

SUPPORTING STATEMENT
SOUTHEAST REGION GULF OF MEXICO RED SNAPPER IFQ PROGRAM
OMB CONTROL NO. 0648-0551

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) authorizes the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) manages the red snapper fishery in the waters of the Gulf of Mexico under the Reef Fish Fishery Management Plan (FMP). Reef Fish FMP Amendment 26 implemented a transferable Individual Fishing Quota (IFQ) program in the Gulf of Mexico commercial red snapper fishery. The final rule published on November 22, 2006 ([RIN 0648-AS67](#)).

This request is for revision/extension of an approved information collection. The changes are: addition of an account renewal application and removal of some reports.

A. JUSTIFICATION

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

The Gulf of Mexico commercial red snapper fishery is managed with an Individual Fishing Quota program. Commercial fishermen were allocated shares of the red snapper quota at the start of the program. These shares limit how many pounds of fish fishermen can harvest annually. Fishermen can transfer shares to other IFQ program participants, and buy or sell allocation (pounds of fish) to increase or decrease the amount they can annually harvest. Share and allocation transfers, as well as landing transactions and landing notifications are completed electronically through an online web-based accounting system.

Since 2007, NMFS has been collecting this information to administer and operate the IFQ program, which is intended to address overcapitalization of the red snapper fishery, prevent derby fishery conditions, and prevent overfishing. The collection of information addresses IFQ share certificate and allocation debits and transfers, as well as collection of landings information necessary to operate, administer, and review the commercial red snapper fishery.

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

IFQ share and allocation debits and transfers are tracked using an electronic accounting/reconciliation process developed by NMFS, in which IFQ share holders or allocation holders, dealers, NMFS personnel, IFQ vessel account holders, and 24-hour customer service personnel participate. The IFQ share or allocation holder and dealer records IFQ share, allocation, and landing transactions, as well as landing notifications using the online web-based system (<http://ifq.sero.nmfs.noaa.gov>). Transactions are completed and tracked in real-time to ensure proper accounting of share/allocation transfers, landing notifications, and landing

transactions. Each user of the IFQ online system is assigned a User ID and password for logging in.

Frequency of use of the online system varies greatly among participants depending on total shareholdings, number of fishing trips, and number of landing transactions completed. Question 12 provides a summary of the number of annual responses NMFS expects to receive for online activities. NMFS and a 24-hour customer call service use the online system daily.

NMFS monitors and audits IFQ transactions to ensure share caps are not exceeded, landing notifications are made, and landing transactions are completed in a timely fashion. NOAA also monitors quota shares suspended prior to issuance and other legal actions taken against IFQ share holders in which IFQ is garnished. For enforcement purposes, IFQ landings must occur at pre-approved landing locations, fish must be sold to IFQ permitted dealers, and fish can only be offloaded between 6:00 a.m. and 6:00 p.m. daily. Persons landing IFQ species are required to notify NMFS Enforcement at least three hours in advance of the time of landing and of the dealer where landing will occur.

During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. The Regional Administrator (RA) will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. However, there will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627 Monday through Friday between 8:00 a.m. and 4:30 p.m. eastern time.

As explained in the preceding paragraphs, the information gathered has utility. It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS 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.

Information is collected via a web-based system, and through a 24-hour call hot line, with paper submission an option only in catastrophic circumstances.

IFQ share certificate and allocation debits and transfers are tracked using an electronic accounting/reconciliation process developed by NMFS, in which the IFQ share certificate holder or allocation holder, dealer, NMFS, and a 24 hour call service participates. The following information is currently collected and monitored through the electronic accounting/reconciliation process:

- Sale of IFQ managed species to an IFQ dealer by an IFQ vessel account holder.
- Sale price of IFQ species, IFQ shares, and IFQ allocation.
- The weight of the landed catch and state trip ticket number for the transaction.
- Cost recovery fees collected by the dealer from the fisherman at the time of the landing transaction.
- To whom the catch was sold and their dealer/permit number.
- To whom shares or allocation were sold and their shareholder or vessel account User ID.
- Whether initial recipients hold enough IFQ.
- IFQ shareholdings, to ensure no one entity holds an excessive amount of shares.
- IFQ landing notifications, including vessel involved in landing, landing location, dealer to whom fish will be sold, time and date of landing, and estimated pounds to be landed.
- Reconciliations of IFQ share certificate holder or allocation holder/dealer transactions, which would be confirmed and authorized using NMSF approval codes.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances allow identification of other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist. The other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS fishery managers are requested from participants in the red snapper IFQ program.

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

NMFS would be unable to manage the red snapper IFQ program if this collection were not conducted or were conducted less frequently. The approved participants would be unknown and landing transactions could not be effectively tracked or enforced, which would result in allocations potentially being exceeded.

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

No special circumstances are associated with this information collection.

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.

A Federal Register Notice soliciting public comment on the information collection was published on April 5, 2011, (76 FR 18723). No comments were received.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen are routinely submitted, reviewed, and considered. Experience with the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants.

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

There are no payments or other remunerations to respondents.

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

As stated on the forms, all data are treated as confidential in accordance with [NOAA Administrative Order 216-100](#).

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

No questions of a sensitive nature are asked.

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

The following table is based upon the existing 2010 collection of information.

| Collection | Responsible Party | Number of Responses per Responsible Party | Burden Time | Annual Responses | Total Annual Burden Hours |
|--|-------------------------------|--|--------------------|-------------------------|----------------------------------|
| Dealer Landing Transaction Report | Dealer (117) | 28 | 5 minutes | 3276 | 273 |
| Landing Correction Form | Dealer/Fisherman (1) | 58 | 3 minutes | 58 | 3 |
| Notification of Landing | Fisherman (310) | 11 | 5 minutes | 3410 | 284 |
| Transfer of Share | Shareholder (487) | 1 | 2 minutes | 487 | 16 |
| Transfer of Allocation | Shareholder (487) | 8 | 5 minutes | 3,896 | 325 |
| IFQ online account renewal application | Shareholder/U.S Citizen (487) | 1 | 10 minutes | 487 | 81 |
| Paperbased Landing Form | Dealer/Fisherman (0) | 0 | 5 minutes | 0 | 0 |
| TOTALS | 1,889* | | | 11,614 | 982 |

*Unduplicated respondents: 487

The labor cost for 983 burden hours is estimated to be \$14,745 for all reporting activities, based on an estimated average labor cost of \$15.

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).

Section 304(d)(2)(A) of the Magnuson-Stevens Act provides the Secretary of Commerce the authority to establish a fee to assist in recovering the actual costs directly related the management and enforcement of any IFQ program. Such a fee may not exceed three percent of the ex-vessel value of fish harvested under any such program, and must be collected either at the time of landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested. Fees collected shall be in addition to any other fees charged under the Magnuson-Stevens Act and shall be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B) of the Magnuson-Stevens Act except that the portion of fees reserved under section 304(d)(4)(A) of the Magnuson-Stevens Act shall be deposited in the United States Department of the Treasury and available, subject to annual appropriations, to cover the costs of new direct loan obligations and new loan guarantee commitments as required by section 504(b)(1) of the Federal Credit Reform Act (2 U.S.C. 661 c(b)(1)). Collection of such fees is necessary to recover cost for enforcement and program administration including data collection, management, and distribution.

A three percent fee of the ex-vessel value of landed fish is collected from the fisherman at the point of purchase by an authorized red snapper IFQ dealer. Dealers are responsible for submitting the cost recovery fees on a quarterly basis. **Based on a 3.3 million pound**

commercial red snapper quota, a 3% fee, and an ex-vessel price of \$3.36 per pound, the fee total would be \$333,000 for 310 fishermen, or an average of \$1,074.

Total costs would be \$333,000.

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

The following expenditures include incremental costs directly associated with management of the Red Snapper IFQ and exclude incremental costs associated with management of the Grouper-Tilefish IFQ program.

| | |
|----------------------------------|---------------------|
| Planned expenditures | \$436,000.00 |
| Program Administration | \$70,000.00 |
| Web development | \$80,000.00 |
| Research and monitoring | \$60,000.00 |
| Law Enforcement | \$200,000.00 |
| 24-hour call service | \$6,000.00 |
| Vessel monitoring system updates | \$10,000.00 |
| Travel, printing, etc. | \$10,000.00 |

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

Changes to Hours:

Program change: As this program is closed to new applicants for now, there will be no new account activation (removal of 213 hours). However, existing shareholders will need to renew their accounts annually (addition of 81 hours).

Program change: There is now a landing correction form, adding 3 hours.

Program change: The dealer and shareholder annual reports, and the active vessel report, are no longer required, as NMFS can obtain the information from the information entered into the accounts. This removes 145 hours.

Program change: A one-time burden for adding percentage of ownership (added in a 2008 revision) has expired as a separate requirement, with the information now included in the vessel permit applications. There is a decrease of 24 hours.

Net program change burden is a decrease of 298 hours.

Adjustments: There are fewer dealers and fishermen than in the last submission, but in some cases, there are more reports per respondent. **These changes account for a net addition of 242 hours.**

Changes to Costs:

Adjustment: There is a net decrease of \$50,764 for the total fees expected, from \$383,764; although the current ex-vessel price is higher than at the time of the previous submission, there are fewer respondents.

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

The results from this collection are not planned for peer-review publication. IFQ program staff complete a summary report of the program annually. This report undergoes scientific review by the Southeast Fisheries Science Center and complies with Information Quality Act guidelines. Data collected are aggregated, as needed, to maintain confidentiality when disseminating data.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.