

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

A. JUSTIFICATION

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

This request is for renewal of a currently approved information collection.

Regulations at [50 CFR 648](#) (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 gear declarations and ordering gear tags (also gear marking 50 CFR 648.80, 648.92(b)(8)(B)(ii), and 697.21(a)(2)) are approved and accounted for under OMB Control No. 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). 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 Region (NER), gear marking is required of permit holders in the NE multispecies longline and gillnet fisheries, American lobster trap fishery, scup trap/pot fishery, the deep-sea red crab fishery, the tilefish longline 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.

The information collected will not be disseminated to the public, as it consists solely of marking gear and/or vessels with the appropriate vessel or permit number. This information is not submitted to NMFS.

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 enable 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 United States Coast Guard (USCG) 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 USCG 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 information on 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 September 10, 2010 (75 FR 55301) solicited public comments. 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. This gives a total of approximately 250 vertical endlines (2 per trawl) per entity. 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. Longline vessels fish approximately 6 tub trawls (strings) giving approximately 12 endlines (2 per trawl) per entity. 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 23,257 hours.**

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 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 totaling \$70,880.**

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.

Adjustments: Changes 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 slightly reduced as a result of an updated analysis which included the average number of entities in each gear marking category from 2007-2009. The number of participants in each gear marking program varied by fishery; black sea bass and scup participants using pots/traps decreased while red crab participants remained the same, fishery participants using gillnets decreased slightly, as did multispecies participants using longline gear, and tilefish participants using longline gear increased slightly. This specific increase was enough to increase the total cost, based on the average cost per unit.

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.

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 (Hours)	Total Burden (Hours)	Annual Cost	
							Public*	Government
Trap/Pot Fisheries	Lobster	2,540	250	635,000	1 minute	10,583	25,400	n/a
	Black Sea Bass	304	120	36,480	1 minute	608	3,040	n/a
	Scup	172	120	20,640	1 minute	344	1,720	n/a
	Deep-sea Red Crab	5	60	300	1 minute	5	50	n/a
Gillnet	All Fisheries	2,124	320	679,680	1 minute	11,328	21,240	n/a
Longline	Multispecies	997	12	11,964	1 minute	199**	9,970	n/a
	Tilefish	946	12	11,352	1 minute	189**	9,460	n/a
Totals		7,088	894	1,395,416		23,257	70,880	0

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

**These two when exact amounts added together (199.4 + 189.2) in the IC in ROCIS, add up to 388.6 (389).