

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Atlantic Highly Migratory Species Individual Bluefin Quota (IBQ) Tracking and Appeals
OMB Control No. 0648-0677

Abstract

This is a resubmission, with the final rule, of a request for revision of an existing information collection. The revision to this information collection package is due to the addition of cost recovery to the Individual Bluefin Quota (IBQ) reporting program that is being implemented by Amendment 13 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP) (RIN 0648-BI08). Vessel owners/operators participating in the IBQ program will now be required to set up accounts on pay.gov to submit payment for their cost recovery fees. No changes were made to this collection from the proposed to final rule.

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 United States (U.S.) Secretary of Commerce is authorized to regulate fisheries for Atlantic highly migratory species (HMS) under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA; 16 U.S.C. 1801 *et. seq.*) and the [Atlantic Tunas Convention Act of 1975](#) (ATCA; 16 U.S.C. 971 *et. seq.*), as amended. ATCA authorizes the Secretary to promulgate regulations as may be necessary and appropriate to carry out the binding recommendations from the International Commission for the Conservation of Atlantic Tunas (ICCAT).

ICCAT manages the highly valued, internationally pursued Atlantic bluefin tuna. ICCAT recommendations allocate a limited portion of the Western Atlantic bluefin tuna quota to the United States for distribution among domestic user groups. The National Marine Fisheries Service (NMFS) regulations at [50 CFR part 635](#) per the 2006 Consolidated HMS FMP govern domestic allocation of the ICCAT recommended bluefin tuna quota.

Amendment 7 to the 2006 Consolidated HMS FMP implemented IBQ shares and allocations to vessels fishing in the Atlantic Tunas Longline category. IBQs are intended to fairly and effectively allocate limited quota for incidental capture of bluefin tuna among vessels in the Longline category, while minimizing dead discards and discouraging interactions with bluefin tuna, and better utilizing the Purse seine category quota. An Online system (Catch Shares Online System) developed by NMFS tracks allocations and allocation leases, and reconciles leases with

bluefin tuna catch for quota monitoring. This collection of information includes reporting of IBQ allocation leases among pelagic longline (PLL) vessels and between PLL and purse seine vessels, and is currently being revised to include the establishment of online accounts on pay.gov by IBQ participants to process cost recovery fee payments.

Cost Recovery

Section 304(d)(2) of the Magnuson-Stevens Act (MSA) requires a cost recovery plan to recover management and enforcement costs for fisheries with individual fishing quotas (IFQ). The IBQ program falls within this category of program. The 2006 Consolidated HMS FMP is being amended to include a flexible cost recovery program, under which NMFS would make an annual determination whether a cost recovery fee paid by Atlantic tunas longline permit holders for a particular year is warranted. Annually, NMFS would estimate its incremental costs associated with the IBQ Program (including costs associated with the cost recovery program) and the total ex-vessel value of bluefin sold from the pelagic longline fishery, and notify the public whether a cost recovery fee will be charged for the year. If NMFS determines the annual cost recovery fee is warranted, NMFS would send bills to permit holders that sold bluefin to dealers (based on dealer landings data). IBQ permit holders would then be required to submit a cost recovery payment via a pre-existing Federal payment system called [pay.gov](https://www.pay.gov), which is also currently used by the Greater Atlantic, Alaska, and Southeast Regions. 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. Permit holders would be able to access [pay.gov](https://www.pay.gov) through the Catch Shares Online System.

2. 1 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.

Eligible Atlantic Tunas Longline category permit holders must have a Catch Shares Online System account in order to be issued IBQ shares and resultant allocation, or lease IBQ. NMFS sets up the Catch Shares Online System account for eligible IBQ participants based on information provided in the application for the Atlantic Tunas Longline permit or Atlantic Tunas Purse Seine permit (Collection 0648-0327). The information is updated as needed.

The lease monitoring information collected by the Catch Shares Online System will be used by eligible permit holders in the PLL fishery and purse seine fishery in accounting for their respective IBQ and Purse Seine category allocations, and documenting allocation leases with other IBQ participants. Participants (lessors) will enter the amount of quota they wish to lease, the price per pound, and the account number receiving the lease. NMFS will use these data to ensure proper accounting of allocations among participants, and to track use of quota allocations and reconcile allocation usage with bluefin tuna catch and landings. Eligible IBQ participants will also use the system to monitor their IBQ allocations, Purse Seine category allocations, and catch data.

Figure 1. Screen shot of allocation leasing webpage

Transfer Allocation (BFT)

Step 1: Select the type of allocation transfer...
 From my shareholder account to my vessel account

Step 2: Select a vessel account or shareholder account in the table below. When selected, the account will be highlighted in blue...
 In the Search box below, type the first few characters of the UserID or Shareholder Name to filter the list

Search

| To My Vessel Account | Vessel | PLL ATL | PLL GOM | PSG ATL | Status |
|----------------------|--------|---------|---------|---------|--------|
| | | 400 | 0 | 0 | ACTIVE |

Step 3: Enter allocation transferred for each share category by clicking in the Transfer Pounds column, changing the value and clicking the Enter key...

| From My Shareholder Account | Share Category | Current Allocation | Transfer Pounds (whole weight) |
|-----------------------------|----------------|--------------------|--------------------------------|
| | ATL | 0 | 0 |
| | GOM | 0 | 0 |
| | PSG | 0 | 0 |

Step 4: Select reason for allocation transfer
 Select reason for transfer

Step 5: Click the Submit button to complete the transfer or click the Reset button to clear all selections...
 Submit Reset

None of these data will be released for public review, except in aggregate form. 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](#).

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.

IBQ Transfers

NMFS developed, and now maintains, the Catch Shares Online System to track IBQ shares and allocations. All data entry is via the internet-based webpage <https://portal.southeast.fisheries.noaa.gov>. Shareholders use the system to track their IBQ and lease allocations with other shareholders. Shareholders sign into the system to monitor their IBQ allocations, and to indicate the amount of quota allocation they would like to lease, and identify the other shareholder to whom they will transfer the allocation (lessee). The system tracks the amount of allocation leased and the cost of allocations. Along with the bluefin tuna dealer reporting system, it is used to monitor the status of the Longline category quota.

Cost Recovery

Vessel owners submit payment via the secure internet site: www.pay.gov, accessible through the Catch Shares Online System.

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

The IBQ program covered under this collection of information is implemented by NMFS, which is the sole authority responsible for managing the domestic Atlantic bluefin tuna fishery, on behalf of the Secretary of Commerce. No other agency has authority to implement an IBQ system for bluefin tuna fisheries. The Atlantic HMS management program includes a high degree of internal coordination across NMFS regions, science centers, and headquarters offices. The distributed nature of the HMS staff throughout the agency helps the program avoid duplication and leverage other NMFS assets such as the Gulf of Mexico Red Snapper IFQ program (OMB Control No 0648-0551) in the context of the Catch Shares Online System, that serves as the operational basis for the IBQ data management system.

During the development of Amendment 7, which established the regulations for the IBQ system, NMFS coordinated closely with the HMS Advisory Panel (AP). The HMS AP includes citizens from HMS commercial and recreational fishing interests, environmental interests, academia, state fishery agencies, and federal fishery management councils. These individuals provide significant input and direction to NMFS, including the status of other fishery management or research programs and any potential for duplication of or similar reporting requirements in other fisheries. NMFS also coordinates directly with the states of the Atlantic and Gulf of Mexico coasts, and the fishery management councils and interstate marine fisheries commissions operating in these geographic areas

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

This collection of information will affect Atlantic Tunas Longline and Purse Seine category vessel owners/participants, all of whom are small businesses. Since the IBQ System was built as an extension of the Southeast Gulf of Mexico red snapper IFQ system (current referred to as the Catch Shares Online System), permit holders who currently use the Catch Shares Online System to satisfy their Gulf fisheries reporting requirements would already be familiar with and have access to the new system.

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.

If this IBQ information tracking was not conducted, NMFS would not be able to effectively implement the IBQ tracking and leasing required under HMS regulations at 50 CFR 635. Without the tracking component of the Catch Shares Online System, NMFS and IBQ shareholders would not be able to effectively track the amount of IBQ allocation used by vessel owners/participants. Without the leasing component, the management program would be less effective, in part because of the small relative size of the IBQ shares and resulting allocations that will be available to each Longline category vessel. The catch of bluefin among Longline category vessels is not evenly distributed geographically or among the fleet. It would be very difficult to award IBQ shares and resultant allocation to permit holders in a way that would provide the IBQ allocation necessary to account for their bluefin landings and dead discards. Without transferability, a permit holder's IBQ allocation could severely constrain their potential fishing effort. Further, the Purse Seine category participants would not be able to participate in the IBQ leasing process.

Real-time data collection is required to provide leasing functionality for the limited IBQ allocations and Longline category quota. Without real-time tracking of IBQ allocations, vessels might not be able to meet the minimum allocation requirement to be able to lawfully proceed on a fishing trip. Further, overages by the Longline category could impact other domestic user groups or result in an annual quota overage. ICCAT could assess a penalty if the United States overharvests its quota.

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

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

OMB guidelines state that respondents should not be required to report information more often than quarterly. However, the Catch Shares Online System requires information regarding IBQ tracking and leasing to be entered in real-time. Without real-time data entry, NMFS and vessel owners/fishery participants would not be able to monitor the status of IBQ allocations in real-time. Further, vessel owners/participants would not be able to conduct IBQ allocation leases in real-time and the Catch Shares Online System would not be useful to the respondents.

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.

NMFS published a proposed rule (RIN 0648-BI08) in the *Federal Register* on May 21, 2021. The comment period closed on July 20, 2021.

NOAA Fisheries received a comment inquiring whether the proposed cost recovery

program is consistent with other cost recovery programs administered by NOAA Fisheries. Another commenter did not support implementation of a cost recovery program, because of the numerous reporting and monitoring costs that the pelagic longline fishery already incur, and stated that congress did not envision cost recovery for an incidental species.

NOAA Fisheries developed the cost recovery program regulations in consultation with representatives from other regions in the U.S. with catch share and cost recovery programs. Differences among cost recovery programs reflect the unique aspects of each fishery managed under a catch share program, but all cost recovery programs conform to the relevant Magnuson-Stevens Act requirements (16 U.S.C. § 1854(d)(2)(B)). The IBQ Program is unique from a cost recovery perspective because bluefin is an incidental catch and not a targeted species. Typically, cost recovery programs recover agency costs based on revenue from the target species catch managed under a catch share program. Consistent with other cost recovery programs, a fee would not exceed three percent of the ex-vessel value of fish harvested under the limited access privilege program (bluefin). Because bluefin is an incidental species in the pelagic longline fishery, and the IBQ Program provides incentives to reduce interactions with bluefin, landings of bluefin are likely to remain low relative to a targeted species. Given the relatively small total ex-vessel value of bluefin incidentally caught and landed by pelagic longline vessels, and the substantial incremental costs to NOAA Fisheries associated with the IBQ Program, NOAA Fisheries anticipates that the likely cost recovery fee would be three percent of the ex-vessel value of bluefin sold (or less). As such, three percent of the ex-vessel value of bluefin will likely be a small amount of recoverable costs compared to other cost recovery programs. Therefore, Amendment 13 would implement a flexible cost recovery program, under which NOAA Fisheries would make an annual determination whether a cost recovery fee paid by permit holders participating in the IBQ Program is warranted. If the total fees that could be collected are similar to or less than the administrative costs of the cost recovery program, no cost recovery fee would be collected.

One commenter complained that the passwords associated with the Catch Shares Online System were too complex and had to be changed too often. NOAA Fisheries did not propose or analyze any changes to the password requirements associated with the Catch Shares Online System. Passwords are required elements of computer systems to maintain a high level of data integrity and security.

9. Explain any decision to provide any payment or gift 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 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.

All data submitted under this collection will be handled as confidential in accordance with the

MSA, Section 402b, and [NOAA Administrative Order 216-100](#), Protection of Confidential Fishery Statistics. Respondents are given this assurance as part of the initial information received upon enrollment to use the Catch Shares Online System. The initial information will either be mailed or emailed to the applicant, or available for download from the IFQ website.

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 questions of a sensitive nature are asked.

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

For 2017, 2018, and 2019 new vessel accounts totaled 11, 24, and 16 respectively per year, for an average of 13.7 per year, which NMFS is rounding up to 20 per year to account for potential future increases. NMFS estimates that it takes 10 minutes for each respondent to request and set up their account, for a total of (20 new accounts x 10 minutes per account = 200 minutes/60 minutes/hour = 3.3 hours) which NMFS is rounding up to 4 hours. Reporting burden for IBQ System request and set up is given in Table 1.

The annual amount of IBQ allocation leasing varies based on IBQ allocation size and the needs of permit holders or fishery participants. For 2017, 2018, and half of 2019, there were 62, 83, and 76 leases, respectively, for an average of 73.7 per year, which NMFS is rounding up to 100 per year to account for potential future increases. At 100 leases per year, the greatest possible number of respondents would be 200 (100 lessors and 100 lessees). NMFS estimates that each lease will take approximately 15 minutes per party (lessor/lessee) to complete. NMFS increased this estimate from 2 minutes in our initial supporting statement based on feedback from constituents who used the system. At 100 leases per year and 15 minutes per lease for the lessor and 15 minutes per lease for the lessee, the total reporting burden would be $100 \times 15 \times 2 = 3000/60$ minutes/hour = 50 hours (see Table 1).

All Atlantic tuna Longline permit holders that land bluefin could be subject to new cost recovery requirements., NMFS estimates that this number is not likely to exceed 60 vessels, based on 2017 through 2019 IBQ Program data. However, NMFS is rounding up this number to 100 per year to account for potential future increases. Public reporting burden for cost recovery is estimated to average 15 minutes per individual response, including the time for logging onto the relevant online website, reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total burden is estimated to be 25 hours.

Table 1. Annual reporting requirements, respondents, burden estimates, and associated wage burden costs.

| Information Collection | Type of Respondent (e.g., Occupational Title) | # of Respondents (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) |
|-------------------------------------|---|----------------------|--|---|---------------------------|---|---|--|
| Initial Application for IBQ Account | Ship Captain | 20 | 1 | 20 | 0.2 | 4 | \$26.18 | \$104.72 |
| IBQ Lease of Allocation | Ship Captain | 200 | 1 | 200 | 0.25 | 50 | \$26.18 | \$1,309.00 |
| IBQ Cost Recovery | Ship Captain | 100 | 1 | 100 | 0.25 | 25 | \$26.18 | \$654.50 |
| Totals | | | | 320 | | 79 | | \$2,068.22 |

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 is no additional cost burden to the public as a result of this information collection. All IBQ allocation leasing is done electronically, and electronic submission will not result in any additional cost to the public, since small businesses are already set up with computers and internet service as part of their regular business operations.

Table 2. Annual cost burden per respondent and overall.

| Information Collection | # of Respondents (a) | Annual # of Responses / Respondent (b) | Total # of Annual Responses (c) = (a) x (b) | Cost Burden / Respondent (h) | Total Annual Cost Burden (i) = (c) x (h) |
|-------------------------------------|----------------------|--|---|------------------------------|--|
| Initial Application for IBQ Account | 20 | 1 | 20 | \$0 | \$0 |
| IBQ Lease of Allocation | 200 | 1 | 200 | \$0 | \$0 |
| IBQ Cost Recovery | 100 | 1 | 100 | \$0 | \$0 |
| TOTALS | | | 320 | | - |

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.

The Federal government costs for this information collection include contractor costs to build and maintain the electronic Catch Shares Online System to account for trade, program administration, and processing any requested appeals. FTE associated costs are for program oversight by the Fisheries Information and Monitoring Branch Chief in the Atlantic HMS Management Division, and customer service calls fielded by Atlantic HMS staff.

In an effort to reduce costs, NMFS coordinated internally to build the IBQ System onto a similar

system that is already in operation (Southeast Region Gulf of Mexico Red Snapper IFQ Program, OMB 0648-0551). NMFS expects annual maintenance costs of \$25,000 per year. Additional contractual support for the IBQ system will now be provided through the Automated Fishery Management Support System contract which estimates IBQ related costs to be \$59,000 annually. Finally, we estimate \$22,500 in ODC costs associated with data storage for the IBQ program.

Table 3. Estimated federal costs associated with support of the Individual Bluefin Quota program.

| Cost Descriptions | Grade/Step | Loaded Salary /Cost | % of Effort | Fringe (if Applicable) | Total Cost to Government |
|--------------------------------|------------|---------------------|-------------|------------------------|--------------------------|
| Federal Oversight | ZA - 4/5 | \$228,405 | 5.0% | | \$11,420.25 |
| Other Federal Positions | ZP-4/3 | \$210,002 | 1.5% | | \$3,150.03 |
| Other Federal Positions | ZP-3/2 | \$127,635 | 2.5% | | \$3,190.88 |
| | | | | | |
| Other Costs: | | | | | |
| SERO IFQ System Administration | | | | | \$25,000 |
| AFMSS Contract | | | | | \$59,000 |
| Catch Share ODC | | | | | \$22,500 |
| TOTAL | | | | | \$125,261.16 |

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

The only program change in this revision is the addition of a cost recovery component to the IBQ program. This additional requirement will result in addition 25 hours of reporting burden to set up payment accounts in pay.gov, and an associated \$634.25 in labor costs. There will be no additional miscellaneous costs for record keeping and reporting. None of the previously authorized information collections are being adjusted at this time.

Table 4. Changes and adjustments to respondent burden estimates.

| 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 | |
| Initial Application for IBQ Account | 20 | 20 | 20 | 20 | 4 | 4 | No change |
| IBQ Lease of Allocation | 200 | 200 | 200 | 200 | 50 | 50 | No change |
| IBQ Cost Recovery | 100 | -- | 100 | -- | 25 | -- | New information collection |
| Total for Collection | 320 | 220 | 320 | 220 | 79 | 54 | |
| Difference | 100 | | 100 | | 25 | | |

Table 5. Changes and adjustments to respondent labor and miscellaneous costs.

| Information Collection | Labor Costs | | Miscellaneous Costs | | Reason for change or adjustment |
|-------------------------------------|-------------------|-------------------|---------------------|------------|---------------------------------|
| | Current | Previous | Current | Previous | |
| Initial Application for IBQ Account | \$104.72 | \$101 | \$0 | \$0 | Updated hourly wage rate |
| IBQ Lease of Allocation | \$1,309.00 | \$1,262.50 | \$0 | \$0 | Updated hourly wage rate |
| IBQ Cost Recovery | \$631.25 | -- | \$0 | -- | New information collection |
| Total for Collection | \$2,044.97 | \$1,363.50 | \$0 | \$0 | |
| Difference | \$681.47 | | \$0 | | |

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 the collection are not planned for statistical publication, although NMFS may distribute the results in reports or other publications. Prior to publication, data would be aggregated, as needed, to maintain confidentiality, and any report would comply with the Information Quality Act guidelines.

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 expiration date is displayed on the SERO Catch Share Programs – Public Home page.

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\(b\)\(3\)](#).