

**SUPPORTING STATEMENT
AMENDMENTS 15B AND 18A TO THE SNAPPER-GROUPER FISHERY OF THE
SOUTH ATLANTIC REGION
OMB CONTROL NO. 0648-0603**

INTRODUCTION

This request is for revision to this information collection. We are also changing the title of this information collection from “Snapper-Grouper Fishery of the South Atlantic Region Amendment 15B” to “Amendments 15B and 18A to the Snapper-Grouper Fishery of the South Atlantic Region”. *We are resubmitting this request with the Final Rule 0648-BB56 (Amendment 18A to the Snapper-Grouper Fishery of the South Atlantic Region), with no changes to the information collection requirements described below.*

The National Oceanic and Atmospheric Administration (NOAA) and NOAA’s National Marine Fisheries Service (NMFS) have been delegated the authority and responsibility for stewardship of the marine resources of the Nation. The authority was first granted in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976. The reauthorizations of the Magnuson-Stevens Act in 1996 and 2006 continued and in some way extended this authority. Under this authority, the Secretary of Commerce, and his designee, NMFS, has promulgated separate rules that require specific types of record keeping and data submissions. These data collection/submission regulations are intended to provide reliable and accurate information from the fishing industry and communities that support scientifically viable management actions to achieve the stewardship responsibilities, including monitoring bycatch in various fisheries.

The first step in reducing and minimizing bycatch is to characterize the magnitude and species composition of animals that are discarded. The U.S. Congress established Section 303(a) (11) of the Magnuson-Stevens Act, which states that any Fishery Management Plan (FMP) prepared by any Council, or by the Secretary of Commerce, with respect to any fishery, shall “establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery...” To support this mandate, the National Standard Guidelines call for development of a database for each fishery to house bycatch and bycatch mortality information (63 FR 24212).

NMFS defines a standard bycatch reporting methodology as a description of both the data collection and analyses used to estimate bycatch in a fishery. Development of a standardized reporting methodology will ensure the collection and distribution of timely, reliable, and standardized bycatch data to the public and policy decision-makers. During the 1990s, there were a number of ad hoc studies to estimate bycatch in the South Atlantic. The Council is seeking to implement a long-term, standardized monitoring and assessment program as part of these snapper-grouper amendments.

The need for information to support fishery management decisions, including information from at-sea observer programs and/or, logbooks, electronic logbooks (ELBs), and video monitoring is increasing due to demands for additional data. The information collected is vital in assessing the economic, social, and environmental effects of the fishery management decisions and regulations for commercial, for-hire, and recreational fisherman. Amendment 15B to the Snapper-Grouper

Fishery of the South Atlantic Region (Amendment 15B), was implemented through Final Rule RIN 0648-AW12 (November 16, 2009, 74 FR 58902).

Revision: Amendment 18A to the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 18A) will be implemented through Proposed Rule 0648-BB56, which seeks to enhance data needed to monitor bycatch, support development and monitoring of annual catch limits, and providing adequate data for stock assessments. More specifically, this rule would update the current rebuilding strategy for black sea bass, modify the current system of accountability measures for black sea bass, limit effort in the black sea bass segment of the snapper-grouper fishery, and improve fisheries data in the for-hire sector of the snapper-grouper fishery. The intent of this rule is to reduce overcapacity in the black sea bass segment of the snapper-grouper fishery. There are only two information collections from the public in this rule: 1) expanding the use of electronic logbooks (ELBs) for for-hire vessels and 2) instituting an appeals mechanism for those vessels whose landing data were deemed by NMFS not to qualify them for a black sea bass pot gear endorsement.

Currently, data collection using logbooks and trip reports in the South Atlantic snapper-grouper fishery includes the commercial, for-hire, and private recreational sectors. Amendment 15B included the ability for the recreational sector to submit logbooks. The South Atlantic Fishery Management Council (Council) voted to select any or all of the following as means of gathering bycatch data in the commercial, for-hire, and private recreational sectors of the fishery through Amendment 15B: 1) Submission of logbooks by private recreational vessel owners*; 2) observer coverage with notification of vessel trips related to vessel observers; 3) ELBs and video monitoring with preparation of vessel and gear characterization forms for vessels selected to participate in the ELB and video monitoring program along with installation of ELBs and data downloads. The Council voted through Amendment 18A to select participants from the permitted for-hire vessels fleet and require those selected to report electronically, per NMFS Science and Research Director (SRD), Southeast Fisheries Science Center.

Amendment 15B contained information collection requirements, some of which formed a new collection, OMB Control No. 0648-0603, and others which were modifications to OMB Control No. 0648-0593.

Amendment 18A contains a modification of one information collection requirement in the approved information collection: OMB Control No. 0648-0603, as well as a new information collection.

The Amendment 15B final rule reporting burden included only 2 percent of the commercial and for-hire fleets for ELB installation and downloads. Amendment 18A includes the potential for the entire for-hire snapper-grouper fleet, made up of 1,487 for-hire vessels (2010 data) to be included in the ELB program for installation and downloads. This will increase the public reporting burden for this information collection. *The Council's goal is to eventually require ELB reporting by all for-hire vessels, but they have not yet made a decision as to how many to select in any given year. Therefore, we are including ELB reporting for all for-hire vessels in this request, so that all possible burden will be accounted for.*

* However, at this time, although we have information on the number of trips by private recreational vessels, we have no way of determining the number of vessels involved, as state registration for private recreational vessels does not include information on whether there are fishing trips in the exclusive economic zone (EEZ). There is also currently no way to enforce the above information collection requirements for private recreational vessels.

Therefore, requirements for this group of respondents were not included in the original request, but will be added at a later date if feasible.

Although there is currently a black sea bass rebuilding strategy in place, an October 2011 assessment ([Southeast Data, Assessment and Review \(SEDAR\) 25](#)) showed that stock size of black sea bass is below the biomass level at which the stock is considered to be rebuilt. Furthermore, the stock is undergoing overfishing to a minor degree based on 2009 and 2010 data. One of the strategies for more effective rebuilding of this species' stock would be to institute a pot gear endorsement, effectively limiting participation in the black sea bass pot segment of the snapper-grouper fishery. No action will be needed by respondents to effect the endorsement, which will be based on possession of a valid South Atlantic Unlimited Snapper-Grouper Permit on the effective date of the final rule implementing Amendment 18A, if approved by the Secretary of Commerce. In addition to this requirement, qualifying permit holders must have average annual black sea bass landings of at least 2,500 lb (1,134 kg), round weight, using black sea bass pot gear between January 1, 1999, and December 31, 2010. Those permit holders with no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010, would be excluded from the endorsement program. The number of South Atlantic Unlimited Snapper-Grouper Permit holders that would be expected to meet these criteria is 31. Only if a commercial respondent wishes to appeal an endorsement qualification determination, would they need to submit information, in the form of an appeal.

A. JUSTIFICATION

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

Installation of ELBs, and data downloads

The electronic logbook provides data on fishing effort and location. Electronic logbooks have the potential to automatically collect information on date, time, location, and fishing times. Information (species, length, disposition) of released species can be manually entered into the system at the end of a fishing event. If the electronic format prompts a fisherman to record data as bycatch occurs, an electronic logbook may provide better estimates of bycatch than a paper logbook.

The ELB monitoring programs are designed to improve the accuracy and precision of the data being collected in the snapper-grouper fishery. In Amendment 15B, 2% of vessels used for ELB monitoring were chosen randomly by the SRD from the permits database and once selected, the vessel would remain as part of the sample. In the proposed rule for Amendment 18A, for-hire vessels would be chosen randomly by the SRD from the entire pool of 1,487 (minus the first set of for-hire vessels originally selected) to report electronically.

Pot Gear Endorsement Appeals

As described above, due to the planned pot gear endorsement, there would also be an appeals process for those vessels wishing to appeal a determination of eligibility for this endorsement.

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.

The information requested is used by various offices of NMFS, Regional Fishery Management Council staff, the U.S. Coast Guard (USCG) and state fishery agencies under contract to NMFS to develop, implement and monitor fishery management strategies. Analyzes and summarizations of data are used by NMFS, the Regional Councils, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff and the public to answer questions about the nature of the Nation’s fishery resources.

These data serve as input for a variety of uses, such as: Biological analyzes and stock assessments; E.O. 12291 regulatory impact analyzes; quota and allocation selections and monitoring; economic profitability profiles; trade and import tariff decisions; allocations of grant funds among states; identify ecological interactions among species.

The logbook family of forms has evolved as a means of collecting data from specific user groups within fisheries that are managed under federally implemented FMPs. The Southeast Fisheries Science Center (SEFSC) has the responsibility for both preparation of stock assessments (estimation of maximum sustainable yield and/or other indexes of biomass) and collection of the scientific data that are required to perform the assessments. A secondary data collection responsibility is to provide information that is necessary to routinely monitor and evaluate the conditions in the fisheries under federal management.

Previously, 33 for-hire vessels made up the universe of vessels for ELB installations and video cameras for the public reporting burden in Amendment 15B.

Amendment 18A proposed rule includes random selection from the entire for-hire fleet for ELBs only, which includes 1,487 for-hire vessels (2010 data), minus the 33 vessels which already have ELBs, or 1,454.

Table 1. Number of permitted vessels and possible total ELB installations, including currently installed ELBs, for proposed data collection actions in Amendment 18A. 2010 Data)

Respondents	# Permitted Vessels	Possible ELB Installations
For-Hire	1,487	1,487

Installation of ELBs and data downloads

The ELB and program is designed to improve the accuracy and precision of the data being collected in the snapper-grouper fishery. Similar to logbook information collections, vessels used for ELB would be chosen randomly by the SRD from the permits database and once selected, the vessel would remain as part of the sample.

To initiate an ELB, NMFS would send a letter to an owner or operator of a selected vessel advising of his or her obligation to participate in the program. In cooperation with the owner or operator, NMFS staff or an authorized representative would meet at the selected vessel to install the NMFS furnished ELB on the vessel and to collect basic vessel and gear information that would later be correlated with the ELB or video monitoring information. Using the Global Positioning System, an ELB would automatically record vessel position information over time from which conclusions could be drawn regarding vessel activity, (e.g., the vessel is fishing or transiting). At intervals determined by NMFS, the ELB memory unit would be removed and provided to the SRD. The owner or operator could either mail the memory unit to the SRD or arrange for a NMFS or state port agent to collect the unit or tape.

The ELB program would supplement existing post-trip interview data and is intended to provide better estimates of the amount and location of effort occurring during a trip. With an ELB, bycatch in the fishery would be estimated from a second sampling program based on observer data. NMFS would use total effort estimates based on best available scientific information to extrapolate observer-collected data into overall estimates of total finfish and invertebrate bycatch. A pilot program using ELBs in the Gulf of Mexico started in 1999 (OMB Control No. 0648-0543), with increasing coverage each year. The units have proved to be reliable and the data retrieved have provided substantial new information regarding the effort of the fishery in which it was used.

Pot Gear Endorsement Appeals

South Atlantic Unlimited Snapper-Grouper Permit holders who believe they were incorrectly excluded from the black sea bass pot endorsement program are eligible to appeal their landings information. The number of South Atlantic Unlimited Snapper-Grouper Permit holders that would be expected to meet these criteria is 31, However, there are 104 other permit holders with black sea bass landings using pot gear during the time frame given in the Introduction. Therefore, potentially 104 permit holders could appeal their landings information. Appellants would be given 90 days beginning on the effective date of the final rule to appeal. The Regional Administrator (RA) would review, evaluate, and render final decisions on appeals. Hardship arguments would not be considered. The RA would determine the outcome of appeals based on NMFS logbooks. If NMFS logbooks are not available, the RA may use state landings records. Appellants would be required to submit NMFS logbooks or state landings records to support their appeal. This would be a one-time information collection.

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.

Using the Global Positioning System, an ELB would automatically record vessel position information over time from which conclusions could be drawn regarding vessel activity, (e.g., the vessel is fishing or transiting). At intervals determined by NMFS, the ELB memory unit would be removed and provided to the SRD. The owner or operator could either mail the memory unit to the SRD or arrange for a NMFS or state port agent to collect the unit or tape. The electronic logbook autonomously collects effort data and is downloaded by NMFS personnel every 2-3 months. The downloading process takes less than one minute.

For this program, there is no other electronically submitted/collected information. Appeals regarding pot gear endorsement eligibility would be submitted by mail to the RA, 263 13th Avenue South, St. Petersburg, FL 33701.

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 identify 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. Although the Southeast Region uses Vessel Monitoring Systems (VMS) for some of its commercial fishing fleets, currently, no such program exists in the snapper-grouper fishery fleet; therefore, no duplication exists between the ELB and VMS programs.

Regarding the pot gear appeals, this information collection would be in response only in the context of the pending NMFS rule. There would be no duplication possible of such appeals.

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' fisheries management are requested from the vessel owners.

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

If the amount and type of bycatch for the snapper-grouper fishery in the South Atlantic cannot be identified and characterized, the effect of management measures are not realized and information used in stock assessments is less certain. The Southeast Region would be in violation of the Magnuson-Stevens Act Section 303 (a) (11) if bycatch amount and type is not identified in the

snapper-grouper fishery. In addition, due to the seasonal variability in abundance and price of species and the broad geographic distribution of the fleet, it is very difficult to estimate the actual amount of bycatch using current methods and data. The NMFS would be significantly hindered in its ability to fulfill the majority of its scientific research and fishery management missions without these data.

If the pot gear endorsement were not instituted, an important mechanism for rebuilding the black sea bass stocks would not be available. An appeals process must always be part of such an action: under §303A(c)(1)(I) of the Magnuson-Stevens Act, "Requirements for Limited Access Privileges", "Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall...include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges..."

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

There are no special circumstances that require the collection to be conducted in a manner inconsistent with Office of Management and Budget (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 Proposed Rule RIN 0648-BB56, for Amendment 18A, was published in the Federal Register coincident with the original information collection submission, soliciting public comment. There were no comments which affected the information collection requirements.

We are resubmitting the request with the draft final rule, which is expected to publish approximately June 1, 2012.

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.

All data submitted under the proposed collection will be handled as confidential material in accordance with the Magnuson-Stevens Act, Section 402b, and NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Respondents are given this assurance as a part of the initial package received with the ELB.

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.

Table 1. Amendment 15B included 489 burden hours and 3,427 responses, for commercial and for-hire ELBs and video cameras, and commercial annual reports.

Respondent vessels	ELB install	Hours @ 30 min. per install	Weekly ELB download (vessels *52)	Hours @ 1 min. per week	Video cam install	Hours @ 8 hours per install	Monthly video cam Download (vessels *12)	Hours @ 1 min. per month	Annual report sub. with transfer request	Hours @ 5 min. per response	Public hours
Commercial - all									127	11	11
Commercial (17) and for-hire (33) selected vessels	50	25	2,600	43	50	400	600	10			478
Total responses	50		2,600		50		600		127		Responses: 3,427 Hours: 489

Table 2. Subset of 15B ELB burden: Number of selected for-hire vessels, responses and public hours

Respondent vessels (33 for-hire)	ELB install	Hours@ 30 min. per install	Weekly ELB download (vessels x52)	Hours @ 1min. per week x 1,716	Burden hours
Hours		17		29	46
Responses	33		1,716		1,749

With Amendment 15B, the burden hours and responses for ELB installations and downloads and reporting were 46 burden hours (17 hours for installation and 29 for downloads) and 1,749 responses (33 installs and 1,716 weekly downloads).

Table 3. Number of additional selected for-hire vessels, responses and burden hours involved for proposed data collection actions in 18A (2010 Data).

Respondent vessels	Possible new ELB installations	Hours@ 30 min. per install	Weekly ELB download (vessels x52)	Hours @ 1min. per week	Burden hours
Hours		727		1,260	1,987
Responses	1,454 (1,487-existing 33)		75,608		77,062

Addition of up to 104 black sea bass endorsement appeals, at 2 hours per appeal, would add a maximum of 104 responses and 208 hours.

The new total **burden hours and responses** for OMB Control No. 0648-0603, included in the information collections for Amendments 15B and 18A, would be **2,684** (489 for all 15B burden hours + 1,987 for 18A additional for-hire burden hours + 208 for appeals) **and 80,593** (3,427 for all 15B responses + 77,062 for 18A additional for-hire responses + 104 appeals responses). **Respondents:** 50 from Amendment 15B plus 1,454 additional for-hire vessels + 104 commercial vessel appellants = **1,608**.

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).

There are no capital costs, and the only recordkeeping/reporting costs for this collection would be that of mailing pot gear endorsement appeals. For up to 104 appeals sent by mail, at a postage cost of \$10, the maximum recordkeeping/reporting cost would \$1,040.

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

Current estimates of unit costs of aspects of the programs are available, such as the cost of an electronic logbook, approximately \$500 per unit, and video monitoring. The cost of providing the existing ELB and video monitoring for 50 vessels (17 commercial and 33 for-hire) would be \$100,000 (\$50,000 for equipment and an equal amount for installs, downloading and reviewing of the data).

To provide an ELB for the additional 1,454 vessels would be \$1,454,000 (\$727 for equipment and an equal amount for installs, downloading, and reviewing of the data).

The cost of reviewing appeals would be 104 x 2 hours per appeal at a cost to the government of \$20/hour, or \$4,160.

Total government costs: \$100,000 + \$1,554,000 + \$4,160 = \$1,658,160.

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

Program changes:

Amendment 18A includes for-hire vessels in the snapper-grouper fishery for the universe of ELB installations and downloads, whereas, Amendment 15B included only 2% of the for-hire fleet in the estimates for public reporting hours and responses. Additional respondents are 1,454; additional burden hours and responses are 1,987 and 77,062.

Amendment 18A also includes a mechanism for up to 104 appeals of sea bass pot gear endorsement determinations, thus adding 104 respondents, 208 hours and \$1,040 in postage costs.

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

The results from this collection are not planned for statistical publication, although NMFS may distribute the results of the observations for general information.

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.