

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

INTRODUCTION

This is a resubmission, with the draft final rule, of a request for a temporary new information collection for the Southeast Region Individual Fishing Quota Programs Information Collection. This request is related to a final rule for Regulatory Identification Number (RIN) 0648-BG83. The final rule requires commercial fishermen in the Gulf of Mexico (Gulf) to notify the National Marine Fisheries Service (NMFS) in advance of landing certain federally managed Gulf reef fish or the Florida Keys/East Florida stock of hogfish when harvested in the Gulf. In addition, the final rule requires landings only at pre-approved landing locations. This temporary collection would be merged into OMB Control No. 0648-0551 upon OMB approval.

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 the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans (FMPs) for any fishery in waters under its jurisdiction. NMFS manages three catch share programs for commercial fisheries in the U.S. southeast region. 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), and were implemented in 2006 and 2009, respectively. The wreckfish individual transferable quota (ITQ) system is managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region and was implemented in 1992.

Commercial fishermen were allocated shares (percentages) of the quota at the start of each program. Each year shares result in annual allocations (pounds of fish) that limit 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, 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 (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.

The Gulf Council developed Amendment 36A to the Gulf Reef Fish FMP to increase the performance, program compliance, and management flexibility in the two IFQ programs. Amendment 36A and the final rule expand the current requirement that vessel owners or operators with a federal commercial permit for Gulf reef fish must notify NMFS in advance of landing any commercially harvested reef fish species managed under the IFQ programs (IFQ species). Currently, the majority of commercial trips on vessels with commercial Gulf reef fish permits land at least some IFQ species, and therefore, NMFS receives advance landing notifications for these trips. Independent of the final rule, if IFQ species will be landed on a commercial trip, all existing IFQ program requirements must continue to be followed.

There are commercial trips that land only Gulf reef fish species that are not managed under the IFQ programs (non-IFQ Gulf reef fish species). The final rule requires the owner or operator of a commercial vessel with a Gulf reef fish permit to notify NMFS prior to landing any non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish when harvested in the Gulf, without also landing IFQ species on the same trip. Therefore, the final rule results in an increased number of notifications to NMFS prior to fishermen landing non-IFQ Gulf reef fish species on applicable commercial trips in the Gulf.

The final rule also requires fishermen on commercial trips with any federally managed reef fish species from the Gulf to land at an approved landing location. Landing locations must be approved in advance to ensure the sites actually exist and law enforcement agents can access the site. The form to request approval of a landing location for federally permitted commercial reef fish vessels is currently only available online for fishermen with an IFQ account. This temporary new information collection would add a paper version of the form as an option for fishermen with or without an IFQ account to request a new landing location.

The purpose of requiring additional notification in advance of landing any federally managed reef fish species from the Gulf at an approved landing location is to help deter fishermen from illegally landing IFQ species or reporting IFQ species as another species (e.g., red snapper reported as vermilion snapper).

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

NMFS will use the advance landing notifications to alert law enforcement and port agents prior to commercial trips returning to port with non-IFQ species, so they can meet vessels to inspect landings. The notifications are expected to help reduce the illegal harvest of IFQ species.

If OMB approves this temporary new information collection, the owner or operator of a federally permitted Gulf reef fish vessel would notify NMFS at least 3 hours, but no more than 24 hours, in advance of landing non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf on each trip. The landing notification would report the vessel identification number, the date and time of landing, and the approved landing location. This notification would be submitted via the vessel's existing onboard vessel monitoring system (VMS), but could also

be submitted by other NMFS approved methods (e.g., by phone) if they are developed and approved in the future. Law enforcement and port agents can be informed in advance of all reef fish trips returning to port and can meet vessels to inspect landings. If any IFQ species were landed with non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf on the same trip, all regulations under the applicable IFQ program must be followed, including the advance notice of landing required by both IFQ programs. One advance landing notification covering both IFQ species, and non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf would be required on such a trip.

The final rule also requires fishermen on commercial trips with any federally managed reef fish species from the Gulf to land at an approved landing location. If a desired landing location is not already approved by NMFS (see approved landing locations at <https://portal.southeast.fisheries.noaa.gov/cs/main.html#>), fishermen must submit a Landing Location Request form to NMFS. This temporary new information collection would also add a paper version of the form as an option for fishermen with or without an IFQ account to submit a request for a new landing location. NMFS would accept the paper version via mail, as a scanned and emailed copy, or fishermen can call NMFS to submit the information over the telephone. Assistance in complying with the requirements is available via IFQ Customer Service at 1-866-425-7627 (option 2), Monday through Friday, from 8 a.m. to 4:30 p.m., eastern time.

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 the response to Question 10 below 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 temporary new information collection would require vessel owners or operators to submit the Notification of Landing form electronically via the existing onboard satellite-linked VMS. If they are developed and approved later, advance landing notifications could also be submitted by other NMFS approved methods (e.g., by phone).

This temporary new information collection would also add a paper version of the Landing Location Request form as an option for fishermen to request approval of a new landing location. NMFS would accept the paper form via mail, as a scanned and emailed copy, or fishermen could also call NMFS to submit the information over the telephone.

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 allow identification of other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods. Therefore, NMFS is confident it is aware of similar collections if they exist. 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 Southeast Region IFQ and ITQ programs.

The final rule requires owners or operators to submit advance landing notifications via the VMS, which is already required hardware. This temporary new information collection would also add a paper version of the Landing Location Request form as an option for fishermen to submit a landing location request. NMFS would accept the paper form via mail, a scanned and emailed copy, and fishermen can also call NMFS to submit the information over the telephone.

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

The purpose of the proposed temporary new collection of information is to improve compliance and increase management flexibility in the IFQ programs, and increase the likelihood of achieving optimum yield for Gulf reef fish stocks managed under these programs. If this temporary new information collection is not implemented or implemented to include fewer vessels commercially harvesting Gulf reef fish, NMFS would be unable to fully implement changes recommended in Amendment 36A to the IFQ programs. 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 every vessel commercially harvesting Gulf reef fish to submit advance landing notifications and land at approved locations for every trip would potentially reduce the illegal harvest of IFQ species because of the better potential for 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 temporary new 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 April 4, 2018, NMFS published a proposed rule (RIN 0648-BG83) in the Federal Register to implement measures contained in Amendment 36A. The proposed rule included a request for public comments on the proposed revision to pre-trip notification requirements approved under OMB Control Number 0648-0551. NMFS received one public comment related to the proposed revision to the collection of information requirements (83 FR 14400, April 4, 2018). The comment, summarized below, and NMFS' response is in the final rule. As a result of the public comment, NMFS made no changes to the information collection.

In addition, because the temporary new information collection provides data for FMPs, the fishery management councils' scientific and statistical committees and constituent advisory committees have also reviewed the proposed collection for sufficiency. Furthermore, comments and suggestions from fishermen are routinely solicited and received at public meetings. The IFQ programs, which have been operating for many years, provide a continual feedback mechanism to NMFS on issues and concerns to the applicants.

Comment 2: The landing notification requirement for trips with non-IFQ reef fish species is unnecessary, because VMS already documents vessel position and there are reporting requirements in place for fishermen and dealers. The landing notification requirement creates an additional burden for commercial fishermen that only make 1-day trips and will make landings more difficult.

Response: NMFS disagrees that the notification requirement is unnecessary. The 5-year review of the RS-IFQ program identified improving enforcement as a priority and the landing notification is designed to aid enforcement of both IFQ programs. Requiring additional notification in advance of landing non-IFQ reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf means that law enforcement will be alerted in advance of all reef fish trips returning to port and can meet vessels to inspect landings. This is expected to help to deter fishermen from illegally landing IFQ species or reporting IFQ species as another species (e.g., red snapper reported as vermilion snapper). NMFS does not expect this requirement to result in a significant burden to fishermen. As described in Amendment 36A, from 2007 to 2015, 80 to 91 percent of trips landing reef fish species also landed IFQ species. Trips with IFQ species already have to provide an advance notice of landing under the regulations for the applicable IFQ program. Thus, this new requirement will apply to a relatively small percentage of additional trips.

NMFS estimates that an advance notice of landing will take approximately 3 minutes to complete for each trip. Therefore, NMFS does not expect the advance landing notification to substantially affect fishing operations for Gulf reef fish. The landing notification may be amended if necessary as provided for in 50 CFR 622.26(a)(2)(iv). In addition, because the window for an advance landing notification is from 3 to 24 hours prior to landing, there is

flexibility for fishermen that only make daily trips to complete the advance landing notification when time permits.

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.

As stated on the website and forms, all private data are treated as confidential 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.

This temporary new information collection would not collect sensitive information.

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

Based on data from 2014-2016, NMFS estimates that approximately 105 total respondents per year will be affected by the final rule and proposed temporary new information collections through the Notification of Landing and Landing Location Request forms. NMFS assumes that any person requesting a landing location would also be subject to the advance notice of landing requirement.

NMFS estimates that the average reporting burden for the notification of landing information collection in the final rule for RIN 0648-BG83 would require 3 minutes per response, which would occur once per trip, with approximately 1,033 responses (trips) estimated to occur fleet-wide per year.¹ **Based on the estimated number of trips and time per response, NMFS estimates that the time burden for the notification of landing information collection would be 52 hours annually.**

Estimating the annual time burden per respondent from 2014-2016 data is difficult, due to the variable number of landings from applicable trips, which ranged from only one landing during a single year from the period, while other fishermen made multiple landings in each of the three years. While the average number of trips per vessel each year was approximately 9, the range was from 1 to 106 trips in a single year. Therefore, the average burden per respondent would average approximately 27 minutes annually, although the range could vary from 3 minutes to 318 minutes, or 5 hours, per year.

¹ The number of Gulf reef trips is derived from the SEFSC Coastal Logbook database accessed on April 17, 2017, using data from 2014-2016. Qualifying trips were limited to those that commercially harvested Gulf reef fish, but no IFQ-managed species. The estimated number of additional trips that would occur from implementation of the proposed rule is the highest number of trips that fit this criterion (2014).

NMFS estimates that the average reporting burden to request additional landing locations for approval would require 5 minutes per response, and NMFS estimates 40 responses annually. **Therefore, the total estimated time burden to request additional landing locations would be 3 hours annually.**

Overall, the total time burden for this temporary new information collection would be 55 hours per year.

The labor cost for 55 burden hours is estimated to be \$1,100 for all reporting activities, based on an estimated average labor cost of \$20 per hour.

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).

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 and reporting costs under the PRA.

Additional recordkeeping and reporting costs would be based on which VMS vendor and data plan is used by each vessel owner or operator to submit an advance landing notification. The following is a breakdown of VMS vendor charges. The monthly cost covers 24-hour location monitoring services.

- McMurdo (Boatrac) - \$48 per month, plus \$0.33 for each form or email transmission.
- Network Innovations - \$40 per month, plus \$0.06 for each form or email; or \$60 per month, with no additional transmission costs per form or email.
- Faria - \$49.50 per month, with no additional transmission costs.
- CLS America - \$45 per month, plus \$0.12 for each form or email; or \$69 per month, with no additional transmission costs.
- Skymate - \$38.99 per month, with no additional transmission costs.

While CLS America and some other VMS vendors are known to be more widely used than others in the commercial fleet, NMFS does not have information on the breakdown of plans used by individual participants for any manufacturer. Therefore, to estimate total additional costs, NMFS assumes each respondent uses a McMurdo (Boatrac) VMS unit with the highest per message cost at \$0.33 per response (trip).

Based on data from 2014 through 2016, NMFS estimates the average respondent would make approximately 10 trips (responses) per year. NMFS estimates the additional cost to submit an advance landing notification would be \$0.33 per response. **The additional fleet-wide cost annually would be: \$0.33 per response multiplied by 1,033 trips per year would be approximately \$341 (\$340.89).** This fleet-wide total (\$341) divided equally by the number of unique vessels that landed non-IFQ reef fish species on at least one trip during 2014-2016 (105) equals the average annual per vessel cost of \$3.25.

Based on the highest number of applicable trips that occurred in a single year during the 2014 through 2016 period, the maximum cost for advance landing notifications for a single respondent could be as high as \$34.98 per year, although similar scenarios were uncommon and are not expected to occur with regularity in the future.

Any costs to respondents to submit the Landing Location Request form would be limited to those that submit the form through the mail. Because of a lack of information otherwise, NMFS assumes an equal proportion of respondents will mail the form, submit a scanned form through email, or call NMFS to submit the information over the telephone. One-third of the estimated 40 respondents is 13. Annual costs would be limited to postage, and therefore, **NMFS assumes each response would cost approximately \$0.50, and therefore, annual costs would be approximately \$7 (6.50).**

If the temporary new information collection is approved, the total cost would be \$348 annually.

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

This temporary new information collection is not expected to increase the administration cost of the IFQ programs to the Federal Government. The complete costs are in OMB Control No. 0648-0551.

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

This is a temporary new information collection.

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

The results from this temporary new information 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. 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.

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.