

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

SUPPORTING STATEMENT PART A

Abstract

This Paperwork Reduction Act (PRA) submission requests Office of Management and Budget (OMB) approval of an extension of the information collection requirements pertaining to the Atlantic Sea Scallop Fishery Management Plan (FMP) under OMB Control No. 0648-0491. The National Marine Fisheries Service (NMFS) manages the Atlantic Sea Scallop fishery through regulations that limit catch of scallops, bycatch of certain other species, and fishing vessel activity. This fishery is only effectively managed and these regulations implemented through the use of information collected by NMFS to track fishing effort, catch, and the exchange of quota and trips through exchange by vessel owners. This information can only be collected through the reporting requirements included in this renewal.

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.**

Under 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. To successfully implement and administer components of the FMP, OMB Control No. 0648-0491 includes the following information collections:

1. Access area trip exchange application procedures
2. Individual Fishing Quota (IFQ) Transfers
3. Cost Recovery
4. IFQ Sector Program

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 submit forms for cross verification. This measure is expected to 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 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 has 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. 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.**

Several offices of NMFS, the U.S. Coast Guard (USCG), and the Fishery Management Councils 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 has been incorporated into the NMFS database and is used to track and confirm vessel permit status and eligibility, and IFQ status. IFQ transfer requests are submitted regularly throughout the year. Sector applications and operations plans are submitted once per year. Aggregated summaries of the collected information is used to evaluate the management program and future management proposals.

- 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.**

IFQ Transfers

IFQ transfer applications would be available via the Greater Atlantic Region Fisheries Office's (GARFO's) website, www.greateratlantic.fisheries.noaa.gov. Applications may be emailed to GARFO's IFQ transfer email address.

Cost Recovery

Vessel owners would 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, 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 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. Only 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 Limited Access General Category (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 would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection will be conducted in a manner consistent with OMB guidelines, with one exception. 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.

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 October 10, 2024, (89 FR 82227), soliciting public comment on this proposed extension. NMFS received no comments during the 60-day comment collection period after publication in the Federal Register.

NMFS announced at the December 3-5, 2024, New England Fishery Management Council meeting 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 in physical form as a handout 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 the New England Fishery Management Council meeting.

NOAA consulted stakeholders in attendance and via webinar at both a Mid-Atlantic and New England Fishery Management Council meeting announcing this renewal and 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. NOAA did not receive any comments.

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.

This collection of information collects personally identifiable information (PII) in accordance with System of Record Notice (SORN) [NOAA-19](#)¹, Permits and Registrations for United States Federal Regulated Fisheries. A description of the information collected and applicable security and privacy controls is captured in the Privacy Impact Assessment for [NOAA4100](#)².

As stated on the forms, all data is kept confidential as required by Section 402(b) of the Magnuson-Stevens Act, and maintained in accordance with [NOAA Administrative Order 216-100](#), Confidentiality of Fisheries Statistics, and is 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

¹ <https://www.commerce.gov/node/4991>

² https://www.commerce.gov/sites/default/files/2024-05/NOAA4100-PIA-FY2024_SAOP-Approved-Delegated.pdf

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.

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. This analysis uses the most recent data from the Bureau of Labor Statistics to calculate estimates for hourly wages of respondent types for each information collection named below. Occupational Code: 53-5021 Captains, Mates, and Pilots of Water Vessels.

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	Captain	180	1	180	15 min	45	\$ 47.03	\$2,116
Quota Transfer Application (temporary & permanent)	Vessel Owner	420	1	420	10 min	35	\$ 47.03	\$1,646
Cost Recovery	Vessel Owner	200	1	200	2 hr.	400	\$ 47.03	\$18,812
Sector Proposals	Vessel Owner	2	1	2	150 hrs.	300	\$ 47.03	\$23,515
Sector Operation Plans	Vessel Owner	2	1	2	100 hrs.	200	\$ 47.03	\$23,515
Totals				804		980		\$69,604

* Occupational Code used (53-5021). https://www.bls.gov/oes/current/oes_nat.htm#53-0000

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/year (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)
Trip Exchange Request	180	1	180	\$ -	\$ -
Quota Transfer Application (temporary & permanent)	420	1	420	\$ -	\$ -
Cost Recovery	200	1	200	\$ -	\$ -
Sector Proposals	2	1	2	\$ 2.00	\$ 4.00
Sector Operation Plans	2	1	2	\$ 2.00	\$ 4.00
TOTALS	804		804		\$ 8.00

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-IV	105,867	10		10,587
	ZA-III	169,571	10		16,957
Contractor Cost		N/A		N/A	N/A
Travel					
Other Costs					
TOTAL					27,544

The Commerce Alternative Personnel System (CAPS) pay table for the Rest of U.S. locality rate was used to determine the base salary. https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf The Rest of U.S. locality was used since NOAA staff are geographically dispersed. A 1.5 multiplier was used to calculate the loaded salary.

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

The Trip Exchange requests and Quota Transfer Applications are now submitted electronically. These costs have been removed, reducing the costs to the respondent by \$372.

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.

NOAA 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 NOAA 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.

The program office will display the OMB control number on all forms under this collection.

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

