

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

**INTRODUCTION**

This is a resubmission, with the final rule (RIN 0648-BB58, Amendment 18B to the Snapper-Grouper Fishery off the Southern Atlantic States), of a request for a comprehensive revision. There are no changes to the information collection requirements since the first submission, due to public comment or for any other reason.

We are also changing the title of this information collection from “Amendments 15B and 18A to the Snapper-Grouper Fishery of the South Atlantic Region” to "Amendments 15B, 18A, and 18B to the Snapper-Grouper Fishery of the South Atlantic Region".

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 (74 FR 58902, November 16, 2009). Amendment 15B, in part, required private recreational vessels that fish in the EEZ, if selected by NMFS, to maintain and submit fishing records; and required vessels that fish in the EEZ, if selected by NMFS, to carry an observer and install an electronic logbook (ELB) and/or video monitoring equipment provided by NMFS. These management measures were intended to provide additional information for, and otherwise improve the effective management of, the South Atlantic snapper-grouper fishery.

Amendment 18A to the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 18A) was implemented through Final Rule 0648-BB56 (77 FR 32408, June 1, 2012). Amendment 18A, in part, expanded the use of ELBs for for-hire vessels in the snapper-grouper fishery and instituted an appeals process for those vessels whose landings data were deemed by NMFS not to qualify them for a black sea bass pot endorsement. These management measures were intended to improve fisheries data in the for-hire sector of the snapper-grouper fishery and reduce overcapacity in the commercial black sea bass component of the snapper-grouper fishery. *Appeals for this endorsement are no longer applicable.*

**Revision:** Amendment 18B to the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 18B) will be implemented through Final Rule 0648-BB58. Amendment 18B, in part, will establish an appeals process. Snapper-grouper permit holders wishing to appeal either their golden tilefish endorsement qualification determination or the accuracy of the amount of their landings, would need to submit information in the form of an appeal.. The intent of the management measures in Amendment 18B is to reduce overcapacity in the commercial golden tilefish component of the snapper-grouper fishery.

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. The Council is currently developing an amendment to require all headboats to report electronically.

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.

\* 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.

Amendment 18A modified one information collection requirement and added a new information collection requirement in the approved information collection: OMB Control No. 0648-0603.

Amendment 18B contains information collection requirements, one of which will modify the approved information collection: OMB Control No. 0648-0603, and the others will modify OMB Control No. 0648-0205.

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 included 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. The Council is developing an amendment to require electronic reporting for all headboats. Once an electronic system for headboat reporting is in place, the Council will implement a similar system for charter vessels.

The Amendment 18A reporting burden included an appeals process for snapper-grouper permit holders that NMFS determined did not qualify for a black sea bass pot endorsement. Permit holders could appeal their endorsement status or the accuracy of their landings using their landings data. Before the appeals process, NMFS determined that 31 snapper-grouper permit holders met the criteria for an endorsement. The criteria included: possession of a valid South Atlantic Unlimited Snapper-Grouper Permit on the effective date of the final rule implementing Amendment 18A, and having 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, did not qualify for an endorsement. During the appeals process, only one snapper-grouper permit holder appealed his endorsement status and submitted landings information to appeal. NMFS determined that this snapper-grouper permit holder qualified for an endorsement, which brought the total black sea bass pot endorsement qualifiers to 32. As of November 2012, only 27 black sea bass pot endorsements have been issued.

Amendment 18B would establish a longline endorsement program for the commercial golden tilefish component of the snapper-grouper fishery. The endorsement program would limit participation and reduce excess capacity in the golden tilefish component of the fishery. The eligibility criteria for a golden tilefish longline endorsement includes: possession of a valid South Atlantic Unlimited Snapper-Grouper Permit on the effective date of the final rule implementing Amendment 18B and having an average golden tilefish landings of at least 5,000 lb (2,268 kg), gutted weight, for the best 3 years within the period 2006 through 2011. The number of South Atlantic Unlimited Snapper-Grouper permit holders that would be expected to meet these criteria is 23. Only if a commercial respondent wishes to appeal an endorsement qualification determination or the accuracy of the amount of landings, 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.

#### Black Sea Bass Pot Endorsement Appeals - Removed

As described above, an appeals process was established for those snapper-grouper permit holders wishing to appeal a determination of eligibility for the black sea bass pot endorsement. Only one snapper-grouper permit holder out of the 104 potential permit holders appealed his endorsement status and submitted landings to appeal.

#### Golden Tilefish Longline Endorsement Appeals

As described above, due to the planned golden tilefish longline endorsement, there would be an appeal process for those snapper-grouper permit holders wishing to appeal a determination of eligibility for the golden tilefish longline endorsement.

#### Change of ownership of a vessel with a transferable commercial vessel permit and corporation annual report.

The regulations to transfer a commercial vessel permit are listed in [50 CFR 622.4](#) and require the back page of the Federal Fisheries Permit form (OMB Control No. 0648-0205) to be completed by the seller and a Notary Public. If a corporation is transferring a commercial vessel permit, there is a requirement for the corporation to submit an annual report with a list of its shareholders during the transfer application process.

An individual is allowed to transfer his or her individual transferable vessel permit to a corporation whose shares are all held by the individual or the individual and one or more of his or her immediate family members. Immediate family members include only the following: husband, wife, son, daughter, brother, sister, mother, or father. Such transfer may be done on a one to one permit transfer basis. At the time of permit renewal, the corporation must also submit to NMFS a current annual report (copy of report generated for shareholders), which specifies all shareholders of the corporation.

If the annual report shows a shareholder other than the shareholders listed in the original corporate documentation, the permit shall not be renewed unless such new shareholder is an immediate family member of the individual who originally transferred the vessel permit to the family corporation.

Thus, the only burden to the public is five minute to submit the corporation's annual report along with the required Permit/License/Endorsement Transfer application.

**2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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 included 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 data collection actions contained in Amendment 18A (2010 Data).

<b>Respondents</b>	<b># Permitted Vessels</b>	<b>Possible ELB Installations</b>
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 are chosen randomly by the SRD from the permits database and once selected, the vessel remains part of the sample.

To initiate an ELB, NMFS sends 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 meets at the selected vessel to install the NMFS furnished ELB on the vessel and to collect basic vessel and gear information that later is correlated with the ELB or video monitoring information. Using the Global Positioning System, an ELB automatically records vessel position information over time from which conclusions are drawn regarding vessel activity, (e.g., the vessel is fishing or transiting). At intervals determined by NMFS, the ELB memory unit is removed and provided to the SRD. The owner or operator can 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 supplements 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 is estimated from a second sampling program based on observer data. NMFS uses 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 is used.

**Black Sea Bass Pot Endorsement Appeals - Removed**

South Atlantic Unlimited Snapper-Grouper Permit holders who believed they were incorrectly excluded from the black sea bass pot endorsement program were eligible to appeal their landings information. The number of South Atlantic Unlimited Snapper-Grouper Permit holders expected to meet the criteria was 31. After the appeals process was completed, one additional permit holder was determined to qualify. Therefore, 32 permit holders met the endorsement criteria. As of November 2012, 27 black sea bass pot endorsements have been issued.

### **Golden Tilefish Longline Endorsement Appeals**

South Atlantic Unlimited Snapper-Grouper Permit holders who believe they were incorrectly excluded from the golden tilefish longline endorsement program are eligible to appeal their landings information. The number of South Atlantic Unlimited Snapper-Grouper Permit holders expected to meet these criteria is 23. However, there are 43 longline vessels with valid permits that operate in the commercial snapper-grouper fishery that landed golden tilefish during the eligible time frame. Therefore, potentially 43 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 National Appeals Office would review, evaluate, and render recommendations on appeals to the Regional Administrator (RA). The 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.

### **Change of ownership of a vessel with a transferable commercial vessel permit.**

The regulations to transfer a commercial vessel permit are listed in CFR 622.4 and require the back page of the Federal Fisheries Permit form to be completed by the seller and a Notary Public. If a corporation is transferring a commercial vessel permit, there is a requirement for the corporation to submit an annual report with a list of its shareholders during the transfer application process.

The estimated public burden is provided in Table 1.

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 automatically records vessel position information over time from which conclusions are drawn regarding vessel activity, (e.g., the vessel is fishing or transiting). At intervals determined by NMFS, the ELB memory unit is removed and provided to the SRD. The owner or operator can 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. The Council is currently developing an amendment to implement electronic headboat reporting in the South Atlantic.

Appeals regarding golden tilefish 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 golden tilefish longline endorsement 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 golden tilefish longline endorsement were not instituted, an important mechanism for reducing overcapacity in the golden tilefish component of the snapper-grouper fishery would not be available. An appeals process must 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-BB58), for Amendment 18B, was published on December 19, 2012, soliciting public comment on the information collection requirements. No comments on the information collection requirements were received, only on the concept of the endorsement itself, and the allocations for the applicable species, overall and per gear fishery.

**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 2. Respondents, responses, and burden hours for ELBs/video cameras, commercial annual reports, and appeals for black sea bass pot and golden tilefish longline endorsements.

	ELBs/Video cameras	Commercial annual reports	Golden tilefish Appeals	Totals
Respondents	1,377	127	43	1,547
Responses	80,362	127	43	80,532
Burden hours	2,465	11	86	2,562

**For Am 18B, an addition of up to 43 golden tilefish longline endorsement appeals, at 2 hours per appeal, would add a maximum of 43 responses and 86 hours.**

**The new total burden hours, responses, and respondents for OMB Control No. 0648-0603, included in the information collections for Amendments 15B, 18A, and 18B, would be 2,562 burden hours (2,465 burden hours for ELBs/video cameras, 11 burden hours for commercial annual reports and 86 burden hours for appeals), 80,532 responses (80,362 responses for ELBs/video cameras, 127 responses for commercial annual reports, and 43 responses for appeals) and 1,547 respondents (1,377 for ELB/video cameras, 127 for commercial annual reports, and 43 for appeals).**

**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 golden tilefish longline endorsement appeals. For up to 43 appeals sent by mail, at a postage cost of \$10, the maximum recordkeeping/reporting cost would \$430.

**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 1,454 vessels is \$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 43 x 2 hours per appeal at a cost to the government of \$20/hour, or \$1,720.

Total government costs: \$100,000 + \$1,454,000 + \$1,720 = \$1,555,720.

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

**Program changes:**

Amendment 18B includes a mechanism for up to 43 appeals of golden tilefish longline endorsement determinations, thus adding 43 respondents, 86 hours and \$430 in recordkeeping/reporting costs.

For Amendment 18A, the black sea bass pot endorsement appeal is no longer applicable, thus subtracting 104 responses, 208 burden hours and \$1,040 in reporting/recordkeeping costs.

**Total net changes: Sixty-one fewer responses, 122 fewer hours and \$610 less in recordkeeping/reporting 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.