

**SUPPORTING STATEMENT  
ATLANTIC HIGHLY MIGRATORY SPECIES INDIVIDUAL BLUEFIN QUOTA (IBQ)  
TRACKING AND APPEALS  
OMB CONTROL NO. 0648-XXXX**

**A. JUSTIFICATION**

This request is for a new information collection in conjunction with Proposed Rule 0648-BC09.

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

The United States (U.S). Secretary of Commerce is authorized to regulate fisheries for Atlantic highly migratory species (HMS) under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA; 16 U.S.C. 1801 *et. seq.*) and the [Atlantic Tunas Convention Act of 1975](#) (ATCA; 16 U.S.C. 971 *et. seq.*), as amended. ATCA authorizes the Secretary to promulgate regulations, as may be necessary and appropriate, to carry out the binding recommendations from the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The highly valued, internationally pursued Atlantic bluefin tuna resource is managed by ICCAT. ICCAT recommendations allocate a limited portion of the Western Atlantic bluefin tuna quota to the U.S. for distribution among domestic user groups. The National Marine Fisheries Service (NMFS) regulations at [50 CFR part 635](#) per the 2006 Consolidated HMS Fishery Management Plan (Consolidated HMS FMP) govern domestic allocation of the ICCAT bluefin tuna quota.

In recent years, during the annual bluefin quota specifications process setting out the quota allocations domestically for the year, it has become apparent that the adjusted quota is insufficient to account for anticipated dead discards from the incidental Longline category while also providing full baseline allocations to the directed fishing categories per the percentages outlined in the Consolidated HMS FMP. To address this issue, among others, NMFS developed Amendment 7 to the Consolidated HMS FMP, which is implementing individual bluefin quota (IBQ) shares to active vessels fishing in the Atlantic tunas Longline category.

This new collection of information will add reporting of IBQ allocation leases among pelagic longline (PLL) vessels and between PLL and purse seine vessels. IBQs are intended to fairly and effectively allocate limited quota for incidental capture of bluefin tuna among vessels in the Longline category, while minimizing dead discards and discouraging directed fishing for bluefin tuna, and better utilizing the Purse seine category quota. An on-line system developed by NMFS will track allocations and allocation leases, and reconcile leases with landings for quota monitoring.

This collection also adds reporting associated with appeals for two Amendment 7 related analyses. The first appeal process is based on initial IBQ allocations, which will be assigned to each active, permitted pelagic longline vessel based on the amount of target species catch and the ratio of incidental bluefin catch to target HMS landings. The following issues are subject to appeals: 1) initial eligibility for quota shares based on ownership of an active vessel with a valid Atlantic Tunas Longline permit combined with the required shark and swordfish limited access permits; 2) the accuracy of NMFS records regarding that vessel's amount of designated species landings and/or bluefin interactions; and 3) correct assignment of target species landings and bluefin interactions to the vessel owner/permit holder. Hardship factors would not be considered as a basis for an appeal. Appeals will be processed by the NMFS National Appeals Office.

The second appeal process established in Amendment 7 is for assignment of performance metrics. Each Longline category vessel will be assigned a performance metric calculated by NMFS, based on the vessel's compliance with NMFS reporting and observer regulations, and the vessel's history of avoiding interaction with bluefin tuna. Qualifying vessels would be allowed access to select currently closed areas and proposed gear restricted areas. NMFS would allow appeal of performance metrics based on: 1) the accuracy of NMFS records regarding the relevant information; 2) the correct assignment of historical data to the vessel owner/permit holder; and 3) because vessels may have changed ownership or permits transferred during 2006 to 2011, the potential inequity based upon historical changes in vessel ownership or permit transfers (e.g., the current vessel owner is disadvantaged due the history generated by a previous owner of the vessel). Hardship factors would not be considered as a basis for an appeal. Performance metric appeals will also be processed by the NMFS National Appeals Office.

**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.**

To use the online IBQ system, participants (vessel owners) will need to fill out an IBQ online account holder application. The information collected by this application will be used by NMFS to verify the identity of the individual/business and whether they qualify for quota allocation leasing. The information will be collected or updated annually.

The information collected by the online IBQ lease monitoring system will be used by participants in the pelagic longline and purse seine fishery in accounting their IBQ allocations and documenting allocation leases with other fishery participants. NMFS will use these data to ensure proper accounting of allocations among participants, and to track use of quota allocations and reconcile allocation usage with bluefin tuna catch and landings. The frequency of use by participants will depend upon the frequency with which they choose to execute leases of IBQ allocations.

The information collected for appeals will be used by NMFS to evaluate the merit of the appeal request, and may be used to update quota share or performance metric calculations. Participants

would likely only provide information for an appeal once for each set of performance metrics and initial quota share assignments.

None of these data will be released for public review, except in aggregate form. 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.**

The IBQ leasing system will be an online system developed and maintained by NMFS and used by shareholders to lease allocations with other shareholders and track the status of their quota allocations. Shareholders would sign into the system and indicate the amount of quota allocation they would like to lease, and identify the other shareholder to whom they will transfer the allocation. The system tracks the cost of allocations and amount of allocations leased. NMFS will also use the system in conjunction with their automated bluefin tuna dealer reporting system to monitor the use and status of the Longline category quota.

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

All of the programs covered under this collection of information are new programs implemented by NMFS, which is the sole authority responsible for managing the domestic bluefin tuna fishery, on behalf of the Secretary of Commerce. No other agency has authority to implement an IBQ system for bluefin tuna fisheries, or provide appeals to the quota share or performance metrics of Amendment 7 to the Consolidated HMS FMP.

The Atlantic HMS management program includes a high degree of internal coordination across NMFS regions, science centers, and headquarters offices. The distributed nature of the staff HMS specialists throughout the agency helps the program avoid duplication and leverage other NMFS assets such as the Gulf of Mexico Red Snapper IFQ program (OMB Control No 0648-0551) that will serve as the operational basis for the IBQ trading system.

When developing an HMS FMP amendment, NMFS coordinates with the HMS Advisory Panel (AP). The HMS AP includes citizens from HMS commercial and recreational fishing interests, environmental interests, academia, state fishery agencies, and federal fishery management councils. These individuals provide significant input and direction to NMFS, including the status of other fishery management or research programs and any potential for duplication of or similar reporting requirements in other fisheries. NMFS also coordinates directly with the states of the Atlantic and Gulf of Mexico coasts, and the fishery management councils and interstate marine fisheries commissions operating in these geographic areas.

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

This collection of information will affect active Atlantic tunas Longline and Purse seine category vessel owners, all of whom are small businesses. Since the system will be an extension of the Southeast Gulf of Mexico red snapper IFQ system, permit holders who currently use the IFQ system to satisfy their Gulf fisheries reporting requirements would already be familiar with and have access to the new system.

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

If the IBQ portion of the collection were not conducted, NMFS would not be able to implement the IBQ leasing component of Amendment 7. Without the leasing component, the management program would be less effective, in part because of the small relative size of the quota shares resulting allocations that will be available to each Longline category vessel. The catch of bluefin among Longline category vessels is not evenly distributed geographically or among the fleet. It would be very difficult to allocate quota to vessels in a way that vessels would have the amount of quota that they “need” to account for their bluefin landings and dead discards. Without transferability, a vessel’s IBQ allocation could severely constrain their potential fishing effort. Further, the Purse seine category permit holders would not be able to participate in the leasing process.

Real-time data collection is required for management of the limited quota shares and Longline category quota because ICCAT quotas are accounted on a yearly basis. Overages by the Longline category could impact other domestic user groups or result in an annual quota overage. ICCAT could assess a penalty if the United States overharvests its quota.

If the appeals portion of the collection were not conducted, then participants would not be fairly considered if the data NMFS’ used to assign quota shares or performance metrics were incorrect or incomplete.

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

OMB guidelines state that respondents should not be required to report information more often than quarterly. However, the IBQ system requires information regarding a lease to be entered for leases to be conducted in real-time. Without real-time data entry, users would not be able to conduct leases in real-time and the system would not be useful to the respondents.

**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-BC-09) will publish coincident with this request, and will solicit public comment on the information collection requirements.

**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 this collection will be handled as confidential in accordance with the MSA, Section 402b, and [NOAA Administrative Order 216-100](#), Protection of Confidential Fishery Statistics. Respondents are given this assurance as part of the initial information received upon enrollment to use the IBQ system. The initial information will either be mailed or emailed to the applicant, or available for download from the IFQ website.

**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.**

There are 161 active Longline category vessels (respondents) who would receive a quota share plus 3 Purse Seine category vessels that already have shares. All Longline category permit holders (253) would be allowed to lease quota allocations, and Longline and Purse Seine category permit holders would need to apply for an online IBQ account to participate in allocation leasing (253 + 3 = 256). Reporting burden for IBQ applications is estimated in Table 1.

The annual amount of allocation leasing would vary based on allocation size and the needs of shareholders. To estimate the reporting burden associated with leasing, NMFS averaged the Longline category bluefin tuna landings + dead discards for 2006-2011 (232.5 mt or 930 fish @ .25 mt/fish). NMFS estimates that if each fish were leased once, it would likely be an upper bound to the number of leases that could occur. Reporting burden for leasing is estimated in Table 1.

NMFS estimates that approximately 10% of permit holders may appeal either their quota share or assigned performance metric. All Longline category vessel permits (253) will be assigned a performance metric annually and NMFS estimates that 25 may appeal the metric. There may be 25 performance metric appeals annually (Table 1). Active Longline category vessels (161) will be assigned a quota share during program implementation and NMFS estimates 16 may appeal their share. Assignment of quota shares and resultant appeals will occur only once during the program (Table 2).

**Table 1. Annual reporting requirements.**

<b>Reporting Requirement</b>	<b>Time Per Response</b>	<b>Number of Responses per Respondent</b>	<b>No. of Annual Responses</b>	<b>Annualized Burden (Hours)</b>
Initial/Renewal Application for IBQ Account (Longline category (253) + Purse seine category (3) permit holders)	10 mins.	1	256	43
IBQ Lease of Allocation	2 mins.	Varies	930	31
Appeal of Performance metric (10% of all Longline category permits (253))	2 hours	1	25	50
<b>TOTAL</b>			1,211	124

**Table 2. Reporting requirements that will occur only during the first year of the program. Number of responses and burden hours are divided by 3 to annualize over a 3-year period.**

<b>Reporting Requirement</b>	<b>Time Per Response</b>	<b>Number of Responses per Respondent</b>	<b>No. of Responses</b>	<b>Annualized Burden (Hours)</b>
Appeal of initial quota share (10% of Active Longline category permits (161))	2 hours	1	16 total 6 per year	32 total 11 per year

Total number of responses per year = 1,211 (Total from Table 1) + 6 (Table 2) = **1,217 responses.**

Total burden hours per year = 124 (Total from Table 1) + 11 (Table 2) = **135 hours (rounded up to 136 in ROCIS).**

**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).**

Each year, an application or renewal form for an IBQ account would need to be filled out. Participants can use the online application, or print a hard copy application and fill it out. Mailing a hard-copy application via USPS would cost approximately \$0.75 (adjusted for potential future increase in postage stamps) x 256 = **\$192.**

Most applicants are likely to have a computer and access to the internet. If applicants prefer not to purchase a computer, they could use one at a local library. In the unlikely event that an applicant purchases a computer because of the changes in Amendment 7, they would have a one-time capital expense of approximately \$1,500 (\$500/year annualized over 3 years) plus \$50/month internet access. NMFS estimates that 5% of Longline category permit holders (13) may make this purchase which would result in annualized costs of  $(\$500 + 600) \times 13 = \mathbf{\$14,300.}$

Mailing of information supporting an appeal would likely cost \$5.60 (priority mail small flat rate box) per occurrence. For performance metric appeals, NMFS estimates that 25 respondents will spend a total of \$140 (25 x 5.60) per year. For quota share appeals, 6 respondents per year will spend a total of \$33.60 (6 x 5.60) for an annualized cost of \$33.60. Total annual mailing costs for appeals  $(\$140 + \$33.60) = \mathbf{\$174.}$

Total annual costs to the public from this collection:  $\$192 + \$14,300 + \$174 = \mathbf{\$14,666.}$

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

The Federal government costs for this information collection would include building and maintaining the online system for IBQ trade, program administration, and processing any requested appeals.

In an effort to reduce costs, NMFS is coordinating internally to build the IBQ trade system onto a similar system that is already in operation (Southeast Region Gulf of Mexico Red Snapper IFQ Program, OMB 0648-0551). NMFS expects the start-up costs to modify the system will be approximately \$35,000 (annualized to \$11,667) with annual maintenance costs of \$10,000 per year.

Appeals will be administered by the NMFS National Appeals Office which is tasked with processing appeals for many NMFS programs. Each appeal will likely be evaluated by a NMFS staff member (GS-12, Step 5, Washington, DC Metro area, 2013; \$40.66/hr pay rate) and attorney (GS-14, Step 5, Washington, DC Metro area, 2013; \$57.13/hr pay rate). The staff member would likely spend 3 hours developing a recommendation based on reviewing the appellant's materials and comparing them with the data the agency used to make its original determination, for a total labor cost of \$121.98 per appeal. Legal review of the recommendation would likely take approximately 30 minutes for a labor cost of \$28.57. Labor cost for each appeal (\$150.55) multiplied by the total number of annual appeals (25 + 6 = 31) gives an annual agency cost of \$4,667.05 for the appeal program.

**Total annualized government costs:  $\$11,667 + \$10,000 + \$4,667.05 = \mathbf{\$26,334.05.}$**

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

This is a new collection and there are no changes or adjustments.

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

The results from the collection are not planned for statistical publication, although NMFS may distribute the results in reports or other publications. Prior to publication, data would be aggregated, as needed, to maintain confidentiality, and any report would comply with the Information Quality Act guidelines.

**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**

This collection does not employ statistical methods.