Truex Enterprises
P.O. Box 727
Manahawkin, New Jersey 08050

October 8, 2015

Ms. Jennifer Jessup
Department of Paperwork Clearance Officer,
Department of Commerce, Room 6616
14th and Constitution Avenue NW
Washington, DC 20230

Dear Ms. Jessup:

We wish to submit these comments on the *Proposed Information Collection; Comment Request: Surfclam/Ocean Quahog Individual Transferable Quota Administration,* notice that was published in the Federal Register Vol 80, No 153 on August 10, 2015. Truex Enterprises is a combination of Individual Transferable Quotas (ITQ) owners who have been involved in these fisheries since the beginning of management and for several decades prior to that.

First, let me state that these two fisheries are generally considered some of the best managed fisheries in the USA. Surfclams were overfished prior to management, but were rebuilt quickly under management and the ocean quahog resource has never been overfished. The industry, NMFS, and the Mid-Atlantic Fishery Management Council (MAFMC) have successfully operated efficiently and cooperatively since implementation of the ITQ allocations in 1990. Prior to the implementation of the ITQ program however, management was intrusive and contentious with the government proposing new rules every couple of weeks.

While the ITQ program has provided stability and predictability for both the government and industry, this proposed data collection program has pitted the industry completely against the government. Never in the past 25 years have the relationships among the three entities been this strained. The issue of requiring detailed, confidential business records that are involved in the transfer of ITQs within a fishing year is both highly intrusive and unnecessary in tracking ITQ shares within a fishing year. At the start of each fishing year, the appropriate number of cage tags is issued in sequential numeric order to all ITQ holders and can be tracked through the sequenced cage tag numbers as ITQ allocations are transferred within a fishing year. Proprietary and confidential commercial or financial information is prohibited under the Magnuson Stevens Fishery Conservation and Management Act.

The intent of this information collection program is to help the MAFMC to prepare a new definition of what is an "excessive share" in these fisheries. (I won't get into the fact that the fisheries have had a definition since 1990!) However, even the MAFMC asked NMFS to remove much of the financial information proposed for the ITQ transfer. On October 7, 2014 they overwhelmingly (14 supported, 2 opposed and 2 abstained) passed the following motion:

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The Mid-Atlantic Council who will use these data, don't even want as much information as the Agency is proposing to be collected! What purpose is there for collecting these unwanted data? Why is the Agency wasting taxpayer dollars and Agency time now, and with the additional future Council amendment on cost recovery, the current taxpayer dollars will be converted to the industry paying for this information that is proprietary and simply not needed, except so that someone is able to check off their box in their annual work plan? Talk about government waste!

In summary, we completely oppose this information collection rule. The data are not needed by the organization that is likely to use it for the definition of excessive shares. No proposed or implemented rule during the past 25 years of federal management has so unified the industry in opposition as this information collection program. Why not define excessive share and then see what data are needed to be collected to implement that definition rather than some "fishing" expedition. How can this information collection program possibly meet the PRA? This fishery management system is NOT broke – please don't go backwards with it.

Thank you for your consideration of these comments. Please do not hesitate to contact us should you have any questions.

Sincerely yours,

Truex Enterprises

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Sincerely yours,

Martin Truex

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Sincerely yours,

James Meyers

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Leroy Truex