

**SUPPORTING STATEMENT  
SOUTHEAST REGION GEAR IDENTIFICATION REQUIREMENTS  
OMB CONTROL NO. 0648-0359**

**A. JUSTIFICATION**

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

The success of fisheries management programs depends significantly on regulatory compliance. Requirements that fishing gear be marked are essential to facilitate enforcement. The ability to link fishing gear to the vessel owner is crucial to enforcement of regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The marking of fishing gear is also valuable in actions concerning damage, loss, and civil proceedings. The requirements imposed in the Southeast Region are for coral aquacultured live rock; golden crab traps; Spanish mackerel gillnet floats; spiny lobster traps; snapper-grouper pots (traps); and stone crab traps.

Due to a recent program change codified in 50 CFR 622.31(c)(2) which banned fish traps from the Gulf of Mexico reef fish fishery, there will be a decrease in the burden for this particular information collection: “A fish trap may not be used or possessed in the Gulf EEZ west of 85°30' W. long. and, after February 7, 2007, may not be used or possessed in the Gulf EEZ.”

**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.**

Regulations at 50 CFR 622.6(b) and 640.6 require that each fish or spiny lobster trap or pot be marked with a tag stating the vessel permit number or marked directly with the vessel permit number, depending on the fishery, and have a buoy attached that meets specified identification requirements. Gillnets for Spanish mackerel on the east coast of Florida must be marked with floats. The marking of gear aids law enforcement, helps to ensure that vessels only harvest fish from their own gear, and makes it easier for fishermen to report the use of gear in unauthorized locations.

Regulations at 50 CFR 622.4 require that aquaculture site materials be distinguishable from the natural occurring substrate, depending on the area either through marking or other method. The marking of aquacultured site materials aids determination of the origin of those materials and thereby helps ensure compliance with the regulations.

Law enforcement personnel rely on this information to assure compliance with fisheries management regulations. Gear that is not properly identified is confiscated. The identifying number on fishing gear is used by the National Marine Fisheries Service (NMFS) and the United States Coast Guard (USCG). Gear marking helps ensure that a vessel harvest fish only from its own traps/pots/other gear and that traps/pots/other gear are not illegally placed. Gear violations are more readily prosecuted, and this allows for more cost-effective enforcement. Cooperating fishermen also use the numbers to report placement or occurrence of gear in unauthorized areas.

Regulation compliant fishermen ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

**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.**

The requirement that fishing gear be marked with an identifying number does not lend itself to technology.

**4. Describe efforts to identify duplication.**

NMFS is aware of other fishery regulations, and there is no duplication.

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

Nearly all vessels in the respective fisheries are categorized as small businesses. The collection will not have a significant impact on small businesses, and no special modifications of the requirements were considered necessary to accommodate the needs 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.**

NMFS and USCG could not enforce the fisheries management measures if the collection is not conducted or is conducted less frequently.

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

The collection is consistent with the Office of Management and Budget (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 published on January 22, 2008 solicited public comments (73 FR 3697). Four comments were received; one of which was outside the scope of this collection of information; three were concerned with the marking of live rock, misunderstanding that it was a new requirement. These comments were addressed directly with the concerned constituents, explaining that the reference in the notice was to the current requirement, and the issue was resolved.

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

No payments or gifts are made.

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

There is no assurance of confidentiality provided. This is public information.

**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.**

There are no sensitive questions.

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

The burden hours have changed from the previous OMB Control No. 0648-0359 submission. Instead of the estimated 10,700 traps, there are now 7,380, each of which will require 7 minutes to mark. It will take 10 seconds to mark each of 100,000 coral rocks and it will take 20 minutes to mark each of the estimated 2,000 (200 lines with 10 floats each) Spanish mackerel gillnet floats.

The number of respondents is estimated to equal 961 after the reduction in Gulf of Mexico reef fish trap fishermen, and the total burden for this request is 1,806 hours.

Marking	Time per Marking	Burden Hours
7,380 traps	7 minutes	861
100,000 coral rocks	10 seconds	278
2,000 gillnet floats	20 minutes	667
<b>Totals: 109,380</b>		<b>1,806</b>

**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 estimated annual cost to the public is \$13,094. This is based on 7,380 fish trap tags at \$1.30 each (\$9,594); \$500 for coral rock tags; and \$1.50 for each of the 2,000 Spanish mackerel gillnet floats (\$3,000).

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

There is no cost to the government.

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

There are changes in Items 13 and 14 of the OMB 83-I due to the program change referred to in Question 1, which banned fish traps from the Gulf of Mexico reef fish fishery; this resulted in a decrease of 3,320 traps, the associated burden of 387 hours, and associated cost of \$4,316.

In addition, there is an adjustment of one hour, as the previous hours for coral rock marking were incorrectly rounded down to 277. There is no actual cost adjustment, but there appears to be one for \$410, as the previous total burden was migrated into ROCIS, rounded down to the nearest thousand.

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

No results are 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.**

N/A

**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.