

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Documentation of Fish Harvest
OMB CONTROL NUMBER 0648-0365

SUPPORTING STATEMENT PART A

Abstract

This request is for an extension of a currently approved information collection.

The NMFS Southeast Region manages commercial fishing in Federal waters of the South Atlantic under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). South Atlantic Federal waters encompass the area offshore of North Carolina and south through the east coast of Florida.

Federally permitted seafood dealers who process or sell federally managed snapper and grouper species during seasonal fishery closures in the South Atlantic for those applicable species must maintain documentation, as specified in 50 CFR part 300 subpart K and 50 CFR 622.192(i), that such fish were harvested from areas other than state or Federal waters in the South Atlantic. The applicable snapper and grouper species are greater amberjack, gag, black grouper, red grouper, scamp, red hind, rock hind, yellow mouth grouper, yellowfin grouper, graysby, and coney. The required documentation includes information about the vessel that harvested the fish, and where and when the fish were offloaded. The required documentation also requires a signed statement by the dealer that attests to the harvest of the applicable species from areas other than the South Atlantic. NMFS requires the information for the enforcement of fishery regulations at 50 CFR 622, subpart I.

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 (NOAA) National Marine Fisheries Service (NMFS) requires seafood dealers that purchase or sell certain snapper-grouper species harvested during fishery closures must maintain documentation that such fish were harvested from areas other than the South Atlantic. Regulations at 50 CFR 622.192(i) specify the necessary documentation to support a dealer's purchase or sale of applicable species during times specified below and in 50 CFR 622.192(g) and (h).

During April, no person may purchase or sell greater amberjack if: 1) the fish is harvested from South Atlantic federal waters, or 2) the fish is harvested from state or federal waters in the South Atlantic by a vessel with a valid federal commercial permit for South Atlantic snapper-grouper [50 CFR 622.192(g)].

During January through April, no person may purchase or sell a red porgy, gag (grouper), black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney if: 1) the fish are harvested from South Atlantic federal waters, or 2) the fish are harvested from state or federal waters in the South Atlantic by a vessel with a valid federal commercial permit for South Atlantic snapper-grouper [50 CFR 622.192(h)].

These prohibitions do not apply to a dealer's purchase or sale of such species harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic as specified in 50 CFR 622.192(i).

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.

A dealer's purchase or sale of greater amberjack, red porgy, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney harvested from an area other than the South Atlantic must be accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain the information specified in 50 CFR 622.192(i), and 50 CFR part 300, subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce. The required documentation allows dealers to sell fish that were caught from areas outside the South Atlantic during closed seasons. The documentation supporting a dealer's purchase or sale of applicable species during an applicable closed season must contain the information below.

- a) The information specified in 50 CFR part 300, subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce
- b) The official number of the vessel harvesting the species
- c) The registered name of the vessel harvesting the species
- d) The home port of the vessel harvesting the species
- e) The port of offloading from the vessel harvesting the species
- f) The date of offloading from the vessel harvesting the species
- g) A statement signed by the dealer attesting that the species were harvested from an area other than in state or federal waters of the South Atlantic

NMFS' Office of Law Enforcement (OLE) will use the data when investigating the sale of fish during those periods when fishing is restricted. Record keeping is required to document the origin of the fish being sold out of season.

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.

The records required at the time of inspection are to be maintained by the fish dealer and must remain and be retained with the fish product, container, and/or catch being sold during those periods when fishing is restricted. Also, a copy must be maintained with the sales records. Currently, these documents are required to be maintained in paper form. The main concern for NMFS OLE is maintaining a signature in the event that the authenticity becomes a question.

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.

There is no similar or comparable program. NMFS implemented federal regulations for this specific application.

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

Most of the dealers in these fisheries can be categorized as small businesses. The collection will not have a significant impact on small businesses, and no special modifications of the requirements were considered necessary to accommodate the needs of small businesses.

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.

There is no reporting frequency requirement for the dealers. Regulations require federally permitted seafood dealers to maintain records of purchase or sale, and make those records available to NMFS OLE upon request. If these dealers did not keep records, proper enforcement could not take place and dealers would likely be prohibited from possessing otherwise legal fish.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This information collection is consistent with OMB guidelines.

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.

On May 14, 2024, NMFS published a notice in the *Federal Register* advising the public that NMFS was planning to extend this information collection and solicited public comment on the information collection (89 FR 41942). NMFS did not receive any public comments on the notice.

We also received no comments from external/internal counterparts regarding the federal regulations of this collection.

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

NMFS does not provide payments or gifts 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.

There is no assurance of confidentiality provided to respondents.

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.

This information collection does not request or ask sensitive information from respondents.

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

The recordkeeping requirement affects federally permitted seafood dealers with a Gulf of Mexico and South Atlantic Dealer Permit. The best available permit data show there were 379 dealers with an active or renewable permit. NMFS expects the annual number of affected respondents to be lower than the total number of federally permitted dealers; however, data are not available to determine a more accurate number. Occupational code used: 45-1011.

Information Collection	Type of Respondent (e.g., Occupational Title)	Number of Respondents per year (a)	Annual Number of Responses per Respondent (b)	Total Number of Annual Responses (c) = (a) x (b)	Burden Hours per Response (d)	Total Annual Burden Hours (e) = (c) x (d)	Hourly Wage Rate \$ (for Type of Respondent) (f)	Total Annual Wage Burden Costs \$ (g) = (e) x (f)
South Atlantic Documentation of Fish Harvest	Seafood dealer	379	1	379	10 minutes	63	28.61	1802.43
Totals				379		63		1802.43

Source: U.S. Bureau of Labor Statistics website at https://www.bls.gov/oes/current/naics2_11.htm#45-1011. Accessed September 6, 2024.

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, operating or maintenance costs to respondents 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.

There is no cost to the Federal Government.

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

There are no changes to this information collection.

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.

NMFS has no plan for a formal publication based on this collection. 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical, or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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.

There is no form or other medium to display an expiration date.

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).