

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 06/12/2014

Department of Commerce  
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman

FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 05/14/2014

ACTION REQUESTED: Extension without change of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201404-0648-005

AGENCY ICR TRACKING NUMBER:

TITLE: Greater Atlantic Region, Atlantic Sea Scallop Fishery Management Plan

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change

OMB CONTROL NUMBER: 0648-0491

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: 06/30/2017

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	55,126	3,388	789,544
New	55,126	3,388	789,574
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	30
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini  
Acting Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
VMS: trip declarations, power down codes and polling fees			50 CFR 648.9
Broken trip adjustment and access area trip exchange	NA, NA	Trip exchange request, Broken trip adjustment sheet	50 CFR 648.53
Trip Termination and Compensation Trip Identification	NA	Limited access scallop access area compensation trip form (among other Web shots)	50 CFR 648.9
IFQ Ownership Cap Forms	NA	Vessel ownership form	50 CFR 648.53
RUPH Applications	NA	Application for vessel upgrade, replacement and confirmation of permit history	50 CFR 648.53
VMS Pre-Landing Notification (IFQ, NGOM)	NA	Prelanding notification (among other Web shots)	50 CFR 648.53
Quota Transfer Applications - Temporary and Permanent	NA	Request to transfer LACG IFQ Scallop Allocation	50 CFR 648.53
Cost Recovery			50 CFR 648.53
Sector Proposals			50 CFR 648.63
Sector Operation Plans			50 CFR 648.63
VMS Catch Report	NA	Daily scallop catch report (in file with other Web shots)	50 CFR 648.10

# PAPERWORK REDUCTION ACT SUBMISSION

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

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

## 19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
GREATER ATLANTIC REGION, ATLANTIC SEA SCALLOP FISHERY  
MANAGEMENT PLAN DATA COLLECTION  
OMB CONTROL NO. 0648-0491**

**INTRODUCTION:**

This Paperwork Reduction Act (PRA) submission requests Office of Management and Budget (OMB) approval of extension of the information collection requirements pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491. The title has been changed from “Northeast Region Atlantic Sea Scallop Fishery Management Plan” to “Greater Atlantic Region, Atlantic Sea Scallop Fishery Management Plan Data Collection” to reflect that the Northeast Regional Office has been changed to Greater Atlantic Regional Fisheries Office (GARFO).

**A. JUSTIFICATION**

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Fishery Management Councils and the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS). NMFS manages the Atlantic sea scallop (scallop) fishery through a set of regulations that limit catch of scallops and fishing vessel activity. In addition, regulations limit catch of certain other species of fish in order to minimize bycatch and bycatch mortality (bycatch is the catch and discard of species that are not targeted in the scallop fishery). Finally, the regulations control vessel permitting and the exchange of effort and quota allocations between vessels. In order to effectively manage the fishery, track fishing effort and catch, and to allow vessel owners to exchange fishing trips and quota, NMFS must collect information through the reporting requirements included in this renewal. All of the collection requirements remain necessary without revision.

This current extension makes no changes to the collection requirements. To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

1. Vessel monitoring system (VMS) requirements:
  - Trip declaration, including powerdown provisions
  - Trip termination and compensation trip identification
  - VMS purchase and installation
  - VMS daily catch reports
  - VMS prelanding notification form
  - VMS state waters exemption enrollment

2. Access area broken trip notification requirements
3. Access area trip exchange application procedures
4. Permit Provisions for Limited Access General Category (LAGC) vessels
5. IFQ Transfers
6. Cost Recovery
7. IFQ Sector Program

## **VMS Requirements**

VMS requirements under the FMP apply to all vessels issued a scallop permit and VMS serves as an important enforcement and fishery monitoring tool. The details of the VMS requirements are provided below. Enforcement officials utilize VMS data to monitor vessel activity relative to scallop access areas and fishery closure areas. NMFS monitors vessel activity relative to fleetwide trip allocations and uses information submitted through VMS to monitor catch relative to fishery total allowable catch (TAC). Lastly, vessel owners and operators use VMS as a real-time notification and information transmission to enable more efficient coordination with NMFS for receipt and approval of broken trips. This real-time data transmission enables more efficient management and operation of the scallop fishery.

### Trip Declaration and Powerdown

Vessels issued limited access and LAGC Individual Fishing Quota (IFQ) and Northern Gulf of Maine (NGOM) permits are required to declare a fishing activity code prior to leaving port. This enables NMFS to monitor a vessel's fishing activity, vessel allocation, catch, and trip information relative to catch and trip limits under the FMP. Owners/operators of LAGC IFQ and NGOM vessels can also turn their VMS units off when the vessel is tied to the dock or mooring to reduce electrical power costs when the vessel is inactive. Prior to turning off the VMS unit, the owner/operator must submit a powerdown declaration through VMS indicating to NMFS that the vessel is inactive. This serves the dual purpose of enabling the vessel owner/operator to make this declaration through an efficient system and enables NMFS to have real-time vessel activity status.

### Trip Termination and Compensation Trip Identification

If a limited access vessel's trip is terminated before a vessel retains their possession limit (a so-called broken trip), a vessel owner may request from the Regional Administrator authorization to take an additional trip (a compensation trip) to retain the remainder of the possession limit. To do so, vessels are required to submit the VMS trip termination form prior to leaving the access area and submit a compensation trip ID VMS form upon departing on the compensation trip. The VMS trip termination form requires the vessel operator to provide estimated scallop meat weight on board, estimated landing time and the reason the vessel "broke" the trip. The compensation trip ID is entered into the compensation trip ID VMS form prior to departing on the compensation trip. The costs of these forms are estimated to be minimal, and be outweighed by the benefits of the broken trip program.

### VMS Purchase and Installation

Vessels that apply and qualify for a general category scallop permit would be required to purchase, install, and maintain a VMS on their vessel. VMS reporting requirements include trip declaration, power down, and polling frequency requirements. This VMS requirement has been implemented to improve scallop regulation enforcement and oversight of the above permit restrictions and requirements.

### VMS Catch Reports

The owner or operator must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NMFS-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include:

- Total pounds of scallop meats kept,
- Total number of tows,
- The Fishing Vessel Trip Report log page number,
- Total pounds of yellowtail flounder kept and
- Total pounds of yellowtail flounder discarded.

Submission of this information on a daily basis is needed for monitoring yellowtail flounder catch relative to scallop catch. Yellowtail flounder catch in the scallop access areas is limited by a TAC and NMFS must close the applicable access area when the yellowtail flounder TAC is harvested.

### VMS Prelanding Reports

The FMP requires individual fishing quota (IFQ) and Northern Gulf of Maine (NGOM) vessels to submit a VMS pre-landing notification form prior to crossing the demarcation line on their return to port that would provide scallop hail weight (an estimate of the weight of scallops), estimated time and port of landing. Data from the VMS pre-landing notification form submitted by IFQ vessels is used to enforce and oversee individual fishing quotas, alert enforcement personnel approximately when, where and how much a vessel should have onboard, and enforce the 400 lb. IFQ possession limit. Data from the VMS pre-landing notification form submitted by NGOM vessels is used to monitor the Northern Gulf of Maine Management Area TAC quota and to enforce the 200 lb. Northern Gulf of Maine Management Area possession limit.

### VMS Polling Frequency

The VMS polling frequency for all vessels issued a scallop permit is 30 minutes (it is one hour for some other fisheries). The 30-min polling frequency enhances the monitoring capability to catch violators fishing in the closed areas. Since the average polling increased from 30 minutes from 1 hour, there is a 50 percent greater chance of detecting entries into the closed areas of more than 15 minutes. This requirement applies to the Occasional and LAGC scallop vessels

only, as Full-time and Part-time vessels have been accounted for in OMB Control No. 0648-0202.

### **Broken Trip Adjustment Sheet**

If a vessel breaks an access area trip, the vessel owner must submit a broken trip adjustment sheet upon returning to port. The broken trip adjustment sheet requires the vessel owner's name, vessel name, permit #, USCG documentation #, vessel operator name, date and time of incident, date of VMS notification, pounds of scallops landed, access area fished, nature of the incident, trip departure date, landing date, and signature.

### **Access Area Trip Exchange Application**

The one-for-one access area trip exchange program provides flexibility to scallop vessels about where they may fish. Participants need to send an access area trip exchange application to NMFS with the following information: Vessel name and permit number, owner name and signature, specification of the areas involved in the exchange. Both vessels involved in the exchange are required to submit forms for cross verification. This measure is expected to provide flexibility to vessels regarding which areas to fish, thereby reducing the possibility of revenue loss to those vessels that are unable to access some distant areas due to vessel capacity constraints. Although there will be some transaction costs associated with the exchange of access area trips, the net result will likely be a reduction in overall costs of fishing.

Administrative and enforcement costs associated with the exchange of controlled access trip authorizations are modest when compared with the potential improvement in controlled access allocation programs and reduced economic cost to industry.

### **Permit Provisions for LAGC permits**

Amendment 11 implemented a limited access permit program in 2008 for general category scallop vessels with the creation of 3 LAGC scallop permit categories: IFQ, Incidental Catch (IC), and NGOM. Like all of GARFO's limited access permit programs, if a vessel owner wants to move their permit to a new vessel or retain their permit eligibility through a confirmation of permit history (CPH), they must complete a replacement, upgrade, permit history (RUPH) application. This requirement is necessary to allow vessel owners to transfer the vessel's eligibility to a new vessel or retain the eligibility in CPH if the vessel has been destroyed or sold.

To maintain the historical character of the general category fishery, there is a restriction on the amount of quota a given vessel owner or individual vessel can have. Specifically, vessel owners cannot own more than 5% of the general category IFQ Total Allowable Catch (TAC) and individual vessels could not have more than 2% of the IFQ TAC. Consequently, IFQ permit holders are required to submit an ownership form with their permit renewal each year documenting all of the IFQ vessels in which they have an ownership interest. The ownership form is necessary to effectively administer the ownership cap. The 2% vessel quota cap does not require the submission of information by permit holders, and is administered internally using NMFS permit and quota allocation data.

## **IFQ Transfers**

IFQ permit holders can temporarily and/or permanently transfer individual fishing quota from one IFQ vessel to another. Quota transfers are requested through the submission of transfer applications. Required information includes vessel information, quota transfer information, and authorizing signatures from both parties. The IFQ transfer program is entirely optional, and provides greater flexibility for IFQ permit holders by enabling them to increase their vessel's IFQ or for individuals to lease or sell IFQ if they choose not to fish the allocation.

## **Cost Recovery**

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires an IFQ cost recovery plan to recover management and enforcement costs for IFQ fisheries. The FMP includes an IFQ cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of the IFQ program. IFQ permit holders are required to submit a cost recovery payment annually via a pre-existing Federal payment system called [www.pay.gov](http://www.pay.gov), which is also currently used by the Alaska Region and the Southeast Region. Information submitted via the internet would require the user to establish an online account, including personal and financial information. This requirement is necessary in order to comply with the provisions of the MSA and to collect payments from individuals that have been granted an allocation to a public resource.

## **IFQ Sector Program**

The FMP contains provisions that authorize allocation of a portion of the overall IFQ fishery TAC to a self-selected group of IFQ permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. Individuals or other entities (corporations, cooperatives, etc.) proposing a sector are required to submit documents as described below.

### Sector Allocation Proposal

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council, at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

This document specifies the proposed maximum amount of TAC to be allocated to sector participants and the sector's proposed rules describing movement of vessels among sectors or to the common pool of vessels managed under the FMP. This document is required to include an appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).

### Operations Plan

A group that wants to form a sector and receive an allocation is required to submit a legally binding operations plan to the Council and the Regional Administrator. The operations plan must be agreed upon and signed by all members of the sector and, if approved, would constitute a contract.

This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC associated with the proposed sector; detailed information regarding potential redistribution of TAC within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sector rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document is required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. NMFS may consult with the Council and would solicit public comment on the operations plan for at least 15 days, through proposed rulemaking in the Federal Register. Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination pursuant to the Administrative Procedure Act.

This information is necessary to describe the proposed sector and the proposed rules under which the sector would operate. This information is used to determine whether this sector would maintain consistency with the goals and objectives of the FMP.

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

Several offices of NMFS, the U.S. Coast Guard (USCG) and the Fishery Management Councils will utilize the information. The number of responses for each requirement is provided in Question 12 and Table 1 in this document. Data collected through these programs will be incorporated into the NMFS database and would be used to track and confirm vessel permit status and eligibility, and IFQ status. Vessel replacements, CPH applications, and IFQ transfer requests are expected to be submitted regularly throughout the year. VMS submissions are submitted daily throughout the year depending on vessel activity. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

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

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

**Permit requirements**

RUPH and CPH applications are available on the GARFO web site at [www.nero.noaa.gov](http://www.nero.noaa.gov). Posting this information on the web makes it easier for the general public to obtain necessary forms and instructions, and eases the administrative burden on the agency. However, submission of paper forms is necessary for verification of original signature of the applicant or agent.

**VMS Requirements**

VMS reporting requirements are fulfilled through electronic transmissions of codes and information. VMS form items are collected and housed in databases automatically, minimizing data entry by the vessel operator. Vessel owners may also download broken trip adjustment sheets and access area trip exchange applications from the Regional Office website. Vessel owners may fax broken trip adjustment forms and access area trip exchange applications. VMS position data is collected via automated polling. The VMS catch report and pre-landing notification forms are available electronically through the vessel's VMS unit. These VMS forms are submitted electronically from the vessel.

**IFQ Transfers**

IFQ transfer applications would be available via GARFO's website, [www.nero.noaa.gov](http://www.nero.noaa.gov). Applications may be emailed to GARFO's IFQ transfer email address.

**Cost Recovery**

Vessel owners would submit payment via the secure internet site: [www.pay.gov](http://www.pay.gov).

NMFS collects all other information from vessel owners and/or operators through completed forms and/or instructions. Forms may be sent by mail, fax, or scanned and emailed.

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

The reporting requirements under 0648-0491 do not duplicate any other reporting requirements.

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

The proposed collection of information would not have a significant impact on small entities. Only the minimum data to meet the requirements of the above data needs are requested from all participants. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

To monitor compliance with access area trip allocations for occasional vessels and the general category fleet, VMS transmissions are required. This data is collected at a rate deemed necessary to ensure scallop fleet activities comply with FMP requirements. The increased polling frequency enhances monitoring capability to catch violators fishing in closed areas.

The broken trip and trip exchange programs promote industry cost effectiveness and flexibility. Without the broken trip and trip exchange program collections, these programs could not be administered. Without proper administration and oversight, these programs could not function, and industry would lose these beneficial programs.

The LAGC permit provisions under 0648-0491 are necessary to ensure consistent permit application procedures and to promote effective management of the scallop fishery. The RUPH applications are consistent with all other GARFO limited access fisheries, and provide vessel owners flexibility to move and maintain their eligibility for the general category scallop fishery as they change vessels.

VMS polling and reporting requirements are critical in the enforcement of scallop regulations and the oversight of individual fishing quotas, the Northern Gulf of Maine Management Area TAC, and access area trip quotas. Without these requirements, it would be extremely difficult to enforce spatial and temporal restrictions in addition to other regulatory requirements, and impossible to effectively manage access area trip limits and the Northern Gulf of Maine Management Area TAC.

IFQ transfer applications are needed to implement a transfer program. Without these applications, industry would not be afforded the benefit of the transfer program.

The cost recovery requirements are critical to administer the cost recovery program and collect payment from IFQ permit holders. The minimum amount of information would be collected to effectively administer this program.

Without sector application, analysis, and reporting requirements, NMFS could not successfully implement a sector program.

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

Vessel applicants would be required to submit RUPH applications for each such action. It is possible that an applicant may perform a replacement or CPH more often than quarterly. Vessels would be required to submit a VMS trip declaration and pre-landing notification report each fishing trip. Consequently, individuals may be required to submit a trip identification code more often than quarterly. Similarly, broken scallop access area trips requiring the submission of a broken trip request form are not predictable and occur frequently throughout the year. IFQ vessel owners may transfer quota, and limited access vessel owners may exchange access area trips more frequently than quarterly, but this collection is completely voluntary and to the benefit of the fishing industry. A vessel owner may submit more than one transfer application quarterly.

Each time a vessel enrolls in the state waters exemption program, they would be required to submit the appropriate VMS code and enrollment form. They are allowed to enroll in this program more often than quarterly.

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

The information collections contained in this submission were contained in a Federal Register notice published on December 6, 2013 (78 FR 73500). No comments were received.

NMFS announced at the January 28-30, 2014 New England Fishery Management Council meeting that this set of collection requirements was up for extension and solicited comments. This same information that was presented by the Greater Atlantic (formerly Northeast) Regional Administrator was also available in physical form as a handout included with the meeting materials at all Council meetings. A wide range of stakeholders attend these meetings, including the general public, scallop fishermen and fishermen in other fisheries, members of environmental organizations, and academia. NMFS received no comments during the New England Fishery Management Council meeting. A copy of the reports provided to the New England Fishery Management Council is attached.

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

No payment or gift would be made to respondents.

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

As stated on the forms, all data would be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, would be maintained in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and would not be transferred for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.)

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

There are no questions of a sensitive nature.

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

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

NMFS estimates that 320 limited access vessels, 200 LAGC IFQ, and 100 LAGC NGOM vessels will fish for scallops each fishing year, for an unduplicated respondent number of 620. LAGC incidental catch vessels will operate only under other fisheries that have reporting requirements under those other fishery FMPs. Table 1 summarizes the time burden of these reporting requirements. This analysis assumes a labor cost of \$15/hour.

### **Trip Declaration, Including Powerdown**

Vessels must submit a trip declaration code each time they sail.

The 320 limited access vessels will take on average a total of 2,000 trips (estimated 20,000 days allocated per year/10 days per trip), for a total of 2,000 trip declarations. At 2 minutes per response, the total time burden for the limited access fleet is estimated to be 67 hr (4,000 min/60).

It will take 7,500 IFQ trips to harvest the total allowable catch (approximately 3 million lb annually (3 mlb/400 lb per trip)) for the IFQ fleet and 350 NGOM trips to harvest the 70,000 lb annual NGOM TAC (70,000 lb/200 lb per trip), for a total of 7,850 LAGC trips per year. LAGC vessels may send a power down code at the conclusion of each trip, generating an additional 7,850 declarations, for a total of 15,700 declarations.

Therefore, the total trip declaration and power down time burden for the LAGC fleet is estimated to be 523 hours (2 minutes x 7,850 declaration codes) + (2 minutes x 7,850 power down codes) = 31,404/ 60 = 523 hours).

The total time burden for 17,700 declarations is estimated to be **590 hr**. At an hourly rate of \$15, the annualized time burden would be **\$8,850**.

### **Trip Termination and Compensation Trip Identification**

The average number of terminated trips per year is estimated to be 300, based on prior years. Average response time to complete and submit the VMS trip termination form is estimated to be two minutes, for a total burden of 10 hours (300 x 2 minutes = 600/60 = 10 hours). Average response time to complete the VMS compensation trip ID form is estimated to be two minutes, for a total burden of 10 hr (300 x 2 minutes = 600/60 = 10 hours). For all of the entities to complete both of these requirements, the estimated total time burden is **20 hr** (10 + 10). At an hourly rate of \$15, the annualized time burden would be **\$300**.

### **VMS Purchase and Installation**

Vessel owners with a limited access or LAGC permit on their vessel have already purchased and installed VMS systems in order to comply with the VMS requirement in the regulations implementing the FMP. Therefore, only those vessel owners that replace a limited access or

LAGC permit that is in confirmation of permit history would need to purchase and install a VMS unit. An estimated 10 vessels per year would purchase and install VMS units. However, approved hours for additional VMS purchase and installation in OMB Control No. 0648-0202 more than adequately cover these estimated 10 VMS units.

#### VMS Daily Catch Reports

Annual transmission of data from all vessels fishing in access areas, based on 27,500 fishing days per season and response time of 2 minutes per response, is estimated to be **917 hr** ((27,500 days x 2 min)/60). At an hourly rate of \$15, the annualized time burden would be **\$13,755**.

#### VMS Prelanding Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. It is estimated that it would take 5 minutes per each of the 7,850 reports, for an annual pre-landing notification time burden of **654 hr** (7,850 x 5 minutes/60 minutes). At an hourly rate of \$15, this burden would be **\$9,810**.

#### VMS Polling Frequency

There are 347 limited access scallop vessels and 783 LAGC scallop vessels subject to the half-hour VMS polling frequency. However, only the polling frequency for LAGC vessels is covered under the 0648-0491 collection because the limited access vessels are covered under OMB Control No. 0648-0202. Since the transmission of position polling is automated through the vessel's VMS, there is no associated time burden with this reporting requirement.

#### Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300, based on prior years. Average time to complete the broken trip adjustment sheet is estimated to be 10 minutes, for a total burden of **50 hr** (3,000/60 minutes). At an hourly rate of \$15, the annualized time burden would be **\$750**.

#### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges, based on prior years. Since each exchange involves two vessels, the number of entities affected is estimated to be 180. Average response time to complete the trip exchange application has been estimated to be 15 minutes, for a total burden of **45 hr** (15/60 x 180). At an hourly rate of \$15, the annualized time burden would be **\$675**.

#### Permit Provisions for LAGC Vessels

To implement the 5% IFQ ownership cap, vessel owners would be required to submit an ownership form with each permit renewal (permit renewals are part of the Northeast Permit Family of Forms, OMB Control No. 0648-0202). There are 322 IFQ permits subject to the ownership cap, and it would take an estimated 5 minutes to complete each ownership form;

therefore, the annual reporting burden would be **27 hr** (322 x 5 minutes/60 minutes). At an hourly rate of \$15, the annualized time burden would be **\$405**.

### RUPH Applications

LAGC scallop vessels are subject to the same replacement and permit history restrictions as other GARFO limited access fisheries. Completion of an RUPH application requires an estimated 3 hours per response. It is estimated that no more than 50 RUPH applications would be received annually. The resultant burden would be **150 hr** (3 x 50). At an hourly rate of \$15 / hour, the total public cost burden for RUPH applications would be **\$2,250** per year.

### IFQ Transfers

Quota temporary transfers and permanent transfers apply to IFQ vessels only. A total of 200 leases could be expected for the full year (the scallop fishing year runs from March 1 through February 28). Each application would include information from both parties involved in the temporary transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per temporary quota transfer application. Therefore, the estimated temporary transfer burden would be **33 hr** (200 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for temporary quota transfer applications would be **\$495**.

There would be approximately 10 permanent quota transfers per year. Each application would include information from both parties involved in the transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per permanent transfer application. Therefore, the estimated permanent quota transfer burden would be **2 hr** (10 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for permanent quota transfer applications would be **\$30**.

The total for temporary and permanent transfers is **35 hr** and **\$525**.

### Cost Recovery

After taking IFQ transfers into account, 200 of the 349 IFQ vessels are expected to land scallops. Therefore, 200 payments, at 2 hours each, would take **400 hr**. At an hourly rate of \$15 / hour, the total public cost burden for cost recovery would be **\$6,000**.

### IFQ Sector Program

One sector proposal was received in 2008 but was withdrawn. GARFO estimates that there would be 2 sector proposals annually. There have been no sector proposals since the 2008. However, some permit holders may want to form a sector in the future. Any new sector proposal would be approved in 2015 at the earliest since applicants must submit proposals at least one year prior to when they want the sector to be approved and operational.

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

Based upon consultations with the Northeast multispecies sector program, it is estimated it would take 150 hours to prepare and submit a sector proposal. Therefore, the annualized time burden for sector proposals would be 300 hours per year (2 x 150). At an hourly rate of \$15/hour, the total public cost burden for sector proposals would be **\$4,500**.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. Based upon consultations with the Northeast multispecies sector program, each operations plan takes approximately 100 hours. Therefore, it is estimated it would take 200 hours to submit 2 operation plans. At an hourly rate of \$15/hour, the annual time burden cost would be approximately **\$3,000**.

The total for submission of a Sector allocation proposal and operations plan (4 total submissions: 2 proposals and 2 operations plans) is **500 hr** and **\$7,500**.

**Total annual time burden and labor cost to respondents are 3,388 hr and \$50,820.00, respectively (see Table 1).**

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

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

Trip Declaration, Including Powerdown

It is estimated that each trip declaration costs \$0.79 to transmit; therefore, total transmission costs for limited access scallop vessels will be \$1,580 (2,000 x \$0.79) and for LAGC vessels, will be \$6,201.50 (7,850 x \$0.79). In addition, each powerdown transmission will cost \$0.79, for a total of \$6,201.50 (7,850 x \$0.79). The total cost for transmitting trip declarations is **\$13,983** (\$6,201.50 + \$6,201.50 + \$1,580.00).

Trip Termination and Compensation Trip Identification

Recordkeeping and reporting costs to respondents resulting from the VMS trip termination and compensation trip identification include transmitting the VMS trip termination form and transmitting the compensation trip ID form. It is estimated that each VMS form costs \$0.79 to transmit; therefore total transmission costs for both the VMS trip termination form and compensation trip ID form are **\$474** (2 x 300 x 0.79).

VMS Purchase and Installation

Costs are covered under OMB Control No. 0638-0202.

VMS Daily Catch Reports

Cost to respondents based on the number of messages (27,500) and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$21,725** (27,500 x \$0.79).

### VMS Prelanding Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. Cost to respondents based on 7,850 messages and \$0.79 fixed rate per VMS e-mail message (Boatrac), is **\$6,201.50 (\$6,202)** (7,850 x \$0.79).

### VMS Polling Frequency

Annual dues paid by VMS users are determined by polling frequency. There are 783 LAGC vessels subject to this requirement. The annual average cost of operating a VMS at a polling rate of once every half hour is \$953.70. The total annual cost to scallop vessels is **\$746,747.10 (\$746,747)** (783 x \$953.70).

### Access Area Broken Trip Adjustment Sheet

Recordkeeping and reporting costs to respondents resulting from the broken trip program includes submitting a broken trip adjustment sheet, and printing and stationary costs. Each broken trip adjustment sheet costs \$0.49 to mail, therefore total mailing costs are \$147.00 (0.49 x 300). An additional \$10 has been included to cover printing and stationary costs. The total annual cost for this requirement is **\$157**.

### Access Area Trip Exchange

Additional costs to respondents resulting from the trip exchange program include application mailing costs, and printing and stationary costs. NMFS expects 90 applications to be submitted for trip exchanges. Each application costs \$0.49 to mail; therefore, total mailing costs are \$44.10 (90 x 0.49 = \$44.10). An additional \$10 has been included to cover printing and stationary costs. Therefore, total costs are **\$54.10 (\$54)**.

### Permit Provisions for LAGC Vessels

The IFQ ownership form must be submitted with either an initial or renewal permit application, which is covered under OMB Control No. 0648-0202. Therefore, there are no additional costs associated with this collection.

### RUPH Applications

It is estimated that it would cost approximately \$1 in mail fees and \$1 in copy fees to submit an RUPH application. Therefore, it is estimated that 100 RUPH applications submitted annually would cost **\$200** to print and mail (\$2 x 100).

### IFQ Transfers

It is estimated that IFQ transfer submission would cost \$0.49 postage and \$0.10 copy fees per transfer application (\$0.59 total). Electronic submissions have no associated cost since the cost of the transmission is included in overall internet service fees, but almost all transfers are

submitted via mail. Since NMFS anticipates approximately 210 transfers per year (200 temporary transfers, 10 permanent transfers) the resultant annual cost burden would be **\$123.90 (\$124)** (210 x \$0.59).

#### Cost Recovery

PRA collection cost does not include the actual cost recovery funds submitted by industry; only the costs associated with the submission of these funds. Since cost recovery would be collected only via the internet, there is no cost burden associated with this cost recovery program.

#### IFQ Sector Program

The submission of sector allocation proposals and plans of operations would incur costs from copying and postage of these documents. Costs for one proposal and one operation plan: It would cost \$1.00 for one copy of each 10-page document (\$2.00 total), and two \$0.49 stamps for each document. The total cost burden for each sector proposal and operation plan is estimated to be \$3.96 (\$2.00 + (2x \$0.98)). Therefore, the annual cost for 2 sector proposals and 2 operation plans would be **\$7.92 (\$8)** (2 x \$3.96).

**Total annual cost excluding time burden to respondents is \$789,574.**

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

The following summarizes the costs to the Federal government, based on an hourly wage rate of \$25. There are no other costs to the Federal government other than the time burden associated with processing and reviewing submitted information and approving and implementing resulting actions (see Table 1).

#### Trip Declaration, Including Powerdown

There is no cost to the Federal Government for processing trip declarations and powerdown codes.

#### Trip Termination and Compensation Trip Identification

NMFS would require 1 minute of staff time per trip termination and 1 minute of staff time per compensation trip identification submitted through VMS, for a total of 10 hrs annually (600 \*(2/60)). The total cost to the Federal Government is estimated to be **\$250** (10 hr \* \$25/hr).

#### VMS Purchase and Installation

There is no cost to the Federal Government for VMS Purchase and Installation.

#### VMS Daily Catch Reports

There is no cost to the Federal Government for processing VMS daily catch reports.

### VMS Prelanding Reports

There is no cost to the Federal Government for processing VMS prelanding reports.

### VMS Polling Frequency

There is no cost to the Federal Government for the VMS polling frequency.

### Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300 based on prior years. Average time for NMFS to review and process the broken trip adjustment sheet is estimated to be 30 minutes, for a total burden of 150 hours (30/60 \*300). Cost to the Federal Government would be **\$3,750** (150 x \$25).

### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges based on prior years. Average time for NMFS to review and process a trip exchange application has been estimated to be 15 minutes, for a total burden of 45 hours (15/60 x 90). Cost to the Federal Government would be **\$1,125** (45 x \$25).

### Permit Provisions for LAGC Vessels

It takes approximately 10 minutes to process each ownership cap form. Since there are 322 vessels subject to the ownership cap requirement, the annual government burden would be 54 hr ((10/60 x 322). The cost to the Federal Government would therefore be **\$1,350** (54 x \$25).

### RUPH Applications

It would take NMFS staff one hour to review each RUPH application, with an estimated 50 RUPH applications submitted annually (for LAGC permits only). The total government time burden would be 50 hr. At a rate of \$25 per hour, the cost to the Federal Government is estimated to be **\$1,250** (50 x \$25).

### IFQ Transfers

It is estimated that it would take 15 minutes for NMFS to process each transfer request and 210 requests (temporary and permanent) are expected annually for a total of 53 hr of government time (15/60 \* 210). Therefore, the annual government cost would be **\$1,325** (53 \* \$25).

### Cost Recovery

Cost recovery payments would be collected through [www.pay.gov](http://www.pay.gov), an established government payment collection program. Since the program has been established to accept payment from [www.pay.gov](http://www.pay.gov), there would be no additional cost to the government since the scallop cost recovery program would be completely automated.

## IFQ Sector Program

Based upon Northeast multispecies sector program estimates, sector proposals and operation plans require extensive review by the Council and NMFS staff to ensure that proposals and operation plans meet the objectives of the FMP. It is estimated that each proposal and operation plan requires approximately 150 hours to review, process and implement. The annual cost to the government would be of **\$7,500** (300 x \$25).

**Total annual cost to the Federal government is \$16,550 (see Table 1).**

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

This extension includes two adjustments: 1) The respondent numbers are revised from 783 to 620, reflecting greater confidence in the actual unduplicated permit holders. 2) The standard rate for first class U.S. mail increased from \$0.44 to \$0.49 since the last renewal of this collection in 2010. This change results in a \$30 total increase in the cost of complying with the measures.

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

The results from this collection may be used in scientific, management, technical or general information publications such as the Fisheries of the United States, which follows prescribed statistical tabulations and summary table format, and the annual Stock Assessment and Fishery Evaluation Report prepared by the New England Fishery Management Council for the scallop fishery. Data obtained from this collection would be available to the public upon request in summary form only. Furthermore, data are available to NMFS employees in detailed form on a need-to-know basis only.

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

Except for VMS forms, all forms would display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995. The VMS forms would not display this information because these forms are in electronic media format only. There is limited space in this format to provide the expiration date. One of the approved VMS vendors (Boatracs, Inc) has a limit of 50 lines of text per macro or VMS form, and is also limited to a total of 600 lines of text for all macros. As VMS requirements become more complex with changing Northeast regulations, the macros are approaching these limits. Including the PRA text would negatively impact NMFS's ability to expand the macros within the current limits to comply with regulatory changes. NMFS will continue to display the OMB control number for VMS reporting requirements on Small Entity Compliance Guides (i.e., permit holder letters and fishery bulletins) that describe and explain the VMS reporting requirements.

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

Not applicable.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are employed in the information collection procedures.

**TABLE 1**

<b>Reporting Requirement</b>	<b># Respondents per item</b>	<b>Responses per respondent</b>	<b>Total responses</b>	<b>Burden hours</b>	<b>Wages and salaries</b>	<b>Recordkeeping/reporting costs</b>	<b>Cost to Government</b>
<b>IFQ Ownership Cap Forms</b>	322	1	322	27	\$405	\$0	\$1,350
<b>RUPH applications</b>	50	1	50	150	\$2,250	\$100	\$1,250
<b>VMS Purchase and Installation</b>	0	0	0	0	\$0	\$0	\$0
<b>VMS polling</b>	783	1	0	0	\$0	\$746,747	\$0
<b>Trip Declaration and Power Down</b>	5,917	1	17,700	590	\$8,850	\$13,983	\$0
<b>Trip Termination and Compensation Trip Declaration</b>	300	2	600	20	\$300	\$474	\$250
<b>VMS Catch Report</b>	27,500	1	27,500	917	\$13,755	\$21,725	\$0
<b>VMS Pre-Landing Notification Form (IFQ, NGOM)</b>	7,850	1	7,850	654	\$9,810	\$6,202	\$0
<b>Broken Trip Sheet</b>	300	1	300	50	\$750	\$157	\$3,750
<b>Trip Exchange Request</b>	90	2	180	45	\$675	\$54	\$1,125
<b>Quota Transfer Applications (temporary and permanent)</b>	210	2	420	35	\$525	\$124	\$1,325
<b>Cost Recovery</b>	200	1	200	400	\$6,000	\$0	
<b>Sector Proposals and Operation Plans</b>	2	2	4	500	\$7,500	\$8	\$7,500
<b>TOTAL</b>	<b>-*</b>	<b>-</b>	<b>55,126</b>	<b>3,388</b>	<b>\$50,820</b>	<b>\$789,574</b>	<b>\$16,550</b>

\*Unduplicated respondents: 620.

**SUPPORTING STATEMENT  
GREATER ATLANTIC REGION, ATLANTIC SEA SCALLOP FISHERY  
MANAGEMENT PLAN DATA COLLECTION  
OMB CONTROL NO. 0648-0491**

**INTRODUCTION:**

This Paperwork Reduction Act (PRA) submission requests Office of Management and Budget (OMB) approval of extension of the information collection requirements pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491. The title has been changed from “Northeast Region Atlantic Sea Scallop Fishery Management Plan” to “Greater Atlantic Region, Atlantic Sea Scallop Fishery Management Plan Data Collection” to reflect that the Northeast Regional Office has been changed to Greater Atlantic Regional Fisheries Office (GARFO).

**A. JUSTIFICATION**

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Fishery Management Councils and the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS). NMFS manages the Atlantic sea scallop (scallop) fishery through a set of regulations that limit catch of scallops and fishing vessel activity. In addition, regulations limit catch of certain other species of fish in order to minimize bycatch and bycatch mortality (bycatch is the catch and discard of species that are not targeted in the scallop fishery). Finally, the regulations control vessel permitting and the exchange of effort and quota allocations between vessels. In order to effectively manage the fishery, track fishing effort and catch, and to allow vessel owners to exchange fishing trips and quota, NMFS must collect information through the reporting requirements included in this renewal. All of the collection requirements remain necessary without revision.

This current extension makes no changes to the collection requirements. To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

1. Vessel monitoring system (VMS) requirements:
  - Trip declaration, including powerdown provisions
  - Trip termination and compensation trip identification
  - VMS purchase and installation
  - VMS daily catch reports
  - VMS prelanding notification form
  - VMS state waters exemption enrollment

2. Access area broken trip notification requirements
3. Access area trip exchange application procedures
4. Permit Provisions for Limited Access General Category (LAGC) vessels
5. IFQ Transfers
6. Cost Recovery
7. IFQ Sector Program

## **VMS Requirements**

VMS requirements under the FMP apply to all vessels issued a scallop permit and VMS serves as an important enforcement and fishery monitoring tool. The details of the VMS requirements are provided below. Enforcement officials utilize VMS data to monitor vessel activity relative to scallop access areas and fishery closure areas. NMFS monitors vessel activity relative to fleetwide trip allocations and uses information submitted through VMS to monitor catch relative to fishery total allowable catch (TAC). Lastly, vessel owners and operators use VMS as a real-time notification and information transmission to enable more efficient coordination with NMFS for receipt and approval of broken trips. This real-time data transmission enables more efficient management and operation of the scallop fishery.

### Trip Declaration and Powerdown

Vessels issued limited access and LAGC Individual Fishing Quota (IFQ) and Northern Gulf of Maine (NGOM) permits are required to declare a fishing activity code prior to leaving port. This enables NMFS to monitor a vessel's fishing activity, vessel allocation, catch, and trip information relative to catch and trip limits under the FMP. Owners/operators of LAGC IFQ and NGOM vessels can also turn their VMS units off when the vessel is tied to the dock or mooring to reduce electrical power costs when the vessel is inactive. Prior to turning off the VMS unit, the owner/operator must submit a powerdown declaration through VMS indicating to NMFS that the vessel is inactive. This serves the dual purpose of enabling the vessel owner/operator to make this declaration through an efficient system and enables NMFS to have real-time vessel activity status.

### Trip Termination and Compensation Trip Identification

If a limited access vessel's trip is terminated before a vessel retains their possession limit (a so-called broken trip), a vessel owner may request from the Regional Administrator authorization to take an additional trip (a compensation trip) to retain the remainder of the possession limit. To do so, vessels are required to submit the VMS trip termination form prior to leaving the access area and submit a compensation trip ID VMS form upon departing on the compensation trip. The VMS trip termination form requires the vessel operator to provide estimated scallop meat weight on board, estimated landing time and the reason the vessel "broke" the trip. The compensation trip ID is entered into the compensation trip ID VMS form prior to departing on the compensation trip. The costs of these forms are estimated to be minimal, and be outweighed by the benefits of the broken trip program.

### VMS Purchase and Installation

Vessels that apply and qualify for a general category scallop permit would be required to purchase, install, and maintain a VMS on their vessel. VMS reporting requirements include trip declaration, power down, and polling frequency requirements. This VMS requirement has been implemented to improve scallop regulation enforcement and oversight of the above permit restrictions and requirements.

### VMS Catch Reports

The owner or operator must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NMFS-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include:

- Total pounds of scallop meats kept,
- Total number of tows,
- The Fishing Vessel Trip Report log page number,
- Total pounds of yellowtail flounder kept and
- Total pounds of yellowtail flounder discarded.

Submission of this information on a daily basis is needed for monitoring yellowtail flounder catch relative to scallop catch. Yellowtail flounder catch in the scallop access areas is limited by a TAC and NMFS must close the applicable access area when the yellowtail flounder TAC is harvested.

### VMS Pre-land Reports

The FMP requires individual fishing quota (IFQ) and Northern Gulf of Maine (NGOM) vessels to submit a VMS pre-landing notification form prior to crossing the demarcation line on their return to port that would provide scallop hail weight (an estimate of the weight of scallops), estimated time and port of landing. Data from the VMS pre-landing notification form submitted by IFQ vessels is used to enforce and oversee individual fishing quotas, alert enforcement personnel approximately when, where and how much a vessel should have onboard, and enforce the 400 lb. IFQ possession limit. Data from the VMS pre-landing notification form submitted by NGOM vessels is used to monitor the Northern Gulf of Maine Management Area TAC quota and to enforce the 200 lb. Northern Gulf of Maine Management Area possession limit.

### VMS Polling Frequency

The VMS polling frequency for all vessels issued a scallop permit is 30 minutes (it is one hour for some other fisheries). The 30-min polling frequency enhances the monitoring capability to catch violators fishing in the closed areas. Since the average polling increased from 30 minutes from 1 hour, there is a 50 percent greater chance of detecting entries into the closed areas of more than 15 minutes. This requirement applies to the Occasional and LAGC scallop vessels

only, as Full-time and Part-time vessels have been accounted for in OMB Control No. 0648-0202.

### **Broken Trip Adjustment Sheet**

If a vessel breaks an access area trip, the vessel owner must submit a broken trip adjustment sheet upon returning to port. The broken trip adjustment sheet requires the vessel owner's name, vessel name, permit #, USCG documentation #, vessel operator name, date and time of incident, date of VMS notification, pounds of scallops landed, access area fished, nature of the incident, trip departure date, landing date, and signature.

### **Access Area Trip Exchange Application**

The one-for-one access area trip exchange program provides flexibility to scallop vessels about where they may fish. Participants need to send an access area trip exchange application to NMFS with the following information: Vessel name and permit number, owner name and signature, specification of the areas involved in the exchange. Both vessels involved in the exchange are required to submit forms for cross verification. This measure is expected to provide flexibility to vessels regarding which areas to fish, thereby reducing the possibility of revenue loss to those vessels that are unable to access some distant areas due to vessel capacity constraints. Although there will be some transaction costs associated with the exchange of access area trips, the net result will likely be a reduction in overall costs of fishing.

Administrative and enforcement costs associated with the exchange of controlled access trip authorizations are modest when compared with the potential improvement in controlled access allocation programs and reduced economic cost to industry.

### **Permit Provisions for LAGC permits**

Amendment 11 implemented a limited access permit program in 2008 for general category scallop vessels with the creation of 3 LAGC scallop permit categories: IFQ, Incidental Catch (IC), and NGOM. Like all of GARFO's limited access permit programs, if a vessel owner wants to move their permit to a new vessel or retain their permit eligibility through a confirmation of permit history (CPH), they must complete a replacement, upgrade, permit history (RUPH) application. This requirement is necessary to allow vessel owners to transfer the vessel's eligibility to a new vessel or retain the eligibility in CPH if the vessel has been destroyed or sold.

To maintain the historical character of the general category fishery, there is a restriction on the amount of quota a given vessel owner or individual vessel can have. Specifically, vessel owners cannot own more than 5% of the general category IFQ Total Allowable Catch (TAC) and individual vessels could not have more than 2% of the IFQ TAC. Consequently, IFQ permit holders are required to submit an ownership form with their permit renewal each year documenting all of the IFQ vessels in which they have an ownership interest. The ownership form is necessary to effectively administer the ownership cap. The 2% vessel quota cap does not require the submission of information by permit holders, and is administered internally using NMFS permit and quota allocation data.

## **IFQ Transfers**

IFQ permit holders can temporarily and/or permanently transfer individual fishing quota from one IFQ vessel to another. Quota transfers are requested through the submission of transfer applications. Required information includes vessel information, quota transfer information, and authorizing signatures from both parties. The IFQ transfer program is entirely optional, and provides greater flexibility for IFQ permit holders by enabling them to increase their vessel's IFQ or for individuals to lease or sell IFQ if they choose not to fish the allocation.

## **Cost Recovery**

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires an IFQ cost recovery plan to recover management and enforcement costs for IFQ fisheries. The FMP includes an IFQ cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of the IFQ program. IFQ permit holders are required to submit a cost recovery payment annually via a pre-existing Federal payment system called [www.pay.gov](http://www.pay.gov), which is also currently used by the Alaska Region and the Southeast Region. Information submitted via the internet would require the user to establish an online account, including personal and financial information. This requirement is necessary in order to comply with the provisions of the MSA and to collect payments from individuals that have been granted an allocation to a public resource.

## **IFQ Sector Program**

The FMP contains provisions that authorize allocation of a portion of the overall IFQ fishery TAC to a self-selected group of IFQ permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. Individuals or other entities (corporations, cooperatives, etc.) proposing a sector are required to submit documents as described below.

### Sector Allocation Proposal

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council, at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

This document specifies the proposed maximum amount of TAC to be allocated to sector participants and the sector's proposed rules describing movement of vessels among sectors or to the common pool of vessels managed under the FMP. This document is required to include an appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).

### Operations Plan

A group that wants to form a sector and receive an allocation is required to submit a legally binding operations plan to the Council and the Regional Administrator. The operations plan must be agreed upon and signed by all members of the sector and, if approved, would constitute a contract.

This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC associated with the proposed sector; detailed information regarding potential redistribution of TAC within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sector rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document is required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. NMFS may consult with the Council and would solicit public comment on the operations plan for at least 15 days, through proposed rulemaking in the Federal Register. Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination pursuant to the Administrative Procedure Act.

This information is necessary to describe the proposed sector and the proposed rules under which the sector would operate. This information is used to determine whether this sector would maintain consistency with the goals and objectives of the FMP.

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

Several offices of NMFS, the U.S. Coast Guard (USCG) and the Fishery Management Councils will utilize the information. The number of responses for each requirement is provided in Question 12 and Table 1 in this document. Data collected through these programs will be incorporated into the NMFS database and would be used to track and confirm vessel permit status and eligibility, and IFQ status. Vessel replacements, CPH applications, and IFQ transfer requests are expected to be submitted regularly throughout the year. VMS submissions are submitted daily throughout the year depending on vessel activity. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

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

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

**Permit requirements**

RUPH and CPH applications are available on the GARFO web site at [www.nero.noaa.gov](http://www.nero.noaa.gov). Posting this information on the web makes it easier for the general public to obtain necessary forms and instructions, and eases the administrative burden on the agency. However, submission of paper forms is necessary for verification of original signature of the applicant or agent.

**VMS Requirements**

VMS reporting requirements are fulfilled through electronic transmissions of codes and information. VMS form items are collected and housed in databases automatically, minimizing data entry by the vessel operator. Vessel owners may also download broken trip adjustment sheets and access area trip exchange applications from the Regional Office website. Vessel owners may fax broken trip adjustment forms and access area trip exchange applications. VMS position data is collected via automated polling. The VMS catch report and pre-landing notification forms are available electronically through the vessel's VMS unit. These VMS forms are submitted electronically from the vessel.

**IFQ Transfers**

IFQ transfer applications would be available via GARFO's website, [www.nero.noaa.gov](http://www.nero.noaa.gov). Applications may be emailed to GARFO's IFQ transfer email address.

**Cost Recovery**

Vessel owners would submit payment via the secure internet site: [www.pay.gov](http://www.pay.gov).

NMFS collects all other information from vessel owners and/or operators through completed forms and/or instructions. Forms may be sent by mail, fax, or scanned and emailed.

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

The reporting requirements under 0648-0491 do not duplicate any other reporting requirements.

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

The proposed collection of information would not have a significant impact on small entities. Only the minimum data to meet the requirements of the above data needs are requested from all participants. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

To monitor compliance with access area trip allocations for occasional vessels and the general category fleet, VMS transmissions are required. This data is collected at a rate deemed necessary to ensure scallop fleet activities comply with FMP requirements. The increased polling frequency enhances monitoring capability to catch violators fishing in closed areas.

The broken trip and trip exchange programs promote industry cost effectiveness and flexibility. Without the broken trip and trip exchange program collections, these programs could not be administered. Without proper administration and oversight, these programs could not function, and industry would lose these beneficial programs.

The LAGC permit provisions under 0648-0491 are necessary to ensure consistent permit application procedures and to promote effective management of the scallop fishery. The RUPH applications are consistent with all other GARFO limited access fisheries, and provide vessel owners flexibility to move and maintain their eligibility for the general category scallop fishery as they change vessels.

VMS polling and reporting requirements are critical in the enforcement of scallop regulations and the oversight of individual fishing quotas, the Northern Gulf of Maine Management Area TAC, and access area trip quotas. Without these requirements, it would be extremely difficult to enforce spatial and temporal restrictions in addition to other regulatory requirements, and impossible to effectively manage access area trip limits and the Northern Gulf of Maine Management Area TAC.

IFQ transfer applications are needed to implement a transfer program. Without these applications, industry would not be afforded the benefit of the transfer program.

The cost recovery requirements are critical to administer the cost recovery program and collect payment from IFQ permit holders. The minimum amount of information would be collected to effectively administer this program.

Without sector application, analysis, and reporting requirements, NMFS could not successfully implement a sector program.

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

Vessel applicants would be required to submit RUPH applications for each such action. It is possible that an applicant may perform a replacement or CPH more often than quarterly. Vessels would be required to submit a VMS trip declaration and pre-landing notification report each fishing trip. Consequently, individuals may be required to submit a trip identification code more often than quarterly. Similarly, broken scallop access area trips requiring the submission of a broken trip request form are not predictable and occur frequently throughout the year. IFQ vessel owners may transfer quota, and limited access vessel owners may exchange access area trips more frequently than quarterly, but this collection is completely voluntary and to the benefit of the fishing industry. A vessel owner may submit more than one transfer application quarterly.

Each time a vessel enrolls in the state waters exemption program, they would be required to submit the appropriate VMS code and enrollment form. They are allowed to enroll in this program more often than quarterly.

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

The information collections contained in this submission were contained in a Federal Register notice published on December 6, 2013 (78 FR 73500). No comments were received.

NMFS announced at the January 28-30, 2014 New England Fishery Management Council meeting that this set of collection requirements was up for extension and solicited comments. This same information that was presented by the Greater Atlantic (formerly Northeast) Regional Administrator was also available in physical form as a handout included with the meeting materials at all Council meetings. A wide range of stakeholders attend these meetings, including the general public, scallop fishermen and fishermen in other fisheries, members of environmental organizations, and academia. NMFS received no comments during the New England Fishery Management Council meeting. A copy of the reports provided to the New England Fishery Management Council is attached.

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

No payment or gift would be made to respondents.

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

As stated on the forms, all data would be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, would be maintained in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and would not be transferred for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.)

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

There are no questions of a sensitive nature.

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

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

NMFS estimates that 320 limited access vessels, 200 LAGC IFQ, and 100 LAGC NGOM vessels will fish for scallops each fishing year, for an unduplicated respondent number of 620. LAGC incidental catch vessels will operate only under other fisheries that have reporting requirements under those other fishery FMPs. Table 1 summarizes the time burden of these reporting requirements. This analysis assumes a labor cost of \$15/hour.

### **Trip Declaration, Including Powerdown**

Vessels must submit a trip declaration code each time they sail.

The 320 limited access vessels will take on average a total of 2,000 trips (estimated 20,000 days allocated per year/10 days per trip), for a total of 2,000 trip declarations. At 2 minutes per response, the total time burden for the limited access fleet is estimated to be 67 hr (4,000 min/60).

It will take 7,500 IFQ trips to harvest the total allowable catch (approximately 3 million lb annually (3 mlb/400 lb per trip)) for the IFQ fleet and 350 NGOM trips to harvest the 70,000 lb annual NGOM TAC (70,000 lb/200 lb per trip), for a total of 7,850 LAGC trips per year. LAGC vessels may send a power down code at the conclusion of each trip, generating an additional 7,850 declarations, for a total of 15,700 declarations.

Therefore, the total trip declaration and power down time burden for the LAGC fleet is estimated to be 523 hours (2 minutes x 7,850 declaration codes) + (2 minutes x 7,850 power down codes) = 31,404/ 60 = 523 hours).

The total time burden for 17,700 declarations is estimated to be **590 hr**. At an hourly rate of \$15, the annualized time burden would be **\$8,850**.

### **Trip Termination and Compensation Trip Identification**

The average number of terminated trips per year is estimated to be 300, based on prior years. Average response time to complete and submit the VMS trip termination form is estimated to be two minutes, for a total burden of 10 hours (300 x 2 minutes = 600/60 = 10 hours). Average response time to complete the VMS compensation trip ID form is estimated to be two minutes, for a total burden of 10 hr (300 x 2 minutes = 600/60 = 10 hours). For all of the entities to complete both of these requirements, the estimated total time burden is **20 hr** (10 + 10). At an hourly rate of \$15, the annualized time burden would be **\$300**.

### **VMS Purchase and Installation**

Vessel owners with a limited access or LAGC permit on their vessel have already purchased and installed VMS systems in order to comply with the VMS requirement in the regulations implementing the FMP. Therefore, only those vessel owners that replace a limited access or

LAGC permit that is in confirmation of permit history would need to purchase and install a VMS unit. An estimated 10 vessels per year would purchase and install VMS units. However, approved hours for additional VMS purchase and installation in OMB Control No. 0648-0202 more than adequately cover these estimated 10 VMS units.

#### VMS Daily Catch Reports

Annual transmission of data from all vessels fishing in access areas, based on 27,500 fishing days per season and response time of 2 minutes per response, is estimated to be **917 hr** ((27,500 days x 2 min)/60). At an hourly rate of \$15, the annualized time burden would be **\$13,755**.

#### VMS Prelanding Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. It is estimated that it would take 5 minutes per each of the 7,850 reports, for an annual pre-landing notification time burden of **654 hr** (7,850 x 5 minutes/60 minutes). At an hourly rate of \$15, this burden would be **\$9,810**.

#### VMS Polling Frequency

There are 347 limited access scallop vessels and 783 LAGC scallop vessels subject to the half-hour VMS polling frequency. However, only the polling frequency for LAGC vessels is covered under the 0648-0491 collection because the limited access vessels are covered under OMB Control No. 0648-0202. Since the transmission of position polling is automated through the vessel's VMS, there is no associated time burden with this reporting requirement.

#### Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300, based on prior years. Average time to complete the broken trip adjustment sheet is estimated to be 10 minutes, for a total burden of **50 hr** (3,000/60 minutes). At an hourly rate of \$15, the annualized time burden would be **\$750**.

#### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges, based on prior years. Since each exchange involves two vessels, the number of entities affected is estimated to be 180. Average response time to complete the trip exchange application has been estimated to be 15 minutes, for a total burden of **45 hr** (15/60 x 180). At an hourly rate of \$15, the annualized time burden would be **\$675**.

#### Permit Provisions for LAGC Vessels

To implement the 5% IFQ ownership cap, vessel owners would be required to submit an ownership form with each permit renewal (permit renewals are part of the Northeast Permit Family of Forms, OMB Control No. 0648-0202). There are 322 IFQ permits subject to the ownership cap, and it would take an estimated 5 minutes to complete each ownership form;

therefore, the annual reporting burden would be **27 hr** (322 x 5 minutes/60 minutes). At an hourly rate of \$15, the annualized time burden would be **\$405**.

### RUPH Applications

LAGC scallop vessels are subject to the same replacement and permit history restrictions as other GARFO limited access fisheries. Completion of an RUPH application requires an estimated 3 hours per response. It is estimated that no more than 50 RUPH applications would be received annually. The resultant burden would be **150 hr** (3 x 50). At an hourly rate of \$15 / hour, the total public cost burden for RUPH applications would be **\$2,250** per year.

### IFQ Transfers

Quota temporary transfers and permanent transfers apply to IFQ vessels only. A total of 200 leases could be expected for the full year (the scallop fishing year runs from March 1 through February 28). Each application would include information from both parties involved in the temporary transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per temporary quota transfer application. Therefore, the estimated temporary transfer burden would be **33 hr** (200 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for temporary quota transfer applications would be **\$495**.

There would be approximately 10 permanent quota transfers per year. Each application would include information from both parties involved in the transfer; therefore there would be 2 responses per application. It is estimated that it would take 5 minutes per response, or 10 minutes per permanent transfer application. Therefore, the estimated permanent quota transfer burden would be **2 hr** (10 x 2 x 5 minutes/60). At an hourly rate of \$15 / hour, the total public cost burden for permanent quota transfer applications would be **\$30**.

The total for temporary and permanent transfers is **35 hr** and **\$525**.

### Cost Recovery

After taking IFQ transfers into account, 200 of the 349 IFQ vessels are expected to land scallops. Therefore, 200 payments, at 2 hours each, would take **400 hr**. At an hourly rate of \$15 / hour, the total public cost burden for cost recovery would be **\$6,000**.

### IFQ Sector Program

One sector proposal was received in 2008 but was withdrawn. GARFO estimates that there would be 2 sector proposals annually. There have been no sector proposals since the 2008. However, some permit holders may want to form a sector in the future. Any new sector proposal would be approved in 2015 at the earliest since applicants must submit proposals at least one year prior to when they want the sector to be approved and operational.

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

Based upon consultations with the Northeast multispecies sector program, it is estimated it would take 150 hours to prepare and submit a sector proposal. Therefore, the annualized time burden for sector proposals would be 300 hours per year (2 x 150). At an hourly rate of \$15/hour, the total public cost burden for sector proposals would be **\$4,500**.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. Based upon consultations with the Northeast multispecies sector program, each operations plan takes approximately 100 hours. Therefore, it is estimated it would take 200 hours to submit 2 operation plans. At an hourly rate of \$15/hour, the annual time burden cost would be approximately **\$3,000**.

The total for submission of a Sector allocation proposal and operations plan (4 total submissions: 2 proposals and 2 operations plans) is **500 hr** and **\$7,500**.

**Total annual time burden and labor cost to respondents are 3,388 hr and \$50,820.00, respectively (see Table 1).**

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

A full summary of the cost to the public associated with this collection of information can be found in Table 1.

Trip Declaration, Including Powerdown

It is estimated that each trip declaration costs \$0.79 to transmit; therefore, total transmission costs for limited access scallop vessels will be \$1,580 (2,000 x \$0.79) and for LAGC vessels, will be \$6,201.50 (7,850 x \$0.79). In addition, each powerdown transmission will cost \$0.79, for a total of \$6,201.50 (7,850 x \$0.79). The total cost for transmitting trip declarations is **\$13,983** (\$6,201.50 + \$6,201.50 + \$1,580.00).

Trip Termination and Compensation Trip Identification

Recordkeeping and reporting costs to respondents resulting from the VMS trip termination and compensation trip identification include transmitting the VMS trip termination form and transmitting the compensation trip ID form. It is estimated that each VMS form costs \$0.79 to transmit; therefore total transmission costs for both the VMS trip termination form and compensation trip ID form are **\$474** (2 x 300 x 0.79).

VMS Purchase and Installation

Costs are covered under OMB Control No. 0638-0202.

VMS Daily Catch Reports

Cost to respondents based on the number of messages (27,500) and \$0.79 fixed rate per VMS e-mail message (Boatracs), is **\$21,725** (27,500 x \$0.79).

### VMS Preland Reports

VMS pre-landing notification forms are required for each IFQ and NGOM trip. Therefore, there would be 7,850 IFQ and NGOM pre-landing notification forms submitted annually. Cost to respondents based on 7,850 messages and \$0.79 fixed rate per VMS e-mail message (Boatrac), is **\$6,201.50 (\$6,202)** (7,850 x \$0.79).

### VMS Polling Frequency

Annual dues paid by VMS users are determined by polling frequency. There are 783 LAGC vessels subject to this requirement. The annual average cost of operating a VMS at a polling rate of once every half hour is \$953.70. The total annual cost to scallop vessels is **\$746,747.10 (\$746,747)** (783 x \$953.70).

### Access Area Broken Trip Adjustment Sheet

Recordkeeping and reporting costs to respondents resulting from the broken trip program includes submitting a broken trip adjustment sheet, and printing and stationary costs. Each broken trip adjustment sheet costs \$0.49 to mail, therefore total mailing costs are \$147.00 (0.49 x 300). An additional \$10 has been included to cover printing and stationary costs. The total annual cost for this requirement is **\$157**.

### Access Area Trip Exchange

Additional costs to respondents resulting from the trip exchange program include application mailing costs, and printing and stationary costs. NMFS expects 90 applications to be submitted for trip exchanges. Each application costs \$0.49 to mail; therefore, total mailing costs are \$44.10 (90 x 0.49 = \$44.10). An additional \$10 has been included to cover printing and stationary costs. Therefore, total costs are **\$54.10 (\$54)**.

### Permit Provisions for LAGC Vessels

The IFQ ownership form must be submitted with either an initial or renewal permit application, which is covered under OMB Control No. 0648-0202. Therefore, there are no additional costs associated with this collection.

### RUPH Applications

It is estimated that it would cost approximately \$1 in mail fees and \$1 in copy fees to submit an RUPH application. Therefore, it is estimated that 100 RUPH applications submitted annually would cost **\$200** to print and mail (\$2 x 100).

### IFQ Transfers

It is estimated that IFQ transfer submission would cost \$0.49 postage and \$0.10 copy fees per transfer application (\$0.59 total). Electronic submissions have no associated cost since the cost of the transmission is included in overall internet service fees, but almost all transfers are

submitted via mail. Since NMFS anticipates approximately 210 transfers per year (200 temporary transfers, 10 permanent transfers) the resultant annual cost burden would be **\$123.90 (\$124)** (210 x \$0.59).

#### Cost Recovery

PRA collection cost does not include the actual cost recovery funds submitted by industry; only the costs associated with the submission of these funds. Since cost recovery would be collected only via the internet, there is no cost burden associated with this cost recovery program.

#### IFQ Sector Program

The submission of sector allocation proposals and plans of operations would incur costs from copying and postage of these documents. Costs for one proposal and one operation plan: It would cost \$1.00 for one copy of each 10-page document (\$2.00 total), and two \$0.49 stamps for each document. The total cost burden for each sector proposal and operation plan is estimated to be \$3.96 (\$2.00 + (2x \$0.98)). Therefore, the annual cost for 2 sector proposals and 2 operation plans would be **\$7.92 (\$8)** (2 x \$3.96).

**Total annual cost excluding time burden to respondents is \$789,574.**

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

The following summarizes the costs to the Federal government, based on an hourly wage rate of \$25. There are no other costs to the Federal government other than the time burden associated with processing and reviewing submitted information and approving and implementing resulting actions (see Table 1).

#### Trip Declaration, Including Powerdown

There is no cost to the Federal Government for processing trip declarations and powerdown codes.

#### Trip Termination and Compensation Trip Identification

NMFS would requires 1 minute of staff time per trip termination and 1 minute of staff time per compensation trip identification submitted through VMS, for a total of 10 hrs annually (600 \*(2/60)). The total cost to the Federal Government is estimated to be **\$250** (10 hr \* \$25/hr).

#### VMS Purchase and Installation

There is no cost to the Federal Government for VMS Purchase and Installation.

#### VMS Daily Catch Reports

There is no cost to the Federal Government for processing VMS daily catch reports.

### VMS Preland Reports

There is no cost to the Federal Government for processing VMS preland reports.

### VMS Polling Frequency

There is no cost to the Federal Government for the VMS polling frequency.

### Access Area Broken Trip Adjustment Sheet

The average number of broken trips per year is estimated to be 300 based on prior years. Average time for NMFS to review and process the broken trip adjustment sheet is estimated to be 30 minutes, for a total burden of 150 hours ( $30/60 * 300$ ). Cost to the Federal Government would be **\$3,750** ( $150 \times \$25$ ).

### Access Area Trip Exchange

The average number of trip exchanges is estimated to be 90 exchanges based on prior years. Average time for NMFS to review and process a trip exchange application has been estimated to be 15 minutes, for a total burden of 45 hours ( $15/60 \times 90$ ). Cost to the Federal Government would be **\$1,125** ( $45 \times \$25$ ).

### Permit Provisions for LAGC Vessels

It takes approximately 10 minutes to process each ownership cap form. Since there are 322 vessels subject to the ownership cap requirement, the annual government burden would be 54 hr ( $10/60 \times 322$ ). The cost to the Federal Government would therefore be **\$1,350** ( $54 \times \$25$ ).

### RUPH Applications

It would take NMFS staff one hour to review each RUPH application, with an estimated 50 RUPH applications submitted annually (for LAGC permits only). The total government time burden would be 50 hr. At a rate of \$25 per hour, the cost to the Federal Government is estimated to be **\$1,250** ( $50 \times \$25$ ).

### IFQ Transfers

It is estimated that it would take 15 minutes for NMFS to process each transfer request and 210 requests (temporary and permanent) are expected annually for a total of 53 hr of government time ( $15/60 * 210$ ). Therefore, the annual government cost would be **\$1,325** ( $53 * \$25$ ).

### Cost Recovery

Cost recovery payments would be collected through [www.pay.gov](http://www.pay.gov), an established government payment collection program. Since the program has been established to accept payment from [www.pay.gov](http://www.pay.gov), there would be no additional cost to the government since the scallop cost recovery program would be completely automated.

## IFQ Sector Program

Based upon Northeast multispecies sector program estimates, sector proposals and operation plans require extensive review by the Council and NMFS staff to ensure that proposals and operation plans meet the objectives of the FMP. It is estimated that each proposal and operation plan requires approximately 150 hours to review, process and implement. The annual cost to the government would be of **\$7,500** (300 x \$25).

**Total annual cost to the Federal government is \$16,550 (see Table 1).**

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

This extension includes two adjustments: 1) The respondent numbers are revised, reflecting greater confidence in the actual unduplicated permit holders. 2) The standard rate for first class U.S. mail increased from \$0.44 to \$0.49 since the last renewal of this collection in 2010. This change results in a \$30 total increase in the cost of complying with the measures.

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

The results from this collection may be used in scientific, management, technical or general information publications such as the Fisheries of the United States, which follows prescribed statistical tabulations and summary table format, and the annual Stock Assessment and Fishery Evaluation Report prepared by the New England Fishery Management Council for the scallop fishery. Data obtained from this collection would be available to the public upon request in summary form only. Furthermore, data are available to NMFS employees in detailed form on a need-to-know basis only.

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

Except for VMS forms, all forms would display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995. The VMS forms would not display this information because these forms are in electronic media format only. There is limited space in this format to provide the expiration date. One of the approved VMS vendors (Boatracs, Inc) has a limit of 50 lines of text per macro or VMS form, and is also limited to a total of 600 lines of text for all macros. As VMS requirements become more complex with changing Northeast regulations, the macros are approaching these limits. Including the PRA text would negatively impact NMFS's ability to expand the macros within the current limits to comply with regulatory changes. NMFS will continue to display the OMB control number for VMS reporting requirements on Small Entity Compliance Guides (i.e., permit holder letters and fishery bulletins) that describe and explain the VMS reporting requirements.

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

Not applicable.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are employed in the information collection procedures.

TABLE 1

Reporting Requirement	# Respondents per item	Responses per respondent	Total responses	Burden hours	Wages and salaries	Recordkeeping/reporting costs	Cost to Government
IFQ Ownership Cap Forms	322	1	322	27	\$405	\$0	\$1,350
RUPH applications	50	1	50	150	\$2,250	\$100	\$1,250
VMS Purchase and Installation	0	0	0	0	\$0	\$0	\$0
VMS polling	783	1	0	0	\$0	\$746,747	\$0
Trip Declaration and Power Down	5,917	1	17,700	590	\$8,850	\$13,983	\$0
Trip Termination and Compensation Trip Declaration	300	2	600	20	\$300	\$474	\$250
VMS Catch Report	27,500	1	27,500	917	\$13,755	\$21,725	\$0
VMS Pre-Landing Notification Form (IFQ, NGOM)	7,850	1	7,850	654	\$9,810	\$6,202	\$0
Broken Trip Sheet	300	1	300	50	\$750	\$157	\$3,750
Trip Exchange Request	90	2	180	45	\$675	\$54	\$1,125
Quota Transfer Applications (temporary and permanent)	210	2	420	35	\$525	\$124	\$1,325
Cost Recovery	200	1	200	400	\$6,000	\$0	
Sector Proposals and Operation Plans	2	2	4	500	\$7,500	\$8	\$7,500
<b>TOTAL</b>	<b>-*</b>	<b>-</b>	<b>55,126</b>	<b>3,388</b>	<b>\$50,820</b>	<b>\$789,574</b>	<b>\$16,550</b>

\*Unduplicated respondents: 620.



National Marine Fisheries Service  
Northeast Regional Office  
Sustainable Fisheries Division  
<http://www.nero.nmfs.gov>



# Status Report of Northeast Region Actions

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Prepared for the January 28-30, 2014  
Meeting of the  
New England Fishery Management Council

January 27, 2014

## **Table of Contents**

<b>NEW ENGLAND COUNCIL ACTIONS</b>	<b>2</b>
Groundfish	2
Scallops	2
Monkfish	2
Herring	2
Skate	2
Atlantic Deep-Sea Red Crab	2
<b>MID ATLANTIC COUNCIL ACTIONS</b>	<b>3</b>
Summer Flounder, Scup and Black Sea Bass	3
Atlantic Bluefish	3
Spiny Dogfish	3
Atlantic Mackerel, Squid, and Butterfish	3
Tilefish	3
Surfclam and Ocean Quahog	3
<b>OTHER ACTIONS</b>	<b>4</b>
Lobster	4
<b>EXPERIMENTAL FISHERY ACTIONS</b>	<b>4</b>
Pending Research Document Applications	4
Complete Research Document Applications	4

## **New England Council Actions**

### **Groundfish**

#### Interim Final Rule Allowing Sector Vessels into the Nantucket Lightship Year-Round Closed Area

On December 16, 2013, we published an interim final rule in the Federal Register (78 FR 76077) that allowed sector vessels to fish in portions of the Nantucket Lightship Year-Round Closed Area with selective gear for the duration of fishing year 2013. Sector vessels can fish in the Eastern and Western Exemption Areas of the Nantucket Lightship Closed Area under standard groundfish at-sea monitoring requirements. Sector vessels interested in utilizing this exemption must notify us prior to fishing in these areas, and will need a revised Letter of Authorization (LOA) from their sector manager. When fishing in the Eastern or Western Exemption Areas, gillnet vessels must fish with extra-large mesh gillnets (10" or greater). Pingers must be attached to gillnets when fishing in the Western Exemption Area. Trawl vessels must fish with selective trawl gear, such as the Ruhle or haddock separator trawl. Standard otter trawls and flounder nets are prohibited in these areas.

Because we originally proposed 100% industry-funded at-sea monitoring in the Nantucket Lightship Closed Area, we solicited public comment on our modified coverage level until January 15, 2014. For additional information, please contact William Whitmore at (978) 281-9182 or email at [William.Whitmore@noaa.gov](mailto:William.Whitmore@noaa.gov)

#### Trimester Total Allowable Catch Area Closed to Common Pool Vessels

On December 19, 2013, NMFS published a temporary rule in the Federal Register (78 FR 76759) announcing a closure to the Gulf of Maine haddock Trimester Total Allowable Catch Area for common pool vessels using trawl, sink gillnet, and longline/hook gear. This was due to a large overage of the Trimester 1 quota, which left Trimester 3 with no quota. The action was effective January 1, 2014, and remains in effect until April 30, 2014. For more information, please contact Liz Sullivan at (978) 282-8493 or email at [Liz.Sullivan@noaa.gov](mailto:Liz.Sullivan@noaa.gov)

### **Scallops**

None at this time

### **Monkfish**

None at this time

### **Herring**

None at this time

### **Skate**

None at this time

### **Atlantic Deep-Sea Red Crab**

None at this time

## **Mid-Atlantic Council Actions**

### **Summer Flounder, Scup and Black Sea Bass**

#### Final Rule for the 2014 Commercial Summer Flounder State Quotas

NMFS published a final rule in the Federal Register on December 27, 2013 (78 FR 78786), which became effective January 1, 2014. This action specified initial state quotas, as well as state quotas adjusted for RSA or any overages through October 31, 2013, from the previous fishing year. For additional information, please contact Moira Kelly at 978-281-9218 or email at [Moira.Kelly@noaa.gov](mailto:Moira.Kelly@noaa.gov)

### **Atlantic Bluefish**

None at this time

### **Spiny Dogfish**

None at this time

### **Atlantic Mackerel, Squid, and Butterfish (MSB)**

#### Proposed Rule for 2014 Specification for the Atlantic Mackerel, Squid, and Butterfish Fisheries

NMFS published a proposed rule in the Federal Register on January 10, 2014 (79 FR 1813), proposing 2014 specifications for butterfish. The comment period closes on February 10, 2014. Specifications for longfin squid and *Illex* squid were set for 3 years in 2012 (2012-2014). Similarly, specifications for Atlantic mackerel were set for 3 years in 2013 (2013-2015). Therefore, specifications for these species will not be included in this year's specification rulemaking. The proposed action would: (1) Increase the 2014 butterfish ABC by 8 percent (from 8,400 mt to 9,100 mt) and the 2014 butterfish landings limit by 24 percent (from 2,570 mt to 3,200 mt) compared to 2013; (2) set a 236 mt cap on river herring and shad catch in the mackerel fishery; (3) raise the post-closure possession limit for longfin squid to 10,000 lb for vessels targeting *Illex* squid after a Trimester II longfin squid closure; and (4) change the butterfish Phase 3 trip limit to 600 lb (from 500 lb) for longfin squid/butterfish moratorium permit holders to make it consistent with the incidental butterfish trip limit. For additional information, please contact Aja Szumylo at 978-281-9195 or email at [aja.szumylo@noaa.gov](mailto:aja.szumylo@noaa.gov)

### **Tilefish**

None at this time.

### **Surfclam and Ocean Quahog**

#### Extension and Expansion of Paralytic Shellfish Poisoning (PSP) Closed Area

NMFS has renewed the temporary PSP closure of Federal waters, which has been in effect since 2005. The renewed closure became effective January 1, 2014, and will remain closed through

December 31, 2014. The Northern Temporary PSP Closure Area is closed to the harvest of all bivalve molluscan shellfish. The Southern PSP Closure Area is closed just to the harvest of whole and/or roe-on scallops. The closure remains in place at the request of the U.S. Food and Drug Administration (FDA).

In addition, the list of species prohibited for harvest under the closure has been expanded to also include gastropods. Gastropods include carnivorous snails, whelks, and conchs that feed on bivalves. The bivalves, if contaminated with the toxin that causes PSP, transfer the toxins on to the gastropod when ingested. The comment period closed on this action on January 27, 2014. For additional information, please contact Jason Berthiaume at (978) 281-9177 or email at [jason.berthiaume@noaa.gov](mailto:jason.berthiaume@noaa.gov)

## **Other Actions**

### **Lobster**

NOAA Fisheries published an Advanced Notice of Proposed Rulemaking (ANPR) on January 27, 2014 (79 FR 4319), at the request of the Atlantic States Marine Fisheries Commission (Commission). This action announces a control date of January 27, 2014, which may be used in limiting the number of permits or traps in Area 3 of the American lobster fishery. Area 3 lays entirely within Federal waters, and extends from Maine to Cape Hatteras, NC. With the advent of the Commission's trap transfer program, members of the lobster industry, as well as the Commission, have become concerned about fishing power consolidating in Area 3 among relatively few permit holders. The ANPR may be obtained at [www.nero.noaa/sfd/lobster](http://www.nero.noaa/sfd/lobster). For additional information, please contact Carly Bari at (978) 978-281-9224 or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov)

### **Paperwork Reduction Act Request for Comments**

On December 6, 2013, NMFS published a notice in the Federal Register (78 FR 73499) soliciting comment on a renewal of collection of information requirements for the scallop fishery. This collection of information covers a wide range of scallop fishery reporting requirements including: VMS; access area; cost recovery; vessel replacement; IFQ transfers; as well as a number of other administrative requirements. NMFS is seeking comments regarding the accuracy of the burden and cost estimates associated with these requirements, whether the collections are necessary, and ways to minimize burden and improve the data collection. The comment period ends on February 4, 2014. For additional information contact Emily Gilbert at (978) 281-9244 or at [Emily.Gilbert@noaa.gov](mailto:Emily.Gilbert@noaa.gov). The full Federal Register notice is also available online at:

[www.gpo.gov/fdsys/pkg/FR-2013-12-06/pdf/2013-29104.pdf](http://www.gpo.gov/fdsys/pkg/FR-2013-12-06/pdf/2013-29104.pdf)

## **Experimental Fishery Actions**

### **Research Document Applications under Review**

No new research applications at this time.



# Ownership Form

- Completion of this form is required with each application for a Greater Atlantic Federal fishing permit.
- List all persons and entities who have an ownership interest in the vessel that is the subject of this application.
- Owners or persons who have an ownership interest in a vessel are defined as and include, but are not limited to, corporations, partnerships, LLCs, persons who are shareholders in a corporation, persons who have formed a partnership (general or limited), and any other entities that have ownership interest in the vessel.

## Section A – Vessel applying for permit

Vessel Name:	Permit or Hull Number:
--------------	------------------------

**Section B** - All persons and entities that have an ownership interest in the vessel must be listed below. Do not include employees of the business unless they are an owner of the vessel or company.

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in *Section A* above. I affirm, subject to the penalties provided in 18 U.S.C. 1001, that all information that I have given in obtaining this permit is true and correct.  
 OMB# 0648-0202 Expires 07/31/2016

Name of Applicant (print clearly) \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Please use the back of this form to provide information on all persons with an ownership interest in the vessel.

**Page 2 - Section B Continued** - All persons and entities that have an ownership interest in the vessel must be listed below. Do not include employees of the business unless they are an owner of the vessel or company.

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

Mr/Mrs/Ms	First Name	Middle Name	Last Name	Suffix: Jr, Sr, III, IV, etc
Check all that apply - Owner <input type="checkbox"/> Officer <input type="checkbox"/> Shareholder <input type="checkbox"/>				

I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in *Section A* above. I affirm, subject to the penalties provided in 18 U.S.C. 1001, that all information that I have given in obtaining this permit is true and correct.  
 OMB# 0648-0202 Expires 9/30/2013

Name of Applicant (print clearly) \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Please copy this form as needed to provide information on all persons with an ownership interest in the vessel in Section A.



US Department of Commerce  
NOAA/National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930-2276

## Application for Vessel Replacement, Upgrade, and Confirmation of Permit History

### Instructions

You can use this application to request a vessel replacement, a vessel upgrade, or a confirmation of permit history (CPH). Each of these actions is defined below. Please read this carefully and check the action(s) for which you are applying. You may apply for more than one action on this application.

Which of the following actions are being requested?

- Vessel replacement. (Section A) This is a replacement of one vessel or CPH with another vessel and the transfer of fishing histories and limited access permit eligibility from the old vessel or CPH to the new vessel. **Please read the vessel replacement information on page two of the instructions prior to completing Section A. You must submit an Initial Vessel Application for the replacement vessel.**
- Vessel Upgrade. (Section B) This is an increase in the vessel's length, tonnage, or horsepower as the result of alterations made to the vessel. **Note:** There are no upgrade restrictions for vessels that hold **only** limited access lobster, Limited Access Northeast Multispecies Handgear, and/or limited access general category (LAGC) scallop permits.
- Confirmation of Permit History (CPH). (Section C) A CPH is required when a vessel that has been issued a limited access permit has sunk, been destroyed, or has been sold to another person without its permit history. **Possession of a CPH will allow the applicant to maintain permit eligibility without owning a vessel. An application for a confirmation of permit history must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel's permit cannot be issued.**

Unless otherwise stated, the word "permit" means a limited access or moratorium permit.

**You must complete and sign page 3, "General Information", or your application will be returned. After completing page 3, also complete the appropriate section applicable to your request. You must send all of the required verifying documents or your application will not be processed.**

## Supplemental Information for Vessel Replacements and Upgrades

### Vessel Baseline Specifications and Allowed Upgrades

For all vessels with limited access permits (except lobster, Northeast Multispecies Handgear, and/or LAGC scallop), the vessel size and engine horsepower may only be increased once, either through upgrade or replacement. A **10%** increase in length overall, gross registered tonnage, and net tonnage, and a **20%** increase in engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage, and net tonnage must be done at the same time. **Note:** If your vessel has **only** a lobster limited access, Northeast Multispecies Handgear limited access, and/or LAGC scallop permit, there are no size restrictions on the replacement vessel; however, if you have either of those permits and another limited access permit, the replacement vessel is subject to the above restrictions.

A limited access permit cannot be “split” from another limited access permit. Generally, this means if two or more limited access permits are on one boat they may not be divided and put on two boats. Please call 978-281-9315 for additional explanation if you have any questions about this restriction.

To determine whether your new vessel (or upgraded vessel) may be issued a limited access permit, the size of the new vessel is compared to the “vessel baseline.” A vessel baseline is the vessel’s length overall, gross registered tonnage, net tonnage, and engine horsepower as of:

- A. The date the vessel which was initially issued an Atlantic herring, a multispecies, or a scallop permit applied for that permit; or
- B. March 22, 1999, for the following limited access permits: Black sea bass; *Loligo* squid/butterfish; *Illex* squid; scup; summer flounder; and Maine mahogany quahog.
- C. The effective date of the first limited access permit issued for subsequent limited access fisheries (e.g., monkfish, tilefish, etc.).

If you have both a limited access multispecies or limited access scallop permit **and** any one of the following permits: Atlantic herring, black sea bass, *Loligo* squid, *Illex* squid, scup, summer flounder, monkfish, tilefish, or Maine mahogany quahog, you may have multiple baselines. The statement of accuracy, on pages 3 and 4 of this package, is needed to verify the vessels’ specifications.

Note that open access permit history and open access fishing history are presumed to follow along when limited access permit eligibilities move into and out of CPH or move to a new vessel through vessel replacement. If you inform us that you intend to separate your open access fishing history from your limited access fishing history and permits, we will keep your statement on file. However, we have no formal process to track such statements of intent and we cannot provide any assurance that the open access history separated from your limited access history may be used to qualify for a future limited access program. Such open access histories may or may not be acceptable to determine future eligibility because eligibility determinations for management programs can be made only after final regulations and details are implemented, which would establish the eligibility criteria and review process for those management actions. For these same reasons, NOAA Fisheries Service staff cannot provide advice about the likelihood that a vessel will or will not qualify for a future limited access program.

### Scallop Trawl Net Authorization (Replacements Only)

Scallop vessels holding a permit authorization to fish for scallops with trawl nets can be replaced, and the scallop trawl net authorization passed to the replacement vessel. However, the replacement vessel must meet the same limitations on fishing for scallops with scallop dredges that the vessel it is replacing met. If the limitations are not met then the replacement vessel may have to relinquish the scallop trawl net authorization. These limitations include NOT having fished for scallops with a scallop dredge after December 31, 1987; NOT having fished for scallops with a scallop dredge on no more than 10 trips from January 1, 1988, through December 31, 1994; and having an engine with no greater than 450 horsepower.

**General Information**  
**This page must be completed by all applicants**

**Provide all verifying documentation, as requested (see Section E for acceptable forms).**

Vessel Name: \_\_\_\_\_  
(for Replacements: **old vessel**; for Confirmation of Permit History: **sold or sunken vessel**;  
for Upgrades: vessel information **before the upgrade**)

Federal Northeast Fisheries Permit Number: \_\_\_\_\_

Coast Guard (CG) Documentation or State Registration Number: \_\_\_\_\_

Current owner of vessel or permit history: \_\_\_\_\_

► *Vessel Ownership Requirements:* The qualifying vessel or CPH must be under the identical ownership as the replacement vessel. (See Section D for explanation of requirements)

► *Supporting document required:* You must supply proof that you own the vessel (See Section E, Item 2) **or** that you own the fishing history and limited access permit eligibility of that vessel (See Section E, Item 3).

Owner's Address: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

All vessels (Except Limited Access Lobster, Northeast Multispecies Handgear, LAGC Scallop):

**You must submit documentation verifying the following (See Section D, Item 1):**

- |                   |                             |
|-------------------|-----------------------------|
| -- Length Overall | -- Gross Registered Tonnage |
| -- Net tonnage    | -- Engine Horsepower        |

**Statement of Accuracy**

Please mark the appropriate box for the baseline (old) vessel:

- The information I am submitting in order to establish my vessel's baseline accurately represents the vessel specifications as of March 22, 1999 (and/or as of the date of my first application for a limited access permit).
- The information I *previously* submitted in order to establish the 1994 (or 1996 hook gear) baseline for my vessel's multispecies or scallop moratorium permit also represents the vessel specifications as of March 22, 1999 (and/or as the date of my first application for a limited access permit).

**Signature of vessel owner or authorized agent:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**I am the owner or legally authorized agent of the owner of the vessel named above. I affirm, subject to the penalties provided in 18 USC 1001, that all the information that I have given in obtaining this permit is true and correct.**

**NOTE: Submission of fraudulent or inaccurate information could result in enforcement action, up to and including fines, permit sanctions, or the revocation of limited access permits.**

**Section A--Replacement**  
**Applicants requesting a vessel replacement must complete this section.**

**Replacement Vessel** (new vessel to be permitted)

Vessel Name: \_\_\_\_\_

Federal Northeast Permit Number (if issued): \_\_\_\_\_

Coast Guard (CG) Documentation or State Registration Number: \_\_\_\_\_  
(Submit copy of CG documentation or State registration).

CG documented vessels: **You must** submit a copy of the CG documentation papers.  
(See Section E, Item 1).

State registered vessel: **You must** submit a copy of the state registration papers.  
(See Section E, Item 1).

All vessels (Except Limited Access Lobster, Northeast Multispecies Handgear, LAGC Scallop):

**You must** submit documentation verifying the following (See Section E, Item 2):

- Length Overall
- Gross Registered Tonnage
- Net tonnage
- Engine Horsepower

Statement of Accuracy

Please mark the appropriate box for the **replacement** vessel:

- The information I am submitting in order to establish my vessel's size and horsepower specifications accurately represents the vessel specifications as of today's date.
- Information *previously* submitted to NOAA Fisheries for the replacement vessel accurately represents the vessel's specifications as of today's date.

Please mark the **limited access permit histories** that you are transferring. You may only select the limited access permits for which the vessel being replaced is currently qualified. Please keep in mind that all limited access permits must be transferred together and cannot be separated (See the definition of splitting above).

- |  |   |
|--|---|
| <input type="checkbox"/> Multispecies                                  | <input type="checkbox"/> Scup                           |
| <input type="checkbox"/> Scallop (Full time, Part Time, or Occasional) | <input type="checkbox"/> Black Sea Bass                 |
| <input type="checkbox"/> Lobster                                       | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder                               | <input type="checkbox"/> <i>Illex</i> Squid             |
| <input type="checkbox"/> Maine Mahogany Quahog                         | <input type="checkbox"/> Monkfish                       |
| <input type="checkbox"/> Red Crab                                      | <input type="checkbox"/> Atlantic Herring               |
| <input type="checkbox"/> Multispecies Handgear A                       | <input type="checkbox"/> LAGC Scallop                   |

Scallop Type 7, 8, or 9 (authorized to use trawl nets). By checking this box you are also indicating that you have read the supplemental vessel replacement information regarding scallop trawl net authorizations on page 2 of the application.

**NOTE:** All active permits including open access on old vessel will be canceled upon issuance of permits to new vessel. For further information please call the Permits Division 978-282-8438.

## Section B--Upgrade

All applicants requesting a vessel upgrade must complete the following section.

The engine horsepower or size of a vessel with a limited access permit may be increased only once. A **10%** upgrade for length overall, gross registered tonnage, and net tonnage, and a **20%** upgrade for engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage, and net tonnage must be done at the same time. Increases are compared to the information required under the General Information section of this package (page 3).

**All changes in vessel specifications indicated below require verifying documentation. (See Section E, Item 1).**

New Length Overall (LOA) \_\_\_\_\_ New Gross Registered Tonnage (GRT) \_\_\_\_\_

New Net Tonnage (NT) \_\_\_\_\_ New Horsepower (HP) \_\_\_\_\_

Note: Instead of gross registered tonnage and net tonnage information, you may submit verification of vessel breadth and depth, and length overall. This information will then be used to calculate GRT and NT using the simplified calculation method.

---

## Section C--Confirmation of Permit History

All applicants requesting a Confirmation of Permit History (CPH) must complete the following section.

Indicate the permits requiring issuance of a Confirmation of Permit History. The following are the only fisheries for which CPH certificates are required or available. You may only apply for those permits for which the vessel is currently qualified:

- |  |   |
|--|---|
| <input type="checkbox"/> Multispecies                                  | <input type="checkbox"/> Multispecies Handgear A        |
| <input type="checkbox"/> Scallop (Full time, Part time, or Occasional) | <input type="checkbox"/> Scup                           |
| <input type="checkbox"/> LAGC Scallop                                  | <input type="checkbox"/> Black Sea Bass                 |
| <input type="checkbox"/> Lobster                                       | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder                               | <input type="checkbox"/> <i>Illex</i> Squid             |
| <input type="checkbox"/> Maine Mahogany Quahog                         | <input type="checkbox"/> Monkfish                       |
| <input type="checkbox"/> Red Crab                                      | <input type="checkbox"/> Atlantic Herring               |

Please check all that apply:

- Vessel sold, but I have retained the permit history in the Bill of Sale (*Supporting documentation required. See Section E, Item 3*)
- Vessel destroyed (*Supporting documentation required. See Section E, Item 4*)

---

## Section D --Vessel Ownership Requirements

### Explanation of requirements

The qualifying vessel or CPH must be under the identical ownership as the replacement vessel. NMFS will not accept applications if one vessel or CPH is under the ownership of one individual, while the other vessel is owned by a corporation (even if the corporation is under the sole ownership and control of the same individual). Both are separate legal entities.

Example: John Smith to John Smith is acceptable

John Smith to Smith LLC is not acceptable

## Section E--Supporting Documentation Required

The following are acceptable forms of verification. You are only required to submit one of the acceptable forms of documentation for any category.

1. Vessel specification documentation (Please Note: All documentation must include the name and documentation number of the vessel)
  - ▶ For all vessels, you must verify total engine horsepower by providing one of the following:
    - Marine survey documentation showing the name and location of the marine surveyor;
    - Mechanic certification on the mechanic's letterhead; or
    - Engine manufacturer specification and proof that the engine is installed on your vessel.
  - ▶ For Coast Guard documented vessels, you must provide a copy of the documentation papers.\*
  - ▶ For State registered vessels, you must verify length overall, gross registered tonnage, and net tonnage by providing one of the following:
    - Marine survey documentation showing the name and location of the marine surveyor (survey may indicate either gross and net tons or provide information on the vessel's breadth and depth (not draft), and length overall); or
    - US Bureau of Shipping document.
2. Vessel ownership documentation
  - ▶ To verify the ownership of a vessel, please provide a copy of one of the following:
    - Current Coast Guard documentation; or
    - Current State registration.
  - Scallop vessel owners must include a list of all vessel names and permit numbers in which you have an ownership interest.
3. *Vessel permit history ownership*
  - ▶ To verify that you have retained the permit history of a vessel you no longer own, please provide one of the following:
    - A bill of sale or document stating that the permit history has been retained by you (the seller) and signed by you and the buyer; or
    - A copy of the confirmation of permit history.
4. *Vessel destruction*
  - ▶ To verify that the vessel has been destroyed or is no longer seaworthy, please provide one of the following:
    - Coast Guard accident report;
    - Insurance adjustor's report; or
    - Verification from certified marine surveyor that vessel is no longer seaworthy.

\* By submitting this documentation, you confirm that the vessel length overall is correct as indicated on the CG documentation. If it is not, please submit additional documentation to confirm the length overall of the vessel.

**YOUR COMPLETED APPLICATION SHOULD INCLUDE THE FOLLOWING:**

APPLICATION FOR VESSEL REPLACEMENT

1. You will need to submit an Initial Vessel Application for the replacement vessel.
2. You should complete and submit:
  - ▶ Page 3 - General Information
  - ▶ Page 4 - Section A--Replacement
3. You should submit the following supporting documentation for BOTH\* the vessel being replaced (old vessel) and the replacement vessel:
  - ▶ Vessel specification documentation (See Section E-Item 1)(not necessary for vessels holding only limited access lobster and/or handgear permits)
  - ▶ Vessel/History ownership verification (See Section E-Items 2 or 3 as applicable) or proof of vessel destruction (See Section E-Item 4)

\* Note: If you have already established a baseline for the old vessel by submitting information verifying your vessel's baseline specifications, you will not need to submit additional verification. You should submit information about the replacement vessel.

APPLICATION FOR A VESSEL UPGRADE

1. You should complete and submit:
  - ▶ Page 3 - General Information
  - ▶ Page 5 - Section B--Upgrade
2. You should submit the following supporting documentation:
  - ▶ Vessel specification documentation (See Section E-Item 1)

APPLICATION FOR A CONFIRMATION OF PERMIT HISTORY

1. You should complete and submit
  - ▶ Page 3 - General Information
  - ▶ Page 5 - Section C--Confirmation of Permit History
2. You should submit the following supporting documentation:
  - ▶ History ownership verification (See Section E-Item 3) or proof of vessel destruction (See Section E-Item 4)

rev.1/2010

OMB Control No. 0648-0491 Expiration Date:5/31/2014

**Request for a replacement, upgrade notification, or history retention:**

The application to allow the respondent to request a replacement of one vessel by another, change vessel specifications due to an upgrade, or retain a vessel's history, and is meant to aid in the administration and enforcement of the regulations that relate to these programs. This form will save the respondent time and effort in that all the requirements relating to the interrelated actions are included on one form. These requirements have been adopted as part of the effort reduction programs under the Fishery Management Plans (FMPs) that govern the fisheries involved, and are consistent with the conservation goals of the FMPs. The information provided on this application will allow industry members to replace older vessels with new vessels or retain histories, in a manner consistent with the effort reduction requirements of the FMPs. The information provided through any requests to upgrade a vessel specification will be used for the purposes of monitoring compliance with effort reduction programs.

Any information collected on this form may be released to the public unless it is considered confidential as provided in Section 402(b) of the Magnuson-Stevens Act and in NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics.

**BURDEN STATEMENT:** Public reporting burden for this collection of information is estimated to average three hours per response for vessel replacements and upgrades, and 30 minutes for vessel history retention. These estimated response times include 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 suggestions for reducing this burden to National Marine Fisheries Service, Sustainable Fisheries Division, 55 Great Republic Drive, Gloucester, MA 01930-2276.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to 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 current valid OMB Control Number.



**FISHING YEAR 2013**  
**SEA SCALLOP ACCESS AREA**  
**TRIP EXCHANGE APPLICATION**

SUBMIT TO:

**APSD - Sea Scallop Trip Exchange NOAA Fisheries**  
**55 Great Republic Drive, Gloucester, MA 01930**  
**Fax: (978) 281-9135**

**Instructions:** This form must be used to request a Sea Scallop Access Area trip exchange between two vessels. Trips may be exchanged on a one-for-one basis and may only occur between vessels within the same permit category (Full-time, Part-time, or Occasional). One form must be used for each exchange. This form may be duplicated for additional exchange requests. Vessel operators may not initiate the Access Area trip requested below until vessel owners receive written notice that the request has been approved. Written approval or disapproval of the request will be provided within 15 days of receipt of this form.

**Vessel A:** Owner Name \_\_\_\_\_ Permit # \_\_\_\_\_

Vessel Name \_\_\_\_\_ Official # \_\_\_\_\_

The owner of Vessel A wishes to give one trip to Vessel B in the following access area (Circle One):

CAI                      CAII                      DMV                      HC                      NLAA

**Vessel B:** Owner Name \_\_\_\_\_ Permit # \_\_\_\_\_

Vessel Name \_\_\_\_\_ Official # \_\_\_\_\_

In exchange, the owner of Vessel B wishes to give one trip to Vessel A in the following access area (Circle One):

CAI                      CAII                      DMV                      HC                      NLAA

**Owner of Vessel A:** \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

**Owner of Vessel B:** \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

**Access area codes:** Closed Area I = CAI; Closed Area II = CAII; Delmarva Access Area = DMV; Hudson Canyon = HC  
Nantucket Lightship Access Area = NLAA

Signature of this form certifies that the information provided on this form is true, complete and correct to the best of the vessel owner's knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

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. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to NMFS, 55 Great Republic Drive, Gloucester, MA 01930. OMB Control No. 0648-0491; Expiration Date: 5/31/2014.

Select "Catch"

The screenshot shows the SkyMate VMS Forms menu. At the top, there are five tabs: "Catch", "PreLanding", "Broken Trip", "Compensation", and "Cancel". A red arrow points to the "Catch" tab. Below the tabs, the text reads "Welcome to SkyMate" and "National Marine Fisheries Service Vessel Monitoring System (VMS) Forms". Underneath, there is a section titled "Scallop Plan Forms" with a list of options: "Catch: Scallop Daily Catch Report", "PreLanding: LAGC Scallop Pre-Landing Notification", "Broken Trip: Limited Access Scallop Broken Trip Notification", and "Compensation: Limited Access Scallop Access Area Compensation Trip".

Revised Scallop Catch Report:

Form layout was changed for clarity.

The 'Date Fish Caught' field now requires the 2-digit year.

### Scallop Daily Catch Report

Submit this daily report for your scallop trip by 9 AM the following day, as required by (a) or (b) below:

(a) When you are fishing in the Georges Bank Yellowtail Flounder Stock Area (GB YT), or

(b) When you are fishing in the Southern New England/Mid-Atlantic Yellowtail Flounder Stock Area (SNE/MA YT).

1. Operator's Permit Number:	<input type="text"/>	
2. Vessel Trip Report (VTR) Serial Number: (Reported to dealer)	<input type="text"/>	
3. Date fish caught:	Mo Day Year	
4. SPECIES (LBS) BY YELLOWTAIL STOCK AREA	GB	SNE/MA
Scallop Meats Kept	<input type="text"/>	<input type="text"/>
Yellowtail Kept	<input type="text"/>	<input type="text"/>
Yellowtail Discarded	<input type="text"/>	<input type="text"/>
5. All Other Fish Kept (lbs): (Note: Exclude Scallop and Yellowtail)	<input type="text"/>	<input type="text"/>

Select "PreLanding"

The screenshot shows the SkyMate VMS Forms menu. At the top, there are five tabs: "Catch", "PreLanding", "Broken Trip", "Compensation", and "Cancel". A red arrow points to the "PreLanding" tab. Below the tabs, the text reads "Welcome to SkyMate" and "National Marine Fisheries Service Vessel Monitoring System (VMS) Forms". Underneath, there is a section titled "Scallop Plan Forms" with a list of options: "Catch: Scallop Daily Catch Report", "PreLanding: LAGC Scallop Pre-Landing Notification", "Broken Trip: Limited Access Scallop Broken Trip Notification", and "Compensation: Limited Access Scallop Access Area Compensation Trip".

Revised LAGC Scallop Pre-Landing Notification:

'Captain/Operator's Name' is replaced with the 'Operator's Permit Number'.  
Minor changes to field order.

### LAGC Scallop Pre-landing Notification

Submit this report from sea for trips by limited access scallop, LAGC IFQ scallop and NGOM scallop-permitted vessels at least 6 hours before arrival as required by (a) or (b) below:

(a) When you are fishing on a declared LAGC scallop trip, or

(b) When LAGC IFQ and NGOM scallop-permitted vessels (only) are fishing on all other declared trips when scallops are kept.

Note: If fishing ends less than 6 hours before arrival, send the report immediately upon leaving the fishing grounds.

1. Operator's Permit Number:	<input type="text"/>
2. Correction of a prior report (Y/N):	Yes <input type="radio"/> No <input type="radio"/>
If yes, Date of prior report:	<input type="text"/> Mo   Day   Year
If yes, all information provided below, including blank fields, will replace data submitted in the prior report.	
3. Vessel Trip Report (VTR) Serial Number: (Reported to dealer)	<input type="text"/>
4. Scallops Retained/Landed? (Y/N):	Yes <input type="radio"/> No <input type="radio"/>
If NO, send form.	
If YES, complete remaining blocks then send form.	
5. Any scallops caught in Northern Gulf of Maine (NGOM) Area? (Y/N):	Yes <input type="radio"/> No <input type="radio"/>
6. Estimated Scallops onboard: (Note: Only enter lbs and bushels if intending to land both)	
	Meats (lbs): <input type="text"/>
	Bushels in-shell: <input type="text"/>
7. Estimated Arrival:	<input type="text"/> Mo   Day   Year   Hour   Min
8. Landing Port City:	<input type="text"/>
9. Landing State (abbreviated):	<input type="text"/> State

Select "Broken Trip"



Revised Limited Access Scallop Broken Trip Notification:

'Captain/Operator's Name' is replaced with the 'Operator's Permit Number'.

The 'Estimated Arrival' field now requires a 2-digit year.

### Limited Access Scallop Broken Trip Notification

Submit this report from sea for your Limited Access scallop access area trip when the trip must be terminated under conditions in (a) or (b) below:

(a) Prior to entering the access area, or

(b) When fishing and before the full possession limit is reached.

Note: You must also mail or fax a completed broken trip adjustment sheet to NMFS to receive a compensation trip.

1. Operator's Permit Number:	<input style="width: 95%;" type="text"/>
2. Time of Fishing Termination:	<input style="width: 95%;" type="text"/> Ho: Min
3. Estimated Arrival:	<input style="width: 95%;" type="text"/> Mo Day Year Ho: Min
4. Estimated Scallop Meats:	<input style="width: 95%;" type="text"/> (lbs)
5. Reason for Termination:	<input style="width: 95%;" type="text"/>

Select "Compensation":

Catch	PreLanding	Broken Trip	<b>Compensation</b>	Cancel
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### Welcome to SkyMate

## National Marine Fisheries Service Vessel Monitoring System (VMS) Forms

Scallop Plan Forms	
Catch:	Scallop Daily Catch Report
PreLanding:	LAGC Scallop Pre-Landing Notification
Broken Trip:	Limited Access Scallop Broken Trip Notification
Compensation:	Limited Access Scallop Access Area Compensation Trip

Revised Limited Access Scallop Access Area Compensation Trip:

Only minor changes to the form layout.

### Limited Access Scallop Access Area Compensation Trip

Submit this report prior to leaving port on your Limited Access scallop access area compensation trip. In step 2 below, enter the NMFS-authorized trip identification code(s) found on your compensation Letter(s) of Authorization.

Note: Only combine compensation trips for the same Access Area. You may not exceed your permit category possession limit.

1. Operator's Permit Number:	<input style="width: 95%;" type="text"/>		
2. NMFS-authorized Compensation Trip Identification Code(s):			
	a. <input style="width: 95%;" type="text"/>	b. <input style="width: 95%;" type="text"/>	c. <input style="width: 95%;" type="text"/>
	d. <input style="width: 95%;" type="text"/>	e. <input style="width: 95%;" type="text"/>	f. <input style="width: 95%;" type="text"/>



## Broken Trip Adjustment Sheet

SUBMIT TO:

NATIONAL MARINE FISHERIES SERVICE  
ANALYSIS AND PROGRAM SUPPORT DIVISION  
55 GREAT REPUBLIC DRIVE, GLOUCESTER, MA 01930  
FAX: (978) 281-9135

**Information:**

Owner name/corporation:

Vessel name:

Permit #:

USCG doc / State reg #:

Vessel operator:

Reason for broken trip:

Date VMS Broken Trip Notification Form sent to NMFS:

Pounds of scallops landed:

Access Area fished:

Broken trip departure date:

Broken trip landing date:

Vessel owner signature: \_\_\_\_\_ Date: \_\_\_\_\_

This form is required under 50 CFR ' 648.60 to monitor the days-at-sea allocation and usage for limited access scallop permit holders. Signature of this form certifies that permit holder requirements specified in 50 CFR ' 648.60, and that the information provided on this form is true, complete and correct to the best of their knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

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.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to NMFS, 55 Great Republic Drive, Gloucester MA 01930; and to OMB, Paperwork Reduction Project, Washington, DC 20509.

OMB Control No. 0648-0491  
Expiration Date: 5/31/2014

Request to Transfer Limited Access  
 General Category (LAGC) Individual  
 Fishing Quota (IFQ) Scallop  
 Allocation



**United States Department of Commerce**  
 National Oceanic and Atmospheric Administration  
 National Marine Fisheries Service  
 Northeast Region  
 55 Great Republic Drive  
 Gloucester, MA 01930  
 (978) 282-8483

**2013 Fishing Year (March 1, 2013 – February 28, 2014)**

This form must be used to request a temporary or permanent transfer of IFQ between two IFQ scallop vessels. Written approval or disapproval of the request will be provided within 30 days of receipt of this form. IFQ may be leased only prior to the end of the current fishing year and must be used in accordance with the regulations found at 50 CFR 648.82(h)(5). A summary of conditions and restrictions is attached with this form.

Section 1 - Check the type of transfer you are requesting:

<input type="checkbox"/> Temporary IFQ Allocation Transfer	<input type="checkbox"/> Permanent IFQ Allocation Transfer
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Section 2

Transferor (Seller)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name Permit Number: USCG Doc or State Reg. Number:
Quota in <b>Pounds</b> to be Transferred:	Price Received for the Transfer: \$

Section 3

Transferee (Buyer)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name: Permit Number: USCG Doc or State Reg. Number:

Section 4

Signature of Transferor or Authorized Agent:	Signature of Transferee or Authorized Agent:
Date:	Date:

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate to: NMFS, 55 Great Republic Drive, Gloucester, MA 01930. 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. OMB Control No. 0648-0491 Expiration Date: 5/31/2014

## LAGC IFQ Transfer Program Requirements and Restrictions

### IFQ transfer request submission

IFQ transfer applications may be submitted by mail, fax (978-281-9135), or email (ScallopIFQ.Transfer@noaa.gov). Emailed applications must be submitted with signatures and date in PDF format. The regulations regarding the LAGC IFQ Transfer Program are located at 50 CFR 648.53(h)(5).

### IFQ transfer restrictions.

- IFQ must be transferred to another vessel also issued an IFQ permit and may not be transferred from or to a vessel issued both a limited access full-time, part-time, or occasional scallop permit and an IFQ scallop permit.
- A vessel's IFQ may be transferred only once in a single fishing year; an IFQ scallop vessel can receive IFQ allocations from more than one IFQ scallop permit but may not transfer the IFQ allocation(s) to another vessel in the same fishing year.
- A transfer of IFQ may not result in the sum of the IFQs on the receiving vessel exceeding 2.5 percent of the annual catch limit allocated to IFQ scallop vessels.
- A transfer of IFQ may not result in the recipient having ownership of IFQ scallop allocations that exceeds 5 percent of the annual catch limit allocated to IFQ scallop vessels.
- The Regional Administrator has final approval authority for all IFQ transfer requests.

### Temporary IFQ transfers (i.e., Leases).

- Temporary IFQ transfers shall be effective only for the fishing year in which the temporary transfer is requested, approved, and issued.
- The owner of a vessel issued an IFQ scallop permit may temporarily transfer some or all of the vessel's IFQ allocation.
- Temporary transfers may not be in amounts of less than 100 lb unless that value reflects the total IFQ allocation remaining on the transferor's vessel, or the vessel's entire IFQ allocation.

### Permanent IFQ transfers.

- With the implementation of Amendment 15, a vessel permanently transferring its IFQ to another vessel is no longer required to also transfer its Federal limited access scallop IFQ permit. The transferring vessel will only be permanently transferring its IFQ contribution percent allocation; the IFQ permit will remain with the transferring vessel. If you wish to transfer a scallop IFQ permit, along with the IFQ contribution factor, a vessel replacement application must also accompany the LAGC IFQ Scallop Allocation Transfer from.
- Any such transfer cannot be limited in duration and is permanent unless the IFQ is later transferred to another IFQ scallop vessel, other than the originating IFQ scallop vessel, in a subsequent fishing year. The transferring vessel can permanently transfer some or all of its IFQ/contribution percentage. If a vessel permanently transfers its entire IFQ to another vessel, its IFQ permit will remain valid (with a contribution percent of zero and no associated IFQ allocation), unless the owner cancels or fails to renew the permit, at which point the permit will be considered permanently relinquished.

### Application requirements.

- The application must be signed by both parties (transferor and recipient) involved in the transfer of the IFQ or an authorized agent.
- Applications may be submitted at any time during the scallop fishing year, provided the vessel transferring the IFQ has not utilized any of its IFQ in that fishing year.
- Applications must be submitted at least 30 days before the date on which the applicants desire to have the IFQ transfer effective on the receiving vessel.
- Applications for temporary transfers should be submitted 45 or more days prior to the end of the fishing year to ensure time for a vessel to utilize the transferred IFQ prior to the expiration of the fishing year.

Application information. Information obtained from the transfer application is subject to the confidentiality requirements of the Magnuson-Stevens Act.

Approval of IFQ transfer applications.

- Unless an application to transfer IFQ is denied for reasons below, the Regional Administrator shall issue confirmation of application approval to both parties involved in the transfer within 30 days of receipt of an application.
- Vessel owners may not fish for, possess, or land scallops prior to approval of a scallop IFQ lease and/or permanent transfer.
- Vessel owners must also have IFQ allocation available in order to fish for, possess, or land scallops which means you cannot start a trip if you have a negative IFQ balance.

Denial of transfer application. An application to transfer IFQ may be rejected for, but not limited to, the following reasons:

- The application is incomplete.
- The transferor/seller or transferee/recipient's vessel is not issued a valid IFQ scallop permit.
- The transferor's or recipient's vessel or IFQ scallop permit has been sanctioned, pursuant to an enforcement proceeding.
- The transfer will result in the recipient's vessel having an allocation that exceeds 2.5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer will result in the recipient having ownership of general category scallop allocation that exceeds 5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer has an insufficient amount of IFQ allocation to enact the transfer.
- The transferor or transferee has failed to submit past due vessel Trip Reports or comply with vessel trip reporting requirements.

Upon denial of an application to transfer IFQ, the Regional Administrator will send a letter to the applicants describing the reason(s) for the rejection. The decision by the Regional Administrator is the final agency decision and there is no opportunity to appeal the Regional Administrator's decision. Deficiencies in applications must be corrected with a new application for an IFQ transfer.

Cost Recovery

The Magnuson-Stevens Fishery Conservation and Management Act requires IFQ programs to include a cost recovery program, whereby NMFS will collect up to 3 percent of ex-vessel value of landed product to cover NMFS's actual costs directly related to the management, data collection, and enforcement of an IFQ program. The owner of a vessel issued an IFQ scallop permit will be responsible for paying this fee and IFQ scallop vessels incur a cost recovery fee liability for every landing of IFQ scallops, including scallops landed as a result of an IFQ transfer. Each IFQ scallop permit holder is responsible for his/her own fee for all of his/her IFQ scallop landings, and shall be responsible for submitting this payment to NMFS by January 1<sup>st</sup> each fishing year. If this fee is not paid NMFS will deny the LAGC IFQ permit application for the following fishing year.

Environmental Quality (CEQ) regulations (40 CFR 1501.7). In addition to other public involvement, this Notice of Intent initiates an early and open process for determining the scope of issues to be addressed in the EIS and for identifying the significant issues related to a proposed action. This scoping process allows the Forest Service to not only identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the EIS process accordingly (40 CFR 1500.4(g)).

#### Comment Requested

This Notice of Intent initiates the scoping process which guides the development of the EIS. Comments on the proposed action should be submitted within 30 days of the date of publication of this Notice of Intent.

#### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft EIS will be available for comment when the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v.*

*NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate during the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

**Authority:** 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: December 2, 2013.

**Susan Skalski,**  
Forest Supervisor.

[FR Doc. 2013-29135 Filed 12-5-13; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

#### LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE [11/26/2013 through 12/02/2013]

Firm name	Firm address	Date accepted for investigation	Product(s)
No Boundaries, Inc. (dba Green Box Art).	789 Gateway Center Way, San Diego, CA 92102.	11/26/2013	The firm manufactures stretched canvas and framed paper print wall décor, canvas growth charts, wall decals, lampshades, night lights and placemats.
Innovative Enterprises, Inc. ....	25 Town and Country Drive, Washington, MO 63090.	11/26/2013	The firm manufactures corrugated sheets, cartons and pallets.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public

hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: December 2, 2013.

**Michael DeVillo,**  
Eligibility Examiner.

[FR Doc. 2013-29141 Filed 12-5-13; 8:45 am]

**BILLING CODE 3510-WH-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Atlantic Sea Scallops Amendment 10 Data Collection

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before February 4, 2014.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Emily Gilbert, 978-281-9244 or [Emily.Gilbert@noaa.gov](mailto:Emily.Gilbert@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for an extension of a currently approved information collection.

National Marine Fisheries Service (NMFS) Northeast Region manages the Atlantic sea scallop (scallop) fishery of the Exclusive Economic Zone (EEZ) off the East Coast under the Atlantic Sea Scallop Fishery Management Plan (FMP). The regulations implementing the FMP are at 50 CFR Part 648. To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections for scallop vessel owners, operators, and fishery participants: vessel monitoring system (VMS) trip declarations for all scallop vessels, including powerdown declarations; notification of access area trip termination for limited access scallop vessels; submission of access area compensation trip identification; submission of broken trip adjustment and access area trip exchange forms; VMS purchase and installation for individuals that purchase a federally permitted scallop vessel; submission of ownership cap forms for individual fishing quota (IFQ) scallop vessels; submission of vessel replacement, upgrade and permit history applications for IFQ, Northern Gulf of Maine (NGOM), and Incidental Catch (IC) scallop vessels; submission of VMS pre-landing notification form by IFQ vessels; enrollment into the state waters exemption program; submission of requests for IFQ transfers; payment of cost recovery bills for IFQ vessels; sector proposals for IFQ vessels and industry

participants; and sector operations plans for approved sector proposals.

Data collected through these programs are incorporated into the NMFS database and are used to track and confirm vessel permit status and eligibility, scallop landings, and scallop vessel allocations. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

**II. Method of Collection**

Participants will submit electronic VMS transmissions and paper applications by mail, facsimile, or email.

**III. Data**

*OMB Control Number:* 0648-0491.

*Form Number:* None.

*Type of Review:* Regular submission (extension of a currently approved collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 783.

*Estimated Time per Response:* VMS trip declaration, trip termination, compensation trip identification, powerdown provision, 2 minutes; broken trip adjustment and access area trip exchange, 10 minutes; VMS purchase and installation, 2 hours; IFQ ownership cap forms, 5 minutes; vessel replacement, upgrade and permit history applications, 3 hours; VMS pre-landing notification form, 5 minutes; VMS state waters exemption program, 2 minutes; quota transfers, 10 minutes; cost recovery, 2 hours; sector proposals, 150 hours; sector operations plans, 100 hours; IFQ, Northern Gulf of Maine, and incidental catch vessel VMS requirements, 2 minutes.

*Estimated Total Annual Burden Hours:* 2,804.

*Estimated Total Annual Cost to Public:* \$775,719.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques

or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 2, 2013

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2013-29104 Filed 12-5-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XC997**

**Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public workshops.

**SUMMARY:** Free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops will be held in January, February, and March of 2014. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2014 and will be announced in a future notice.

**DATES:** The Atlantic Shark Identification Workshops will be held on January 9, February 6, and March 20, 2014.

The Protected Species Safe Handling, Release, and Identification Workshops will be held on January 8, January 22, February 4, February 6, March 19, and March 20, 2014.

See **SUPPLEMENTARY INFORMATION** for further details.

**ADDRESSES:** The Atlantic Shark Identification Workshops will be held in Kenner, LA; Norfolk, VA; and Fort Pierce, FL.