

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

A. JUSTIFICATION

This request is for extension of a current information collection.

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; mackerel gillnet floats; spiny lobster traps; buoy gear, and sea bass pots.

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, crab, 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 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.

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.

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 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 2, 2011 solicited public comments (76 FR 54737). No comments were received.

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. The number of respondents is estimated to equal 3,021; 138,350 responses, and 9,177 hours. Previously estimated 1,912 respondents, 128,400 responses and 8,146 hours.

REQUIRED GEAR TYPES	PARTICIPANTS	# OF GEAR/PARTICIPANT	TOTAL # OF GEAR	TIME REQUIRED/	# OF HOURS
Live Rocks	20	5000	100,000	10 seconds	278
Golden Crab Traps	11	400	4400	7 minutes	513
Mackerel Gillnets	1,741	1.149*	2000	20 minutes	667
Spiny Lobster Traps	205	36	7,380	7 minutes	861
Buoy Gear	921	20	18,420	20 minutes	6,140
Sea Bass Pots	123	50	6,150	7 minutes	718
Total	3,021		138,350		9,177

*Many permit holders not currently fishing, but this is the average nets per permit holder.

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 estimated annual cost to the public is \$50,755, increased from \$32,114.

Spiny lobster: 7,380 trap tags at \$1.30 each = **\$9,594**

Live rock tags: \$0.25 per 2,000 = **\$500***

Golden crab traps: \$1.30 for each of the 4,400 traps = **\$5,720**

Buoy gear floats: \$1.30 for each of the 18,420 floats = **\$23,946**

Sea bass pot floats: 6,150 at \$1.30 each = **\$7,995**

2000 mackerel gillnets at \$1.50 per gillnet = **\$3,000**

*Price too small if given per individual piece of gear (\$0.005).

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.

The change in respondent numbers is due to these adjustments, including one correction:

A decrease of 600 in buoy gear permits, an increase of 123 for sea bass pot permits, and an increase of 11 for golden crab permits (these categories inactive previously), with a net decrease of 466 for these categories.

A correction to the previous number of mackerel gillnet permit holders, from 166 to 1,720: an increase of 1,554. As the number of these permit holders has varied very little over the past several years, it can only be assumed that the information in the previous renewal was incorrect. For this submission, the permit numbers increased by 21.

Net increase: $1,554 + 21 - 466 = 1,109$.

Responses were adjusted, mainly in conjunction with adjustments to respondents. In addition, although spiny lobster permit holder numbers have not changed, permit holders are currently putting out more pots per vessel than previously reported.

Hours and cost increases are in line with response increases.

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.

Not Applicable.

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.