefish Endorsed LEP – as part of transfer	Fisherpersons/Anglers	30	1	30	5 mins	3	\$16.70	\$50.10
Sablefish Permit Hold Count Exemption Identification of Ownership Interest	Fisherpersons/Anglers	13	1	13	10 mins	2	\$16.70	\$33.40
EFP Application	Fisherpersons/Anglers	7	1	7	32	224	\$16.70	\$3,740.80
EFP Harvest Plan	Fisherpersons/Anglers	7	1	7	16	112	\$16.70	\$1,870.40
EFP Data Reports	Fisherpersons/Anglers	50	10	500	2	1,000	\$16.70	\$16,700
EFP Summaries	Fisherpersons/Anglers	7	2	14	4 hours (interim report) 20 hours (final report)	168	\$16.70	\$2,805.60
EFP Trip Notifications	Fisherpersons/Anglers	50	10	500	2min	17	\$16.70	\$283.90

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (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)
Letters of Acknowledgement (LOA)	Fisherpersons/Anglers	5	1	5	7 hours	35	\$16.70	\$584.50
Exempted Educational Activity Authorization (EEAA) – including application and annual report	Fisherpersons/Anglers	1	2	2	7 hours (application) 1 hour (annual report)	8	\$16.70	\$133.60
Pacific Halibut Permits	Fisherpersons/Anglers	550	1	550	20 mins	183	\$16.70	\$3,056.10
<b>Totals</b>				<b>2203</b>		<b>1953</b>		<b>\$32,615.10</b>

\*\* The hourly wage for fisherpersons/anglers is the national estimate of the mean hourly wage for farming, fishing, and forestry occupants provided by the U.S. Bureau of Labor Statistics.

**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 (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)
LEP Renewal	275	1 to 2	395	\$135.55	\$53,542.25
LEP Transfer	130	1	130	\$0.55	\$71.50
Identification of Ownership Interest for Sablefish Endorsed LEP – as part of renewal	50	1	50	Included in Renewal Cost	None
Identification of Ownership Interest for Sablefish Endorsed LEP – as part of transfer	30	1	30	Included in Transfer Cost	None
Sablefish Permit Hold Count Exemption Identification of Ownership Interest	13	1	13	Included in Renewal or Transfer	None
EFP Application	7	1	7	\$7.00	\$49
EFP Harvest Plan	7	1	7	\$7.00	\$49
EFP Data Reports	50	10	500	\$7.00	\$3,500
EFP Summaries	7	2	14	\$7.00	\$98
EFP Trip Notifications	50	10	500	\$7.00	\$3,500
Letters of Acknowledgement (LOA)	5	1	5	None	
Exempted Educational Activity Authorization (EEAA) – including application and annual report	1	2	2	\$7.00	\$14.00
Pacific Halibut Permits	550	1	550	\$32	\$17,600
<b>TOTALS</b>			<b>2,203</b>		<b>\$78,423.75</b>

**Cost Burden for LEP Respondents**

COST ITEM	Cost
<b>Renewal:</b>	
Processing Fee \$135 x 395 permits	\$53,325
Mail: \$0.55 x 395 permits	\$217
<b>Transfer:</b>	
Processing Fee	\$0
Mail: \$0.55 x 130 permit transfers	\$72
<b>TOTAL COST TO RESPONDENTS (Permit Owners)</b>	<b>\$53,614</b>

Note: \*Ownership interest forms are required as part of renewal and with some transfer requests and typically mailed to NMFS with the completed renewal and transfer forms.

### Cost Burden for EFP Respondents

Applicants are required to mail in original applications and holders are required to mail in signed copies of their permits. Most reports are typically sent as email attachments, but data reports may need to be mailed using a method that tracks delivery. The cost of mailing daily data reports is estimated at \$7 per report for a total cost of \$7,196 (1,028 data reports x \$7 per report).

### Cost Burden for LOA and EAA Respondents

There are no additional cost burdens for LOA respondents. EAA applicants are required to mail in original applications and holders are required to mail in signed copies of their permits. Most reports are typically sent as email attachments, but data reports may need to be mailed using a method that tracks delivery. Reporting requirements for EAAs are determined on a case-by-case basis, but they are generally less stringent than the requirements for EFPs. For the purposes of estimating cost burden, we generally require a single catch report annually. The cost of mailing data reports is estimated at \$7/report for a total cost of \$14 (2 reports x \$7 per report).

### Cost Burden for Pacific Halibut Permits

As this is the first year for the Pacific Halibut permits, NMFS had to license, develop, and administer a new database for the permits. The cost of the new database is divided among the estimated 550 applicants. Additionally, the cost of processing each permit is factored in for a total fee of \$32 per permit.

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

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
<b>Federal Oversight</b>					
Other Federal Positions	GS-9/Step 5	68,244	50%		\$ 34,122
	GS-12/Step 9	110,614	25%		\$ 27,654
	ZP- 3/3	107,297	<1%		\$ 514.10
<b>Contractor Cost</b>					

Travel					
Other Costs:					
Permit Processing (supplies and mailings)	140 permits	\$7/permit		\$	980
<b>TOTAL</b>				\$	62,290

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

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	
Pacific Halibut Permits	550	0	550	0	183	0	New permit
<b>Total for Collection</b>	<b>1,031</b>	<b>481</b>	<b>2,203</b>	<b>1,653</b>	<b>1,953</b>	<b>1,770</b>	
<b>Difference</b>	<b>550</b>		<b>550</b>		<b>183</b>		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
LEP Renewal	\$2,204.40	N/A	\$53,542.25	\$53,542.25	Labor costs not previously included. No other changes
LEP Transfer	\$1,085.50	N/A	\$71.50	\$71.50	
Identification of Ownership Interest for Sablefish Endorsed LEP - as part of renewal	\$66.80	N/A	None	None	
Identification of Ownership Interest for Sablefish Endorsed LEP - as part of transfer	\$50.10	N/A	None	None	
Sablefish Permit Hold Count Exemption Identification of Ownership Interest	\$33.40	N/A	None	None	
EFP Application	\$3,740.80	N/A	\$49	\$49	
EFP Harvest Plan	\$1,870.40	N/A	\$49	\$49	
EFP Data Reports	\$16,700	N/A	\$3,500	\$3,500	
EFP Summaries	\$2,805.60	N/A	\$98	\$98	
EFP Trip Notifications	\$283.90	N/A	\$3,500	\$3,500	
Letters of Acknowledgement (LOA)	\$584.50	N/A			
Exempted Educational Activity Authorization (EEAA) - including application and annual report	\$133.60	N/A	\$14.00	\$14.00	
Pacific Halibut Permits	\$3,056.10	N/A	\$17,600	N/A	
<b>Total for Collection</b>	<b>\$32,615.10</b>	<b>N/A</b>	<b>\$78,424</b>	<b>\$60,824</b>	
<b>Difference</b>	<b>\$32,615.10</b>		<b>\$17,600</b>		

This revision includes the addition of the Pacific halibut permit. No other changes are requested. The Pacific halibut permit has been managed by the IPHC since its inception. Beginning in 2023, the Pacific halibut permit will be managed by NMFS. This increases the number of respondents for this collection by 550. This change is necessary to maintain the consistency of Pacific halibut permits as the IPHC plans to no longer provide this permit. This permit is necessary for adequate management of the fishery, including identifying which vessels are participating in the take and possession of halibut in IPHC Regulatory Area 2A.

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

There are no plans to tabulate and publish the data. The names of all registered vessels, permit owners and holders are routinely made available on our website. Mid-season landing information provided as a sablefish transfer is considered confidential.

**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 date will be displayed on this information collection.

**18. Explain each exception to the certification statement.**

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