

**SUPPORTING STATEMENT
NOAA FISHERIES NORTHEAST REGION GEAR IDENTIFICATION
REQUIREMENTS
OMB CONTROL NO.: 0648-0351**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The **regulations** at 50 CFR 648.84, 648.123(b)(3), 648.144(b), 648.264(a)(5), and 697.21(a)(b) require the identification of specified fishing gear. Furthermore, the regulations specify the method of identification for the fishing gear so that the gear is clearly visible and ownership of the gear can be easily ascertained. It is important to note that the effort-control programs involving gillnet and lobster trap tags (also gear marking under 50 CFR 648.80, 648.92(b)(8)(B)(ii), and 697.21(a)(2)) are approved and accounted for under Office of Management and Budget (OMB) Control Number: 0648-0202.

The success of fisheries management programs depends on regulatory compliance. The ability to link fishing gear to the vessel owner or operator is crucial to the enforcement of regulations under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (**Magnuson Act**), as amended in 2006. The ability to identify gear allows state and federal enforcement personnel to identify permit holders that are using unapproved gear configuration, using the gear during a time restriction, or using gear in a restricted area. In the Northeast (NE) Region, gear marking is required of permit holders in the NE multispecies trap and gillnet fisheries, American lobster trap fishery, scup trap/pot fishery, the deep-sea red crab fishery and the black sea bass trap/pot fishery.

The marking of gear is also a valuable tool in ascertaining ownership of lost or damaged gear, as well as gear involved in civil proceedings. Gear can be lost or damaged as the result of interactions between mobile and fixed gears. Gear identification is an important tool in identifying the parties involved in these conflicts.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

No information is submitted directly to National Marine Fisheries Service (NMFS) as a result of this information collection. Gear identification has been used in the past as a means to identify lost or abandoned gear, gear involved in interactions with protected species, gear involved in conflicts with another gear sector, or within the same gear sector. Additionally, gear identification allows law enforcement personnel to identify gear that is not configured according to regulations, deployed in a restricted area, or deployed during a restricted time. The characters used in the identification of the fishing gear (e.g., Federal permit number, the vessel's official number, or other specified characters) are considered public information. The information collected is not used for any means other than marking the location and identification of fishing gear.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

These identification requirements facilitate the visual identification of fishing gear. Although technologies have been developed to electronically identify and monitor fishing gear, this form of identification is indispensable. The visual collection of the gear identification characters by the public and law enforcement personnel may involve binoculars or other sight enhancement technologies.

4. Describe efforts to identify duplication.

There is no duplication of this requirement with other collections by NMFS. However, the U.S. Coast Guard and state regulatory agencies may require the same means and methods of gear identification. These requirements are complementary and do not create any additional nor duplicative requirements on the respondents.

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

Nearly all commercial fishing vessels subject to this information collection are categorized as small businesses. It is not anticipated that the information collection will have any significant impact on the operations of small businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If commercial fishing gear were not identifiable by NMFS, the U.S. Coast Guard, or any other cooperating enforcement agency the ability to enforce fishery regulations would be significantly impaired. The requirements of this collection are only repeated once the identification markings become illegible or become separated from the gear.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances require the collections to be conducted in a manner inconsistent with the OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency 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.

A Federal Register Notice was published on June 8, 2007. No comments were received. The regulatory process also ensured public comment when the requirements were initially proposed.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents as a part of this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Fishing gear identification is not considered confidential information and thus no confidentiality is provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked as part of this collection.

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

The method for marking fishing gear varies according to the type of gear. Gear may be marked with paint and a paintbrush, a permanent ink applicator, or a stencil. The markings are often made upon a small floating apparatus (e.g. buoy) that is attached to the gear. The number of gear in the case of longline, pots, and traps, is not the number of hooks, pots, or traps, but rather the number of vertical end lines associated with each string of hooks, pots, or traps. The average number of lobster traps per entity is 1,250. The average number of traps per trawl (string) is 10, with two endlines per trawl. This gives a total of approximately 250 vertical endlines per entity ($1,250/10 = 125 \times 2 \text{ endlines} = 250$). Similarly, the average number of black sea bass and scup pots per entity is 300. The approximate number of pots per trawl (string) is 5. This gives a total of 120 endlines (2 per trawl) per entity ($300/5 = 60 \times 2 = 120$). Longline vessels fish approximately 6 tub trawls (strings) giving approximately 12 endlines (2 per trawl) per entity ($6 \times 2 = 12$). The average time estimated to mark gear is 1 minute per gear. Table 1 shows the break-down of number of gear subject to this collection by gear type. **The total estimated burden for this collection is 24,429 hours.**

Labor costs, at \$15 per hour, are estimated to be \$366,435.

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 #12 above).

The cost to the respondents is minimal. Materials needed are paint and paintbrush, permanent ink applicator, or a stencil. Annual start-up costs are estimated to be \$10 to purchase either the paint, ink, or stencil. Total estimated cost per vessel varies according to the type and amount of gear used. Given normal weathering of the fishing gear it is estimated that the gear marking will have to be repeated on an annual basis. Table 1 details the costs.

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

There are no costs to the federal government associated with the requirement to identify gear.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The changes are adjustments which reflect the most current information regarding the number of vessels and gear currently and estimated for the next three years. The total burden hours were reduced as a result of a better analysis of what requirements, specifically the gillnet and lobster tag programs, were accounted for under the Northeast Region Permit Family of Forms (OMB Control No.: 0648-0202). The annual cost was increased primarily as a result of better accounting of the total number of respondents in the gillnet fishery. Previously only 1,500 respondents were indicated, whereas a recent analysis indicates that there are approximately 2,200 respondents to this collection. These numbers are consistent with the Northeast Region Permit Family of Forms submission. In addition, the number of participants within each gear marking program increased, except for Red Crab, which remained the same, and Tilefish, which decreased.

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

No results will be published.

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.

No forms are used in this information collection.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Table 1. Cost Table

Gear Group	Fishery	Number of Entities	Items Per Entity	Total # of Items	Response Time	Total Burden (Hours)	Annual Recordkeeping/Reporting Cost	
							Public*	Government
Trap/Pot Fisheries	Lobster	2,700	250	675,000	1 minute	11,250	\$27,000	n/a
	Black Sea Bass	392	120	47,040	1 minute	784	\$3,920	n/a
	Scup	190	120	22,800	1 minute	380	\$1,900	n/a
	Deep-sea Red Crab	5	60	300	1 minute	5	\$50	n/a
Gillnet	All Fisheries	2,201	320	704,320	1 minute	11,739	\$22,010	n/a
Longline	Multispecies	851	12	10,212	1 minute	170	\$8,510	n/a
	Tilefish	506	12	6,072	1 minute	101	\$5,060	n/a
Totals		6,845		1,465,744		24,429	\$68,450	0

*Public cost assumes \$10 per entity per year for annual maintenance.