

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 10/13/2016

Department of Commerce  
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Steve Cooper  
FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/11/2016

ACTION REQUESTED: No material or nonsubstantive change to a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201610-0648-002

AGENCY ICR TRACKING NUMBER:

TITLE: Northeast Multispecies Amendment 16

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0605

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: 01/31/2019

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	158,047	38,812	4,455,674
New	158,649	38,864	4,456,029
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	602	52	355
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Howard Shelanski  
Administrator,  
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Sector operations plan and annual membership list updates			50 CFR 648.87
Monitoring and Reporting Service Providers Application and response to denial			50 CFR 648.87
Monitoring system (database) for discards, sector manager weekly catch reports and annual reports			50 CFR 648.87
Notification of ejection from sector			50 CFR 648.87
Transfer of Annual Catch Entitlement between Sectors	NA	Application to transfer annual catch entitlement between sectors	
VMS activation confirmation responses, time and cost, and cost of purchase, maintenance and automated polling	NA	VMS Certification of Activation	
Area and DAS Declaration - groundfish vessels fishing under any NE Multispecies DAS			50 CFR 648.10
VMS daily catch reports	NA	Multispecies catch report	50 CFR 648.87
Catch reporting requirements: US/Canada Area and CA II SAPs, Closed Area I SAP and Regular B Program			50 CFR 648.90
At-Sea monitoring and reporting requirements - notifications and database requirements and monitoring costs			50 CFR 648.87
NE Fishery Observer Notification			50 CFR 648.85
Trip start and end hauls			50 CFR 648.87
Days-at-sea (DAS) transfer program	NA	Days at Sea Transfer Request	
Submission of proposed special access program (SAP)			50 CFR 648.85(b)(1)
Northwest Atlantic Fisheries Organization (NAFO_ reporting requirements transf from 0648-0202			50 CFR 648.17
DAS Leasing Request Form	NA	DAS Leasing Request Form	
DAS downgrade request	NA	Leasing Downgrade Request Form	

**JUSTIFICATION FOR CHANGE  
NORTHEAST MULTISPECIES AMENDMENT 16  
OMB CONTROL NO. 0648-0605**

The National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) is requesting a non-substantive change to Office of Management and Budget (OMB) Control No. 0648-0605, Northeast (NE) Multispecies Amendment 16, by adding to it the collection OMB Control No. 0648-0475, Multispecies Days-At-Sea (DAS) Leasing Program.

The DAS Leasing Program was first implemented by Amendment 13 to the 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. All eligible vessels with a valid limited access multispecies DAS permit are able to participate in the leasing program by submitting an application to NMFS. Permit holders may request to lease DAS throughout the fishing year. 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.

The ability for vessel owners to downgrade their baseline to current vessel specifications for the purposes of DAS leasing was approved under a revision to the information collection in 0648-0475 as part of Framework Adjustment 40B to the FMP ([RIN 0648-AS33](#), final rule published June 1, 2005). This program has provided flexibility to the fishery. Vessel owners may elect to use their downgrade provision only once.

Participants in the DAS Leasing Program and baseline downgrades are the same group of users as those who submit information under OMB Control No. 0648-0605, which includes the DAS transfer program and the sector annual catch entitlement transfers, and it is reasonable to combine these information collections, increasing administrative efficiency.

This action would add 602 responses, 52 hours and \$365.98 (\$356) in recordkeeping reporting costs.

Collection	Number of Entities	Items per Entity	Total Number of Items	Recordkeeping/ Reporting Costs per Vessel	Response Time (Hours)	Total Burden (Hours)	Cost (\$) to Public
DAS Leasing	300	2	600	\$0.59	0.08	50	\$354.00
Request to Downgrade	2	1	2	\$0.59	1	2	\$1.18
<b>TOTALS:</b>			<b>602</b>			<b>52</b>	<b>\$355.18</b>

## PAPERWORK REDUCTION ACT CHANGE WORKSHEET

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

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



**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.



**APPLICATION TO LEASE  
NE MULTISPECIES DAYS-AT-SEA (DAS)  
FOR THE 2016 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, 2017.**

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.greateratlantic.fisheries.noaa.gov/amend13/das\\_baseline.htm](http://www.greateratlantic.fisheries.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.