

11.0 COMPLIANCE WITH THE DATA QUALITY ACT

11.1 SECTION 515 INFORMATION QUALITY DOCUMENTATION

11.1.1 Utility of Information Product

Explain how the information product meets the standards for **utility**:

Is the information helpful, beneficial or serviceable to the intended user?

The final rule includes: A description of Amendment 10, the changes to the implementing regulations of the FMP, and a description of the alternatives considered and the reasons for selecting the preferred management measures. This final rule implements the FMP's conservation and management goals consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as well as all other existing applicable laws.

Is the data or information product an improvement over previously available information? Is it more current or detailed? Is it more useful or accessible to the public? Has it been improved based on comments from or interactions with customers?

This final rule was developed as a result of a multi-stage process that involved review of the source document (Amendment 10 to the FMP) by affected members of the public (through the Regional Fishery Management Council (Council) public review process). The latest information available from the Fisheries Statistics Office was used to update landings and quota figures from the proposed rule to the final rule.

What media are used in the dissemination of the information? Printed publications? CD-ROM? Internet? Is the product made available in a standard data format? Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

The Federal Register notice that announces the final rule and the implementing regulations will be made available in printed publication and on the website for the Northeast Regional Office. The notice provides metric conversions for all measurements. The Final Amendment 10 document is also available on the Council's web site in standard PDF format.

11.1.2 Integrity of Information Product

Explain (Circle) how the information product meets the standards for **integrity**:

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.

If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business and financial information).

Other/Discussion (e.g., Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

11.1.3 Objectivity of Information Product

Indicate which of the following categories of information products apply for this product:

- Original Data
- Synthesized Products
- Interpreted Products
- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories
- Experimental Products
- Natural Resource Plans
- Corporate and General Information

Describe how this information product meets the applicable objectivity standards. (See the DQA Documentation and Pre-Dissemination Review Guidelines for assistance and attach the appropriate completed documentation to this form.)

What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards? (See the NOAA Sec. 515 Information Quality Guidelines, Section II(F) for links to the published standards for the Plans disseminated by NOAA.)

In preparing the Amendment and Final Supplemental Environmental Impact Statement document, the Council(s) must comply with the requirements of the Magnuson-Stevens Act, the National Environmental Policy Act, the Regulatory Flexibility Act, the Administrative Procedure Act, the Paperwork Reduction Act, the Coastal Zone Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Data Quality Act, and Executive Orders 12612 (Federalism), 12630 (Property Rights), 12866 (Regulatory Planning), and 13158 (Marine Protected Areas). NOAA Fisheries has determined that the final rule to implement Amendment 10 to the FMP is consistent with the National Standards of the Magnuson-Stevens Act and all other applicable laws.

Was the Plan developed using the best information available? Please explain.

This final rule and the Amendment to the FMP that it implements have been approved for compliance with all the applicable National Standards, including National Standard 2. National Standard 2 states that the FMP's conservation and management measures shall be based upon the best scientific information available. Despite current data limitations, the conservation and management measures implemented under this rule were selected based upon the best scientific information available.

This information includes NOAA Fisheries dealer weightout (weight of fish landings) data from 1998 to 2002, which was used to characterize the economic impacts of the management proposals. These data, as well as the NOAA Fisheries Observer program database (1994 – 2002) and the Vessel Effort Monitoring System (VMS) program database (1998 – 2000),

were used to characterize historic landings and effort, species co-occurrence in the scallop catch, and discarding. Standardized scallop survey data (1982 – 2002) collected annually by the R/V Albatross were also used to assess the stock size and fishing mortality rates, as well as used in projections of various management strategies and alternatives. Also standardized finfish survey data (1963 – 1998) were used to determine EFH designations and for comparing the effectiveness of various habitat alternatives to protect EFH. Sediment data from Poppe et al. (1989) were used to characterize bottom substrates to describe complex and sensitive bottom habitats that might be vulnerable to adverse impacts by scallop fishing.

Specialists (including professional members of plan development teams, technical teams, committees, and Council staff) who worked with these data are familiar with the most recent analytical techniques and with the available data and information relevant to the scallop fishery. A fuller description of the data used and the process the Council followed in analyzing the current status of the fishery and the potential future impacts is presented in Section 8.0.

Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?

The policy choices (i.e., management measures) implemented by this rule are supported by the available scientific information and, in cases where information was unavailable, proxy reference points are based on observed trends in survey data. The management measures contained in the rule and developed in Amendment 10 to the FMP are designed to meet the conservation goals and objectives of the FMP, and prevent overfishing, while maintaining sustainable levels of fishing effort to ensure a minimal impact on fishing communities and the environment.

The supporting materials and analyses used to develop the measures in the final rule are contained in amendment and FSEIS document to the FMP (or in previous amendments to the FMP); the various sections of the amendment document that contain the analyses and information are referenced in the rule as appropriate.

Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.

The amendment review process involves the responsible Council, the Northeast Fisheries Science Center (Center), the Northeast Regional Office, and NOAA Fisheries Headquarters. The Center's technical review is conducted by senior level scientists with specialties in population dynamics, stock assessment methods, demersal resources, population biology, and the social sciences. The Council review process involves public meetings at which affected stakeholders have opportunity to provide comments on the amendment document. Review by staff at the Regional Office is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. The Council furthermore utilized the expertise of a Scientific and Statistical Committee and a Social Sciences Advisory Committee to review and provide critical advise on the analysis in Amendment 10. Members of these two committees are drawn from academia and state marine resource divisions to provide independent technical review (see

Section 8.1.1 for a list of membership to these committees and other technical committees that worked on Amendment 10 analyses). Final approval of the Amendment and clearance of the rule is conducted by staff at NOAA Fisheries Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget.