

**SUPPORTING STATEMENT
GROUNDFISH PERMIT ACCUMULATION LIMITS
OMB CONTROL NO. 0648-xxxx**

A. JUSTIFICATION

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

This request is for a temporary new information collection, related to Proposed Rule 0648-BF26, Amendment 18 to the Northeast Multispecies Fishery Management Plan, that will be merged with OMB Control No. 0648-0202 after approval.

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

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

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

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

necessary to ensure that data collections cover entire fisheries. Vessel operator permits serve as primarily a compliance and information dissemination tool.

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

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

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

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

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

NOAA will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The fillable and printable form may be mailed or emailed as an attachment.

4. Describe efforts to identify duplication.

The information to be collected through the issuance of permits is not duplicated elsewhere. **5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize the burden.**

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

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

Not conducting this information collection would mean that a permit holder could acquire enough permits or allocation to have market power over the fishery. If we don't request the additional information from the permit holder, then we would be unable to enforce the regulations in Amendment 18.

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

There are no circumstances in this collection that require information to be collected in a manner inconsistent with OMB guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule, 0648-BF26, will be published coincident with this submission.

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

No payment or gift will be made to respondents.

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

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

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

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

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

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

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

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

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

The cost to the government for this requirement would be \$100 or less, for approximately 2 hours annually.

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

This is a new information collection.

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

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

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

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

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

