

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 05/30/2002  
Departmental Forms Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6086  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 03/26/2002.

TITLE: Southeast Region Reef Fish/Coastal Migratory  
Pelagic Charter Vessel Permit Issuance

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE  
OMB NO.: 0648-0451  
EXPIRATION DATE: 05/31/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	3,100	2,200	199
Difference	3,100	2,200	199
Program Change		2,200	199
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) ( <i>if applicable</i> )	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
SOUTHEAST REGION REEF FISH/COASTAL MIGRATORY PELAGIC  
CHARTER VESSEL PERMIT ISSUANCE**

**Section A. Justification:**

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

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone is the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Under this authority the Secretary of Commerce has promulgated separate rules that require specific types of data submissions for the application process to obtain fishing permits and endorsements as well as notification of certain activities.

The National Marine Fisheries Service (NMFS) is issuing a proposed rule to implement Amendment 14 to the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Amendment 14) and Amendment 20 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Amendment 20). The program change would establish a 3-year moratorium on the issuance of charter vessel or headboat (for-hire) permits for the reef fish fishery and coastal migratory pelagics fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico. Beginning 150 days after the effective date of the final rule that would implement this proposed moratorium, the only valid charter vessel/headboat permits for those two fisheries would be those permits issued under the provisions of the moratorium. In addition, the program change would result in a restructuring of that permit--voiding the existing permit, effective 150 days after the effective date of the final rule implementing this moratorium, and creating a separate permit for Gulf coastal migratory pelagic fish (subject to the moratorium provisions) and a new, separate permit for South Atlantic coastal migratory pelagic fish (not subject to the moratorium provisions).

Under the proposed moratorium, initial eligibility for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish would be limited to the following--

(1) An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish, or whose application for that permit had been received by NMFS, at some time during the period March 29, 2000, through March 29, 2001, and who has such a valid permit on the effective date of the final rule that would implement this proposed moratorium.

(2) Any person who can provide NMFS with documentation verifying that, prior to March 29, 2001, they had a charter vessel or headboat under construction and that the associated expenditures were at least \$5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

(3) A historical captain, defined for the purposes of this proposed rule as a person who provides NMFS with documentation verifying that--

(A) Prior to March 29, 2001, they were issued either a U.S. Coast Guard (USCG) Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license and operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and/or coastal migratory pelagic fisheries that was not permitted in their name or the name of a corporation in which they were a shareholder; and

(B) At least 25 percent of their earned income was derived from charter vessel or headboat fishing in one of the years, 1997, 1998, 1999, or 2000.

NMFS' permit records would be the sole basis for determining eligibility based on permit or application history (i.e., eligibility criterion 1). No more than one owner of a currently permitted vessel would be credited with meeting the permit history criterion based on a vessel's permit history. An owner would not be issued initial charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously during the period March 29, 2000 through March 29, 2001.

An applicant who desires a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish would be required to submit an application for that permit to the Regional Administrator, Southeast Region, NMFS (RA) postmarked or hand-delivered not later than 90 days after the effective date of the final rule implementing this proposed moratorium. Failure to apply in a timely manner will preclude permit issuance even when the applicant meets the eligibility criteria for such permit. Application forms would be available from the RA. The information requested on the application form varies according to the eligibility criterion that the application is based upon as indicated in the rule.

On or about the effective date of the final rule, the RA would automatically mail an application to each owner of a vessel who, based on NMFS' permit records, is eligible based on the permit history or permit application criterion. The RA would also mail each such owner a notice that their existing charter vessel/headboat permit(s) for coastal migratory pelagic fish and/or Gulf reef fish will expire 150 days after the effective date of the final rule implementing this moratorium and that the new permit(s) required under this moratorium will be required as of that date. A vessel owner who believes he/she qualifies for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on permit or application history, but who does not receive an application from the RA, would have to request an application from the RA and provide documentation of eligibility.

Any person applying based on the eligibility criteria related to vessel construction or historical captain status, would have to request a permit application from the RA and provide the required documentation of vessel construction and associated costs or documentation of historical captain status, as applicable. Information to document historical captain would include income tax records pertinent to verifying earned income; a copy of the applicable USCG license and/or Certificate of Inspection; and a notarized affidavit signed by a vessel owner certifying the period the applicant served as captain of a charter vessel or headboat permitted for Gulf reef fish and/or coastal migratory pelagic fish, whether the charter vessel or headboat was permitted for Gulf reef

fish or coastal migratory pelagic fish or both, and whether the charter vessel or headboat was uninspected (i.e., 6-pack) or had a USCG Certificate of Inspection.

A person whose eligibility is based on historical captain status would be issued a letter of eligibility by the RA. The letter of eligibility could be redeemed through the RA for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish, with a historical captain endorsement. The letter of eligibility would be valid for the duration of the moratorium; would be valid only for a vessel of the same authorized passenger capacity as the vessel used to document an earned income requirement; and would be valid only for the fisheries in which the required participation was documented. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish with a historical captain endorsement would be valid only on a vessel that the historical captain operates as a captain.

An appeals process regarding initial eligibility is proposed to provide valid participants the opportunity to address agency record discrepancies that adversely affect their eligibility. An applicant would be allowed to request an appeal of the RA's determination regarding initial permit eligibility by submitting a written request for reconsideration to the RA with copies of the appropriate records for establishing eligibility. If an oral hearing is granted, the RA would notify the applicant of the place and date of the hearing and would provide the applicant a maximum of 30 days prior to the hearing to provide information in support of the appeal.

The RA could independently review the appeal or could appoint one or more appellate officers to review the appeal and make independent recommendations to the RA. The RA and appellate officer(s) could only deliberate whether the eligibility criteria were applied correctly. Hardship or other factors would not be considered in determining eligibility. The RA would make the final determination regarding granting or denying the appeal. The RA would notify the applicant of the decision regarding the appeal within 30 days after receipt of the request for appeal or within 30 days after the conclusion of the oral hearing, if applicable.

A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that does not have a historical captain endorsement would be fully transferable, with or without sale of the permitted vessel, except that no transfer would be allowed to a vessel with a greater authorized passenger capacity than that of the vessel from which the permit was transferred.

A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that has a historical captain endorsement could only be transferred to a vessel operated by the historical captain, could not be transferred to a vessel with a higher authorized passenger capacity than the vessel from which the permit was transferred, and would not otherwise be transferable.

Permit renewal would be contingent upon the permitted vessel and/or captain, as appropriate, being included in an active survey frame for, and, if selected to report, providing the information required in NMFS' Marine Recreational Fishing Charterboat Telephone Survey, Texas Parks and Wildlife Marine Recreational Fishing Survey, or a data collection system that replaces one or more of those surveys. Regarding the replacement data collection system, the details of that

system are currently unknown. Once a replacement data collection system is developed, an additional data collection clearance request would be generated.

Formerly, the charter vessel/headboat permit for coastal migratory pelagic fish applied in the EEZ of both the Gulf of Mexico and South Atlantic. The establishment of a separate charter vessel/headboat permit for Gulf coastal migratory pelagic fish under this proposed moratorium would necessitate that a separate charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish also be established and that the former charter vessel/headboat permit for coastal migratory pelagic fish (applicable in both the Gulf and South Atlantic) be voided. Since the open-access (prior to the moratorium) coastal migratory pelagic fish permit covers fishing both the Gulf of Mexico and the South Atlantic, NMFS cannot determine whether or not holders of that open-access permit would wish to fish in both areas under the moratorium. Automatic reissuance of that permit to all current holders of that permits would cause database inaccuracies regarding the number of charter vessels in each area, and could result in inappropriate fishery management decisions based on that inaccurate data. To avoid these problems, NMFS is requiring to persons to apply for the newly required charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish. The South Atlantic coastal migratory pelagic fish vessel/headboat permit would not be subject to the provisions of the moratorium.

All of these actions would be effective 150 days after the effective date of the final rule implementing the proposed moratorium. Approximately 5 months prior to the date that the new permit would be required, the RA, based on NMFS' permit records, would mail an application for an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish to each owner of a vessel with a valid charter vessel/headboat permit for coastal migratory pelagic fish. Any such owner who desires an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish would have to submit the completed application to the RA. To avoid any lapse in authorization to fish for coastal migratory species in the South Atlantic EEZ (i.e., valid permit status), such owners would have to submit the completed application to the RA postmarked or hand-delivered not later than 90 days after the effective date of the final rule implementing the moratorium. For completed applications received by that deadline, the RA would issue the permit no later than 140 days after the effective date of the final rule implementing this moratorium (i.e., at least 10 days before the permit is required). Applications will be accepted at any time, but if received after the deadline (90 days after effective date), the permit may not be issued prior to the date that the permit is first required.

An owner or operator of a vessel who desires a charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish and who does not have a valid charter vessel/headboat permit for coastal migratory pelagic fish must obtain a permit application from the RA. In addition, as a consequence of the proposed moratorium, the current charter vessel/headboat permit for coastal migratory pelagic fish would have to be restructured as separate permits for the Gulf of Mexico and South Atlantic.

Upon issuance, renewal, or transfer of a permit under this proposed moratorium, the RA would issue the owner of the permitted vessel a vessel decal for the applicable permitted fishery or



fisheries. The vessel decal would indicate vessel identification number, permit type, and permit expiration date; those data elements were previously approved for collection under 0648-0205. The decal would have to be displayed on the port side of the deckhouse or hull and would have to be maintained so that it is clearly visible.

Concerning the collection of data, the implementing regulations contain six collection-of-information requirements subject to the Paperwork Reduction Act (PRA)--namely a requirement to submit a charter vessel/headboat permit application, submission of information on vessel construction, submission of information on historical captain eligibility, submission of appeals of NMFS' initial denial of a charter vessel/headboat permit, mandatory responses to voluntary charter vessel/headboat intercept interviews, and mandatory responses to voluntary charter vessel/headboat telephone interviews. The mandatory responses to voluntary charter vessel/headboat intercept interviews, and mandatory responses to voluntary charter vessel/headboat telephone interviews require a revision to 0648-0052, and therefore are not addressed within this document.

A fee is charged for each permit request submitted to NMFS. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative cost of each special product or service. The application fee (per-boat fee) is \$50 for the first permit type, and \$20 for each additional permit type for vessels without other Southeast fishing permits. A vessel already holding other Southeast fishing permits already has an application on file, and therefore is charged \$20 to add each additional permit type without application.

An applicant for a Federal charter vessel permit under the moratorium would be required to obtain an application form from (and submit it to) NMFS. Since a large number of applications are expected to be issued in the first six months, a new Charter Vessel Permit Application Form will be used during that time period with a different paper color to facilitate visual sorting of that form for expedited processing. That form will only be used by owners of charter vessels without other Federal permits.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used.**

The Charter Vessel Permit Application will provide for application for open access South Atlantic coastal migratory pelagic charter vessel permits, and the following under the moratorium: 1) Gulf of Mexico coastal migratory pelagic charter vessel permits; 2) Gulf of Mexico coastal migratory pelagic; 3) Gulf of Mexico reef fish; 4) letter of eligibility for Gulf of Mexico coastal migratory pelagic charter vessel historical captain; and 5) letter of eligibility for Gulf of Mexico reef fish charter vessel historical captain. That form will also provide for application for another, existing charter vessel permit type not affected by the proposed rule--South Atlantic snapper-grouper charter. The Charter Vessel Permit Application Form will no longer be used following the 6-month period; instead, the information will be collected using a modified Multiple Fishery Vessel Application to be used by all new permit applicants.

Information to be provided by vessel permit applicants (including charter vessel permit applicants) would include the vessel's name, hull identification number, hull type, vessel length, gross tonnage, net tonnage, and state registration or Coast Guard documentation number; name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner; any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application. In addition, a copy of the vessel's valid U.S. Coast Guard certificate of documentation or, if not documented, a copy of its valid state registration certificate would be required with each application.

The other charter vessel/owner information to be collected is identical to data elements required for most of the other permit types, and is needed to identify and manage participants in the Federal component of this fishery. NMFS economists need such data in order to accurately determine who, how many, and the nature of vessels that would be impacted by any regulations imposed on the charter vessel fishery. Accurate determinations of such impacts are needed in order to comply with requirements established by the Magnuson-Stevens Act, Executive Order 12866, the Regulatory Flexibility Act, and the National Environmental Policy Act. Such data are essential to further information collection efforts, formulation of sound fishery management measures, and enforcement of the regulations. Similar data elements are required for most of the application forms in this family, although a few variables may be specific to one fishery or type of management technique.

**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 Southeast Region's Web site allows the public to obtain a printed copy of the permit application via downloading to their printer. Otherwise, the Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) permit application and issuance. This capability cannot be accomplished in the Southeast Region without significant changes to the permit issuance criteria and our permit issuance processes. These changes have been initiated, in that the Southeast Region Permits Team is switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the future. The Southeast Region also may initiate clearance of a survey of permitted vessel owners to determine the feasibility of Web site application and associated costs/benefits. The survey results will be used to evaluate the feasibility of electronic permit transactions for possible inclusion in future permitting system changes and resource/technology allocations. Such changes could support NOAA's proposed initiative for One-Stop Shopping (to improve customer service through coordination of NOAA consultation and permitting activities).

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

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each

FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist.

The information proposed to be collected is not being obtained elsewhere in usable format; in that regard, the proposed data collection would not cause duplication.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management and permitting programs are requested from all applicants.

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

Collection of the application information whenever the application is completed is necessary for NMFS to properly comply with the applicable permit transfer provisions in effect for those fisheries, track vessels and associated characteristics, and also to prepare for future permitting system changes. Since that information may change over time, periodic collection is needed.

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

The collection is consistent with OMB guidelines.

**8. Provide a copy of 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.**

The notice of availability of Amendment 14 and Amendment 20 includes a request for comments on this data collection. The proposed rule also includes a notice of and request for comments on this data collection.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees.

Furthermore, comments and suggestions from fishermen, that are required to report, are routinely submitted, reviewed, and considered. Experience with the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants. The proposed moratorium was developed through extensive interactions with a wide range of industry participants and advisory groups. This lengthy process included consideration and rejection of numerous management strategies and alternatives that are described in the amendment. There are no major problems that have not been resolved.

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

There are no payments or other remunerations to respondents.

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

All data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100.

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

No questions of a sensitive nature are asked.

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

The public reporting burden for completing the permit application average 20 minutes per response. Under the program change, NMFS expects to receive charter vessel permit applications from 3,000 vessels. NMFS expects that 1,950 of those vessels already have other NMFS Southeast fishing permits and therefore are already using the application for renewals. However, NMFS expects an additional first-year response for those vessels to apply for the new charter vessel permit. Therefore, NMFS anticipates a total of 3,000 new application responses in the first year due to the program change. NMFS expects that 50 of those 3,000 new applications will be based on historical captain status and therefore will each take two additional hours of burden time to collect that information. NMFS also expects that 300 of those 3,000 new applications will involve eligibility based on a charter vessel/headboat under construction prior to March 29, 2001 and therefore will each take two additional hours of burden time to collect that information. These responses are expected to take 1,700 hours in the first year (i.e., 117 hours total for completion of 50 applications based on historical captain status at 140 minutes each; 700 hours total for completion of 300 applications based on a charter vessel/headboat under construction at 140 minutes each, and 883 hours total for completion of 2,650 applications based on the prior permit/application history criterion at 20 minutes each). In addition, NMFS

expects to receive 100 appeals of the RA's determination regarding initial permit, which are each expected to take five burden hours. Addition of the 500 burden hours (for appeals) to the 1,700 hours expected for the other responses provides a total of 2,200 burden hours in the first year. Since the appellants also responded via an earlier application, the number of first-year respondents is 3,000. However, the total number of first-year responses is 3,100 (i.e., 3,000 applications plus 100 appeals).

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

A fee is charged for each permit application submitted. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative cost of each special product or service. The application fee (per-vessel fee) is \$50 for the first permit type, and \$20 for each additional permit type for vessels without other Southeast fishing permits. The charter vessel permit application provides NMFS with additional information beyond that provided by the application already on file for vessels already holding other Southeast fishing permits. NMFS expects that (A) 900 of the 3,000 applications in the first year will be for one of the various charter permit types (\$50 fee); (B) 1,800 of those applications will be for two of the various charter permit types (\$70 fee); and (C) the remaining 300 applications will be for three of the various permit types (\$90 fee). Therefore, NMFS expects to collect \$198,000 in fees for the 3,000 applications in the first year. This results in an average of \$72,600 per year. In addition, the public pays mailing costs for the 3,100 responses in the first year. Those mailing costs are estimated at \$.34 average per response, or \$1,054 for the first year. The grand total, therefore, is \$199,054. No other respondent cost burdens are expected from the other components of this collection.

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

The administrative costs for the program are paid by the fishermen. NMFS already is issuing open-access permits in annual quantities similar to those expected under the moratorium. The additional applications and other programmatic needs of the moratorium program are not expected to require additional manpower or resources. As a result, there is no cost to the Federal government.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

The charter vessel permit requirement will increase the number of respondents using the application, and number of annual responses, compared to the previously approved numbers. All 3,000 applicants are expected to submit an additional response in the first year as a result of this collection.

The increase in burden hours and costs are the result of the new charter vessel permit requirement. Any other changes to the application are not expected to result in any burden changes.

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

The results from this collection are not planned for statistical publication.

**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 OMB number will be displayed.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exemptions to the certification statement identified in Item 19 of OMB 83-I.

**B. Section B. Collections of Information Employing Statistical Methods**

The collection does not employ statistical methods at present.



U.S. DEPARTMENT OF COMMERCE, NOAA  
 NMFS PERMITS TEAM, F/SER22  
 9721 EXECUTIVE CENTER DRIVE N.  
 ST. PETERSBURG, FL 33702  
 727/570-5326 (8am - 4:30pm EST)

OMB No.  
 Approval Expires:

## INITIAL FEDERAL CHARTER/HEADBOAT PERMIT FOR VESSELS FISHING IN THE EEZ

### FOR OFFICE USE ONLY

CHECK/MONEY ORDER NO.:		EXP. DATE:	
FLOY TAG CHECK/MONEY ORDER NO.:		REVIEWER'S INITIALS/DATE:	
VIOLATION #/DATE:	CLEARED DATE/INITIALS:	QUALIFIER:	
NON-REPORTING HOLD DATE:		NON-REPORTING CLEARED DATE	
GEARS: 1. 2. 3. 4.		FISHERIES: 1. 2. 3. 4.	

### SECTION 1 VESSEL INFORMATION (please print legibly or type) Coast Guard Doc. and/or State Registration must be provided.

NAME OF VESSEL		CG DOC. OR STATE REG. NO. (OFFICIAL NUMBER)		HULL IDENTIFICATION NUMBER	
LENGTH (FT.)	ENGINE HORSEPOWER	HOLD CAPACITY (TONS)	GROSS & NET TONNAGE	HULL TYPE(FIBERGLASS, WOOD, ETC.)	
HOME PORT (CITY & STATE)					

### SECTION 2 DOCUMENTED/STATE REGISTERED OWNER INFORMATION

OWNER(S) NAME			AREA CODE/PHONE NO.				
MAILING ADDRESS				CITY		COUNTY	
STATE	ZIP CODE	FEDERAL ID NO.	DATE CORPORATION FORMED OR DATE OF BIRTH	MONTH	DAY	YEAR	

### SECTION 3 HISTORICAL CAPTAIN INFORMATION

HISTORICAL CAPTAIN NAME			AREA CODE/PHONE NO.			
MAILING ADDRESS				CITY		
STATE	ZIP CODE	FEDERAL ID NO.	DATE OF BIRTH:	MONTH	DAY	YEAR

### SECTION 4 LEASE INFORMATION

NAME			AREA CODE/PHONE NO.			
MAILING ADDRESS				CITY		
STATE	ZIP CODE	FEDERAL ID NO.	LEASE EXPIRATION DATE:	MONTH	DAY	YEAR

### SECTION 5 PREDOMINANT FISHERIES (Data collection information must be provided or application will be returned)

This vessel is best described as:  Charter (CH)  Headboat (HB)  
 Select by letter up to 4 gears used by this vessel (1. most important - 4. least important)      Select by letter up to 4 fisheries in which this vessel participates.  
 List fisheries in the order of the value of fish sold.

1. _____	3. _____	1. _____	3. _____
2. _____	4. _____	2. _____	4. _____

- |                     |                     |                     |                    |
|---------------------|---------------------|---------------------|--------------------|
| a. Shrimp Trawl     | g. Surface Longline | a. Reef Fish        | f. Stone Crab      |
| b. Fish Trap/Pot    | h. Bottom Longline  | b. King Mackerel    | g. Spiny Lobster   |
| c. Gillnet          | i. Lobster Trap     | c. Shark            | h. Shrimp          |
| d. Reef Fish Bandit | j. Diver            | d. Spanish Mackerel | i. Other (specify) |
| e. Hand/Troll Line  | k. Other (specify)  | e. Swordfish/Tuna   | _____              |
| f. Rod & Reel       | _____               |                     |                    |

### SECTION 6 COMPLETE IF VESSEL IS CORPORATE OWNED OR PARTNERSHIP

If you are applying for a PERMIT, and the vessel owner is a corporation or partnership, provide the names, addresses and dates of birth of the shareholders or partners on the lines provided. If more space is needed, please attach an additional sheet of paper.

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 \_\_\_\_\_

### SECTION 7 SELECT TYPE OF CHARTER/HEADBOAT FISHERY(IES)

**\$50.00 FOR FIRST FISHERY SELECTED; \$20.00 FOR EACH ADDITIONAL FISHERY SELECTED.**

- |   |   |
|---|---|
| <input type="checkbox"/> GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC FISH (GCH)               | <input type="checkbox"/> GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (GRC)                    |
| <input type="checkbox"/> HISTORICAL CAPTAIN GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (HCH) | <input type="checkbox"/> HISTORICAL CAPTAIN GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (HRC) |
| <input type="checkbox"/> SOUTH ATLANTIC CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (SCH)                    | <input type="checkbox"/> SOUTH ATLANTIC CHARTER/HEADBOAT FOR SNAPPER-GROUPER (SC)               |

### SECTION 8 SIGNATURE (All Applications must be signed and dated)

The undersigned certifies that he/she meets all applicable requirements for the requested permit(s).

Owner's Signature	Operator's Signature (if required)	Date:
Name: (print legibly or type)	Position, if owner's a corporation/partnership:	

### ACTIVITIES FOR WHICH PERMITS ARE REQUIRED

**GULF COASTAL MIGRATORY PELAGIC** - For a person aboard a vessel that is operating as a charter vessel or headboat to fish or possess a coastal migratory pelagic fish in or from Federal waters of the Gulf of Mexico, a permit must be issued to the vessel and be on board. Permits for coastal migratory pelagic charter are under a moratorium.

**GULF REEF FISH CHARTER** - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a reef fish in or from Federal waters of the Gulf of Mexico, a permit must be issued to the vessel and be on board. Permits for Gulf reef fish charters are under a moratorium.

**SOUTH ATLANTIC COASTAL MIGRATORY PELAGIC CHARTER or SOUTH ATLANTIC SNAPPER-GROUPER CHARTER** - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess coastal migratory pelagic charter or snapper-grouper in or from Federal waters off the south Atlantic states, a permit must be issued to the vessel and be on board.

### **INSTRUCTIONS (Incomplete or illegible applications will be returned.)**

1. Sections 1, 2, 3 (if applicable), 5, 7, and 8 must be completed or application will be returned.
2. The application fee is **\$50 for one fishery** and **\$20 for each additional fishery** and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application.
3. Mail the application, **copy of current Coast Guard Documentation/state registration** (must be provided with every application), check(s)/money order(s), if vessel is owned by a corporation, must provide a copy of ACTIVE Articles of Incorporation and, if qualifying for a charter/headboat permit documentation to support eligibility is required to: NMFS (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702. Questions may be phoned to 727/570-5326 between 8am - 4:30pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a **FEDERAL EXPRESS** air bill, complete with your delivery address, telephone number, and your FEDEX account number or credit card number.

***In accordance with Federal regulations, any change in your permit information must be reported to the NMFS Regional Administrator within 30 days of the change.***

**SECTION 1** Enter name, official number, and length of vessel as they appear on the certificate of documentation or, if not documented, on the state registration certificate. Under "Home Port", enter the city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation. The other elements, including vessel length, gross and net tonnage, hull type (i.e. fiberglass, wood, steel, etc.), hold capacity (tons), and engine horsepower of the vessel, are also required.

**SECTION 2** Enter the information of the person shown as the "owner" on the vessel's certificate of documentation or, if not documented, on the state registration certificate. If the person shown as the "owner" is a corporation or partnership, enter the Federal ID number and date the corporation/partnership was formed. If a corporate owned vessel, submit a copy of ACTIVE Articles of Incorporation along with other requested information. If corporations are in an INACTIVE status permits will not be issued. **If applying for an initial recreational for-hire permit, the owner of a vessel had to have had a valid charter vessel/headboat permit or whose application for such permit had been received by NMFS, at some time during the period of 3/29/2000 through 3/29/2001, and who had a valid permit on the effective date of the final rule. Any person who can provide documentation to NMFS, verifying that, they had a vessel under construction (by a firm or another person) the owner applying for the permit must provide to NMFS a copy of the contract and/or receipts for expenditures of at least \$5,000 which occurred prior to 3/29/2001. If that vessel was being constructed by the vessel owner he/she must provide NMFS with receipts for expenditures of at least \$5,000 prior to the 3/29/2001 date.**

**SECTION 3** Complete this section only if you are applying for a historical captain vessel permit. Applicant must have been issued a U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license and operated (as a captain) a for-hire vessel permitted in either the reef fish and/or coastal migratory pelagic fisheries prior to 3/29/2001 but did not have a charter vessel/headboat permit issued in their name, or to a corporation in which they were a shareholder, for either fishery. To obtain this letter of eligibility, must submit records to NMFS that demonstrate at least 25 percent of their earned income came or was derived from recreational for-hire fishing in 1 of the 4 years ending with 3/29/2001 (i.e., calendar years 1997, 1998, 1999, or 2000). Such records should include, but not be limited to, income tax records. Must also submit an affidavit from a vessel owner, witnessed by a notary public, certifying (1) the period the applicant served as captain or a permitted vessel; (2) whether the boat was uninspected (6-pack) or had a safety inspection by the USCG, and (3) a statement certifying whether the permitted vessel held the reef fish or coastal migratory pelagics for-hire permit or both.

**SECTION 4** Complete this section only when the vessel is being operated under a lease or other written management agreement that bestows control over the destination, function or operation of the vessel to a person other than the person shown in Section 2. Enter the date of expiration of the lease or written management agreement. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the permit.

**SECTION 5** Complete this section that best describes what type of fishery the vessel is. You must select one or the application will be returned.

**SECTION 6** Complete this section if vessel is owned by a corporation or partnership. Please provide: name, address, phone number, dates of birth, and position each shareholder/partner holds in corporation. **If additional space is needed, attach additional sheet of paper.**

**SECTION 7** Select the type of charter/headboat fishery(ies) you wish to apply for. Submit requested information at time of application for initial charter/headboat permits.

**SECTION 8** The application must be signed by the vessel owner or the historical captain applying for the license. If corporate/partnership owned must be signed by an officer of the corporation.

**KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.**

Public reporting burden for this permit application, submission of information on vessel construction, and submission of information on historical captain eligibility, are estimated to average 20 minutes, 2 hours, and 2 hours per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702. The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act.

All data submitted will be handled as confidential material in accordance with NOAA **Administrative Order 216-100, Protection of Confidential Fishery Statistics**. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

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(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297