

**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. NMFS Greater Atlantic Region manages the golden tilefish fishery of the Exclusive Economic Zone (EEZ) of the Northeastern United States, through the Tilefish Fishery Management Plan (FMP). NMFS requests information from tilefish individual fishing quota (IFQ) permit holders to process applications that ensure IFQ allocation holders are provided a statement of their annual catch quota, and for enforcement purposes, to ensure vessels are not exceeding an individual quota allocation. In conjunction with the application, NMFS also collects IFQ share accumulation information to ensure that IFQ allocation holders do not acquire an excessive share of the total limited access privileges, as required by section 303A(d)(5)(C) of the Magnuson-Stevens Act. NMFS requests transfer application information to process and track requests from allocation holders to transfer quota allocation (permanent and temporary) to another entity. NMFS also collects information for cost recovery purposes as required under the Magnuson-Stevens Act. Cost recovery is used to collect fees to recover the costs directly related to management, data collection and analysis, and enforcement of IFQ programs. Lastly, NMFS collects landings information to ensure that the amounts of tilefish landed and ex-vessel prices are properly recorded for quota monitoring purposes and the calculation of IFQ fees. Having this information results in an increasingly more efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

**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. 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 quota share or annual quota pounds to be transferred to any entity eligible to own a U.S.-documented vessel. In order to process an IFQ transfer (quota share or pounds), 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 transfer of pounds or permanent transfer of quota share), the signature of both parties involved, the cost associated with the transfer, the amount 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](http://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 IFQ Allocation permit numbers in which they have ownership interest. The ITQ allocations for which an individual declares an ownership interest 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](http://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 credit 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 Privilege Program (LAPP), as stipulated in the MSA. This information, as stated above, enables NMFS to manage the IFQ program. All 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](http://www.pay.gov), the electronic Federal payment system managed by the Department of the Treasury.

The forms used to collect the information are available for download electronically on the GARFO website, [www.fisheries.noaa.gov/region/new-england-mid-atlantic](http://www.fisheries.noaa.gov/region/new-england-mid-atlantic): Application Form for Tilefish IFQ Allocation, Tilefish ITQ Allocation Transfer Form, and IFQ Allocation Interest Declaration form. Completed forms may be mailed or submitted through email.

**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. The 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. Without this collection of information NMFS would be unable to issue IFQ Allocation permits, issue annual quota allocations, or process transfers of IFQ quota share or IFQ pounds. This would prevent the operation of the tilefish IFQ fishery.

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

The data collection as described is consistent with OMB guidelines.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A *Federal Register* Notice published April 21, 2023 (88 FR 24596), solicited public comments. No comments were received.

NMFS implemented the Tilefish IFQ program in 2010, and works to maintain open industry/public communication as a part of participation in the program. Feedback in the form of comments or questions is welcomed and encouraged throughout the fishery management process, and several contact numbers are provided on the application forms and supporting informational materials.

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

Respondents will not receive any gifts or payment.

**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	45-1011 First-Line Supervisors of Farming, Fishing, and Forestry Workers	12	1	12	0.25	3	\$ 28.28	\$ 84.84
IFQ Ownership Caps		12	1	12	0.083	1		\$ 28.28
IFQ Permanent & Temporary Transferability		18 <sup>1</sup>	1	18	0.083	1.5		\$ 42.42
Fees & Cost Recovery		12	1	12	1	12		\$ 339.36
<b>Totals</b>		<b>12<sup>2</sup></b>		<b>54</b>		<b>17.5</b>		<b>\$ 494.90</b>

<sup>1</sup> An average of 9 transfers occur annually, and there are 2 parties for each transfer.

<sup>2</sup> There are 12 unique respondents.

The hourly wage rate was obtained from BLS : [https://www.bls.gov/oes/current/oes\\_nat.htm#45-0000](https://www.bls.gov/oes/current/oes_nat.htm#45-0000)

**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 Permit Application	12	1	12	\$ 0.66	\$ 7.92
IFQ Ownership Caps	12	1	12	\$ 0.66	\$ 7.92
IFQ Transfer Form	9	2	18	\$ 0.76 <sup>1</sup>	\$ 13.68
Fees & Cost Recovery	12	1	12	\$ -	\$ -
<b>TOTALS</b>			<b>54</b>		<b>\$ 29.52</b>

<sup>1</sup> Postage (\$0.66) plus copy fees (\$0.10)

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

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Positions	GS-10, Step 8	\$116,365.50	1%		\$ 1,164
<b>Contractor Cost</b>					
<b>Travel</b>					
<b>Other Costs:</b>					
Copy/Postage of annual bill					\$ 15
<b>TOTAL</b>					<b>\$ 1,179</b>

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

There are no changes or adjustments to this collection.

**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.