

1SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Tilefish Individual Fishing Quota Program
OMB CONTROL NO. 0648-0590

A. JUSTIFICATION

This request is for extension of this information collection.

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States (U.S.). The majority of this responsibility has been delegated to the Regional Fishery Management Councils and National Marine Fisheries Service (NMFS). The Council develops management plans for fishery resources in the Mid-Atlantic. The Tilefish FMP manages golden tilefish caught and landed within the Tilefish Management Unit.

IFQ Allocation Permit

In 2009, Amendment 1 to the Tilefish Fishery Management Plan (FMP) implemented an individual fishing quota (IFQ) program. This program requires the issuance of IFQ Allocation permits to all entities that own IFQ. There are 12 tilefish IFQ Allocation permits. After the initial IFQ permit issuance, permanent IFQ transfers may occur at any point thereafter, which may change the number of IFQ Allocation permits that are issued annually. These permits are necessary to ensure that IFQ allocation owners are provided a statement of their annual catch quota, and are necessary for enforcement purposes to ensure vessels are not exceeding an individual quota allocation.

IFQ Permanent & Temporary Transferability

To achieve its objectives, it is essential that an IFQ program allow the free transfer of quota shares. These objectives include reduction in overcapacity, and provision for economic efficiency in the fishery. Amendment 1 allowed for IFQ to be permanently or temporarily transferred to any entity eligible to own a documented vessel. In order to process an IFQ transfer (temporary or permanent), NMFS requires that an IFQ Allocation permit holder submit an IFQ transfer form. This IFQ transfer form must include the following information: the type of transfer (either temporary or permanent), the signature of both parties involved, the cost associated with the transfer, the amount of quota to be transferred, and a declaration of the interest held in tilefish IFQ allocation, with IFQ Allocation permit numbers, for the entity receiving the IFQ. The IFQ Transfer Application Form is made available to IFQ Allocation permit holders annually, along with notification of their annual individual quota. In addition, IFQ Allocation permit holders are notified that the form is available online through the Greater Atlantic Regional Office web site, at www.fisheries.noaa.gov.

IFQ Share Accumulation

Section 303A(c)(5)(D) of the 2006 reauthorized MSA states that IFQ privilege programs should ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by: 1) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; 2) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and 3) authorizing limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council. Amendment 1 instituted a restriction on the acquisition of IFQ allocation to 49 percent. No person, corporation, partnership, or other entity eligible to own a U.S. documented vessel (entity), may hold (permanently or temporarily) more than 49 percent of the total tilefish IFQ allocation. This prevents the accumulation of an excessive shareholding in the fishery, while still allowing for additional consolidation in the fishery to reduce overcapacity.

To ensure that an entity does not acquire more than 49 percent of the overall tilefish IFQ total allowable landings (TAL), NMFS must collect IFQ allocation interest data. IFQ Allocation permit holders must disclose their interest in IFQ allocations annually, prior to receiving their annual permit. To facilitate the collection of this information, NMFS requires that an IFQ Allocation Interest Declaration form be submitted prior to issuing IFQ Allocation permits. This form includes the signature of the owner, the complete address and phone number of the owner, an attestation that the owner is a U.S. citizen, and the individual transferrable quota (ITQ) Allocation permit numbers that he/she has interest in. The ITQ allocations of which an individual declares an interest in must be identified by both full name (individual or corporation) and by NMFS IFQ Allocation permit number. An IFQ Allocation permit holder may not transfer IFQ (permanently or temporarily) if it will result in an entity holding more than 49 percent of the total tilefish IFQ TAL.

Fees and Cost Recovery

NMFS is required under the MSA to collect fees to recover the costs directly related to management, data collection and analysis, and enforcement of IFQ programs. Under section 304(d)(2)(A) of the MSA, the Secretary is authorized to collect a fee to recover these costs. The fee shall not exceed 3 percent of the ex-vessel value of fish harvested. The IFQ fees collected are deposited in the Limited Access System Administrative Fund (LASAF) established in the U.S. Treasury. There is a separate marked account within the LASAF to ensure that the fees collected are only recovered to pay for the incremental costs directly related to management, data collection and analysis, and enforcement costs of the NMFS Greater Atlantic Region Tilefish IFQ Program. Amendment 1 requires that the IFQ permit holder pay a cost recovery fee for every pound of tilefish that he or she lands. As soon as possible after the end of the calendar year, NMFS mails a bill for the IFQ fee from the previous calendar year to each IFQ permit holder. Bills may also be made available electronically via the internet. Payment of the IFQ fee must be made within 45 days of the date on the NMFS bill.

Payments of the IFQ fee must be made electronically via the Federal web portal, www.pay.gov, or other internet sites as designated by the Regional Administrator (RA). The reason for the electronic fee collection system is to minimize paper transactions, as at the present time the NMFS Greater

Atlantic Regional Office is not equipped to process paper collections. Instructions for electronic payment are available on both the payment website and the paper bill. Payment options include payment via a plastic card (e.g., Visa, MasterCard, Discover, etc.), or direct automated clearing house (ACH) withdrawal from a designated checking account. Payment by check could be authorized by the RA for any reason, including in the case of an emergency (i.e., the geographical area or an individual(s) is affected by catastrophic conditions).

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.

The information requested is used by several offices of NMFS and the United States Coast Guard (USCG) for the monitoring, implementation, and enforcement of the provisions outlined in the Tilefish FMP.

The information gathered is required for the institution of a Limited Access Permit Program (LAPP), as stipulated in the MSA. This information, as stated above, enables NMFS to manage the IFQ program. All of the information described in response to Question 1 will be collected annually, with the exception of the IFQ Allocation Transfer form, which will be collected every time an IFQ allocation transfer occurs.

It is anticipated that the information collected would be disseminated to the public or used to support publicly disseminated information. NMFS retains control over the information and safeguards 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 is 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 collection of cost recovery fees, as required by the MSA for the institution of a LAPP, will be accomplished using www.pay.gov, the electronic Federal payment system managed by the Department of the Treasury.

The forms used to collect the information will also be available for download electronically on the GARFO website, www.fisheries.noaa.gov/region/new-england-mid-atlantic, are: Application Form for Tilefish IFQ Allocation, Tilefish ITQ Allocation Transfer Form, and IFQ Allocation Interest Declaration form. Although these forms may be downloaded and completed electronically, they will need to be mailed in with an original signature(s).

4. Describe efforts to identify duplication.

NMFS is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

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

This collection of information does not have a significant impact on small entities. Only the minimum data to meet the requirements of the above data needs are requested from all participants. Most forms are downloadable from the Web and fillable on a computer. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since most of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

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

Amendment 1 to the Tilefish FMP instituted a LAPP in the fishery. The information collected as described in Question 1 is required for a LAPP, as stipulated in the MSA.

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

IFQ allocation owners may transfer quota more frequently than quarterly, but transferring quota is a voluntary action, and is to the benefit of the fishing industry.

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 *Federal Register* Notice published October 4, 2019 (84 FR 53111), solicited public comments. No comments were received.

In addition, the Greater Atlantic Regional Administrator announced the open comment period at the New England Fishery Management Council meeting on December 3, 2019. The announcement included a summary of the information collection included in this extension and encouraged affected parties to submit comments on the *Federal Register* Notice. This solicitation was also available as a handout with the Council meeting materials available at the Council meeting.

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

Neither payments nor gifts are given to the respondents.

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

All data is handled in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and is not released for public use except in aggregate statistical form (and without identifying the source of data, e.g., vessel name, owner, etc.). In addition, any information submitted according to the provisions outlined in Amendment 1, or any other management action implemented by NMFS, is considered confidential and is not disclosed except as provided in Section 402(b) of the Magnuson-Stevens Act.

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.

There are no questions of a sensitive nature.

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

Information Collection	Type of Respondent (e.g., Profession)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
IFQ Allocation Permit	fishermen	12	1	12	0.5	6	24.42	\$146.52
IFQ Ownership Caps	fishermen	12	1	12	0.083	1	24.42	\$24.42
IFQ Permanent & Temporary Transferability	fishermen	9	2	18	0.083	1.5	24.42	\$36.63
Fees & Cost Recovery	fishermen	12	1	12	1	12	24.42	\$293.04
Totals		12		54		20.5		\$500.61

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).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
IFQ Allocation Permit	12	1	12	\$ 0.55	\$ 6.60
IFQ Ownership Caps	12	1	12	\$ 0.65	\$ 7.80
IFQ Permanent & Temporary Transferability	9	2	18	\$ 0.65	\$ 11.70
Fees & Cost Recovery	12	1	12	\$ -	\$ -
TOTALS			54		26.10

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

Table 2 – Government Cost					
Requirements	# entities	Items per entity	Total Items	Cost per item	Total cost
Permit Application (IFQ) (3-year average)	12	1	12	\$33	\$396
Ownership Cap Forms	12	1	12	\$4.17	\$50
IFQ Allocation Transfer Applications (temporary and permanent)	9	1	9	\$12.5	\$112.50
Cost Recovery Billing	12	1	12	\$1.15	\$13.80
TOTAL	-	-	-	-	\$572.30

IFQ Permit Allocation

The estimated average cost to the Federal Government to issue a Federal fishery permit (including the time to process all applications) is \$33 per permit (1 hour and 20 minutes, at an hourly rate of \$25), including labor, printing, distribution, computer time, and handling.

IFQ Share Accumulation

It is estimates that it would take 10 minutes to process each IFQ Allocation Ownership Interest Declaration form. Since there would be 12 forms per year, at an hourly rate of \$25, the annual government burden would be **\$50** (12 x 10 minutes/60 minutes x \$25).

IFQ Permanent & Temporary Transferability

It is estimated that it would take 30 minutes to process each transfer request. Since it is estimated that NMFS is processing approximately 9 transfers per year, the annual government cost would be **\$112.50** (9 x 30 minutes/60 minutes x \$25).

Fees and Cost Recovery

It is estimated that it would cost \$0.55 in mailing fees and \$0.10 per page in copy fees to copy and mail a cost recovery annual bill. Since there are 12 permanent IFQ Allocation permit holders that each receive a six-page bill and report, annually, the expense resulting from this requirement would be **\$13.80** (12 x \$1.15= \$13.80).

Cost recovery payments would be collected through www.pay.gov, an established government payment collection program. Since the program has been programmed to accept payment from www.pay.gov, there are no additional costs to the government.

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

There are no program changes.

Adjustments: There were updates to the calculations for the burden for IFQ reporting requirements based on the activity in the most recent three year period. The number of burden hours for the IFQ Allocation Permit increased in order to more accurately reflect the time it takes to complete the application (increased from 20 minutes per form to 30 minutes per form).

Information Collection	Respondents		Responses		Burden Hours	
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision
IFQ Allocation Permit	12	12	12	12	6	4
IFQ Ownership Caps	12	12	12	12	1	1
IFQ Permanent & Temporary Transferability	12	12	18	60	1.5	5
Fees & Cost Recovery	12	12	12	12	12	12
Total for Collection			54	96	20.5	22

Government costs increased to \$572 from \$520, labor costs increased \$558.50, and miscellaneous costs decreased \$21.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as *Fisheries of the United States* which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

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.

The expiration date will be displayed on this information collection.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.