

**SUPPORTING STATEMENT  
DOCUMENTATION OF FISH HARVEST  
OMB CONTROL NO. 0648-0365**

**A. JUSTIFICATION**

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

This request is for revision and extension of a current information collection.

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) issued a final rule to implement Amendment 9 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) on January 25, 1999 ([64 FR 3624, RIN 0648-AK05](#)). That rule contained an information collection requirement that dealers possessing red porgy, gag, or black grouper, harvested during seasonal closures must maintain documentation that such fish were harvested from areas other than the South Atlantic. On June 29, 2009, a final rule implementing Amendment 16 to the FMP was published, which added several more species to the information collection ([74 FR 30964, RIN 0648-AW64](#)). These species include greater amberjack, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney.

During January through April, no person may sell or purchase a red porgy, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney. In addition, during April, no person may sell or purchase greater amberjack, harvested from South Atlantic Federal waters or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic (i.e., state or Federal waters). This prohibition does not apply to a dealer's purchase or sale of such species harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic.

There is a program change to include the additional species added to this information collection in 2009. There is no change to burden, as dealers possessing the original three species generally possess one or more of the additional species.

**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.**

A dealer's purchase or sale of greater amberjack, red porgy, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney harvested from an area other than the South Atlantic must be accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain the information specified in 50 CFR part 300 subpart K (quoted in its entirety in the attached [50 CFR § 622.45\(d\)\(6\)-\(9\)](#)) for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce. The required documentation will allow dealers to sell fish which were

caught from areas outside the South Atlantic during closed seasons. The following information is required to be maintained on each container and/or catch of harvested greater amberjack, red porgy, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney, during closed seasons:

- a) The official number of the vessel harvesting the greater amberjack, red porgy, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney
- b) The registered name of the vessel harvesting the above-named species
- c) The home port of the vessel harvesting the above-named species
- d) The port of offloading from the vessel harvesting the above-named species
- e) The date of offloading from the vessel harvesting the above-named species
- f) A statement signed by the dealer attesting that the the above-named species were harvested from an area other than the South Atlantic.

Law Enforcement Officers from NMFS will use the data when investigating the sale of fish during those periods when fishing is restricted. Record keeping is required to document the origin of the fish being sold out of season.

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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical, or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and 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.**

The records required at the time of inspection are to be maintained by the fish dealer and must remain and be retained with the fish product, container, and/or catch being sold during those periods when fishing is restricted. Thus, these are documents that cannot be captured or transferred electronically or automated in any format available through information technology.

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

There are no similar or comparable programs, as only federal regulations have been developed for this specific situation.

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

Most of the dealers in these fisheries can be categorized as small businesses. The collection will not have a significant impact on small businesses, and no special modifications of the requirements were considered necessary to accommodate the needs of small businesses.

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

There is no reporting frequency requirement for the dealers. Records are maintained and made available upon request by NMFS Law Enforcement Officers. If records are not kept either proper enforcement could not take place or dealers would be prohibited from possessing otherwise legal fish.

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

No special circumstances require the collection to be conducted in a manner inconsistent with OMB guidelines.

**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 February 14, 2012 (77 FR 8217). No comments were received.

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

No payments or gifts are provided.

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

There is no assurance of confidentiality provided.

**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 sensitive information is required.

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

The recordkeeping requirement is expected to be utilized 100 times each year (an average of 4 times per each of 25 dealers) and to consume 30 minutes for each response. The total burden for this request is 50 hours.

**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).**

The recordkeeping requirement is consistent with normal business practices and should not involve any additional cost.

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

There is no cost to the government other than regular staff time: approximately 50 hours per year at \$20 per hour, or \$1,000.

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

The final rule implementing Amendment 16 to the FMP implemented a seasonal closure for additional snapper-grouper species (74 FR 30964, June 29, 2009). This took place after the last request under this OMB Control Number. In addition to red porgy, gag and black grouper, these species now include greater amberjack, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney. Dealers possessing any of these species harvested during seasonal closures must maintain documentation that such fish were harvested from areas other than the South Atlantic. There is no change to burden, as dealers possessing the original three species generally possess one or more of the additional species.

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

No formal publications based on these collections are planned.

**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.**

There are no exceptions.

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

The collection does not employ statistical methods.