

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/22/2009

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/04/2009

ACTION REQUESTED: No material or nonsubstantive change to a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200906-0648-004
AGENCY ICR TRACKING NUMBER:
TITLE: Southwest Region Permit Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0204
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 04/30/2010 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	710	143	533
New	710	143	20,603
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	20,070
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Southwest Region Permit Family of Forms - Coastal Pelagic Species and EFP Permit Applications	NA	Coastal Pelagic Species permit application	50 CFR 660.718
Southwest Permit Family of Forms - HMS Permits	NA	Pacific Highly Migratory Species Vessel Permit Application	

CHANGE REQUEST JUSTIFICATION
SOUTHWEST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0204

This is a request to implement permit fees under the Fishery Management Plan for United States (U.S.) West Coast Fisheries for Highly Migratory Species under the OMB Control No. 0648-0204, Southwest Region Permit Family of Forms.

The National Marine Fishery Service's (NMFS) Southwest Region Sustainable Fisheries Division has composed a final rule, RIN 0648-AW50, "Fisheries off West Coast States; Highly Migratory Species Fisheries," that will amend regulations implemented under the U.S. West Coast Fisheries for Highly Migratory Species, Fishery Management Plan (HMS, FMP) to establish a framework for the collection of permit fees. The purpose is to comply with NMFS National Policy Directive 30-120 pertaining to NMFS Permit Fees. Historically, only some fishery management plans have authorized the collection of permit fees. This resulted in a set of inconsistent permit fee policies around the country. NMFS issued Policy Directive 30-120 to establish a more consistent agency permit program that recovers the expense of permit processing and issuance for all permits issued by NMFS to the extent of the law allowed. After consultation with the Pacific Council, NMFS Southwest Region is finalizing rulemaking for this action pursuant to procedures established at 50 CFR 660.717(d) of the implementing regulations for the HMS FMP.

The final rule will specify that an application for an HMS permit, including the renewal of an existing permit, will include a fee payable by the vessel owner. In accordance with the National Oceanic and Atmospheric Administration (NOAA) Finance Handbook guidelines for cost-recovery permits, the initial fee has been calculated at \$30 for the Pacific HMS Permit, which is valid for two years. The Assistant Administrator may change the fee amount required at any time if a different fee is determined appropriate in accordance with the NOAA Finance Handbook and specified by the Administrator, Southwest Region, on the application form.

A total of 669 permit applications (602 renewals and 67 new applications) are expected per year. At \$30 per permit fee, this will add \$20,070 to the current recordkeeping/reporting costs of \$533, bringing the new total to \$20,603.

The final rule is at the Department of Commerce as of 6-3-09; review of this submission is requested as soon as possible.

PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/Subagency	OMB Control Number _____ - _____	
<i>Enter only items that change</i>		
	Current record	New record
Agency form number (s)		
Annual reporting and recordkeeping hour burden		
Number of respondents		
Total annual responses		
Percent of these responses collected electronically	%	%
Total annual hours		
Difference		
Explanation of difference		
Program change		
Adjustment		
Annual reporting and recordkeeping cost burden (in thousands of dollars)		
Total annualized Capital/Startup costs		
Total annual costs (O&M)		
Total annualized cost requested		
Difference		
Explanation of difference		
Program change		
Adjustment		
Other changes**		
Signature of Senior Official or designee:	Date:	For OIRA Use _____ _____

** This form cannot be used to extend an expiration date.



U.S. DEPARTMENT OF COMMERCE
 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 NATIONAL MARINE FISHERIES SERVICE
 501 WEST OCEAN BLVD
 SUITE 4200
 LONG BEACH, CA 90802

OMB Control No.: 0648-0204
 Expiration Date: 04/30/2010

Permit Application Fee: \$30

**Pacific Highly Migratory Species
 Vessel Permit Application**

SECTION 1 VESSEL INFORMATION (please print legibly or type)

USCG DOC. OR STATE REG. NO. VESSEL		VESSEL NAME		HULL IDENTIFICATION NUMBER	
HOME PORT AND STATE			USCG DOCUMENTED HAIL PORT AND STATE		
RADIO CALL SIGN			DOES THIS VESSEL HAVE AN OPERATIONAL VMS? YES _____ NO _____		
REGISTERED LENGTH (FT.)	REGISTERED BREADTH (FT.)	REGISTERED DEPTH (FT.)	GROSS TONS	NET TONS	
HOLD CAPACITY (SHORT TONS)		HOLD CAPACITY (METRIC TONS)		HOLD CAPACITY (CUBIC METERS)	
PROPULSION TYPE	REFRIGERATION TYPE	HORSEPOWER		HULL MATERIAL	
YEAR BUILT	LOCATION BUILT	CREW SIZE (INCLUDING OFFICERS)	PASSENGER CAPACITY		
PREVIOUS VESSEL NAMES		VESSEL FLAG	EFFECTIVE DATES		

SECTION 2 SELECT THE TYPE OF GEAR TO BE AUTHORIZED BY THE HMS PERMIT

COMMERCIAL:			RECREATIONAL:		
HARPOON	PURSE SEINE	CHARTER VESSEL			
TROLL/JIG	LONGLINE				
DRIFT GILLNET	BAITBOAT				

SECTION 3 VESSEL OWNERSHIP INFORMATION

COMPANY NAME		DATE CORPORATION FILED	EIN/SSN	DUNNS NO.
BUSINESS ADDRESS		CITY	STATE	ZIP
BUSINESS TELEPHONE	BUSINESS FAX	BUSINESS CELL PHONE	BUSINESS E-MAIL	
MANAGING OWNER NAME LAST	FIRST	MIDDLE	SUFFIX	DATE OF BIRTH (MONTH/DAY/YEAR)
SECOND OWNER NAME LAST	FIRST	MIDDLE	SUFFIX	DATE OF BIRTH (MONTH/DAY/YEAR)
THIRD OWNER NAME LAST	FIRST	MIDDLE	SUFFIX	DATE OF BIRTH (MONTH/DAY/YEAR)

SECTION 4 SIGNATURE (All applications must be signed and dated)

I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

OWNER'S SIGNATURE:	NAME: (Print legibly or type)	DATE:
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INCOME QUALIFICATION AFFIDAVIT

The following excerpts from the US Code of Federal Regulations describe income qualification requirements for Gulf of Mexico reef fish, king mackerel, Spanish mackerel, and commercial spiny lobster permits. Additional regulations may apply.

King Mackerel

50CFR622.4(a)(iii) To obtain or renew a commercial vessel permit for king mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

Spanish Mackerel

50CFR622.4(a)(iv) To obtain or renew a commercial vessel permit for Spanish mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

Gulf Reef Fish

50CFR622.4(a)(v) To obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during either of the 2 calendar years preceding the application.

Spiny Lobster

50CFR640.4(A)(2) An applicant must provide the following information: (vi) A sworn statement by the applicant for a vessel permit certifying that at least 10 percent of his or her earned income was derived from commercial fishing, that is, sale of the catch, during the calendar year preceding the application.

The following information applies to my income qualification for the following fisheries:

Commercial Spiny Lobster

Gulf of Mexico Reef Fish

King Mackerel

Spanish Mackerel

I, _____, hereby declare under penalty of perjury that the foregoing information is true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621; 18 U.S.C. § 1001). I agree to provide the necessary documentation to prove that I met the earned income requirement when so requested by the National Marine Fisheries Service. Executed on _____.

Printed Name

Signature

Business Name (If Applicable)

Type of Business (If Applicable)

Position in business (If Applicable)

- **Transfer of Gulf Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter 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**. To transfer, original permit with valid (not expired) expiration date, signatures of all parties on back of permit, and a copy of the vessel documentation or state registration, U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, and copy of the vessel documentation or state registration must accompany a completed application.
- **Transfer of Historical Captain for Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter** - A person with a historical captain endorsement may only transfer to another vessel that he/she operates, and cannot be transferred to a vessel with a higher authorized passenger capacity than the vessel from which the permits was transferred. To transfer, **original permit with valid (not expired) expiration date**, copy of his/her U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, and copy of the vessel documentation or state registration must accompany a completed application.

NOTE: Upon transfer of a Gulf of Mexico moratorium Coastal Migratory Pelagics charter/headboat permit and/or Gulf of Mexico moratorium Reef Fish charter/headboat permit, the Federal charter/headboat **decals must be removed** from your vessel.

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 any 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
 Swordfish
 Shark

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-2(s), Schedule C(s) and, if applicable, Schedule E.

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.

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 (copy of Salt Water Products License (SPL) must be submitted). 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.

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 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 permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries website. All other 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.

e-CFR Data is current as of June 1, 2009

Title 50: Wildlife and Fisheries
PART 660—FISHERIES OFF WEST COAST STATES
Subpart K—Highly Migratory Fisheries

§ 660.717 Framework for revising regulations.

(a) *General.* NMFS will establish and adjust specifications and management measures in accordance with procedures and standards in the FMP.

(b) *Annual actions.* Annual specifications are developed and implemented according to §660.709.

(c) *Routine management measures.* Consistent with section 3.4 of the FMP, management measures designated as routine may be adjusted during the year after recommendation from the Council, approval by NMFS, and publication in the Federal Register.

(d) *Changes to the regulations.* Regulations under this subpart may be promulgated, removed, or revised. Any such action will be made according to the framework measures in section 8.3.4 of the FMP and will be published in the Federal Register.

NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-120

Administration and Operations

NMFS Permit Fees

NOTICE: This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

OPR: F/P (M. Holliday)

Certified by: F/P (M. Holliday)

Type of Issuance: Renewed 08

SUMMARY OF REVISIONS:

Introduction. The authority for the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) to charge permit fees to recover its administrative costs is contained in five statutes. Historically, each NMFS permit program individually decided whether or not to use this authority to charge an administrative fee for the recovery of permit processing and issuance expenses. The result is a set of inconsistent permit fee policies around the country. The purpose of this directive is to establish a more consistent agency permit program that recovers the expenses of permit processing and issuance for all permits issued by NMFS to the extent allowed by law.

Objective. Permits are used to identify participants who are eligible to conduct specific activities in programs regulated by NMFS. To receive this benefit, participants must meet certain criteria and submit an application and supporting documentation to a specified NMFS office. The process of application review, certification and permit issuance carries with it an administrative cost. The objective is to implement a consistent policy across NMFS of recovering these costs from applicants. As part of the policy implementation, issues to be resolved include retention of permit fees in NMFS accounts, harmonization of the regional application, review, certification and issuance process, and establishing uniform online application and payment options for applicants.

Authorities and Responsibilities. This directive establishes the following authorities and responsibilities:

- (1) Under its authority for administration of the Fisheries Information System, the Office of Science and Technology has responsibility for developing and managing the plan to transition to the new policy of recovering fees for all permits.
- (2) To assist in and monitor the implementation of the policy, a Leadership Council subcommittee is created comprised of the NMFS Chief Information Officer, the directors of the Offices of Science and Technology, Sustainable Fisheries, Management and Budget, Enforcement, and the Northeast Regional Administrator. The subcommittee will be chaired by the director of the Office of Science and Technology.
- (3) The plan should target full implementation of this policy within 18 months of issuance of this directive.

