

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
American Lobster – Annual Trap Transfer Program
OMB Control No. 0648-0673

Abstract

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

The American lobster resource and fishery are cooperatively managed by the states and NMFS under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, according to the framework established by the Atlantic States Marine Fisheries Commission (ASMFC) in Amendment 3 of its Interstate Fishery Management Plan (ISFMP). This collection of information is in response to several addenda to Amendment 3 of the ISFMP that work to reduce trap fishing effort through limited entry fishing and trap allocation limit reductions. The Trap Transfer Program is intended to foster economic flexibility for the lobster industry while reducing fishing effort on the American lobster resource. The regulations implementing the FMP in the EEZ are specified at 50 CFR part 697.

This collection of information is being conducted to help mitigate the economic burden of scheduled trap allocation reductions in Lobster Conservation Management Areas 2 and 3 on Federal lobster permit holders through the Annual Lobster Trap Transfer Program, which allows all qualified Federal lobster permit holders to buy and sell trap allocation from Areas 2, 3, or Outer Cape Cod. NMFS collects application forms from Lobster permit holders who wish to transfer trap allocation from these areas during a 2-month period (from August 1 through September 30) each year. The revised allocations resulting from the transfers become effective for each participating lobster permit at the start of the following Federal lobster fishing year, on May 1. Both the seller and buyer of the traps are required to sign the application form, date the document, and clearly show that the seller has sufficient allocation to transfer and that the buyer has sufficient room under the applicable trap cap.

A. 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) requests the approval by the Office of Management and Budget (OMB) of an extension of the existing collection of information under OMB Control Number 0648-0673 for the American Lobster – Annual Trap Transfer Program.

The American lobster resource and fishery are cooperatively managed by the states and NMFS under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, according to the framework established by the Atlantic States Marine Fisheries Commission (ASMFC) in Amendment 3 of its Interstate Fishery Management Plan (ISFMP). This collection of

information is in response to several addenda to Amendment 3 of the ISFMP that work to reduce trap fishing effort through limited entry fishing and trap allocation limit reductions. The Trap Transfer Program is intended to foster economic flexibility for the lobster industry while reducing fishing effort on the American lobster resource.

Federal lobster permit holders qualified to fish with trap gear in Lobster Conservation Management Areas 2 and 3 underwent scheduled annual trap allocation reductions of 5 percent per year until 2021 (Area 2) and 2020 (Area 3) from recommendations in Addendum XVIII to Amendment 3 of the ISFMP. In 2015, in an effort to help mitigate the initial economic burden of these reductions, NMFS and state agencies implemented the Lobster Trap Transfer Program that allows all qualified Federal lobster permit holders to buy and sell trap allocation from Areas 2, 3, or Outer Cape Cod. Through the program, any Federal lobster permit holders (regardless of prior area qualifications) may purchase all or part of an Area 2, Area 3, and/or Outer Cape Area trap allocation from eligible permit holders; and those with qualified permits for any of these three areas may sell and buy traps to scale their businesses to an optimal size. Each transaction includes a conservation tax of 10 percent, which removes the number of traps equal to 10 percent of the total traps in the transfer permanently from the fishery. These traps would be debited from the overall number of fishable traps for the associated lobster trap area, as well as the lobster fishery as a whole, thereby reducing the overall number of fishable traps in the water. This concept is consistent with the ISFMP, which includes the conservation tax as an additional means of controlling effort in the fishery.

This collection of information will allow NMFS to continue to obtain data from Federal lobster permit holders on a voluntary basis every year in the form of an application form to transfer traps through the annual Trap Transfer Program. Applications are only accepted during a 2-month period each year (August 1 - September 30), and the revised allocations for each participating lobster permit resulting from the transfers become effective at the start of the following Federal lobster fishing year, on May 1. Both the seller and buyer of the trap allocation must sign and date the form as an agreement to the number of traps in the transfer; as well as clearly show that the transferring permit holder has sufficient allocation to transfer and the permit holder receiving the traps has sufficient room under any applicable trap cap. This information allows NMFS to process and track transfers of traps through the Trap Transfer Program and better enables the monitoring and management of the American lobster fishery as a whole.

The Atlantic Coastal Act authorizes NMFS to regulate lobster in Federal waters in cooperation with the ASMFC through implementation of the ISFMP. The ISFMP requires that states implement regulations in support of the lobster management plan and recommends that NMFS implement complementary regulations in Federal waters. The majority of the lobster fishery occurs in state waters and most Federal lobster permit holders also hold a state lobster license. To coordinate the trap transfer effort between NMFS and the states, a joint interjurisdictional trap transfer database was developed for the Trap Transfer Program that is cooperatively managed by both NMFS and state agencies. All trap transfer applications are processed through this joint database and must be approved by both NMFS and the corresponding state, with special attention given to those transactions involving “dual” permit holders with both state and Federal trap allocations. Working cooperatively with the states and sharing a joint trap transfer database prevents a disconnect between state and Federal trap allocations and transfer agreements (especially for dual state and Federal permit holders) and fosters a supportive environment between agencies. This simplifies the overall transfer process and helps all parties maintain accurate data for their records and management.

The Trap Transfer Program officially began in 2015 and has been conducted for over 10 years. This program is a part of management measures that seek to promote economic efficiency within the fishery while maintaining existing social and cultural features of the industry where possible. It is important to maintain this program on an annual basis in order to allow permit holders to maximize economic flexibility while also realizing the conservation benefits that result from the transfer tax to keep the American lobster industry sustainable.

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.

NMFS collects the trap transfer applications on an annual basis from Federal lobster permit holders interested in buying or selling trap allocation from one or more of the transferable lobster management areas (Areas 2, 3, and Outer Cape Cod). The information will be used to enact the transfer transactions themselves, which includes: Checking the permits and trap allocations of the participants; returning/revising incomplete or erroneous applications; auditing the information to ensure the appropriate ending trap allocations are correct in the shared internal and individual regional trap transfer databases; and notifying the participants of the completed transaction and changes to their respective permits after the transfer is finalized.

Each year, permit holders have the opportunity to transfer all or some of their Area 2, 3, or Outer Cape trap allocation by submitting a trap transfer application form during the designated two-month application period (August-September). NMFS collects all of the applications but consults with the appropriate state agencies on all applications that involve dual state and Federal trap allocations throughout the transfer process. All data collected through this program is then entered into and processed through a shared, cooperatively managed trap transfer database. Accordingly, NMFS will utilize this data to remain consistent with the ASMFC's recommendations for complementary management. To do otherwise could lead to incongruent trap allocations for dual permit holders, creating confusion and undermining the effective implementation of the program.

NMFS makes the Area 2, 3, and Outer Cape trap allocation data of each Federal lobster permit holder available online each year before and during the trap transfer application period to facilitate the transfer process, allocation management, and the rulemaking process. Specific information on each transaction is never available to the public, but the aggregate allocation and transfer data, including permit-specific allocations, are available for public use.

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.

Trap transfer applications are currently accepted electronically by email, in addition to traditional U.S. mail or other postal methods. NMFS provides options to facilitate the timely submission of the required information, and to reduce the time and costs associated with the application process. NMFS utilizes its own databases to track and process applications/trap transfers, as well

as a joint trap transfer database collaboratively managed with state agencies to handle applications from dual (state and Federal) lobster permit holders.

NMFS posted copies of the trap transfer application form and instructions for this information collection on the NMFS American Lobster Species Page (<https://www.fisheries.noaa.gov/species/american-lobster#trap-transfer-program>) under the “Trap Transfer Program” tab, to provide easy access for those who have misplaced their applications and to inform interested parties such as state agencies and industry groups.

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.

NMFS works with the states on cases of applicants who hold dual (state and Federal) lobster permits to ensure duplication does not occur. All trap transfer applications must be approved by both NMFS and the marine fisheries agency of the permit holder’s resident state(s) before the transaction is approved and processed. All transfer data is entered into a joint trap transfer database that can be accessed and managed by both NMFS and state agencies. If duplication occurs it can be identified quickly within the shared system and resolved easily.

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

All the respondents are small businesses; however, this collection is voluntary and is not expected to have a significant financial impact. To reduce burden on all applicants, trap allocations for Areas 2, 3, and Outer Cape (before and after the year’s annual trap reductions) are made available online to permit holders before each trap transfer application submission window. This saves potential applicants the burden of finding their information or taking extra time to search for potential buyers/sellers to transfer with. All documents and instructions for the Trap Transfer Program are also made available online, together with the posted allocation information on the NMFS American Lobster webpage, to provide easy access for interested parties to relevant materials all in one place. Applicants may submit application forms electronically through email, saving time and postage costs.

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 Trap Transfer Program is intended to help control fishing effort while increasing economic flexibility in the American lobster trap fishery. NMFS and state agencies will use the collected data, on an annual basis, to help permit holders voluntarily transfer trap allocation to or from their permit. Permit holders may submit applications during a two-month submission window in the fall, to manage their permits and make business decisions before annual trap reductions take effect for Areas 2 and 3 at the beginning of the following fishing year on May 1. The annual transfer period is optimal, as it provides a means for permit holders to take advantage of the

economic benefits associated with trap transferability on an optional basis, while restricting the timing to minimize the administrative burdens on the Federal government and affected permit holders. Failure to implement/offer this program at all would restrict economic flexibility and remove an option initially provided to help mitigate the impact of scheduled trap allocation reductions in Areas 2 and 3.

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. 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 June 11, 2026 (91 FR 35465), solicited public comment. No public comments were received.

NMFS reached out to stakeholders at the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council 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 were received.

NMFS officially began conducting the Trap Transfer Program in 2015 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 trap transfer process, and contact information is provided on the application form 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 the assurance in statute, regulation, or agency policy. If the collection requires a system 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 NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics. Final eligibility determinations and trap

allocations are available to the public, consistent with current practices relative to NMFS permit data, but no confidential data is included in this information or ever made available.

System of record notice NOAA-19¹, Permits and Registrations for United States Federally Regulated Fisheries, covers the information in this collection. The privacy impact assessment for NOAA4100² provides the security and privacy controls applicable to this collection.

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.

There are no questions of a sensitive nature.

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

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

12. Provide an estimate in hours of the burden of the collection of information.

For each trap transfer transaction, both the seller and buyer of the traps need to fill out, sign, and date the trap transfer application form together; resulting in two applicants/parties (buyer and seller) for each application/transaction. **NMFS estimates that for each two-party transaction, it takes 10 minutes to complete the application form, sign the form in agreement, and submit the final application to NMFS.** The time required for a permit holder to submit a trap transfer application online is roughly the same as submitting a hard copy, but the costs of an electronic submission could be \$0.00, since those choosing that option may already have access to a computer and the internet. In the first two years of the Trap Transfer Program, most applications were received by email or fax, but several are still received in hard copy format through the mail. It can be difficult to determine, in any given year, how applications will be submitted, and there are still participants with limited access to computers and the internet. So, we will assume—for the purposes of public burden estimation—that all participants will conduct their transactions using hard-copy submissions.

In general, based upon relative interest and initial numbers, NMFS estimates that approximately 25 percent of those permit holders with trap allocations in one of the transferable areas (Area 2, Area 3, Outer Cape Cod Area) may decide to transfer traps. **This amounts to 71 permit holders³.** Permit holders with trap allocation in other areas and those with non-trap permits may also be interested in establishing a trap allocation for the trap transferability areas. Some factors that may influence a permit holder's decision to "buy in" to one of these areas may be: The availability and price of traps; the location of the permit holders; the gear types they use; and the other areas and allocations they may already be authorized to fish. Given these factors, initial program numbers, and other uncertainties—including the current failing stock status of Southern New England lobster—it may be sufficient to estimate that about 5 percent of all Federal lobster permit holders who do not have allocation in Area 2, Area 3 or the Outer Cape Area, may participate in the Trap Transfer Program in any given year. There are 2,505 Federal lobster permits in 2026. If we consider the 285 permits that qualify for at least one of the three trap transfer areas, the result is 2,220 permits that are not granted a trap allocation for these areas and would need to "buy in" to gain access. We can assume that only those permit holders who are actively fishing their permits would want to add new fishing areas and expand the regions in which they can continue to fish⁴; so, if we remove the 578 permits currently inactive in CPH (confirmation of permit history), we are left with 1,642 permits. Five percent of all lobster permits in this subset gives us **a total of 82 permits/permit holders** who would potentially participate in the Trap Transfer Program. When this is added to the number of permit holders with allocation in Area 2, Area 3, and the Outer Cape Area that are expected to participate (25 percent of the 285 total = 71), **the overall number of potential annual participants to buy and/or sell traps in any given year is approximately 153 Federal lobster permit holders.**

Each transfer transaction requires two permit holders, a buyer and a seller. Therefore, the number of expected participants is twice the number of actual transactions. **If 153 permit holders buy or sell traps in a given year, then the number of transfer transactions would be half that number, or 77 transactions. If each transaction takes 10 minutes to complete, then the total time for 153**

³This figure is based on the total number of qualifiers for the three areas: Area 2 = 183; Area 3 = 88; Outer Cape Area = 14; 194 + 131 + 18 = 341; **Total = 285 X 0.25= 71.**

⁴ There has been some evidence of permit holders with CPH permits *selling* traps through the Trap Transfer Program, but these are individuals that already have allocation Areas 2, 3, or OC, and would not need to "buy in."

permit holders to transfer traps through 77 transactions during the annual trap transfer application submission window is 13 hours (77 transactions X 10 minutes per transaction = 770 minutes = 13 hours).

Current estimates for the annual Trap Transfer Program collection of information, as described above, predict approximately 77 two-party transactions from 153 respondents, creating an overall public burden of 13 hours annually.

Table 1. Estimate of Annual Time Burden on Respondents

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)
Lobster Trap Allocation Transfer Application	45-1011 First-Line Supervisors of Farming, Fishing, and Forestry Workers	153	0.50*	77	10 min	13	\$30.16	\$392
Totals				77		13		\$392

* Two respondents per response.

The wage rate was obtained from BLS national rates: <https://data.bls.gov/oes/#!/area/00000000/2025>

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).

The cost to submit a trap transfer transaction application is equal to the price of a large letter sized envelope (\$2.00) and postage (\$1.31), totaling \$3.31, added to the cost of copying or faxing each page of the two-sided trap transfer form (two copies, one for each permit holder = \$0.20 per page X four pages; estimated at \$0.80). This adds up to roughly \$4.11 per application transaction. However, each applicant may also need to provide two additional pages of documents such as a letter to show their current trap allocation or permit information. This adds four more pages for copying or faxing, at \$0.20 per page, and about \$0.80 more to the cost. **Therefore, the total cost of each joint transfer transaction is approximately \$4.91, and the estimate of the overall annual cost for all 77 trap transfer transactions at \$4.91 per transaction is \$378.07.**

Table 2. Estimate of Annual Cost Burden on Respondents

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)
Lobster Trap Allocation Transfer Application	153	0.50	77	\$4.91	\$378
TOTALS	153	0.50	77	\$4.91	\$378

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

NMFS calculated the total estimated burden on the government from the lobster Trap Transfer Program collection based upon the estimated 153 permit holders who may apply to this program each year, the 77 annual trap transfer transactions expected to take place, and the time and costs associated with the review and approval of the transfer applications. NMFS expects the number of participants to decrease over time as fishermen stabilize their businesses and available traps become scarce, but this estimate may stand to mark the burden on an annual basis since it is uncertain how trap availability and market forces may impact the number of transactions over time.

The OPM General Schedule pay tables⁵ for the Rest of U.S. locality rate were used to determine the base salary. The Rest of U.S. locality was used since NOAA staff are geographically dispersed. A multiplier of 1.5 was used to calculate the loaded salary.

Material Costs

The material (non-labor) costs to the Federal government for soliciting, processing, and responding to applications are the costs of paper, envelopes, and postage for any correspondence not conducted electronically. Itemized costs of those materials needed include envelopes at \$0.09 per envelope (\$9.00 per box of 100 envelopes), and sheets of paper at \$.01 per sheet (500 sheets per one ream at \$5.00 per ream). Postage could be covered with a single letter-sized envelope, approximately 1 ounce in weight, for a postal charge of \$0.55 per response. To get the full burden estimate, we can assume that most correspondence will include two sheets of paper.

⁵ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/RUS.pdf>

Therefore, the total material costs of mailing a letter to each applicant is approximately \$0.66 (\$0.09 + \$0.02 + \$0.55).

It is estimated that approximately 10 percent of trap transfer applications submitted may be incomplete or have errors, requiring some sort of interim correspondence totaling \$0.66 per response. A confirmation letter will also be sent to all participating permit holders with a summary of their new allocations after trap transfers are complete, at the same cost of \$0.66 per response. With the 153 confirmation letters, and additional correspondence to 10 percent (15) of those applicants, the total estimated correspondence burden is 168 letters. This brings the total material costs to the Federal government per year for the Trap Transfer Program to \$110.88 (168 X \$0.66).

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-10/8	\$125,738	0.8173%		\$1,028
Positions	GS-14/1	\$188,664	0.1634%		\$308
Contractor Cost					
Travel					
Other Costs					\$111
TOTAL					\$1,447

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

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	
Lobster Trap Allocation Transfer Application	153	204	77	102	13	17	Number of participants to decrease over time as fishermen stabilize their businesses and available traps become scarce.
Total for Collection	153	204	77	102	13	17	
Difference	-51		-25		-4		

Information Collection	Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	
Lobster Trap Allocation Transfer Application	\$378	\$496	While there is an increase in the cost of postage, print and fax; decrease number of respondents.
Total for Collection	\$378	\$496	
Difference	-\$118		

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to use any of the trap transfer application data provided to the Federal government through this information collection for publication. However, the information is made available to state agencies to track and facilitate trap transfers and manage state and Federal trap allocations for economic and conservation purposes. Updated trap allocation data is made available annually online to help facilitate the trap transfer process and may be needed in the future to support program enforcement or relevant fishery management actions.

It is anticipated that the information collected will be used to support publicly disseminated information regarding potential future rulemaking actions relevant to the Trap Transfer Program or other lobster fishery management actions. 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.

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.

Expiration dates will be displayed on all forms under this collection.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement. On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).