

**SUPPORTING STATEMENT
DOCUMENTATION OF FISH HARVEST
OMB CONTROL NO. 0648-0365**

This request is for an extension of a currently approved information collection.

A. JUSTIFICATION

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

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) requires seafood dealers that purchase or sell certain snapper-grouper species harvested during fishery closures must maintain documentation that such fish were harvested from areas other than the South Atlantic. Regulations at [50 CFR 622.192\(i\)](#) specify the necessary documentation to support a dealer's purchase or sale of applicable species during times specified below and in 50 CFR 622.192(f) through (h).

During January through April, no person may purchase or sell a red pogy, gag grouper (gag), black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney if: 1) the fish are harvested from South Atlantic federal waters, or 2) the fish are harvested from state or federal waters in the South Atlantic by a vessel with a valid federal commercial permit for South Atlantic snapper-grouper (50 CFR 622.192(f) and (h)).

During April, no person may purchase or sell greater amberjack if: 1) the fish is harvested from South Atlantic federal waters, or 2) the fish is harvested from state or federal waters in the South Atlantic by a vessel with a valid federal commercial permit for South Atlantic snapper-grouper (50 CFR 622.192(g)).

These prohibitions do not apply to a dealer's purchase or sale of such species harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic as specified in the response to Question 2 below and in 50 CFR 622.192(i).

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.

A dealer's purchase or sale of greater amberjack, red pogy, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney harvested from an area other than the South Atlantic must be accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain the information specified in 50 CFR 622.192(i), and [50 CFR part 300](#), subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce. The required documentation allows dealers to sell fish that were caught from areas outside the South Atlantic

during closed seasons. The documentation supporting a dealer's purchase or sale of applicable species during an applicable closed season must contain the information below.

- a) The information specified in 50 CFR part 300, subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce
- b) The official number of the vessel harvesting the species
- c) The registered name of the vessel harvesting the species
- d) The home port of the vessel harvesting the species
- e) The port of offloading from the vessel harvesting the species
- f) The date of offloading from the vessel harvesting the species
- g) A statement signed by the dealer attesting that the species were harvested from an area other than in state or federal waters of the South Atlantic

NOAA's Office of Law Enforcement (OLE) will use the data when investigating the sale of fish during those periods when fishing is restricted. Record keeping is required to document the origin of the fish being sold out of season.

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.

The records required at the time of inspection are to be maintained by the fish dealer and must remain and be retained with the fish product, container, and/or catch being sold during those periods when fishing is restricted. Also, a copy must be maintained with the sales records. Currently, these documents are required to be maintained in paper form. The main concern for NOAA OLE is maintaining a signature in the event that the authenticity becomes a question.

4. Describe efforts to identify duplication.

There are no similar or comparable programs, as only federal regulations have been developed for this specific situation.

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

Most of the dealers in these fisheries can be categorized as small businesses. The collection will not have a significant impact on small businesses, and no special modifications of the

requirements were considered necessary to accommodate the needs of small businesses.

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

There is no reporting frequency requirement for the dealers. Seafood dealers are required to maintain records of purchase or sale, and make those records available to NOAA OLE upon request. If records are not kept, either proper enforcement could not take place or dealers would be prohibited from possessing otherwise legal fish.

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

No special circumstances require the collection to be conducted in a manner inconsistent with 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.

On February 14, 2018, NMFS published a notice in the *Federal Register* soliciting public comment on the information collection (83 FR 6521). NMFS did not receive any comments on the notice.

In June 2018, NMFS contacted two seafood dealers to obtain their feedback on estimated annual burden per response. They stated that the current estimate of 30 minutes was probably too long, and that 10 minutes per response was a more likely estimate. Therefore, NMFS has incorporated this adjusted time burden estimate into this renewal request.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided.

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 sensitive information is required.

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

The recordkeeping requirement affects federally permitted seafood dealers with a Gulf of Mexico and South Atlantic Dealer Permit. As of May 21, 2018, there were 414 dealers with an active or renewable permit. NMFS expects the annual number of affected respondents to be lower than the total number of federally permitted dealers; however, data is not available to determine a more accurate number. Therefore, NMFS estimates the requirement would affect 414 respondents annually.

Due to a lack of available data for a more accurate estimate, NMFS estimates that the recordkeeping requirement would affect each respondent once annually, and therefore, the estimated number of responses would be 414 annually.

Based on feedback from two federally permitted dealers in June 2018, NMFS estimates that the time for each response would average 10 minutes.

Therefore, NMFS estimates the total time burden for the recordkeeping requirement at 69 hours annually.

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).

The recordkeeping requirement is consistent with normal business practices and should not involve any additional cost.

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

There is no cost to the government other than regular staff time: approximately 50 hours per year at \$20 per hour, or \$1,000.

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

Adjustments: NMFS updates the estimated number of respondents, annual responses, and time burden per response.

Federally permitted seafood dealers supply markets of varying sizes. For example, a dealer may supply only one restaurant also owned by the same dealer, or a dealer may supply a much wider, interstate market. NMFS does not have available data to more accurately estimate the number of respondents and frequency of responses during each year, as well as the likelihood of whether certain seafood dealers are affected by this information collection. Furthermore, market conditions can change intra and inter-annually, which affect dealer behavior. Therefore, NMFS conservatively estimates that this information collection could affect every federally permitted dealer on average of once per year.

In addition, on April 9, 2014, NMFS created a single Gulf of Mexico and South Atlantic Dealer Permit that is required to first receive species previously covered by six separate dealer permits.

The dealer permit does not specify the fishery from which the dealer will first receive, so distinguishing respondents directly from the dealer permit count is not possible. Together, these changes result in an increased number of estimated respondents and annual responses.

Feedback from two federally permitted dealers results in a decreased estimated time per response and total annual time burden.

Program changes: None.

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

No formal publications based on these collections are planned.

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.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.