

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/15/2014

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 12/12/2013

ACTION REQUESTED: Extension without change of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201310-0648-006

AGENCY ICR TRACKING NUMBER:

TITLE: Northeast Multispecies Days-at-Sea Leasing Program

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change

OMB CONTROL NUMBER: 0648-0475

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: 01/31/2017

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	1,005	88	555
New	1,005	88	555
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	0
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
Northeast Multispecies Days-at-Sea Leasing Program - Application to Lease Days at Sea	NA	Application to Lease NE Multispecies DAS	
Application to Downgrade Days At Sea Leasing Baseline	NA	Application to Downgrade Leasing Baseline	

# 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  
NORTHEAST MULTISPECIES DAYS-AT-SEA LEASING PROGRAM  
OMB CONTROL NO. 0648-0475**

**A. JUSTIFICATION**

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

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is requesting a three-year extension of Office of Management and Budget (OMB) approval of the information collections described in OMB Control No. 0648-0475, to continue management of the days-at-sea (DAS) Leasing Program for the Northeast (NE) Multispecies Fishery Management Plan (FMP). A three-year clearance would enable NMFS to continue to manage the DAS Leasing Program through December 2016. This is ten years after the effective date of the final rule that permanently renewed this program.

The Days at Sea (DAS) Leasing Program was first implemented under Amendment 13 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) ([RIN 0648-AN17](#), final rule published April 27, 2004), to increase the economic efficiency of vessel operations by allowing vessels to acquire additional DAS, or lease unused DAS to another vessel. The ability for vessel owners to downgrade their baseline to current vessel specifications for the purposes of leasing was approved under a revision to the information collection in 0648-0475 as part of Framework Adjustment (FW) 40B to the FMP ([RIN 0648-AS33](#), final rule published June 1, 2005). This program has not only provided flexibility to the fishery, but it has also enabled NMFS to examine the effectiveness of this management tool. The FMP and its amendments and adjustments were developed under the authority of the [Magnuson-Stevens Fishery Management and Conservation Act](#), 16 U.S.C. 1801 et seq.

All eligible vessels with a valid limited access multispecies DAS permit are able to participate in the leasing program by submitting an application to NOAA's National Marine Fisheries Service.

Under the program, permit holders may request to lease DAS throughout the fishing year; however, for administrative purposes, applications must be received by March 1. No sub-leasing of DAS is allowed, and leased DAS do not carry over to the next fishing year. Therefore, once a DAS is leased, it must be used by the lessee prior to the end of the fishing year in which the lease occurred. Further, vessel owners may elect to use their downgrade provision only once during the lifetime of the leasing program.

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

The information requested is used by several offices of NOAA's National Marine Fisheries Service to implement the DAS Leasing Program and to track DAS usage. Owner name and permit number are common ownership identifiers used by NMFS. During the operation of the DAS Leasing Program, this information is used to verify the existence of current, valid permits aboard vessels participating in the leasing program. Vessel name and official number are commonly used as vessel identifiers. This information is necessary to verify the status of vessel permits, identify the horsepower and length overall baseline specifications of the vessel, determine available DAS to be used in the leasing request, and execute the DAS lease. Signatures of the participants in the program are necessary to acknowledge the DAS transfer by both parties. Without both signatures, the leasing request would not be processed.

One of the requirements of the leasing program is to limit the potential of increases in effort resulting from smaller vessels leasing DAS to larger vessels. For the purposes of this program, horsepower baseline and length overall specifications are the vessel's horsepower and length overall as of the January 29, 2004. To remain consistent with other programs, vessels may lease to other vessels that have a horsepower rating of no greater than 20% and a length overall measurement of no greater than 10% of the vessel's baseline specifications. Permit numbers are used to reference baseline specifications for the vessels within NOAA Fisheries Service's databases.

Vessel owners intending to downgrade their DAS Leasing Program baseline are required to specify the current vessel's LOA and HP specifications.

Enforcement offices within NMFS currently tracks the DAS usage of permit holders. Information collected through this information request would enable enforcement officials, including the U.S. Coast Guard, to monitor compliance with the provisions of the FMP, including those governing DAS usage.

Information relating to the total price paid for the DAS is used by offices within NMFS as well as by the Council to assess the value of DAS to permit holders. This information could be used in the evaluation of the affects of future management measures on individual permit holders as well as communities. This information may also be used in future vessel buy-back programs and other effort reducing programs.

Although it is unknown how many DAS leasing requests an individual permit holder would submit, it is anticipated that not every permit holder would submit a request. There is the possibility that an individual permit holder would submit several DAS leasing requests, both as a lessor and a lessee. Based on the previous three year's participation data, an estimated 500 lease requests are expected to be processed in a year. Participation in the DAS Leasing Program's baseline downgrade program is available once to each vessel with a limited access NE Multispecies DAS permit.

The [Section 515 Information Quality Guidelines](#) apply to this information collection and comply with all applicable information quality guidelines,(i.e., OMB, Department of Commerce, and NOAA guidelines). The information collected as part of the DAS Leasing Program may be used in the analysis of current management initiatives and in the development of future management measures for the NE multispecies fishery. See Question 10 for information about confidentiality.

**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.**

Applicants would have the choice to submit a DAS lease via paper format or electronically. Currently permits that are held in Confirmation of Permit History (CPH) may only submit their lease request by paper format. All paper requests must have an original signature from both permit holders involved in the transaction. Electronic leases are submitted online by the applicants. Online applicants must log on to their personal fish-on-line account via a password and submit a lease request in the Days At Sea Leasing section.

The lease downgrade form is available in a fillable and printable portable document format, available at the NOAA Northeast Regional Office (NERO) website ([www.nero.noaa.gov](http://www.nero.noaa.gov)).

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

Other than information needed to identify participants such as the vessel owner's name, vessel name, permit number and official number, no information will be collected that is already collected through other means.

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

Only the minimum data to meet the requirements of the above data needs are requested from all participants. Since most of the respondents are small businesses, separate requirements based on the size of the business are not necessary.

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

The DAS Leasing Program is designed to offer opportunities to the fishing industry to recover some of the potential financial losses that emanated from the reduction in DAS. This program is an optional program and is not mandated by any regulation. If this information is not collected, thereby preventing permit holders from recovering potential losses from reduced DAS allocations, some vessels would be unable to continue participating in the fishery.

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

The data collection is consistent with OMB guidelines.

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

The Federal Register notice that solicited public comments on the renewal of this information collection was published on June 10, 2013 (78 FR 34653). No comments were received.

In addition, the Northeast Regional Administrator announced the open comment period at the Mid-Atlantic Fishery Management Council meeting on June 11, 2013 and at the New England Fishery Management Council meeting on June 18, 2013. The announcements included a summary of the information collections included in this extension and encouraged affected parties to submit comments on the Federal Register Notice. This solicitation was also available as a handout with the Council meeting materials available at both Council meetings.

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

Neither payments nor gifts are given to the respondents.

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

All data will be kept confidential as required by [NOAA Administrative Order 216-100](#) and Section 402 (b) of the Magnuson-Stevens Fishery Conservation and Management Act. Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.).

**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 sensitive nature.

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

This program is restricted to the limited access permit holders in the NE Multispecies FMP (approximately 1,400 vessels). From April 2009, through March 2012, NOAA Fisheries Service processed a total of 1,607 lease applications, with approximately 979 lease applications being processed in fishing year 2009 and only 381 leases being processed in fishing year 2011. The current estimated number of potential lease requests for this program, based on previous participation, is approximately 500 lease applications per year.

Permit holders wishing to participate in the DAS Leasing Program are required to fill out a NE Multispecies DAS Leasing Program Application form. One form is required in order to process an individual DAS leasing request. Both participants in the lease agreement (the lessor and the lessee) need to enter information particular to their permit onto the form and sign the form at the bottom, indicating their agreement with the specifics of the lease. This results in a total of 1,000 responses (2 individual responses per DAS leasing application).

It is estimated that the public reporting for this collection will continue to average 5 minutes per response. Using an estimated average burden of 5 minutes per response, a total of 83 hours (1,000 responses x 5 minutes/response) is estimated to be the burden for participants in this data collection.

The estimated burden for the one-time permit baseline characteristics downgrade for the DAS Leasing Program is approximately 1 hour to fill out the request form (attached) and assemble any necessary documentation for the potential participants. It is estimated that NMFS would receive 5 applications annually. Therefore, the additional burden for this aspect of the program is 5 hours per year.

The total annualized responses for this collection are 1,005 (1,000 DAS lease applications + 5 baseline downgrade requests). The total annualized requested hours are 88 (83 + 5). These figures are summarized in 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).**

This information collection does not require respondents to purchase new or additional equipment or services. Most computers, telephones and/or facsimile machines utilized by the respondents would have already been purchased as part of customary and usual business practices, thus start up costs associated with these programs are negligible. The estimates of the total annual cost burden to respondents resulting from this collection are summarized in Table 1 below.

For each DAS leasing request, two respondents would have to enter information onto the DAS application form and sign the form at the bottom. It is not known whether DAS

leasing agreements between individuals would occur in person, or through other means. Accordingly, participants may mail the DAS application form to the other participant to complete the transaction. This form would then have to be mailed to NOAA Fisheries Service for processing. With 500 applications (1,000 responses) anticipated per year for the DAS Leasing Program, there would be a cost of \$460 (1000 stamps x \$0.46/stamp). Participants may wish to retain a copy of the DAS leasing application for their own records. Using an estimate of \$0.10 per page for copying costs, one participant per transaction would incur an additional \$0.10 cost (\$0.10 x 500 1-page copies) for copying services related to the DAS leasing program. Postage and copying costs would total \$510.

For the one-time opportunity to downgrade a vessel's DAS Leasing Program baseline, vessels would be required to submit a completed downgrade request form and mail it to NOAA Fisheries Service. Participants may wish to make copies of supporting documents when submitting this information to NOAA's National Marine Fisheries Service.

The total cost for mailing DAS Leasing Program baseline downgrade request forms amounts to \$2.30 (5 requests x \$0.46/request) annually. Copying costs associated with this provision would total approximately \$2.50 (5 participants x 5 pages copied/participant x \$0.10/copy) annually. Together, the annualized costs for the downgrade provision amounts to \$4.80.

In total, the costs to individuals participating in the DAS Leasing Program for record-keeping and application purposes total \$514.80 (\$510 + \$4.80).

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

The estimates of the annual administrative costs to the Federal Government from this program are summarized in Table 2.

Costs associated with the lease program reflect a cost of \$15/hour to the government at the ZP-02 level. The cost to the government for the DAS Leasing Program requires 10 minutes per request. This results in an estimated annualized cost to the government of \$1,254 (500 applications x 10 minutes/response x \$15/hour) to review DAS leasing requests.

Additional costs incurred by the government include the costs of distributing receipts of the DAS lease to both participants. It is estimated that one toner cartridge will be necessary to print these receipts at approximately \$40. These receipts are mailed to participants resulting in postage costs of \$460 (1000 responses x \$0.46 postage). This results in an additional annual cost of \$500 to the government for the management of the DAS leasing program.

The DAS Leasing Program baseline downgrade provision would result in an overall annual total cost to the government of \$150 (5 applications x 2 hours x \$15/hour) to

process the downgrade requests. Note that the costs associated with the DAS Leasing Program baseline downgrade provision are a conservative estimate and would only be realized one time for each vessel participating.

Additional costs incurred by the government include the costs of distributing the receipts of the DAS downgrade approval letter. The letters are mailed to the participants resulting in postage costs of \$2.30 (5 responses x \$0.46 postage). This results in an additional annual cost of \$2.30 to the government for the management of the DAS leasing downgrade requests.

In total, the costs to the government from the DAS leasing program are approximately \$1,906.30 (\$1,254 + \$500 + \$150 + \$2.30). Annualized costs to the Federal government for these programs include staff costs and system operation associated with processing the information.

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

There are no changes or adjustments.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NOAA Fisheries Service 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.**

All forms will display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

**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; the requirements are optional for all eligible participants in the NE multispecies fishery.

**Table 1. Burden hours and cost**

Collection	Number of Entities	Items per Entity	Total Number of Items	Total Costs (\$) of Materials per Vessel	Response Time	Total Burden (Hours)	Cost (\$) to Government*	Cost (\$) to Public
DAS Leasing	500	2	1000	\$0.54	5 minutes	83	\$1,754.00	\$510.00
Request to Downgrade	5	1	5	\$0.54	1 hour	5	\$152.30	\$4.80
<b>TOTAL:</b>			<b>1005</b>			<b>88</b>	<b>\$1,906.30</b>	<b>\$514.80</b>

**Table 2. Cost to Federal Government**

Collection	Salary at ZP-02 level per hour	Total Number of Items	Response Time (Hours)	Processing Cost	Total Cost (\$) of Materials and Postage	Total Cost (\$) to Government
DAS Leasing	\$15	500	0.167	\$1,254	\$500.00	\$1,754.00
Request to Downgrade	\$15	5	2	\$150.00	\$2.30	\$152.30



**APPLICATION TO LEASE  
NE MULTISPECIES DAYS-AT-SEA (DAS)  
FOR THE 2012 FISHING YEAR**

Provide all information requested.

**SUBMIT TO  
NE MULTISPECIES DAS LEASING PROGRAM  
US DEPARTMENT OF COMMERCE, NOAA  
NATIONAL MARINE FISHERIES SERVICE  
55 GREAT REPUBLIC DRIVE, GLOUCESTER, MA 01930**

**Lessor (person transferring DAS) Information:**

Owner Name: \_\_\_\_\_ Permit #: \_\_\_\_\_

Vessel Name: \_\_\_\_\_ Official #: \_\_\_\_\_  
(or state registration #)

This permit is:  Currently on the above vessel; or  
 In Confirmation of Permit History (CPH)

**Lessee (person receiving DAS) Information:**

Owner Name: \_\_\_\_\_ Permit #: \_\_\_\_\_

Vessel Name: \_\_\_\_\_ Official #: \_\_\_\_\_  
(or state registration #)

**Number of NE Multispecies DAS to be Leased:** \_\_\_\_\_

**Total Price Paid for Leased DAS:** \_\_\_\_\_

Signed: \_\_\_\_\_  
(Lessor)

Signed: \_\_\_\_\_  
(Lessee)

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**DAS Lease applications must be received by close of business March 1, 2013.**

DAS may be leased only through the end of the current fishing year and must be used in accordance with the regulations found at 50 CFR 648.82(k). Please see a summary of conditions and restrictions on the reverse side of this form.

**NOTE:** Lessee's ability to receive leased DAS may be affected by the availability of DAS held by lessor. Leasing DAS subsequent to a negative DAS balance will not compensate for the negative balance. DAS leasing baselines may differ from the NE multispecies permit baseline used for vessel replacements. DAS leasing baseline information is available at [www.nero.noaa.gov/amend13/das\\_baseline.htm](http://www.nero.noaa.gov/amend13/das_baseline.htm). The maximum number of DAS that can be leased has been eliminated

This form is required to obtain approval for the leasing of DAS under 50 CFR 648.82(k) and to monitor DAS allocation and usage for limited access NE multispecies permit holders. Signature of this form certifies that permit holders comply with limited access permit requirements specified in 50 CFR 648.4, 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.

Information obtained from the lease application is held confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would be used only in summarized form (without identifying the source of data, i.e., vessel name, owner, etc.) for management of the fishery in the future.

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 the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to NMFS, 55 Great Republic Drive, Gloucester MA 01930.

#### **§ 648.2 Definitions.**

**DAS Lease** - the transfer of the use of DAS from one limited access NE multispecies vessel to another limited access NE multispecies vessel for a period not to exceed a single fishing year.

**DAS Lessee** - the NE multispecies limited access vessel owner and/or the associated vessel that acquires the use of DAS from another NE multispecies limited access vessel.

**DAS Lessor** - the NE multispecies limited access vessel owner and/or the associated vessel that transfers the use of DAS to another NE multispecies limited access vessel.

**Sub-lease** - the leasing of DAS that have already been leased to another vessel

#### **§ 648.82(k) NE Multispecies DAS Leasing Program.**

1) *Program description.* Eligible vessels, as specified in paragraph (k)(2) of this section, may lease Category A DAS to and from other eligible vessels, in accordance with the restrictions and conditions of this section. The Regional Administrator has final approval authority for all NE multispecies DAS leasing requests.

(2) *Eligible vessels.* (i) A vessel issued a valid limited access NE multispecies permit is eligible to lease Category A DAS to or from another such vessel, subject to the conditions and requirements of this part, unless the vessel was issued a valid Small Vessel or Handgear A permit specified under paragraphs (b)(5) and (6) of this section, respectively, or is a valid participant in an approved Sector, as described in §648.87(a). Any NE multispecies vessel that does not require use of DAS to fish for regulated multispecies may not lease any NE multispecies DAS.

(ii) Subject to the conditions and requirements of this part, DAS associated with a confirmation of permit history may be leased to another vessel without placing the permit on an active vessel.

(3) *Application to lease NE multispecies DAS.* To lease Category A DAS, the eligible Lessor and Lessee vessel must submit a completed application form obtained from the Regional Administrator. The application must be signed by both Lessor and Lessee and be submitted to the Regional Office at least 45 days before the date on which the applicants desire to have the leased DAS effective. The Regional Administrator will notify the applicants of any deficiency in the application pursuant to this section. Applications may be submitted at any time prior to the start of the fishing year or throughout the fishing year in question, up until the close of business on March 1. Eligible vessel owners may submit any number of lease applications throughout the application period, but any DAS may only be leased once during a fishing year.

(4) *Conditions and restrictions on leased DAS* —(i) *Confirmation of Permit History.* Pursuant to paragraph (k)(2)(ii) of this section, DAS associated with a confirmation of permit history may be leased.

(ii) *Sub-leasing.* In a fishing year, a Lessor or Lessee vessel may not sub-lease DAS that have already been leased to another vessel. Any portion of a vessel's DAS may not be leased more than one time during a fishing year.

(iii) *Carry-over of leased DAS.* Leased DAS that remain unused at the end of the fishing year may not be carried over to the subsequent fishing year by the Lessor or Lessee vessel.

(v) *History of leased DAS use and landings.* . The history of leased DAS use shall be presumed to remain with the Lessor vessel. In the case of multiple leases to one vessel, the history of leased DAS use shall be presumed to remain with the Lessor in the order in which such leases were approved by NMFS. For the purpose of accounting for leased DAS use, leased DAS will be accounted for (subtracted from available DAS) prior to allocated DAS.

(vi) *Monkfish Category C, D, F, G and H vessels.* A vessel that possesses a valid limited access NE multispecies DAS permit and a valid limited access monkfish Category C, D, F, G, or H permit and leases NE multispecies DAS to or from another vessel is subject to the restrictions specified in §648.92(b)(2).

(vii) *DAS Category restriction.* A vessel may lease only Category A DAS, as described under paragraph (d)(1) of this section.

(viii) *Duration of lease.* A vessel leasing DAS may only fish those leased DAS during the fishing year in which they were leased.

(ix) *Size restriction of Lessee vessel.* A Lessor vessel only may lease DAS to a Lessee vessel with a baseline main engine horsepower rating that is no more than 20 percent greater than the baseline engine horsepower of the Lessor vessel. A Lessor vessel may only lease DAS to a Lessee vessel with a baseline length overall that is no more than 10 percent greater than the baseline length overall of the Lessor vessel. For the purposes of this program, the baseline horsepower and length overall specifications of vessels are those associated with the permit as of January 29, 2004, unless otherwise modified according to paragraph (k)(4)(xi) of this section.

(x) *Leasing by vessels fishing under a sector allocation.* A sector vessel may not lease DAS to or from common pool vessels, but may lease DAS to or from another sector vessel during the fishing year in which the vessel is a member of a sector.

(xi) *One-time downgrade of DAS Leasing Program baseline.* Unless otherwise specified in paragraph (k)(4)(xi)(B) and (C) of this section, for the purposes of determining eligibility for leasing DAS only, a vessel owner may elect to make a one-time downgrade to the vessel's DAS Leasing Program baseline length and horsepower as specified in paragraph (k)(4)(ix) of this section to match the length overall and horsepower specifications of the vessel that is currently issued the permit.

(A) *Application for a one-time DAS Leasing Program baseline downgrade.* To downgrade the DAS Leasing Program baseline, eligible NE multispecies vessels must submit a completed application form obtained from the Regional Administrator. An application to downgrade a vessel's DAS Leasing Program baseline must contain at least the following information: Vessel owner's name, vessel name, permit number, official number or state registration number, current vessel length overall and horsepower specifications, an indication whether additional information is included to document the vessel's current specifications, and the signature of the vessel owner.

(B) *Applicability of the one-time DAS Leasing Program baseline downgrade.* The downgraded DAS Leasing Program baseline may only be used to determine eligibility for the DAS Leasing Program and does not affect or change the baseline associated with the DAS Transfer Program specified in paragraph (l)(1)(ii) of this section, or the vessel replacement or upgrade restrictions specified at § 648.4(a)(1)(i)(E) and (F), or any other provision.

(C) *Duration of the one-time DAS Leasing Program baseline downgrade.* Unless otherwise specified in this paragraph (k)(4)(xi)(C) of this section, the downgraded DAS Leasing Program baseline remains in effect until the DAS Leasing Program expires or the permit is transferred to another vessel via a vessel replacement, or through a DAS transfer. With the exception of vessels combining DAS Leasing Program baselines from two different vessels through the DAS Transfer Program as outlined in paragraph (k)(4)(xi)(C)(2) of this section, once the DAS Leasing Program baseline is downgraded for a particular permit, no further downgrades may be authorized for that permit.



**APPLICATION TO DOWNGRADE  
NE MULTISPECIES DAYS-AT-SEA (DAS)  
LEASING BASELINE**

Provide all information requested.

**SUBMIT TO  
NE MULTISPECIES DAS LEASING PROGRAM  
US DEPARTMENT OF COMMERCE, NOAA  
NATIONAL MARINE FISHERIES SERVICE  
55 GREAT REPUBLIC DRIVE, GLOUCESTER, MA 01930**

Owner Name: \_\_\_\_\_ Permit #: \_\_\_\_\_

Vessel Name: \_\_\_\_\_ Official #: \_\_\_\_\_  
(or state registration #)

Current Vessel Specifications: Length Overall: \_\_\_\_\_

Horsepower: \_\_\_\_\_

Check One:

\_\_\_\_\_ Downgrade DAS Leasing baseline of above vessel to the specifications on verified documents that have been previously submitted.

\_\_\_\_\_ Downgrade DAS Leasing baseline of above vessel to the specifications on verified documents that I am currently submitting with this application.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
(Vessel Owner)

By signing this application you agree to downgrade the vessel specifications Length Overall (LOA) and Horsepower (HP) for DAS Leasing purposes only. This is a one-time DAS Leasing baseline downgrade for this permit that can not be reversed for this vessel and can not be applied for again in the future, even if the current vessel baseline specifications change through modification or replacement. If a vessel replacement occurs after a DAS Leasing baseline downgrade has occurred the DAS Leasing baseline will revert to the original DAS Leasing baseline specifications for that permit.

This form is required to obtain approval for the downgrade of DAS leasing baseline specifications under 50 CFR 648.82(k)(4)(xi) for NE multispecies permit holders. Signature of this form certifies that permit holders comply with limited access permit requirements specified in 50 CFR 648.4 and that 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.

Information obtained from the lease application is held confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would be used only in summarized form (without identifying the source of data, i.e., vessel name, owner, etc.) for management of the fishery in the future.

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 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to NMFS, 55 Great Republic Drive, Gloucester MA 01930.

**OMB Control No. 0648-0475  
Expiration Date: 12/31/2013**

**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: June 5, 2013.

**Gwellnar Banks,**

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

[FR Doc. 2013-13678 Filed 6-7-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Northeast Multispecies Days-at-Sea Leasing Program**

**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 August 9, 2013.

**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 Brett Alger, (978) 675-2153 or [Brett.Alger@noaa.gov](mailto:Brett.Alger@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

This request is for an extension of this information collection.

National Marine Fisheries Service (NMFS) Northeast Region manages the Northeast Multispecies fishery of the Exclusive Economic Zone (EEZ) of the Northeastern United States through the Northeast Multispecies Fishery Management Plan (FMP). The New England Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The regulations implementing the FMP are specified at 50 CFR part 648 Subpart F. The NE Multispecies Days-at-Sea (DAS) leasing requirements at § 648.82(k) form the basis for this collection of information.

The NE multispecies DAS leasing program was implemented in 2004 as a result of Amendment 13 (69 FR 22906) which substantially reduced the number of DAS available for the NE multispecies vessels. To mitigate some of the adverse impact associated with the reduction in DAS, the NE Multispecies Leasing Program was developed to enable vessels to increase their revenue by either leasing additional DAS from another vessel to increase their participation on the fishery, or by leasing their unused allocated DAS to another vessel.

NMFS requests Days-at-Sea (DAS) leasing application information in order to process and track requests from allocation holders to transfer DAS to another vessel. This information, upon receipt, results in an increasingly more efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ. The DAS leasing downgrade information is collected to allow vessel owners that are eligible to lease Northeast multispecies DAS a one-time downgrade in their baseline specifications to their current vessel specifications. This one-time downgrade provides greater flexibility for vessels to lease their DAS.

**II. Method of Collection**

Applicants can submit a DAS leasing request either through mail or electronically. Fillable applications may be completed online, but must be printed and signed to complete and the originals must be mailed. Applicants may choose to submit a lease electronically by logging into their personal fish-on-line accounts at <https://www.nero.noaa.gov/NMFSlogin/>

*login/login* and clicking on the Days At Sea Leasing section.

**III. Data**

*OMB Control Number:* 0648-0475.

*Form Number:* None.

*Type of Review:* Regular submission (extension of a current information collection).

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

*Estimated Number of Respondents:* 505.

*Estimated Time per Response:* DAS Leasing Application, 5 minutes; Request to Downgrade, 1 hour.

*Estimated Total Annual Burden Hours:* 88.

*Estimated Total Annual Cost to Public:* \$495.

**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: June 5, 2013.

**Gwellnar Banks,**

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

[FR Doc. 2013-13681 Filed 6-7-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XC717**

**Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Notice of decision and availability of decision documents on