

**SUPPORTING STATEMENT  
SOUTHEAST REGION INDIVIDUAL FISHING QUOTA PROGRAMS  
OMB CONTROL NO. 0648-0551**

**INTRODUCTION**

This request is for revision and extension of an approved information collection.

**A. JUSTIFICATION**

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

The Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) authorizes each of the regional fishery management councils to prepare and amend fishery management plans (FMPs) for any fishery in federal waters under its jurisdiction. In the U.S. southeast region, the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) manages three catch share programs for commercial fisheries. The individual fishing quota (IFQ) programs for red snapper, and groupers and tilefishes are managed under the FMP for the Reef Fish Resources of the Gulf (Gulf Reef Fish FMP), which was developed by the Gulf of Mexico Fishery Management Council. NMFS implemented the Gulf IFQ programs in 2006 and 2009, respectively. The wreckfish individual transferable quota (ITQ) program is managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region, which was developed by the South Atlantic Fishery Management Council. NMFS implemented the South Atlantic wreckfish ITQ program in 1992.

At the start of each IFQ and ITQ program, NMFS allocated shares (percentages) of the quota to commercial fishermen. Each year shares result in annual allocation (pounds of fish) that limits how many pounds of fish that fishermen can harvest annually. Fishermen can transfer shares or allocation to other IFQ and ITQ program participants to increase or decrease the amount they can harvest. Share and allocation transfers, as well as landing transactions and landing notifications are completed electronically through an online web-based accounting system for Gulf red snapper and Gulf groupers and tilefishes, and through the NMFS Sustainable Fisheries Division, Limited-Access Privilege Programs (LAPPs) and Data Management Branch for paper-based South Atlantic wreckfish share transfer transactions.

Since the IFQ and ITQ programs began, NMFS has been collecting this information to administer and operate these programs, which are intended to address overcapitalization, prevent derby fishery conditions, and prevent overfishing of these fishery resources.

The information collection under OMB Control No. 0648-0551 addresses IFQ shares, ITQ share certificates (for wreckfish ITQ), and allocation debits and transfers, as well as collection of landings information necessary to operate, administer, and review management of commercial red snapper, and groupers and tilefishes in the Gulf, and wreckfish in the South Atlantic.

In addition to an extension of this currently approved information collection, NMFS proposes revisions to the Landing Transaction and Allocation Transfer forms. On the electronic version of

the Landing Transaction form, NMFS would add an optional field for fishermen to insert their vessel trip report (VTR) number. The VTR number would allow NMFS an additional method to match landings reported through the electronic IFQ system with other logbook data to ensure accuracy. The paper version of the Landing Transaction form would be revised to allow fishermen to report landings if NMFS determines catastrophic conditions exist, e.g., after a natural disaster, and electronic reporting is not possible. NMFS would also revise the paper version of the Allocation Transfer form if NMFS determines catastrophic conditions exist to allow fishermen additional flexibility during such conditions.

In a separate submission to OMB, NMFS is proposing to establish a temporary new collection resulting from a proposed rule for Regulatory Identification Number 0648-BG83, which is anticipated to publish soon in the *Federal Register*. The temporary new collection would also apply to respondents in the IFQ programs. This requested revision and extension of 0648-0551, does not include the burden estimates from the proposed new collection; however, assuming both information collections would be approved, NMFS will merge the temporary new collection with the information collection under 0648-0551 in the near future.

**2. 1 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.**

*Gulf Red Snapper and Groupers and Tilefishes IFQ Programs*

IFQ share and allocation debits and transfers are tracked using an electronic accounting and reconciliation process developed by NMFS, in which IFQ shareholders or allocation holders, dealers, NMFS personnel, IFQ vessel account holders, and 24-hour customer service personnel participate. The IFQ share or allocation holder and dealer records share, allocation, and landing transactions, as well as landing notifications using the online web-based system (<https://portal.southeast.fisheries.noaa.gov/cs/>). Transactions are completed and tracked in real-time to ensure proper accounting of share and allocation transfers, landing notifications, and landing transactions. Each user of the IFQ online system is assigned a User ID and password for logging in.

Frequency of use of the online system varies greatly among participants, depending on total shareholdings, and numbers of fishing trips and landing transactions completed. Question 12 provides a summary of the number of annual responses NMFS expects to receive for online activities. NMFS and a 24-hour customer call service use the online system daily.

NMFS monitors and audits IFQ transactions to ensure that share caps are not exceeded, landing notifications are made, and landing transactions are completed in a timely fashion. NMFS also monitors quota shares suspended prior to issuance and other legal actions taken against IFQ shareholders in which IFQ is garnished. For enforcement purposes, IFQ landings must occur at pre-approved landing locations, fish must be sold to IFQ permitted dealers, and fish can only be offloaded between 6 a.m. and 6 p.m. daily. Persons landing IFQ species are required to notify NMFS at least 3 hours, but no more than 24 hours, in advance of the time of landing and of the dealer location information where landing will occur.

During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. NMFS determines when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. NMFS will provide timely notice to affected participants via publication of notification in the *Federal Register*, NOAA Weather Radio, fishery bulletins, and other appropriate means will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to NMFS. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627, Monday through Friday, from 8 a.m. and 4:30 p.m. eastern time.

NMFS proposes revisions to the Landing Transaction and Allocation Transfer forms. On the electronic version of the Landing Transaction form, NMFS would add an optional field for fishermen to insert their vessel trip report (VTR) number. The VTR number would allow NMFS an additional method to match landings reported through the electronic IFQ system with other logbook data to ensure accuracy. The paper version of the Landing Transaction form would be revised to allow fishermen to report landings if NMFS determines catastrophic conditions exist, e.g., after a natural disaster, and electronic reporting is not possible. NMFS would also revise the paper version of the Allocation Transfer form if NMFS determines catastrophic conditions exist to allow fishermen additional operational flexibility during such conditions.

#### *South Atlantic Wreckfish ITQ Program*

Wreckfish ITQ shares transfers are paper-based and are completed through the NMFS' Sustainable Fisheries Division, LAPPs and Data Management Branch. The transfer form is printed on the back of the percentage shares certificate. With each transfer of ownership, the certificate will be reissued. The certificate identifies the seller, but the buyer must provide their name, address, corporate (employer's) federal tax identification number, and telephone number. The sale price is necessary for economic analysis. The signatures of buyer, seller, and witness will secure the transaction. If the party purchasing shares is a shareholder, the share certificate must be surrendered so that it can be reissued.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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.**

#### *Gulf Red Snapper and Groupers and Tilefishes IFQ Programs*

Information is collected via a Web-based system, through satellite-linked vessel monitoring system (VMS) units attached to vessels, and through a 24-hour call hotline, with paper submission an option only in catastrophic circumstances.

IFQ share certificate, and allocation debits and transfers are tracked using an electronic accounting and reconciliation process developed by NMFS, in which the IFQ share certificate holder or allocation holder, dealer, NMFS, and a 24-hour call service participates. The following information is currently collected and monitored through the electronic accounting and reconciliation process:

- Sale of IFQ managed species to an IFQ dealer by an IFQ vessel account holder.
- Sale price of IFQ species, IFQ shares, and IFQ allocation.
- The weight of the landed catch and the state trip ticket number for the transaction.
- Cost recovery fees collected by the dealer from the fisherman at the time of the landing transaction (our site links to the page the users complete in order to submit their cost recovery fee payments to the IFQ system, a site maintained by [pay.gov](https://www.pay.gov))
- To whom the catch was sold and their dealer or permit number.
- To whom shares or allocation were sold and their shareholder or vessel account User ID.
- Whether initial recipients hold enough IFQ allocation.
- IFQ shareholdings, to ensure no one entity holds an excessive amount of shares.
- IFQ landing notifications, including vessel involved in landing, landing location, dealer to whom fish will be sold, time and date of landing, and estimated pounds to be landed.
- Reconciliations of IFQ share certificate holder, or allocation holder and dealer transactions, which would be confirmed and authorized using NMFS approval codes.
- Adding an IFQ landings location.
- Landing approvals.
- Administrative update capabilities to a program user's account security information and adding a trip ticket number to a previously completed landing transaction form.

The proposed revisions to OMB Control No. 0648-0551 would allow submission of paper versions of the Landing Transaction and Allocation Transfer forms during declared catastrophic circumstances, e.g., after a natural disaster. NMFS expects these occasions to be uncommon.

#### *South Atlantic Wreckfish ITQ Program*

The wreckfish share transfer process requires the signatures of witnesses on paper forms. The ITQ program remains paper based until the South Atlantic Fishery Management Council and NMFS consider whether to implement an electronic system.

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

The Magnuson-Stevens Act's operational guidelines require each FMP and FMP amendment 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 is comprised of state and federal officials responsible for resource management in their area. These two circumstances allow identification of 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.

**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 Southeast Region IFQ programs.

**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 Southeast Region IFQ and ITQ programs 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.

If this collection was not conducted or included fewer vessels that commercially harvest Gulf reef fish, NMFS would be unable to make changes to the IFQ programs recommended in Amendment 36A to the Gulf Reef Fish FMP. As stated in Amendment 36A and the proposed rule for RIN 0648-BG83, there is concern about the illegal harvest of IFQ managed species that may not be reported or reported as another species. Improvements to enforcement of the IFQ programs' requirements would need to be developed through other means. Requiring additional landing notifications to include every vessel commercially harvesting Gulf reef fish would potentially reduce the illegal harvest of IFQ species because of better interception of these vessels by marine enforcement agents to verify their catch.

**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 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.**

On August 30, 2017, NMFS published a notice in the *Federal Register* soliciting public comments on the extension and revision of the 0648-0551 information collection (82 FR 41213); however, no comments were received.

Because these data collection programs are part of fishery management plans, both scientific and

constituent advisory committees have reviewed all aspects of the IFQ programs. Furthermore, comments and suggestions from affected fishermen are routinely submitted, reviewed, and considered. Experience with the IFQ programs, some of which have been operating for many years, provides a continual feedback mechanism to NMFS on issues and concerns to the respondents.

In late 2017, NMFS contacted two dealers, and one dealer who owns vessels and is an IFQ shareholder, regarding different forms that they complete. Here is a summary of the comments received:

- The forms are very easy to understand. The instructions are clear, so I know what I am supposed to do.
- We have been doing it so long that it's easy and doesn't take too long. The instructions are self-explanatory, and we don't have any problems knowing what to do.
- The online account application asks for similar information as the permit renewal [application], so we already have all the information we need handy.

**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.**

*Gulf Red Snapper and Groupers and Tilefishes IFQ Programs*

As stated on the forms, all data are treated as confidential in accordance with [NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics](#).

*South Atlantic Wreckfish ITQ Program*

Regulations at 50 CFR 622.172 require NMFS to provide each wreckfish shareholder with a list of all wreckfish shareholders with the names, addresses, and the percentage of shares for each shareholder on an annual basis. Based on past court decisions, the [Freedom of Information Act](#) serves as the basis for release of confidential name and address information via a NOAA Internet website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics.

**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.**

The only question that could be deemed sensitive is the value paid for the shares. Values are confidential and only released in aggregate form. This information is necessary for economic analysis for the purpose of managing the wreckfish ITQ program. No one has ever objected to providing any of the information on the form.

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

Currently, the total approved time burden for OMB Control No. 0648-0551 is 1,762 hours per year.

**Table 1**

<b>Collection</b>	<b>Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Burden Time in Minutes</b>	<b>Annual Responses</b>	<b>Total Annual Burden Hours</b>
Dealer Landing Transaction Report	Dealer 119	84.32	5	10,034	836
Submitting Cost Recovery Fees	Dealer 119	3.34	3	397	20
Landing Correction Form	Dealer/Fisherman* 42	3.88	3	163	8
Notification of Landing	Fisherman* 444	16.82	5	7,470	623
Transfer of Share	Shareholder** 139	4.03	3	560	28
Transfer of Allocation	Shareholder** 604	19.7	3	11,900	595
IFQ Online Account Renewal Application	Shareholder** 133	1	15	133	33
IFQ Close Account Form	Dealer/Shareholder** 9	1	3	9	1 (.45)
Wreckfish Share Transfer	Shareholder 6	0.17	15	1	1 (.25)
Reef Fish Landing Location	Fisherman 26	1.27	3	33	2
Receive Transferred Shares	139	4.03	1	560	9
Update Account	31	1	2	31	1
Update Trip Ticket	34	11.12	2	378	13
<b>TOTALS</b>	<b>1,059</b> (1,780 with duplicates)			<b>31,666</b>	<b>2,168</b>

\*Fishermen is defined here as those who are actively fishing.

\*\*Shareholder is defined here as an account that may or may not hold shares. To participate in the IFQ program you must have a shareholder account and these accounts may transfer shares and allocation and must renew citizenship every two years. Shareholder accounts include public participants (accounts without associated reef fish permits). Shareholder accounts without a reef fish permit must fill out the citizenship requirement through the IFQ system, while those with a reef fish permit renew citizenship with their permit each year.

NMFS does not expect the proposed revisions to the Landing Transaction and Allocation

Transfer forms to affect the time burden for either form or the OMB Control No. 0648-0551 information collection overall. If affected respondents choose to insert the optional VTR number on the Landing Transaction form, NMFS expects this would add a negligible amount of time to complete the form.

The labor cost for 2,168 burden hours is estimated to be \$43,400 for all reporting activities, based on an estimated average labor cost of \$20.

**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).**

Currently, the total approved cost burden for OMB Control No. 0648-0551 is \$60 per year.

NMFS collects cost-recovery fees for the red snapper, and groupers and tilefishes IFQ programs, pursuant to section 304(d)(2)(A) of the Magnuson-Stevens Act, which provides the Secretary of Commerce the authority to establish a fee to assist in recovering the actual costs directly related the management and enforcement of any IFQ program. However, such fees are not considered to be recordkeeping or reporting cost under the PRA.

The only recordkeeping or reporting costs would be postage to mail forms to NMFS. The following costs reflect adjustments to the expected number of annual responses.

- Landing Correction form at \$0.50 per response, totaling \$82 for 163 responses annually.
- Close Account form at \$0.50 per response, totaling \$5 for 9 responses annually.
- IFQ Online Account Renewal Application form at \$0.50 per response, totaling \$67 for 133
- Wreckfish quota share transfer at \$0.50 per response, totaling \$0.50 for 1 response annually.

Annual total: \$155 in annual recordkeeping or reporting costs.

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

The following expenditures include incremental costs directly associated with management of the Red Snapper IFQ and exclude incremental costs associated with management of the Groupers-Tilefishes IFQ program.

<b>Planned Expenditures</b>	<b>\$1,262,000</b>
Program administration	\$195,000
Web development	\$160,000
Research and monitoring	\$410,000
Law enforcement	\$350,000
24-hour call service	\$6,000
Vessel monitoring system updates	\$125,000
Travel, printing, etc.	\$15,000
Wreckfish coupons	\$1,000



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

**Adjustments to 0648-0551:**

Based on current estimates of respondents and numbers of responses in each category, and some minor changes to estimated response times on some forms, there are net increases in the annual number of responses, burden hours and costs, while the estimated number of respondents has decreased.

Estimates for the total number of annual responses increases from 22,695 to 31,666; the annual burden hours increase from 1,762 to 2,168; and the annual cost burden increases from \$60 to \$155 as recordkeeping or reporting costs. The estimated annual number of respondents decreases from 1,850 to 1,059.

**Program Changes:** N/A.

**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 for each program annually. These reports comply with Information Quality Act guidelines. NMFS aggregates collected data 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.**

Not applicable.

**18. Explain each exception to the certification statement.**

Not applicable.

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

The collection does not employ statistical methods.