

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Greater Atlantic Region Dealer Purchase Reports
OMB Control No. 0648-0229

Abstract

This request is for the extension of a currently approved information collection. Federally permitted dealers, and any individual acting in the capacity of a dealer, must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land by one of the available electronic reporting mechanisms approved by National Marine Fisheries Service (NMFS) as described in CFR 50 Part 648.7. The information obtained is used by economists, biologists, and managers in the management of the fisheries. The data collection parameters are consistent with the current requirements for Federal dealers under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. This is an extension request of the current approval.

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.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is responsible for the stewardship of the Nation's living marine resources and their habitats within the United States Exclusive Economic Zone (EEZ). NMFS works to conserve, protect, and manage these resources to ensure their continuation as functioning components of ecosystems, while also affording economic opportunities and enhancing the quality of life for the American public. Our mandates and authorities are derived from numerous statutes, most significantly the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA).

Under the MSA – initially implemented in 1976, amended in 1996 with the passage of the Sustainable Fisheries Act and most recently amended in 2006 by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act – the Secretary of Commerce (Secretary) has the responsibility for conservation and management of the nation's marine fishery resources. Much of this responsibility has been delegated to NMFS. Under this stewardship role, the Secretary is authorized to adopt such regulations as may be necessary to create sustainable fisheries by eliminating over fishing while achieving, on a continuing basis, the optimum yield from each fishery.

One of the regulatory steps taken to ensure that these measures are based on the best available scientific information is the collection of data from the users of the resource. Thus, as Regional Fishery Management Councils develop specific Fishery Management Plans (FMP), the Secretary has set forth rules for the collection of fishery-dependent data from dealers/processors and vessels in order to monitor, evaluate and enforce the fishery regulations intended to achieve sustainable fisheries. The continuing need for this information is explicit in the management goals and objectives established by the Mid-Atlantic Fisheries Management Council (MAFMC) and the New England Fisheries

Management Council (NEFMC) as well as in the Magnuson-Stevens Act, the Sustainable Fisheries Act and NMFS Strategic Plan.

In an effort to achieve the goals of the MSA, several fisheries are now being managed by harvest limits including quotas, annual target total allowable catches (TAC) and domestic annual harvest (DAH) limits. These fisheries often have short fishing seasons and require in-season management measures, such as closures and trip limits, to ensure that harvest levels established in each FMP are not exceeded. Therefore, as more fisheries are being managed by harvest limits, the timely collection of data from dealers and vessel owners and operators is and will continue to be a necessary component of most management regimes, as evidenced in several FMPs.

All dealers of the NE multispecies, monkfish, skates, Atlantic herring, Atlantic sea scallop, Atlantic deep-sea red crab, spiny dogfish, summer flounder, Atlantic surfclam, ocean quahog, Atlantic mackerel, Illex squid, longfin squid, butterfish, scup, bluefish, golden tilefish, blueline tilefish, black sea bass, Mid-Atlantic forage species, hagfish, and American lobster must have been issued and have in their possession a federal dealer permit in order to purchase such species from fishing vessels. Federally permitted dealers in the above fisheries are required to submit certain information regarding their fish purchases to NMFS. Trip-level (trip by trip) reports provide the comprehensive data that are necessary for successful long-term management of each fishery.

Section 303(a)(5) of the MSA specifically identifies the kinds of data to be collected for FMPs. Comprehensive trip-level reports submitted by dealers include individual vessel information, purchases by species and market category, and pricing information. The use of approved electronic submission processes to collect the information is an essential ingredient in the management of fishery resources because they provide an efficient means to collect that information on which management decisions are made.

In all fisheries requiring mandatory reporting, 'negative reporting' by dealers is required if no fish was purchased during the reporting period. Negative reports are necessary in order to accurately identify dealers who have not purchased fish as opposed to those who have failed to report their purchases.

All large vessel at-sea processors of Atlantic mackerel that have been issued and have in their possession a federal at-sea processor permit may purchase mackerel from fishing vessels at sea for processing provided the large vessel did not harvest the mackerel. These Federal permitted vessels are also required to submit certain information regarding their fish purchases to NMFS.

NOAA is requesting an extension of this information collection.

2. Indicate 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.

Almost every international, federal, state, and local fishery management authority recognizes the value of fisheries' statistics collections and uses them as part of their management systems. Fisheries statistics are used by economists, biologists, and managers to develop, monitor, and enforce controls on fishery

harvests.

The information collected is used by several offices of NMFS, the NEFMC, the MAFMC and the Atlantic States Marine Fisheries Commission (ASMFC) to monitor quota-managed species, ensuring that conservation and management actions may be taken in a timely manner. Accurate and timely landings reports are especially important for monitoring commercial landings by species and evaluating the effectiveness of each FMP in achieving its fishing mortality targets.

In addition to the uses specifically relating to management of individual species, the statistics collected through these reports will be incorporated into the NMFS databases which are used in many analyses by various offices of NMFS, the Regional Fishery Management Councils, the United States Coast Guard (USCG), state fishery enforcement agencies, the Departments of State and Commerce, Office of Management and Budget (OMB), the Corps of Engineers, Congressional staffs, the fishing industry, and the public. The data also serve as inputs to a variety of uses such as biological analyses and stock assessments, and in support of Executive Order (E.O.) 12866 "Regulatory Planning and Review", quota and allocation selections and monitoring, economic profitability profiles, trade and import tariff decisions, allocation of grant funds among states, and identification of ecological interactions among species. Data used are also utilized for monitoring and evaluating ESA and MMPA actions.

Purchases from Fishing Vessels - Northeast

Purchases from fishing vessels are submitted by dealers.

Vessel-based information required under the mandatory program includes a dealer name, location and permit number, vessel name and permit number, or USCG or state registration number in lieu of the federal permit number, trip identifier, along with port and state landed. This information is necessary to the accounting systems used by the dealers and is part of the dealer's own record-keeping requirements. Vessel name and permit number are used to identify the respondent and the legal entity (owners) controlling the fishing practices of the vessel. Vessel fishing permit information is used by National Oceanic and Atmospheric Administration's (NOAA) Office of Law Enforcement (OLE) to determine violations of quota and reporting regulations. Violations may result in fines, suspension of a fishing permit, or seizure of the catch. Since many vessels are owned by individuals or by corporations, identification and location of the company purchasing the product and the identification of the vessel from which the product was purchased are necessary to enforce fishery regulations.

Dealers utilizing their surfclam or ocean quahog permit are required to report cage tag numbers when purchasing those species from vessel fishing under an Individual Transferable Quota (ITQ). Cage tag numbers are used to verify landings and monitor compliance in the surfclam and ocean quahog fisheries, which are managed using an ITQ system.

All of this information is needed in order to process the data, and to match each dealer report with the corresponding fishing vessel logbooks (OMB Control No. 0648-0212) submitted by the vessel owners, using these fields as the identifiers. Coordinating the data submitted by vessels and dealers is necessary for monitoring compliance by both parties and for providing verification of reporting. In addition,

linking the two data sets allows for the allocation of effort and location data from the vessel logbooks to the corresponding dealer reports which contain the economic data, thus providing a complete representation of the industry. Information regarding the state where landed is used to assign landings to the appropriate state when the data are compiled by NMFS. This is especially important in fisheries where the FMP is based on coast-wide quotas allocated by state, such as summer flounder.

Species purchased, unit of measure, amount, and value, by species, grade, market category, and disposition code is collected under the mandatory reporting program. The pounds purchased, in combination with the species, are used by NMFS to determine current harvest rates for each fishery on a real-time basis. When certain trigger points are reached, depending on the fishery, NMFS will be able to establish or change a trip limit or close a fishery, as appropriate, in order to meet the regulatory requirements set forth under each FMP. Species information, such as landings by species and market (size) category, is the basic measure of fishing success from which fishermen, biologists, and economists draw conclusions about the status of the fishery. Species landing information is needed because controlling the quantity of fish harvested is often the means for ensuring continued harvests over time. The unit of measure identifies how the species is landed, i.e. bushels versus poundage versus individuals. This identifies which conversion factors to use in determining the overall weight in pounds of the landing. Grade categories establish the correct conversion factor back to whole fish weight to accurately determine the amount of fish landed. The market categories are also for the convenience of the dealer because price is size-dependent and the catch is usually culled and sold by market category.

Disposition of seafood products is needed to determine the ultimate fate and use of harvested fish and shellfish. Price and value are used in estimating the earnings and profitability of each fishing trip by the vessel operator and in regulatory impact reviews and economic input-output models requiring such data to estimate the economic effects of changes induced by the biology or management of the fishery. Special economic studies are conducted to obtain detailed information on specific issues or fisheries when resources are available. It should be noted that both species and price information are necessary for the dealer's own accounting operation; therefore, reporting that information does not constitute an additional reporting burden.

Dealer e-mail addresses are being requested on a voluntary basis to allow for confirmation notices to be sent by NMFS when a report has been submitted. The collection of dealer e-mail addresses can also allow for electronic dissemination of information from NMFS Service to industry.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information, subject to the data confidentiality provisions of the MSA. As explained in the previous paragraphs, the information gathered has utility. 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.

Information Requirements and Needs and Uses of Information Collected

Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
1	Purchased Trip Information	MSA, ESA, MMPA	50 CFR Part 648.7	Electronic only	Fisheries management, economic impact, environmental impact

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection 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.

Federally permitted dealers are required to submit detailed reports of all purchases from fishing vessels electronically. To accommodate the varying extent to which dealers use computer applications, dealers can choose how they will submit purchase reports electronically. The options include an online data entry form available at <http://www.accsp.org/safis.htm>, an approved 3rd party offline data entry form (fillable and electronically submitted), and an acceptable file upload report system implemented by NMFS, or by one or more state fishery management agencies.

Due to the required confidentiality of fish purchase reports, information sent from dealers to NMFS is subject to strict encryption standards and is available only to authorized agency personnel and the submitter. Dealers receive a user name and personal identification number (PIN) that enables them to log onto a secure site and submit their reports. Dealers are also allowed to access, review, and edit the information they have submitted using a secure procedure similar to those in common usage throughout the banking industry. These submissions constitute the official reports as required by the various FMPs in the Northeast.

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

Operational Guidelines on the FMP Process require that each FMP 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 comprises state and federal officials responsible for resource management in their state or area. Bringing fisheries managers together for the review of existing state or Federal laws helps to identify other collections that may be gathering the same or similar information. If a state is collecting the required information under its own authority and can provide the data, generally NMFS will use the state's data rather than duplicate state collections. In addition, each FMP undergoes extensive public comment periods where potential participants in the fishery to be managed review the proposed permit application requirements and data collection proposals. Therefore, NMFS is confident it is aware of similar collections if they exist and has avoided duplication to the extent possible.

The exception to duplicate data collection by state and Federal authorities is for certain quota-managed species, including summer flounder, scup, black sea bass and Atlantic bluefish, among others. Landings for these species are also collected by the states in some cases because they are managed by a state-allocated quota system as well as by a Federal one. Monitoring the quotas in a timely manner is critical for effective management and so some, but not all, states have implemented their own weekly reporting system. Because landings of these species need to be monitored for each state in the NE Region, Federal law requires reporting of all purchases made by federally permitted dealers.

The dealer report submitted by dealers and processors in the Atlantic mackerel, squid, butterfish, Atlantic sea scallop, Atlantic surf clam, ocean quahog, NE multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, Atlantic deep-sea red crab, skate, tilefish, hagfish or American Lobster fisheries duplicates, for the purpose of verification and accuracy, some of the information provided by vessel operators on the Fishing Vessel Trip Report (Form 88-30 or its equivalent) and Shellfish Trip Report Form (Form 88-140) in OMB Control No. 0648-0212. In this case certain duplication is desirable to track harvesting, to identify possible reporting violations, and to ensure fairness in application of the measures among the entire group of allocation holders.

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

Because all of the dealers who will respond are considered small businesses, separate requirements based on the size of business have not been developed. The dealer electronic reporting system was developed and tested in conjunction with industry members to ensure a system that is functional and useable for their business purposes. The system accommodates, to the extent possible, existing business software application systems that are being used by dealers. The system allows dealers who currently use such applications to upload a data file from their business application to NMFS, minimizing any additional reporting burden. Dealers who choose to keypunch their data directly into the web-based data entry system will be able to use those reports for their own business records, replacing Form 88-30 or its equivalent which many dealers had used as their official transaction record.

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 dealer purchase reports provide the only source of first-purchase information by dealers involved in these federally managed species. The reports provide critical information on the prices paid for products, the types of products being landed, and the number of dealers involved in the fisheries. If this collection were not conducted, NMFS would be unable to meet its statutory requirements under the MSA, and the fisheries in the NE could not be managed effectively, potentially resulting in irrevocable damage to a public resource.

Timely reporting is critical for monitoring fisheries managed by quotas or other harvest limits. This is especially true in fisheries with small or seasonal quotas where in-season management actions, such as closures or implementation of or changes to trip limits must be taken in a timely manner. NMFS is able to effectively monitor the quota-managed species on a weekly basis.

Reporting of null reports by dealers who do not make any purchases during the reporting week allows NMFS to verify compliance, identify non-reporters, and to take the appropriate action in a timely manner without placing an undue burden on the respondents.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

The data collection is consistent with 5 CFR 1320.6 guidelines except that it requires information to be reported more frequently than quarterly. The need for this is described in Question 6. Dealers with federal permits have weekly reporting requirements. Any dealer not fulfilling these requirements is sent

a noncompliance notice. These notices and any insuring Law Enforcement requests for submissions do not have a standard time assigned but an attempt to work with dealers to has the trips submitted a quickly as possible usually within 30 days of non-compliant notification;

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 published on Oct 28, 2020 (85 FR 68307) solicited public comments on this renewal. No comments were received.

Since the initial implementation of mandatory electronic reporting for seafood dealers on May 01, 2004, NMFS has continued to work with industry to solicit comments and feedback to ensure the process meets their needs, and continues to modify the reporting systems based on this feedback. Additionally, NMFS has reached out to consult with external stakeholders 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. No comments have been received.

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

No payments or gifts are provided under this program at this time.

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 will be kept confidential as required by section 402(b) of the MSA, and will not be released for public use except in aggregate statistical form, without identification as to its source. Logbooks are considered confidential under the Trade Secrets Act as well.

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.

No sensitive questions are asked.

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

Dealers required to complete and submit Electronic Dealer Purchase Reports include those permitted in the Atlantic mackerel, squid, butterfish, Atlantic sea scallop, NE multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, Atlantic deep-sea red crab, tilefish, skate, Atlantic surfclam and/or ocean quahog fishery, hagfish and American lobster. According to data available through the NE Region Permit database, approximately 680 dealers are permitted for one or more of the fisheries with mandatory electronic reporting requirements and submitted mandatory purchase reports.

As indicated the total annual reporting burden associated with this collection is estimated at 28,673 hours. This burden assumes an average response time of 4 minutes to submit electronic data files. The only additional time resulting from this collection is the time required to log in and transfer their existing data file. Dealers opting to enter data online may use the online system for their own business practices and to generate standard business reports. Therefore, the reporting burden reflects only the time needed to gather any additional information needed to complete the reports and to submit the data file or forms to NMFS. In addition, it is anticipated that several of the reports submitted will be negative reports and will take less time to complete or transfer. The reporting costs to the public are based on a respondent wage of \$18.88/burden hour.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Mandatory Weekly Reported Purchases from Vessels	Federally Permitted Dealer	680	632	430,089	0.067	28,673	18.88	541,346
Totals				430,089		28,673		541,347

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).

There are no capital costs or operating and maintenance costs associated with this information collection.

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	ZA-04 (x3)	\$100,707	50		\$151,060.50
Other Federal Positions	ZA-03 (x2)	\$153,555	10		\$30,711
	ZP-03 (x1)	\$153,555	100		\$153,555
Contractor Cost					
Travel					
Other Costs:				Printing/IT Maintenance	\$33,000
TOTAL					\$368,327

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

Start-up costs are being reported as zero (0) due to the dealers requesting the mandatory reporting permits being currently licensed as businesses under local and state authority and have no additional costs to request or receive a mandatory reporting federal permit. Dealers may use privately owned or publically owned (for example library kiosks) to report required purchases so there is no special equipment that needs to be purchased outside of normal business equipment.

The total number of respondents included in the previous submission was miscalculated, and the updated number and associated burden hour increase is more reflective of actual responses anticipated. In the previous submission, NMFS either entered a number of hours rather than the number of respondents or as the number of responses was determined using two separate tables, we failed to add the results from the second table.

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	
Mandatory Weekly Reported Purchases from Vessels	680	657	430,089	34,164	28,673	2,278	Total number of responses previously miscalculated, increase in responses and associated burden hours due to previous administrative error.
Total for Collection	680	657	430,089	34,164	28,673	2,278	
Difference	23		395,925		26,395		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Mandatory Weekly Reported Purchases from Vessels	541,346	NA	0	84	Labor Costs not previously included
Total for Collection	541,346	NA	0	84	
Difference	541,346		-84		

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.

Results from these collections may be used in scientific, management, technical, or general informational publications such as Fisheries of the United States (FUS) and in Status of the Fishery Resources (SFR) off the Northeastern United States, which follow prescribed statistical tabulations and summary table formats. The time schedule for publication of FUS is June of the year following collection. Publication of SFR has usually been in September. Data are available to the general public on request in summary form only and to NMFS Service employees in detailed form on a need-to-know basis only. Aggregate landings and economic data are available on NMFS web pages as well.

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.

Because this collection involves electronic reports, there is no form on which to display an expiration date. However, an expiration date will be displayed in the instructions or cover letter that will be mailed to each permit holder who is required to report purchases through the electronic system.

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

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).