

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Greater Atlantic Region, Atlantic Sea Scallop Fishery
Management Plan Data Collection
OMB Control No. 0648-0491

Abstract

This Paperwork Reduction Act (PRA) submission requests Office of Management and Budget (OMB) approval of a revision and extension of the information collection requirements pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491.

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) implemented modifications to the regulations of the Northeast Multispecies Fishery Management Plan to allow vessels issued a limited access general category individual fishing quota sea scallop permit to fish for scallops with small dredges in an expanded area. In addition, NMFS also modified open area days-at-sea trip reporting procedures for limited access scallop vessels. This is intended to provide consistency, flexibility, and potential economic benefit to the scallop fleet.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

1Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the Fishery Management Councils and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS). NMFS manages the Atlantic sea scallop (scallop) fishery through a set of regulations that limit catch of scallops and fishing vessel activity. In addition, regulations limit catch of certain other species of fish in order to minimize bycatch and bycatch mortality (bycatch is the catch and discard of species that are not targeted in the scallop fishery). Finally, the regulations control vessel permitting and the exchange of effort and quota allocations between vessels. In order to effectively manage the fishery, track fishing effort and catch, and to allow vessel owners to exchange fishing trips and quota, NMFS must collect information through the reporting requirements included in this renewal. All of the collection requirements remain necessary without revision.

This current extension includes the same information collection requirements as previously, except that it removes the collection of Vessel Monitoring System (VMS) requirements that are now collected under OMB Control No. 0648-0202. To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

Access Area Trip Exchange Application

The one-for-one access area trip exchange program provides flexibility to scallop vessels about where they may fish. Participants need to send an access area trip exchange application to NMFS with the following information: Vessel name and permit number, owner name and signature, specification of the areas involved in the exchange. Both vessels involved in the exchange are required to fill out and sign the form to ensure verification. This measure will provide flexibility to vessels regarding which areas to fish, thereby reducing the possibility of revenue loss to those vessels that are unable to access some distant areas due to vessel capacity constraints. Although there will be some transaction costs associated with the exchange of access area trips, the net result will likely be a reduction in overall costs of fishing.

Administrative and enforcement costs associated with the exchange of controlled access trip authorizations are modest when compared with the potential improvement in controlled access allocation programs and reduced economic cost to industry.

IFQ Transfers

IFQ permit holders can temporarily and/or permanently transfer individual fishing quota from one IFQ vessel to another. Quota transfers are requested through the submission of transfer applications. Required information includes vessel information, quota transfer information, and authorizing signatures from both parties. The IFQ transfer program is entirely optional, and provides greater flexibility for IFQ permit holders by enabling them to increase their vessel's IFQ or for individuals to lease or sell IFQ if they choose not to fish the allocation.

Cost Recovery

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires an IFQ cost recovery plan to recover management and enforcement costs for IFQ fisheries. The FMP includes an IFQ cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of the IFQ program. IFQ permit holders are required to submit a cost recovery payment annually via a pre-existing Federal payment system called www.pay.gov, which is also currently used by the Alaska Region and the Southeast Region. Information submitted via the internet would require the user to establish an online account, including personal and financial information. This requirement is necessary in order to comply with the provisions of the MSA and to collect payments from individuals that have been granted an allocation to a public resource.

IFQ Sector Program

The FMP contains provisions that authorize allocation of a portion of the overall IFQ fishery TAC to a self-selected group of IFQ permit holders (sector), provided the sector provides adequate information describing the formation of the sector and its intended plan of operations. Individuals or other entities (corporations, cooperatives, etc.) proposing a sector are required to submit documents as described below.

Sector Allocation Proposal

Any person may submit a Sector allocation proposal for a group of limited access general category scallop vessels to the Council, at least 1 year in advance of the start of a sector, and request that the Sector be implemented through a framework procedure specified at §648.55.

This document specifies the proposed maximum amount of TAC to be allocated to sector participants and the sector's proposed rules describing movement of vessels among sectors or to the common pool of vessels managed under the FMP. This document is required to include an appropriate analysis that assesses the impacts of the proposed sector, in compliance with the National Environmental Policy Act (NEPA).

Operations Plan

A group that wants to form a sector and receive an allocation is required to submit a legally binding operations plan to the Council and the Regional Administrator. The operations plan must be agreed upon and signed by all members of the sector and, if approved, would constitute a contract.

This document provides a list of all participants involved with the sector; a contract signed by all proposed participants; historic information on the catch history, TAC associated with the proposed sector; detailed information regarding potential redistribution of TAC within the sector, if applicable; a plan and analysis of specific management rules for sector participants, including plans for the enforcement of sector rules and the monitoring of landings and discards; and procedures for the removal of participants from the sector. This document is required to include a supplementary NEPA analysis that would include a revised assessment of the impacts of the proposed sector based upon changes that may have occurred since the submission of the sector allocation proposal mentioned above.

A sector is required to resubmit its operations plan to the Regional Director no later than December 1 of each year, whether or not the plan has changed. NMFS may consult with the Council and would solicit public comment on the operations plan for at least 15 days, through proposed rulemaking in the Federal Register. Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination pursuant to the Administrative Procedure Act.

This information is necessary to describe the proposed sector and the proposed rules under which the sector would operate. This information is used to determine whether this sector would maintain consistency with the goals and objectives of the FMP.

2. 1Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Several offices of NMFS, the U.S. Coast Guard (USCG), and the Fishery Management Councils will utilize the information. The number of responses for each requirement is provided in Question 12 and Table 1 in this document. Data collected through these programs will be incorporated into the NMFS database and would be used to track and confirm vessel permit status and eligibility, and IFQ status. IFQ transfer requests are expected to be submitted regularly throughout the year. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

NOAA Fisheries 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](#).

Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
1	Limited Access Trip Exchanges	16 USC 1801	648.59(b)(3)(ii)(A)(1) and 648.59(b)(3)(ii)(B)	XXX	Used by the public to apply for limited access trip exchanges to allow greater flexibility. Used by NMFS to track, document, and for fishery management and monitoring
2	IFQ Transfer Application	16 USC 1801	648.53(h)(5)(iv)	XXX	Used by the public to transfer quota between vessels to allow greater flexibility. Used by NMFS to track, document, and for fishery management and monitoring
3	IFQ Cost Recovery	16 USC 1801	648.53(h)(4)	XXX	Magnuson-Stevens Act requires any IFQ cost recovery plan to recover management and enforcement costs for IFQ Fisheries.

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, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

IFQ Transfers

IFQ transfer applications are available via GARFO’s website, www.greateratlantic.fisheries.noaa.gov. Applications may be emailed to GARFO’s IFQ transfer email address or faxed or mailed.

Cost Recovery

Vessel owners submit payment via the secure internet site: www.pay.gov.

NMFS collects all other information from vessel owners and/or operators through completed forms and/or instructions. Forms may be sent by mail, fax, or scanned and emailed.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in

Question 2

1The reporting requirements under 0648-0491 do not duplicate any other reporting requirements.

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

The proposed collection of information would not have a significant impact on small entities. 1Only the minimum data to meet the requirements of the above data needs are requested from all participants. Furthermore, detailed instructions are included with all required applications and forms to help facilitate proper completion. Since all of the respondents are small businesses, separate requirements based on the size of the business have not been developed.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The LAGC permit provisions under 0648-0491 are necessary to ensure consistent permit application procedures and to promote effective management of the scallop fishery. IFQ transfer applications are needed to implement a transfer program. Without these applications, industry would not be afforded the benefit of the transfer program.

The cost recovery requirements are critical to administer the cost recovery program and collect payment from IFQ permit holders. The minimum amount of information would be collected to effectively administer this program.

Without sector application, analysis, and reporting requirements, NMFS could not successfully implement a sector program.

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

IFQ vessel owners may transfer quota, and limited access vessel owners may exchange access area trips more frequently than quarterly, but this collection is completely voluntary and to the benefit of the fishing industry. A vessel owner may submit more than one transfer application quarterly. There are no special circumstances that would cause a respondent to be required to prepare written response in fewer than 30 days after receipt, submit more than an original and two copies of any document, retain documents for more than three years, or to submit proprietary trade secrets or other confidential information outside of what the agency has demonstrated they can protect. There are also no special circumstances that include a pledge of confidentiality that is not supported by statutes or regulations, or statistical data classification that has not been reviewed and approved by OMB.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice was published on March 6, 2020 (85 FR 13140), soliciting public comment on this proposed rule. No comments were received.

NMFS announced at the April 14-15, 2020, and April 7-8, 2020, New England and Mid-Atlantic Fishery Management Council meetings, respectively, that this set of collection requirements was up for extension and solicited comments. The same information that was presented by the Greater Atlantic Regional Administrator was also available as a downloadable form included with the meeting materials at both Council meetings. A wide range of stakeholders attend these meetings, including the general public, scallop fishermen and fishermen in other fisheries, members of environmental organizations, and academia. NMFS received no comments during either the Mid-Atlantic or the New England Fishery Management Council meeting.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift would be made to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

As stated on the forms, all data would be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, would be maintained in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and would not be transferred for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.)

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

NMFS estimates that 347 limited access vessels, 200 LAGC IFQ, and 100 LAGC NGOM vessels will fish for scallops each fishing year, for an unduplicated respondent number of 647. LAGC incidental catch vessels will operate only under other fisheries that have reporting requirements under those other fishery FMPs. Table 1 summarizes the time burden of these reporting requirements.

Total annual responses, time burden and labor cost to respondents are 804 responses, 980 hrs, and \$23,932, respectively (see Table 1).

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
Trip Exchange Request (full time & part time)	45-1011	180	1	180	15 min	45	\$24.42	\$1,098.9
Quota Transfer Application (temporary & permanent)	45-1011	420	1	420	5 min	35	\$24.42	\$854.7
Cost Recovery	45-1011	200	1	200	2 hr	400	\$24.42	\$9,768
Sector Proposals & Operation Plans	45-1011	2	2	4	125 hr	500	\$24.42	\$12,210
Totals				804		980		\$23,931.60

The estimate of average burden per response is based on expert review of proposed questions. BLS's *Occupational Outlook Handbook* - a good wage source. <https://www.bls.gov/bls/blswage.htm>

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Trip Exchange Request (full time & part time)	180	1	180	\$ 0.55	\$ 99
Quota Transfer Application (temporary & permanent)	420	1	420	\$ 0.65	\$ 273
Cost Recovery	200	1	200	\$ -	\$ -
Sector Proposals & Operation Plans	2	2	4	\$ 2.10	\$ 8
TOTALS	802	5	804	\$3.3	\$ 380

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZS-04	\$43,514	10		\$4,351
	GS-12-01	\$64,490	10		\$6,449
Contractor Cost		\$0		\$0	\$0
Travel					\$0
Other Costs					\$0
TOTAL		\$108,004			\$10,800

Total annual cost to the Federal government is \$10,800.

16. Explain the reasons for any program changes or adjustments reported in ROCIS.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
VMS Pre-Landing Notification Form	0	677	0	7172	0	598	Adjusted to remove VMS requirements as they are captured in 0648-0202.
VMS: Trip Declarations, Power-Down Codes & Polling Fees	0	783	0	12950	0	432	Adjusted to remove VMS requirements as they are captured in 0648-0202.
VMS Catch Report	0	547	0	25000	0	833	Adjusted to remove VMS requirements as they are captured in 0648-0202.
Total for Collection			804	45,926	980	2,843	
				-45,122		-1,863	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
VMS Pre-Landing Notification Form	\$0	\$ 8,970	\$ 0	\$ 5,666	Adjusted to remove VMS requirements as they are captured in 0648-0202.
VMS: Trip Declarations, Power-Down Codes & Polling Fees	\$0	\$ 6,480	\$ 0	\$ 756,977	Adjusted to remove VMS requirements as they are captured in 0648-0202.
VMS Catch Report	\$0	\$ 12,495	\$ 0	\$ 19,750	Adjusted to remove VMS requirements as they are captured in 0648-0202.
Quota Transfer Application (temporary & permanent)	\$708	\$ 525	\$ 273	\$ 248	Increase in postage costs. Increase in Labor Costs due to more accurate assessment using BLS Occupational Employment Data
Trip Exchange Request (full time & part time)	\$911	\$ 675	\$ 99	\$ 98	Increase in Labor Costs due to more accurate assessment using BLS Occupational Employment Data
Sector Proposals & Operation	\$16,430	\$ 7,500			Increase in Labor Costs due to more accurate assessment using BLS Occupational Employment Data
Cost Recovery	\$8,100	\$ 6,000			Increase in Labor Costs due to more accurate assessment using BLS Occupational Employment Data
Total for Collection	\$26,149	\$ 42,645	\$ 380	\$ 782,747	
				\$ -782,368 (+26 adjustment) (-782,393 change)	
	\$ -16,496				

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results from this collection may be used in scientific, management, technical or general information publications such as the Fisheries of the United States, which follows prescribed statistical tabulations and summary table format, and the annual Stock Assessment and Fishery Evaluation Report prepared by the New England Fishery Management Council for the scallop fishery. Data obtained from this collection would be available to the public upon request in summary form only. Furthermore, 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 that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions for compliance with provisions in the certification statement. The agency certifies compliance with 5 *CFR* 1320.9 and the related provisions of 5 *CFR* 1320.8(b)(3).

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures.