

**SUPPORTING STATEMENT
SOUTHEAST REGION GULF OF MEXICO RED SNAPPER INDIVIDUAL FISHING
QUOTA (IFQ) PROGRAMS
OMB CONTROL NO. 0648-0551**

A. JUSTIFICATION

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

With the revision of the wreckfish Individual individual transfer quota (ITQ) program through the final rule implementing Amendment 20A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, per RIN 0648-AY74, NMFS must implement a process to allow participants in the South Atlantic wreckfish ITQ program to submit an appeal of ITQ landings information. Participants needing to appeal would be required to submit documentation, including NMFS' logbooks or state landings records to support their appeal.

As will be stated in § 622.15(a)(1)(iv), appeals must be submitted to the Regional Administrator (RA) postmarked no later than January 24, 2012, and must contain documentation supporting the basis for the appeal. The only items subject to appeal are the status of wreckfish quota shares, as active or inactive and the accuracy of the amount of landings. The RA will review and evaluate all appeals, render final decisions on the appeals, and advise the appellant of the final decision. Appeals based on hardship factors will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available, the RA may use state landings records. Appellants must submit NMFS' logbooks or state landings records, as appropriate, to support their appeal.

There are currently 10 wreckfish shareholders to which the above requirement could apply if they chose to submit an appeal. NMFS will send a letter to each permit holder on the date of publication of the final rule (October 26, 2012) explaining the process for appeals.

NMFS would like to add the appeals process to the ITQ program.

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 will only be used during the appeals process, which lasts for a period of 90 days from the date of effectiveness of the final rule (from October 26 - January 24, 2012).

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS retains control over the information and safeguard sit from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. 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.

The appeals process is not currently an electronic process. Appellants must submit NMFS' logbooks or state landings records in hard copy to support their appeals.

4. Describe efforts to identify duplication.

The 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 wreckfish ITQ 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 wreckfish ITQ 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 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.

A Federal Register Notice solicited public comment on the proposed rule for Amendment 20A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (77 FR 19615, March 30, 2012). Comments regarding the collection of information requirement include: (1) An analysis of what can be appealed is requested. NMFS responded that the appeals process allows inactive wreckfish shareholders to appeal the reversion of their shares that NMFS considers "inactive", and active shareholders can appeal the percentage of reverted shares that NMFS redistributes to them. Any shares remaining after completion of the appeals process, up to 1.401 percent of the shares, will be reverted and redistributed among the remaining active shareholders, depending on the remaining individual shareholder's landings history from April 16, 2006, through January 14, 2011. (2) The appeals process will only be as good as NMFS wishes that effort to become. NMFS responded that the appeals process included in Amendment 20A allows inactive wreckfish shareholders to appeal the reversion of shares they hold (inactive status), and active shareholders to appeal the percentage of reverted shares redistributed to them. The Regional Administrator will render decisions on appeals based on NMFS logbooks or state landings data if NMFS logbooks are not available. Hardship appeals will not be considered. NMFS finds this appeals process to be appropriate for the commercial wreckfish sector.

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.

All data that are submitted 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 current burden hours for this collection are 2,339 hours.

In the information collection request related to the wreckfish ITQ program implementation, RIN 0648-AD57 (57 FR 7886, March 5, 1992), the burden for the appeals process for the wreckfish ITQ fishermen was not included. Therefore, we are now requesting additional burden for the 10 respondents that may need to submit an appeal of ITQ landings information; a maximum additional 2 hours would be required, for an annual total of 20 hours.

The new burden hours would total 2,359 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 #12 above).

The only reporting/recordkeeping costs would be for mailing appeals (10 x \$0.45 = \$4.50). Total additional annual costs would be \$4.50. The new cost for this collection of information requirement would total \$333,050.50.

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

Currently, the cost to the Federal government for this collection approximates \$500,000 a year.

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

NMFS is requesting additional burden for the 10 respondents that may need to submit an appeal of ITQ landings information. Four of these respondents are already included in the burden and cost estimate for OMB Control No. 0648-0551. However, the additional six respondents, responses, burden and cost are not currently included; thus we are requesting to add these estimates. The additional annual costs would be \$4.50 for mailing appeals, and adding 6 new respondents brings the total respondents for this collection to 1,652 respondents. Adding in potentially 10 new responses, brings the total responses for this collection to 28,252.

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.

The OMB number will be displayed.

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.