

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 11/12/2002
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
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 09/19/2002.

TITLE: South Atlantic Rock Shrimp Vessel Permits and Monitoring

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0461

EXPIRATION DATE: 11/30/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	34,151	9,029	351
Difference	34,151	9,029	351
Program Change		9,029	351
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

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

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 b. <input type="checkbox"/> None 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
SOUTH ATLANTIC ROCK SHRIMP VESSEL
PERMITS AND MONITORING**

This submission is intended to eventually be part of the Permits Family of Forms but is being submitted separately because another 0648-0205 submission is currently at OMB. It is our intent to merge these requirements into 0648-0205 as soon as possible.

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, and agency notification of certain activities through vessel monitoring systems (VMS) and fishing vessel operator identification cards (operator permits).

The National Marine Fisheries Service (NOAA Fisheries) is issuing a proposed rule to implement Amendment 5 to the Fishery Management Plan for the Shrimp Fishery off the Southern Atlantic States (FMP). Amendment 5 was prepared by the South Atlantic Fishery Management Council (Council). As described below, this will provide an “open-access area” for the fishery from the Virginia/North Carolina border ending at (but not including) Georgia, and a “limited access area” for the fishery off Georgia and the east coast of Florida.

The proposed rule would establish a limited access program for the rock shrimp fishery in the exclusive economic zone (EEZ) off Georgia and off the east coast of Florida (limited access area), establish a minimum mesh size for a rock shrimp trawl net in the limited access area, require the use of an approved VMS by vessels allowed to fish for rock shrimp in the limited access program, and require an operator of a vessel in the rock shrimp fishery in the EEZ off the southern Atlantic states (North Carolina through the east coast of Florida: both the open-access area and the limited access area) to have an operator permit. Each permitted rock shrimp vessel would be required to have on board at least one person who has an operator permit when the vessel is at sea or offloading.

The current requirement for a Federal vessel permit for the rock shrimp fishery in the EEZ off the southern Atlantic states, i.e., from the Virginia/North Carolina border through the east coast of Florida, including the limited access area and open-access area) remains in effect. However, in addition, to participate in the fishery off Georgia and the east coast of Florida, a limited access endorsement for South Atlantic rock shrimp would be required. Limited access endorsements would be required effective 180 days after the final rule containing this measure is published.

Initially, the Regional Administrator, Southeast Region, NOAA Fisheries (RA) would issue limited access endorsements to owners of vessels that had valid Federal permits for South Atlantic rock shrimp on or before December 31, 2000, and that had landings of rock shrimp from the South Atlantic EEZ of at least 15,000 pounds during any one of the calendar years 1996 through 2000. Vessels that had Federal permits for South Atlantic rock shrimp would be determined solely from NOAA Fisheries' permit records. Federal permits were required in the fishery beginning November 1, 1996. Only landings when a vessel had a valid Federal permit for rock shrimp, that were harvested from the South Atlantic EEZ, and that were landed and sold in compliance with state and Federal regulations would be used to establish eligibility.

For the purpose of initial eligibility for a limited access endorsement for South Atlantic rock shrimp, the owner of a vessel that had a permit for South Atlantic rock shrimp during the qualifying period would retain the rock shrimp landings record of that vessel during the time of his/her ownership, unless, prior to the publication of the final rule implementing this amendment, a sale of the vessel included a written agreement stating that credit for those qualifying landings was transferred to the new owner. Qualifying landings would be landings of at least 15,000 pounds in any one of the calendar years 1996 through 2000. Such transfer of credit would be for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the seller's ownership.

To implement the limited access fishery, the Regional Administrator (RA) would notify each owner of a vessel that had a permit for South Atlantic rock shrimp on or before December 31, 2000, and each owner of a currently permitted vessel in the fishery, of its initial determination of eligibility for a limited access endorsement for South Atlantic rock shrimp and provide an application for the endorsement.

An applicant for a Federal rock shrimp vessel permit under the proposed rule would be required to obtain an application form from (and submit it to) NOAA Fisheries. The form will be provided through a modification of the Application by adding a "rock shrimp" entry on that form. Information on the Application to be provided by rock shrimp vessel permit applicants would include the vessel's name, hull identification number, and state registration or Coast Guard documentation number; name, address, county, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner; vessel name, official number, and length of vessel as they appear on the certificate of documentation or, if not documented, on the state registration, hull identification number, hull type (i.e., fiberglass, wood, steel, etc.), 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 justification for collection of such information was provided in previous data collection clearance requests. In addition, if an owner's application for a limited-access endorsement is based on qualifying landings that were transferred to him/her through a written agreement, the application must be accompanied by a copy of that agreement and a statement of the cost associated with obtaining the catch history.

Applications for endorsements would have to be postmarked or hand-delivered to the RA not later than 120 days after the final rule that contains this measure is published.

NOAA Fisheries also proposes to begin collecting the rock shrimp vessel fuel capacity, shrimp storage method (either freezer or ice), and year that the vessel was originally built. This collection has already been approved for the Gulf of Mexico shrimp fishery under 0648-0205. These parameters affect the geographical range of a given vessel, and in turn, the vessel's fishing capability. This data need to be collected to partitioning of the fleet for fisheries economics/management assessment of shrimp fleet harvest capacity and efficiency. Compilation of a historical database for these parameters will indicate changes to the individual vessels or to the fleet over time, and therefore need to be periodically collected for tracking purposes via the application form.

If the RA determines that the eligibility requirements for a limited access endorsement were not met, the RA would notify the applicant, in writing, not later than 30 days prior to the date that a limited access endorsement is required in the fishery. An applicant would have an opportunity to request reconsideration of the RA's determination regarding initial endorsement eligibility. An Application Oversight Board would be established to assist in reviewing disputes over eligibility to ensure that the criteria for a limited access permit are applied to an owner's application in a proper manner. Upon request, a vessel owner may make a personal appearance before the Application Oversight Board.

An owner issued a limited access endorsement could request that the endorsement be transferred to another vessel or to another owner by submitting an Application to the RA. An owner must report any costs associated with such transfer on the Application. A transfer of an endorsement to a new owner would include the transfer of the vessel's entire catch history of South Atlantic rock shrimp to that owner.

The RA would not reissue a limited access endorsement for South Atlantic rock shrimp if the endorsement is revoked or if a required application for renewal of the endorsement is not received within one year after the endorsement's expiration date.

A limited access endorsement for South Atlantic rock shrimp that is inactive for a period of four consecutive calendar years would not be renewed. For the purpose of this measure, "inactive" would mean that the vessel with the endorsement had not landed at least 15,000 pounds of rock shrimp from the South Atlantic EEZ in a calendar year. A permit that is not renewed under the renewal criteria will be made available to a vessel owner randomly selected from a list of owners who had at least one documented landing of rock shrimp from the South Atlantic EEZ prior to 1996 but who did not qualify for an initial limited access endorsement. To be placed on the list, an owner would have to submit a written request and landings documentation not later than one year after the final rule containing this measure is published.

An owner issued a limited access endorsement could request that the endorsement be transferred to another vessel or to another owner by submitting an application to the RA. An owner must report any costs associated with such transfer on the application.

To enhance enforcement of fishery regulations, the Council proposes to require operator permits in the South Atlantic rock shrimp fishery. "Operator" is defined as the master or other individual aboard and in charge of a vessel. Each vessel that has a Federal permit for the fishery would be required to have on board at least one person who has an operator permit when the vessel is at sea or offloading. Operator permits would be required in the fishery commencing 120 days after the final rule that contains this measure is published. The RA would mail application forms to owners of vessels with permits for the South Atlantic rock shrimp fishery, and applications also would be available from the RA upon request. Information required on an application would include name, address, and other identifying information, such as date of birth, height, weight, and hair and eye color, of the applicant, and other information necessary for the issuance or administration of the permit. In addition, each applicant would be required to provide two recent (no more than 1- year old) color, passport-sized photographs. A fee would be charged for each application. The fee amount would be stated on the application form and would be calculated in accordance with NOAA guidelines for recovering the Federal costs of administering the program for issuing operator permits. An operator permit would be valid for a period of three years, except in two cases: the one-time issuance of an initial permit or a permit not renewed immediately upon its expiration (birth month in year X+3). In such cases, the operator's permit would expire at the end of the operator's birth month that is between two and three years after initial issuance or renewal.

An operator of a vessel in the fishery would be required to present his/her operator permit for inspection upon the request of an authorized officer. Because an operator permit is a Federal picture identification card issued without verification of the information on the application, the operator would be required to also present one other form of personal identification that includes a picture. Otherwise, an operator whose permit had been revoked could use an additional operator permit obtained under an assumed name.

The proposed rule would require the use of a functional, NOAA Fisheries-approved VMS by each vessel that has been issued a limited access endorsement for South Atlantic rock shrimp when such vessel is on a trip off the southern Atlantic states (North Carolina through the east coast of Florida; both the limited access area and the open-access area). The VMS would provide effort data and would significantly aid in enforcement of areas closed to trawling. All position reports would be treated in accordance with NOAA Fisheries' existing guidelines for confidential data. As a condition of authorized fishing for or possession of South Atlantic rock shrimp in or from the South Atlantic EEZ, a vessel owner or operator subject to the requirements for a VMS in this section must allow NOAA Fisheries, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

Originally, Amendment 5 specified required operational VMS characteristics, e.g., position accuracy, reporting and transmission specifications, etc. However, since the initial development

of Amendment 5, VMS technology has evolved rapidly. The Council recently received new information that VMS units are now available that are more effective than those contemplated originally in Amendment 5. As a result, the Council approved a motion to allow NOAA Fisheries as much flexibility as possible in establishing the operational characteristics of the VMS unit to be implemented in the rock shrimp fishery.

A vessel that has been issued a limited access endorsement for the South Atlantic rock shrimp fishery would be required to have an operating VMS commencing 270 days after the final rule implementing this amendment is published (i.e., 90 days after the limited access endorsement is required) or 90 days after publication of the list of approved transmitting units and associated communications service providers, whichever is later. Upon installation of an approved transmitting unit and activation of the communication services, an owner of a vessel would pay for the acquisition, installation, and operation of the VMS for his or her vessel, up to \$1,200 for initial installation.

Upon installation of an approved transmitting unit and activation of the communication services, a vessel owner or operator would be required to submit a statement certifying compliance with an installation and activation checklist to NOAA Fisheries, Office of Enforcement, Southeast Region.

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

NOAA Fisheries will use the vessel/ownership and related information collected on or with the Application to help identify and manage all of the permit types handled by that form.

- a) Information such as name and address of owner and operator is used to identify the respondent and the legal entity controlling the fishing practices of the vessel. This latter requirement is essential in identifying participants and monitoring the compliance of the various requirements.
- b) The documentation or state registration number, hull registration number, county, hull type, gross tonnage, net tonnage, and name of the vessel are essential for identifying participation.
- c) Vessel characteristics, gear specification, fishing areas, and other information is necessary to ensure the correct permit issuance is completed by NOAA Fisheries per the existing regulations.
- d) If an owner's application for a limited-access endorsement is based on qualifying landings that were transferred to him/her through a written agreement, the application is accompanied by a copy of that agreement and a statement of the cost attributed to the transfer of the catch history. This data collection is needed to ensure that NOAA Fisheries takes appropriate action regarding the issuance of endorsements to the applicant.

e) The submission of requests for reconsideration of NOAA Fisheries' initial denial of a limited-access endorsement is required to properly administer the Federal program and determine which participants should be eligible. Submittal of the reconsideration documents by the requester, including additional information, is needed to ensure that the eligibility criteria are applied to an owner's application in a proper manner during that process.

(f) Information supplied by the requester of a limited-access endorsement transfer to another vessel or to another owner includes reporting of any costs associated with such transfer on the application. This information is needed for NOAA Fisheries to monitor movement in and out of the fishery and thereby obtain fleet economic data.

g) Information on rock shrimp landings prior to 1996 from vessel owners desiring consideration for reissuance of an endorsement that had not been renewed is needed to ensure that the reissuance process is operable. These landings are expected to be limited in quantity and readily available.

h) Data collected via the operator permit application are needed to help ensure NOAA Fisheries correctly issues operator permits that assist in monitoring of the fishery participants.

i) The burden time for VMS installation, completion and submission of the statement certifying compliance with the installation and activation checklist, transmittal of position reports, and for annual maintenance is needed to ensure that the VMS unit on that vessel is fully functional and provides enforcement benefits to NOAA Fisheries and the fishery.

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 VMS position reports are all transmitted electronically. Regarding the permitting data collection, 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 may be switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the future. The Southeast Region also has initiated 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). Based on the above information, 98 percent of the responses (including both VMS position reports and permitting data) are collected electronically.

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, NOAA Fisheries is confident it is aware of similar collections if they exist. The other information proposed to be collected is not being collected elsewhere in usable format; therefore, this 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 NOAA Fisheries' 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.

The rock shrimp fishery is showing signs of over-capacity, and therefore is in need of a limited-access permit program to replace the current, open-access program. Collection of the vessel-specific information whenever the application is completed is necessary for NOAA Fisheries to properly implement the applicable permit transfer/renewal provisions to be in effect for the fishery. The VMS units will provide vessel characteristics data, and enforcement information to increase compliance in the fishery. Identification of fishery participants (operators) also will provide similar benefits. Since that information may change over time, periodic collection is needed.

The approved VMS is expected to provide automatic recording of positions at 15-minute intervals, except, when in a closed area, automatic recording of positions at 5-minute intervals. A less frequent recording of positions would provide ineffective monitoring and not achieve the Council's intended benefits.

This fishery generally utilizes multi-day fishing trips to avoid vessel transit costs. The position reports are automatically transmitted to NOAA. In this manner, NOAA Fisheries is able to effectively monitor the position of the vessel at frequent intervals (either 15-minute or 5-minute intervals). A less frequent transmittal would allow continued non-compliance prior to detection by NOAA Fisheries.

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

The approved VMS is expected to provide automatic recording of positions at 15-minute intervals, except, when in a closed area, automatic recording of positions at 5-minute intervals. A less frequent recording of positions would provide ineffective monitoring and not achieve the Council's intended benefits. As a result, vessel position needs to be reported and transmitted more frequently than on a quarterly basis. The collection is otherwise 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 5, and the proposed rule to implement Amendment 5, include 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 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 NOAA Fisheries on issues and concerns to the applicants. Amendment 5 did not raise an unusual amount of controversy during the Council development process. There are no major problems with Amendment 5 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.

Amendment 5 estimates that 168 vessels will qualify, and that 372 vessels holding the open-access permit will not qualify, for the limited-access endorsement. Of the 372 non-qualifying vessels, only 111 of those vessels have rock shrimp landings between the years 1996 to 2000. Of the 168 vessel, NOAA Fisheries anticipates that 148 vessels had not transferred their qualifying landings to a new owner. The 20 vessel owners who had transferred their qualifying landings are not expected to apply, as such application would not meet the eligibility criteria. The 20 new vessel owners will apply for the limited-access endorsement and provide additional documentation (i.e., a copy of a written agreement regarding qualifying landings that were transferred to, and a statement of associated costs) with their application. In addition, five applications are expected from vessel owners who are ineligible under the eligibility criteria. NOAA Fisheries anticipates that ten owners issued a limited access endorsement will subsequently use the Application again to request that the endorsement be transferred to another vessel or to another owner. Based on the above information, the NOAA Fisheries expects to receive vessel endorsement applications from 173 vessels, and endorsement transfer applications from ten of those vessels (i.e., total of 173 respondents).

Each of the 153 vessels (including the five ineligible vessel owners) who are expected to apply for the limited-access endorsement without additional documentation would spend 0.33 hours on their application, for a sub-total of 50 hours.

Each of the 20 new vessel owners that will apply for the limited-access endorsement and provide additional documentation (i.e., a copy of a written agreement regarding qualifying landings that were transferred to that owner, and a statement of associated costs) would spend 1.33 hours (0.33 hours on the application, plus one hour on the accompanying documentation), for a sub-total of 27 hours.

Five of the 173 vessel owners who apply for the endorsement are expected to be found initially ineligible. Two of those five vessels are expected to request reconsideration of the RA's determination of initial ineligibility, and would each spend two hours on their reconsideration request, for a sub-total of four hours. The ineligibility status of those vessels is not expected to be changed by the reconsideration process since that process is only limited to whether or not the eligibility criteria were applied correctly using the available record (i.e., no hardship consideration.) The other three vessel permit applicants found to be initially ineligible are not expected to request reconsideration.

A limited-access endorsement for South Atlantic rock shrimp that is inactive for a period of four consecutive calendar years would not be renewed. It is expected that the RA will receive written requests (not applications) for reissuance of non-renewed endorsements from 30 vessel owners who had documented landings of rock shrimp from the South Atlantic EEZ prior to 1996 but who did not qualify for an initial limited-access endorsement. The non-renewed endorsements would become available after the four-year landings period. None of those vessel owners are expected to have applied for the rock shrimp vessel endorsement. It is expected that each of the 30 requesters will have a small quantity of landings prior to 1996 for which documentation can be obtained. NOAA Fisheries expects that those 30 vessel owners would each spend 0.083 hours on the request, for a sub-total of two hours. Amendment 5 does not provide data on the number of vessels landing rock shrimp prior to 1996. Additional vessels may have landed rock shrimp prior to 1996 but are not expected to request to be placed on the list because: 1) they have no documentation of such landings; 2) the small likelihood of being selected at random from the list, depending on the number of requesters; 3) they do not want to wait for several years before those endorsements become available; and/or 4) they do not wish to re-enter the fishery and incur start-up costs after being inactive for a relatively long time period.

It is anticipated that persons requesting to be placed on the list will submit a minimal number of landings to qualify. The landings data are readily available for at least part of the time period prior to 1996, according to industry input to the Council during development of this measure. As a result, NOAA Fisheries expects a burden time of only five minutes total per request.

Based on available vessel capacity information, NOAA Fisheries expects that the RA will receive 168 applications for rock shrimp vessel operator permits (one per qualifying vessel). However, those applicants are expected to be vessel owners who applied for and obtained the limited-access endorsement and are not new respondents. NOAA Fisheries expects that the 168 applicants would each spend one hour on their application (including obtaining two passport photos), for a sub-total of 168 hours.

Ten vessels are expected to apply for a transfer of their endorsement. Those vessels already have been counted as respondents. NOAA Fisheries expects that the ten such applicants each would spend 0.33 hours on their application, for a sub-total of three hours.

The new rock shrimp vessel/operator permitting provisions, based on the above calculations, will result in 383 responses (173 endorsement applications, plus two reconsideration requests, plus 30 reissuance requests, plus 168 operator permit applications, plus ten endorsement transfer applications) from 203 respondents (173 vessel endorsement applicants, plus 30 reissuance requesters) in the first year. The burden time in the first year totals 251 burden hours (50 hours by vessel endorsement applicants not submitting documentation with their application, plus 27 hours by vessel endorsement applicants submitting documentation, plus four hours by persons with additional requests for reconsideration, plus two hours by persons submitting reissuance applications, plus 168 hours by persons submitting operator permit applications, plus three hours by persons submitting endorsement transfer applications). The rock shrimp vessels that obtain

limited-access endorsements will then be placed in the automatic renewal cycle wherein applications are only required every other year.

The proposed rule would require rock shrimp vessels to have a VMS (when on a trip in the limited-access area) but does not require those owners to submit an application form to NOAA Fisheries. Each of the 168 vessels expected to qualify for the limited-access permit (and therefore required to have a VMS when on a trip in the limited-access area) already has been counted as a respondent. Each of the 168 vessels are expected to have the following associated burden times: four hours per installation, 0.25 hours for completion and submission of the statement certifying compliance with the installation and activation checklist, 0.23 hours per day at sea for transmittal of position reports, and two hours for annual maintenance. Although most vessels do not return to port each day, each vessel spend an average of 200 days at sea per year; therefore, the position report transmittals would take 46 hours per vessel (sub-total of 7,728 hours for the 168 vessels). As a result, each vessel would submit a total of 201 responses for installation and maintenance and spend 52.25 hours on the VMS requirement in the first year (or a sub-total of 33,768 responses and 8,778 hours for the 168 vessels).

Based on the above calculations, the proposed rule, including both the permitting and VMS provisions, will result in 34,151 responses from 203 respondents, and 9,029 burden hours, in the first year.

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/request submitted (regardless of whether or not the application meets the criteria and is approved). 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. Under that schedule, a person filling out an application is charged \$50 for the first permit category, but is charged only \$20 for a written request (without application) to “add-on” the permit. The fees total \$14,550 per year, based on the following calculations. Based on NOAA Fisheries’ permits database, it is expected that 73 of the 173 rock shrimp vessels who submit an application (including the five ineligible applicant) hold no other Federal permits and therefore will need to pay \$50 for the application processing fee; in addition, the ten qualifying vessels who submit an endorsement transfer application will need to pay \$50 (sub-total of \$4,150). The 100 other qualifying vessel applicants that already hold other fishing permits will need to pay only \$20 to “add on” the rock shrimp limited-access vessel permit category (sub-total of \$2,000 per year) without application. The operator permit application will cost \$50 per applicant, or \$8,400 for the 168 applications. There is no fee to request reconsideration of the RA’s initial ineligibility finding, or to request to be placed on the list for reissuance of non-renewed endorsements. Changes to the operator license would cost \$18; however, such costs are not expected in the first year.

In addition, the public pays mailing costs for the various responses. Those mailing costs are estimated at \$.37 average per each of the 551 responses (383 permit responses, plus 168 VMS

checklist responses), or \$203.87 total per year. The 20 applications with documentation, five reconsideration requests, and 30 requests from vessel owners desiring consideration for reissuance of a non-renewed endorsement, are expected to require copying (duplicating) of ten, ten, and two pages, respectively, in the first year. At \$0.10 per page, these duplication costs are estimated at a total of \$36.00. The sub-total of mailing and duplication costs is \$239.87. The sub-total of permitting, mailing, and duplication costs is \$14,789.87.

The one-time cost to each vessel owner for initial VMS installation is no more than \$1,200. For VMS data communication, the annual cost would be no more than \$500. However, costs for annual communication may be as high as \$800 if NOAA Fisheries determines that additional communication is necessary. This results in \$201,600 of start-up or capital costs, and \$134,400 of operating costs. Therefore, the VMS costs for each of the 168 vessels is expected to be \$2,000 in the first year, for a sub-total of \$336,000 for the 168 vessels.

The grand total, therefore, is \$350,789.87 for the first year. No other 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. 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 changes in burden hours and costs are program changes resulting from new requirements.

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. 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:

**FEDERAL PERMIT APPLICATION FOR
 VESSELS FISHING IN THE EXCLUSIVE ECONOMIC ZONE (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 ID NUMBER
LENGTH (FT.)	ENGINE HORSEPOWER	HOLD CAPACITY (TONS)	GROSS & NET TONNAGE HULL TYPE
HOME PORT (CITY & STATE)	FUEL CAPACITY (Gal.) (SHRIMP VESSELS)	YEAR BUILT (SHRIMP VESSELS)	

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 OF BIRTH OR DATE CORP. FORMED MONTH DAY YEAR

SECTION 3 OPERATOR INFORMATION ONLY IF REQUIRED

OPERATOR NAME		AREA CODE/PHONE NO.	
MAILING ADDRESS		CITY	
STATE	ZIP CODE	FEDERAL ID. NO.	DATE OF BIRTH MONTH DAY YEAR
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 RED SNAPPER CLASS 1 LICENSE PLACEMENT INFORMATION

NAME		AREA CODE/PHONE NO.	
MAILING ADDRESS		CITY	
STATE		ZIP CODE	

SECTION 6 PREDOMINANT GEAR AND FISHERIES (Data collection information)

This vessel is best described as: Charter (CH) Commercial (CM) 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. _____
- 2. _____
- 3. _____
- 4. _____

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

- a. Shrimp Trawl
- b. Fish Trap/Pot
- c. Gillnet
- d. Reef Fish Bandit
- e. Hand/Troll Line
- f. Rod & Reel
- g. Surface Longline
- h. Bottom Longline
- i. Lobster Trap
- j. Diver
- k. Other (specify) _____

- a. Reef Fish
- b. King Mackerel
- c. Shark
- d. Spanish Mackerel
- e. Swordfish/Tuna
- f. Stone Crab
- g. Spiny Lobster
- h. Shrimp
- i. Other (specify) _____

For Shrimp vessels only. Information must be provided or application will be returned:

How do you store your shrimp?: Freezer vs. Ice

PERMIT(S) SELECTION AND ADDITIONAL INFORMATION ON REVERSE

SECTION 7 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 8 SELECT TYPE OF CHARTER/COMMERCIAL FISHERY(IES)

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

CHARTER/HEADBOAT PERMITS

CHARTER FOR COASTAL MIGRATORY PELAGIC FISH (CH) GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (RC) SOUTH ATLANTIC CHARTER FOR SNAPPER-GROUPER (SC)

COMMERCIAL PERMITS

SPINY LOBSTER (LC) (Not required for the EEZ off Florida) SPINY LOBSTER TAILING (LT) SOUTH ATLANTIC ROCK SHRIMP(RS)
 SPANISH MACKEREL (SM) GULF OF MEXICO SHRIMP (SH) SOUTH ATLANTIC ROCK SHRIMP (OPEN-ACCESS AREA ONLY: VIRGINIA/NORTH CAROLINA BORDER UP TO THE EAST COAST OF FLORIDA)

COMMERCIAL PERMITS WITH LIMITED ACCESS/MORATORIUM

	NEW	RENEWAL	TRANSFER
KING MACKEREL (KM, KT)		<input type="checkbox"/>	<input type="checkbox"/>
GILLNET ENDORSEMENT FOR KING MACKEREL (GN, TGN)		<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO REEF FISH (RR, RT, RRE, RTE)		<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 1 LICENSE (L1, TL1)		<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 2 LICENSE (L2, TL2)		<input type="checkbox"/>	<input type="checkbox"/>
UNLIMITED SOUTH ATLANTIC SNAPPER-GROUPER EXCLUDING WRECKFISH (SG1, ST1, TSG1, TST1)		<input type="checkbox"/>	<input type="checkbox"/>
225 lbs. TRIP LIMIT SOUTH ATLANTIC SNAPPER-GROUPER EXCLUDING WRECKFISH (SG2, ST2, TSG2, TST2)		<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH DIRECTED (SFD, TSFD)		<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH HANDGEAR (SFH, TSFH)		<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH INCIDENTAL (SFI, TSFI)		<input type="checkbox"/>	<input type="checkbox"/>
SHARK DIRECTED (SKD, TSKD)		<input type="checkbox"/>	<input type="checkbox"/>
SHARK INCIDENTAL (SKI, TSKI)		<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC ROCK SHRIMP (LIMITED-ACCESS AREA ONLY: GEORGIA/EAST COAST OF FL.) (RSL)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost associated with rock shrimp limited access permit transfer \$ _____			

SECTION 9 COMPLETE THIS SECTION ONLY IF YOU FISH WITH TRAPS/POTS IN THE REEF FISH OR SNAPPER-GROUPER FISHERIES

If you have an existing color code for any trap/pot fishery, list here.

COLOR CODE: _____

If no existing color code, insert choice (white is not an acceptable color code): _____

Trap/Pot Information: Gulf of Mexico Reef Fish (GOM) & South Atlantic Snapper-Grouper (SA)

(GOM)	_____	_____	_____
	No. of traps	Length x Width x Height (in.)	Mesh Sizes (in.)
(SA)	_____	_____	_____
	No. of pots	Length x Width x Height (in.)	Mesh Sizes (in.)

SECTION 10 SIGNATURE (All Applications must be signed and dated)

The undersigned certifies that he/she (1) meets any applicable earned income requirement for a requested permit(s), as shown on the attached instructions; (2) if a shark permit is received, agrees that shark fishing, catch and gear are subject to the shark regulations at 50 CFR part 635.5, without regard to where such shark fishing occurs or where such shark or gear are possessed, taken or landed; and (3) if a spiny lobster tailing permit is requested, routinely conducts commercial fishing activity in Federal waters on trips of 48 hours or more and such fishing activity requires the /separation of carapace and tail to maintain a quality product.

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

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, a permit must be issued to the vessel and be on board.

KING MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for king mackerel, a commercial vessel permit must be issued to the vessel and be on board. Permits for king mackerel are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessel may be permitted except by transfer of an existing permit. To transfer a permit, the valid permit must be returned with the application.

GILLNET ENDORSEMENT FOR KING MACKEREL - For a person aboard a vessel in Federal waters to use a run-around gillnet for king mackerel in the southern Florida west coast subzone, a commercial vessel permit for king mackerel with a gillnet endorsement must be issued to the vessel and be on board. Permits for gillnet endorsement for king mackerel are under a moratorium. No new vessel may be permitted except by transfer of an existing permit. To transfer a permit, the valid permit must be returned with the application.

REEF FISH (Gulf of Mexico) - As a prerequisite to sell reef fish in or from Federal waters and to be eligible for exemption from the bag limits, a vessel permit must be issued to the vessel and be on board. Permits for the reef fish fishery are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of the permit.** No new vessels may be permitted except by transfer of an existing permit. To transfer a permit, the valid permit must be returned with the application.

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.

ROCK SHRIMP (South Atlantic) - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, or possess rock shrimp in or from Federal waters, a vessel permit for rock shrimp must be issued to the vessel and be on board. However, to participate in that fishery off Georgia and the east coast of Florida, a limited-access endorsement for South Atlantic rock shrimp is required. Limited access endorsement applicants must have had valid Federal permits for rock shrimp on or before December 31, 2000, as identified from NMFS permit records, and had landings of rock shrimp from the South Atlantic EEZ of at least 15,000 pounds during any one of the calendar years 1996 through 2000. Only landings when a vessel had a valid Federal rock shrimp permit, that were harvested from the South Atlantic EEZ, and that were landed and sold in compliance with state and Federal regulations would be used to establish eligibility. If a limited-access endorsement application is based on qualifying landings that were transferred through a written agreement, the application must be accompanied by a copy of that agreement and a statement of the costs associated with obtaining to the transfer of the catch history. A qualified applicant who desires to transfer the rights to an initial endorsement to the owner of a vessel must submit an application requesting such transfer. Such transfer of rights will include transfer of credit for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the qualified applicant's ownership.

SNAPPER-GROUPER EXCLUDING WRECKFISH (South Atlantic) - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits, to engage in a directed fishery for tilefish or to use a sea bass pot, a vessel permit must be issued to the vessel and be on board. Permits for the South Atlantic snapper-grouper fishery are under a moratorium. No new vessels may be permitted except by transfer of existing permits. A person desiring to acquire a limited access transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit. The valid permits must be returned with the application. **Permits must be renewed within 60 days of the expiration date to avoid loss of permit.**

S. ATLANTIC SNAPPER-GROUPER CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a snapper-grouper in or from Federal waters off the southern Atlantic states, a permit must be issued to the vessel and be on board.

SHARK - As a prerequisite to sell a shark in or from Federal waters and to be eligible for exemption from the bag limits, a vessel permit must be issued to the vessel and be on board. Permits for the shark fishery are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessels may be permitted except by transfer of an existing limited entry permit. To transfer a permit, the valid permit must be returned with the application.

GULF OF MEXICO SHRIMP - For a person aboard a fishing vessel to fish for or possess Gulf of Mexico shrimp in or from Federal waters, a vessel permit for Gulf of Mexico Shrimp must be issued to the vessel and be on board.

STONE CRAB - A vessel that does not hold a Florida stone crab state permit, but possesses more than 1 gallon of stone crab claws, possesses or uses a stone crab trap, or sells stone crab claws in or from the management area (Federal waters off Florida, including Monroe County) must obtain a valid Federal stone crab vessel permit, trap certificate, and trap tags from the National Marine Fisheries Service Permits office. The Federal permit will only be issued to an applicant who was not issued Florida's stone crab state license/certificate and who can show a minimum of 300 pounds of stone crab landed between October 15 and May 15, for 1995/1996, 1996/1997, or 1997/1998 fishing seasons. The maximum number of trap tags issued by NMFS is equal to the applicant's highest reported landings of stone crab claws (pounds) during any one of the above fishing seasons divided by 5 pounds.

SPANISH MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for Spanish mackerel, a commercial vessel permit must be issued to the vessel and be on board.

SPINY LOBSTER - For a vessel fishing in Federal waters off states other than Florida to be exempt from the daily catch and possession limit, a commercial spiny lobster permit must be issued to the vessel and be on board. Florida's requirements apply to a vessel fishing in Federal waters off Florida. To possess a separated spiny lobster tail in or from Federal waters, a tail-separation permit must be issued to the vessel and be on board. For fishing activities in Federal waters off states other than Florida, the tailing permit must be accompanied by a commercial spiny lobster permit.

SWORDFISH - To fish for or possess swordfish in or from the North Atlantic Ocean, or take swordfish as bycatch, whether or not retained, a vessel permit must be issued to the vessel and be on board. Permits for the swordfish fishery are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessels may be permitted except by transfer of an existing limited entry permit. To transfer a permit, the valid permit must be returned with the application.

INSTRUCTIONS (Incomplete or illegible applications will be returned.)

1. Blocks in Sections 1, 2, 8 and 10 must be completed or application will be returned. Shrimp vessels must complete Section 6 or the 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. Each permit obtained may entail additional reporting requirements, including a daily fishing vessel logbook record. **For renewal of applications or transfers no permit(s) will be issued until all required logbook reports have been received in Miami.**

3. Mail the application, **copy of current Coast Guard Documentation/state registration (must be provided with every application)**, check(s)/money order(s) and, if required, income tax forms/schedules or fish receipts 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.

SECTION 1 Enter vessel name, official number, and length of vessel as they appear on the certificate of documentation or, if not documented, on the state registration, hull identification number, hull type (i.e., fiberglass, wood, steel, etc.), gross & net tonnage, homeport, horsepower, the city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation, fuel capacity in gallons, and year built. For **all swordfish handgear/directed and shark directed vessels**, the length, gross and net tonnage and engine horsepower must be provided.

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. **When renewing, corrections should be made by drawing a line through any incorrect information and entering the correct information.**

SECTION 3 Complete this section only when the OPERATOR is required to meet the earned income requirement.

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 only if you are placing your Red Snapper Class 1 license on a vessel that you do not own.

SECTION 6 The information in this section is a data collection requirement and must be completed. If applying for a Shrimp permit it must be completed or application will be returned.

SECTION 7 Complete this section if vessel is owned by a corporation or partnership. Please provide: name, address, phone number, date of birth, and position shareholder/partner holds in corporation. If additional space is needed, attach additional sheet of paper.

SECTION 8 Select only those fisheries that are required and for which the owner or operator qualifies, specifically including any applicable earned income requirement. **For renewal of applications or transfers no permit(s) will be issued until all required logbook reports have been received in Miami.**

SECTION 9 Complete this section only if you fish with traps/pots in the Reef Fish fishery of the Gulf of Mexico, Snapper-Grouper fishery off the southern Atlantic states, or the Stone Crab fishery of the Gulf of Mexico. A **separate check or money order for trap/pot tags (\$1.10 per tag) is required for use in the Reef Fish and Snapper-Grouper fisheries payable to FLOY TAG**. Tags will be mailed directly to you from Floy Tag.

SECTION 10 The application must be signed by the vessel owner unless applying for a permit(s) which require earned income, then it must be signed by the **qualifying applicant**, e.g., the owner, an officer or shareholder of a corporate-owned vessel, a general partner of a partnership-owned vessel or the operator.

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.

TRANSFERS

1. If applying for a TRANSFER of a GULF OF MEXICO REEF FISH, KING MACKEREL, or GILLNET ENDORSEMENT FOR KING MACKEREL PERMIT, please provide the following information:

Transfer of Gulf of Mexico Reef Fish, King Mackerel, or Gillnet Endorsement for King Mackerel Permit - Same Owner: An owner of a permitted vessel may transfer the vessel permit to another vessel owned by same owner by returning the existing permit with an application for a vessel permit for the replacement vessel.

Transfer of Gulf of Mexico Reef Fish or King Mackerel Permit - New Owner: A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit, **if the permit has not expired**, and renew it for the first calendar year after the purchase without meeting the earned income requirement, provided the previous owner (not operator) met that requirement. To transfer, original permit with valid (not expired) expiration date, signatures of both parties on back of permit, and a copy of the vessel CG documentation or state registration must accompany a completed application. To renew the permit for the second calendar year after the purchase, the new owner must have met the earned income requirement not later than the first full calendar year after the purchase.

Transfer of Gillnet Endorsement for King Mackerel Permit - New Owner - This permit may be transferred upon change of ownership of a permitted vessel with such endorsement from one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father.

2. If applying for a TRANSFER of a SOUTH ATLANTIC SNAPPER-GROUPER PERMIT, please provide the following information:

Transfer of Unlimited Permit - Same Owner: An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same owner by returning the existing permit with an application for a vessel permit for the replacement vessel.

Transfer of Unlimited Permit - New Owner: A person desiring to acquire a limited-access transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit. The two original permits with **valid (not expired) expiration date**, signatures of both parties on back and a copy of the vessel CG documentation or state registration must accompany a completed application.

Transfer of 225-pound Trip Limit Permit - Same Owner: An owner of a vessel with a trip limit permit may request that the RA transfer the permit to another vessel owned by the same entity by returning the existing permit with an application for a vessel permit for the replacement vessel.

Transfer of 225-pound Trip Limit Permit New Owner: The permit is not transferable to a new owner.

3. If applying for a TRANSFER of an Atlantic SHARK or SWORDFISH PERMIT, please provide the following information:

Transfer of Permit - Same Owner: An owner of a permitted vessel may transfer the vessel permit to another vessel owned by same owner by returning the existing permit with an application for a vessel permit for the replacement vessel. Such transfers would be subject to upgrading restrictions. Swordfish handgear permits are transferable, but only for use with handgear.

Transfer of Permit - New Owner: A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit. To transfer, original permit with valid (not expired) expiration date, signatures of both parties on back of permit, and a copy of the vessels current CG documentation or state registration must accompany a the application. Such transfers would be subject to upgrading restrictions. Swordfish handgear permits are transferable, but only for use with handgear.

EARNED INCOME OR GROSS SALES REQUIREMENTS FOR COMMERCIAL PERMITS

	KING & SPANISH MACKEREL	REEF FISH (GULF OF MEXICO)	SPINY LOBSTER
Percentage of earned income	At least 25%	More than 50%	At least 10%
Gross sales alternative	More than \$10,000 in sales of fish	N/A	N/A
Source of earned income	Commercial, charter, or headboat	Commercial, charter, or headboat	Sale of catch
Time frame for qualification	One of three years prior to application	Either of two years prior to application	Year prior to application

THE FOLLOWING FISHERIES DO NOT REQUIRE EARNED INCOME:

- Charter for Coastal Migratory Pelagic Fish
- Gulf of Mexico Charter/Headboat for Reef Fish
- South Atlantic Charter for Snapper-Grouper
- Spiny Lobster Tailing
- South Atlantic Rock Shrimp
- Unlimited South Atlantic Snapper-Grouper excluding Wreckfish
- 225 lbs. Trip Limit South Atlantic Snapper-Grouper excluding Wreckfish
- Rock Shrimp
- Swordfish
- Shark
- Gulf of Mexico Shrimp

Documentation of earned income must include the following information: all wages or salaries earned by the applicant; any business income or loss and type of business of the applicant; gross sales from fishing of a sole proprietorship business of the applicant; and net profit or loss from fishing of a sole proprietorship business of the applicant. The documentation must specify the calendar year for which it applies. Instead of the individual items of information specified above, the applicant may submit copies of those portions of the individual's income tax return that show those items, i.e., Pages 1 & 2 of Form 1040, W-2s, Schedule C and, if applicable, Schedule E, but should obliterate information that is personally private such as social security numbers.

For a corporation/partnership owned vessel, percentage of earned income requirement must be met by an officer or shareholder of the corporation, a general partner or the vessel operator. When an officer/shareholder/partner documents his/her earned income from fishing, the corresponding corporate or partnership documented income, including shareholder's share of income and copy of Articles of Incorporation, must be submitted. The documentation must specify the calendar year for which it applies. Instead of these individual items of information, the officer/shareholder/partner may submit copies of his/her individual income tax return and the corresponding corporate or partnership income tax return, including Schedule K-1, but should obliterate information that is personally private such as social security numbers.

If using gross sales alternative, the applicant must submit copies of receipts indicating sales of fish harvested from the owner's, operator's, corporation's or partnership's vessel for a specified year. Instead of such receipts, the applicant may submit copies of those portions of the individual/corporation income tax return that show this information, i.e., Pages 1 & 2 of Schedule C, C-EZ, Form 1120, 1120A, 1120S or 1065, but should obliterate information that is personally private such as social security numbers.

Previously submitted documentation that meets the time frame for qualification need not be resubmitted. Renewal of a permit that was issued based on the earned income of an operator must be accompanied by new documentation of earned income when a new or additional operator meets the requirements. Copies of income tax forms and schedules and all information submitted for documentation or earned income from fishing or gross sales of fish are treated as confidential.

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 collection of information is estimated to average 20 minutes per responds, and 1 hour for documentation of eligibility submitted with the application, 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

LIMITED ENTRY FOR CERTAIN SOUTHEASTERN FISHERIES

The National Marine Fisheries Service (NMFS), Southeast Regional Office, wishes to remind interested parties that limited entry programs are in place or under consideration for the following commercial and recreational fisheries operating in Federal waters of the southeastern U.S. ***Anyone intending to purchase vessels or gear for the purpose of entering one of these fisheries is advised to pay close attention to the following information.***

Gulf Reef Fish - The commercial Gulf reef fish fishery is closed to new entrants through December 31, 2005, except by transfer of an existing permit to another vessel.

No new commercial red snapper licenses are being issued. Class 1 red snapper licenses allow a 2,000 pound trip limit; Class 2 licenses allow a 200 pound trip limit. An existing license may be transferred to another vessel.

No new fish trap endorsements are being issued. Use of fish traps will be prohibited throughout the Gulf of Mexico exclusive economic zone after February 7, 2007. Existing fish trap endorsements are transferable to other reef fish permitted vessels through February 7, 1999. After that date, transfer of fish trap endorsements is allowed only under certain circumstances.

A control date of November 18, 1998, has been established for the recreational-for-hire (charter vessel and headboat) fishery for reef fish and coastal migratory pelagic species in Federal waters of the Gulf of Mexico. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry program is adopted.

Gulf Stone Crab - There is a moratorium on Federal registration of commercial stone crab vessels through June 30, 2002. The Gulf Council and the State of Florida are considering a limited entry program. A control date of July 24, 1995, has been established for this fishery. Anyone entering the fishery after its control date may not be assured of future participation if a limited entry program is adopted in Federal waters.

South Atlantic Golden Crab - The commercial fishery is closed to new entrants except by transfer of an existing permit or permits.

South Atlantic Rock Shrimp - A control date of April 4, 1994, has been established for the commercial fishery. Anyone entering the fishery after its control date may not be assured of future participation if a limited entry program is adopted.

South Atlantic Snapper-Grouper - The commercial fishery is closed to new entrants unless they can obtain two "transferable" permits to exchange for one new permit.

A control date of April 23, 1997, has been established for the commercial black sea bass pot fishery. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry program is implemented.

South Atlantic Wreckfish - The commercial fishery is closed to new entrants except through purchase of individual transferable quota shares.

Gulf and South Atlantic Coastal Migratory Pelagics - The commercial fishery for king mackerel is closed to new entrants through October 15, 2005, except by transfer of an existing permit to another vessel.

A control date of July 2, 1993, has been established for the commercial Spanish mackerel fishery. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry system is adopted.

The South Atlantic Fishery Management Council has requested that NMFS implement control dates for the commercial dolphin-wahoo fishery in Federal waters of the South Atlantic region and the Atlantic group king mackerel gillnet fishery north of Cape Lookout, NC.

A control date of November 18, 1998, has been established for the recreational-for-hire (charter vessel and headboat) fishery for reef fish and coastal migratory pelagic species in Federal waters of the Gulf of Mexico. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry program is adopted.

Gulf and South Atlantic Spiny Lobster - Florida's commercial gear identification and trap certificate/reduction programs are in effect in Federal waters off Florida. Contact the Florida Marine Fisheries Commission at 850/487-0554.

Highly Migratory Species - For information on limited entry programs for shark, billfish, swordfish, or tuna fisheries, please contact the Highly Migratory Species Division at 727/570-5447 or 301/713-2347.

NMFS is an agency of the Commerce Department's National Oceanic and Atmospheric Administration.

OMB No.
Approval Expires:

**FEDERAL APPLICATION FOR SOUTH ATLANTIC
ROCK SHRIMP VESSEL OPERATOR ID CARD (PERMIT)**

U.S. DEPARTMENT OF COMMERCE, NOAA
NMFS PERMITS TEAM, F/SER22
9721 EXECUTIVE CENTER DRIVE N.
ST. PETERSBURG, FL 33702
727/570-5326 (8 a.m. - 4:30 p.m. EST)
<http://caldera.sero.nmfs.gov>



Attach
Photographs
Here

FOR OFFICE USE ONLY

CHECK/MONEY ORDER NO. EXP. DATE:

Fee Amount: \$50
Replacement Fee: \$18

GENERAL INSTRUCTIONS – Please provide all information requested on this application form. See application instructions for additional instructions. Type or print legibly in block letters. Please have the application notarized, and submit all required supporting documentation and fees. Note that fees are non-refundable. **FAILURE TO COMPLY WITH THESE INSTRUCTIONS COULD RESULT IN THE DELAY OR DENIAL OF YOUR LICENSE APPLICATION.**

SECTION 1 VESSEL OPERATOR (type or print legibly)

LAST NAME		FIRST NAME	MIDDLE INITIAL
STREET ADDRESS/POST OFFICE BOX		CITY	
STATE	COUNTY	ZIPCODE	

SECTION 2 MAILING ADDRESS (if different from Section 1)

STREET ADDRESS/POST OFFICE BOX		CITY
STATE	COUNTY	ZIPCODE

SECTION 3 PERSONAL IDENTIFYING INFORMATION

DATE OF BIRTH (MM/DD/YYYY)				PLACE OF BIRTH (City and State)		
SEX	EYE COLOR	HAIR COLOR	WEIGHT	HEIGHT	PHONE NUMBER	

Application Instructions

Provide two recent color, unobstructed passport size photos no more than 1 year old. Please do not staple the photos. The ID card is generally good for three years unless a change in personal information is made.

If a change in personal information occurs, please notify the Southeast Regional Permit office in writing with a check/money order in the amount of \$18 within 30 days of the change. A new ID card will be issued with the changes.

THIS APPLICATION IS EXECUTED UNDER OATH. FALSIFICATION OR MISREPRESENTATION OF ANY PART OR ANY DOCUMENT SUBJECTS THE APPLICANT TO CRIMINAL PROSECUTION UNDER

Before me this day personally appeared _____ who, being duly sworn, deposes and says:

I DO SWEAR AND AFFIRM THAT:

The information contained in this application and all attached documents is true and correct to the best of my knowledge.

Signature of Applicant

STATE OF _____, COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, _____.

by: _____
name of person making statement

by: _____
Signature of Notary

Print, Type or Stamp Name of Notary

Personally known _____

Or Produced Identification _____

Type of Identification Produced _____

Public reporting burden for this collection of information is estimated to average 60 minutes per response, 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 vessel operator permit under Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act and NOAA Administrative Order 216-100, "Confidentiality of Fishery Statistics". 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 provision of the law, no person is required to respond to, nor shall any person be subject 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.

**Vessel Monitoring System (VMS) Installation and Activation Certification
for the Rock Shrimp Fishery of the South Atlantic**

**PLEASE COMPLETE THIS FORM BY
PROVIDING ALL REQUESTED INFORMATION**

F/V Name _____

Vessel state registration number or U.S. Coast Guard documentation number

Installing dealer (name, address, and telephone number)

Date of installation (mm/dd/yyyy) _____

VMS transmitting unit

Manufacturer name: _____
Model: _____
Mfr serial number (S/N): _____
Comm network serial number (ISN): _____

VMS communications service provider

Provider name: _____
Communication ID number assigned by service provider: _____

Were VMS device operating instructions sent to you from the VMS vendor? YES NO

Were you trained on use of VMS device by the VMS vendor? YES NO

In accordance with 50 CFR §622.9, as the owner or operator of a vessel participating in the south Atlantic rock shrimp fishery, I hereby certify that the VMS system on my vessel has been installed and the communication services activated in compliance with the applicable procedures of this installation and activation form.

Vessel owner name: _____

Vessel owner signature: _____ Date: _____

Vessel operator name: _____

Vessel operator signature: _____ Date: _____

Submit this certification, when completed, to the NMFS, Office of Enforcement, Southeast Region, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the requested information is mandatory for the purpose of managing the South Atlantic rock shrimp fishery. The requested information is used to ensure proper operation of the VMS unit. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. The average VMS-associated public reporting burdens are estimated as follows: 4 hours per installation, 15 minutes for completion and submission of the statement certifying compliance with the installation and activation checklist, 14 minutes per day at sea for transmittal of position reports, and 2 hours for annual maintenance. The estimates of public reporting burdens for these collections of information include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements, or suggestions for reducing this burden, should be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

(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;

16 U.S.C. 1853

(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