SUPPORTING STATEMENT
ATLANTIC HIGHLY MIGRATORY SPECIES VESSEL AND GEAR MARKING
OMB CONTROL NO. 0648-0373

A. JUSTIFICATION

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

This Supporting Statement is submitted as part of a Paperwork Reduction Act information collection to meet regulatory vessel marking and gear marking requirements in fisheries for Atlantic Highly Migratory Species (HMS). This request is for an extension of a currently approved collection and is a comprehensive collection for vessel and gear marking for all HMS vessels. The information collection regarding vessel marking would not apply to recreational fishing vessels, but does apply to gear marking, in the case of recreational vessels targeting swordfish and using handline gear.

Enforcement:

The success of fisheries management programs depends significantly on regulatory compliance. The ability to link fishing or other activity to a vessel owner or operator is crucial to enforcement of the regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 *et seq*.) to govern domestic and foreign fishing and under the authority of laws implementing international treaties. The purpose of the collection of this information is also to comply with the United States (U.S.) obligations under the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971). ATCA requires the Secretary of Commerce (Secretary) to promulgate regulations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue these regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA. Section 971 d(c)(3) of ATCA provides the statutory authority to require the collection of information necessary to implement the recommendations of ICCAT.

Vessel marking allows enforcement agents to monitor fishing activity and document fishery violations from the air, thus eliminating the need to board a vessel. This may protect finfish (both target and non-target species) as well as marine mammals and sea birds. Appropriate gear marking would reduce the need for enforcement agents to board vessels at sea and document the violation first hand by watching the gear being hauled. For example, if marked pelagic longline gear is in a closed area, an enforcement agent does not need to wait for a vessel to retrieve the gear in order to initiate enforcement action. This reduces costs for both the U.S. Coast Guard (USCG) and the National Marine Fisheries Service (NMFS) Office of Law Enforcement. There are also safety benefits of gear and vessel identification; for example it could help locate missing vessels.

Fishermen would likely mark their gear regardless of Federal requirements. Fishing gear is expensive, and if lost, could result in additional expense or the inability to complete fishing activities on a fishing excursion. Marking one's gear is a means of differentiating one's fishing

gear from another fisherman's gear and would improve the likelihood of retrieving gear that may become lost or difficult to retrieve during fishing activities.

Protected Species:

In order to monitor compliance with the Marine Mammal Protection Act and the Endangered Species Act, it is necessary to identify entanglements of protected species with fishing gear. If an entanglement is reported while the gear is unattended, NMFS can investigate the details of the entanglement using the gear marking to identify the owner of the gear. The marking of fishing gear is also valuable in actions concerning damage, loss, and civil proceedings. Gillnets and longlines also interact with marine mammals and are subject to gear and vessel marking requirements.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The vessel identification number provides law enforcement personnel with a means to monitor fishing and other related activities to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel. Vessels that hold permits in specific fisheries are readily identified through a permit database, and this allows for more cost-effective enforcement (fly-overs vs. vessel boardings).

In handline, harpoon, and buoy gear fisheries for HMS, it is sometimes necessary to tie a fish off to a float for a short time before the fish can be retrieved by the vessel. In such cases, it is necessary to identify the vessel engaged in fishing, hence the requirement for float marking. In the pelagic longline fishery for HMS, radio beacons called high-fliers are used to locate the line upon retrieval. Gillnets and bottom longlines also use floats to control the fishing gear.

The regulations specify that fishing gear must be marked with the vessel's official number. The regulations further specify how the gear is to be marked, e.g., location. Law enforcement personnel rely on this information to assure compliance with fisheries management regulations. Gear that is not properly identified may be confiscated. The identifying number on fishing gear is used by NMFS, the USCG, and other marine agencies in issuing violations, prosecutions, and other enforcement actions. Gear marking helps ensure that a vessel harvests fish only with its own gear and does not transfer gear to other vessels. It also helps to enforce closed areas. Gear violations are more readily prosecuted, and this allows for more cost-effective enforcement. Cooperating fishermen also use the number to report placement of gear in unauthorized areas, gear conflicts, lost gear, and protected species entanglements.

Fishermen who comply with the regulations ultimately benefit, as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided. This information collection would not apply to recreational fishing gear or vessels.

The information collected will not be disseminated to the public; as it consists solely of vessel and gear identification, it 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.

This collection of information does not involve the use of automated, electronic, mechanical, or other technological techniques. The requirement that fishing vessels and fishing gear be marked with an identifying number does not lend itself to information processing technology. However, regulations pertaining to this information collection, and other HMS regulations will be available on the HMS Web site at www.nmfs.noaa.sfa/hms/.

4. Describe efforts to identify duplication.

There is no duplication with other collections.

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 HMS 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 would have to expend more resources on at sea boardings, aerial reconnaissance, or other enforcement tools if the collection were not conducted or were conducted less frequently.

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

Not Applicable.

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 (76 FR 54738) solicited public comment on this collection. 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 to be offered as part of this information collection.

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

There is no confidentiality, since this is a display requirement.

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 information of a sensitive nature is requested.

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

Vessel marking

Of the 8,601 commercial permit holders in the Atlantic tuna fishery, 436 also have NMFS Northeast Regional Office permits and thus are covered under that vessel marking collection (OMB Control No. 0648-0350). This leaves 8,165 Atlantic tuna permit holders that would need to be covered by the HMS vessel marking collection.

The total number of vessels fishing for swordfish and sharks using longline gear in the U.S. exclusive economic zone (EEZ) is estimated at approximately 501. It is further estimated that approximately 85 percent of these longline vessels (426) have NMFS Southeast Regional Office permits for additional fisheries and would thus be covered under the vessel marking collection for those fisheries (OMB Control No. 0648-0358). This leaves about 75 longline vessels, plus an estimated 92 vessels that catch sharks and swordfish with gillnets (sharks) and harpoons or buoy gear (swordfish), to be covered by the HMS vessel marking collection. Estimated time to mark each vessel is 45 minutes.

Total annual respondents and responses: 8,165 + 167 = 8,332

Total annual burden for marking tuna vessels:
8,165 vessels @ 45 minutes = 6,124 hours
Total annual burden for marking directed, incidental, and handgear swordfish and shark vessels:
167 (75 + 92) vessels @ 45 minutes = 125 hours

Total annual vessel marking burden hours for HMS: 6,124 + 125 = **6,249**.

Gear marking

Handgear: The total number of vessels fishing for HMS using handline and harpoon, in the EEZ is estimated at approximately 380 in 2010. This includes recreational vessels targeting swordfish using handline gear. Estimated time to mark each float is 15 minutes. In most cases, regulations, availability of fish, or weather/sea conditions would limit catch to a few fish per day; thus it is assumed that each vessel would have a maximum of five floats.

Total number of respondents: 380 vessels
Total number of responses: 380 vessels @ 5 floats = 1,900 responses
Annual burden hours for marking HMS handgear:
380 vessels x 5 floats @ 15 minutes = **475 hours** (1,900 x 15/60)

Longline gear: As of October 1, 2010, the total number of vessels fishing for swordfish and sharks using longline gear in the EEZ is estimated at approximately 392, based on the number of limited access permits for swordfish and sharks (none of these marking requirements are covered under other information collections, as is the case for vessel marking). In the pelagic longline fishery for HMS, for 177 vessels, about eight radio beacons called high-fliers are used to monitor each longline set. In addition, in both the pelagic and the bottom longline fishery (215 vessels) for HMS, the terminal floats must be marked. Estimated time to mark each high-flier or float is 15 minutes.

Total number of respondents: 177 + 215 = 392 vessels
Total number of responses: 1,770 + 430 = 2,200

177 vessels @ 10 responses (8 high-fliers + 2 terminal floats) = 1,770 responses
215 vessels @ 2 terminal floats = 430 responses
Total number of responses for marking HMS longline gear = 2,200

Annual burden for marking HMS pelagic longline gear (tunas and swordfish):
177 vessels x 8 high-fliers @ 15 minutes = 354 hours (1,416 x 15/60)
177 vessels x 2 terminal floats @ 15 minutes = 89 hours (354 x 15/60)

Annual burden for marking HMS bottom longline gear (sharks):
215 vessels x 2 terminal floats @ 15 minutes = 108 hours (430 x 15/60)

Total annual burden hours for marking HMS longline gear:
= **551 hours** (354 + 89 + 108)

Swordfish Buoy Gear: Currently there are 75 vessels participating in the swordfish handgear fishery who may use buoy gear. Participants in this fishery may have up to 35 flotation devices onboard, all of which would be marked with either the vessel or permit identification number.

Annual respondents: 75
Annual responses: 75 x 35 = 2,625

Annual burden for marking swordfish buoy gear:
75 vessels x 35 flotation devices @ 15 minutes = **656 hours** (2,625 x 15/60)

Gillnet gear: Currently, 10 vessels participate in the gillnet fishery for sharks. The HMS FMP banned the use of gillnet for tunas, and NMFS has, in a separate rulemaking, banned driftnets in the swordfish fishery. Therefore, those vessels are not included in this PRA collection. In the gillnet fishery for sharks, terminal floats must be marked. Estimated time to mark each float is 15 minutes.

Annual respondents: 10
Annual responses: 10 x 2 floats = 20
Total annual burden hours for marking gillnet gear:
10 vessels x 2 floats @ 15 minutes = **5 hours** (20 x 15/60)

Total number of respondents for all HMS gear: 857 vessels (380 + 392 + 75 + 10)
Total number of responses for all HMS gear: 6,745 responses (1,900 + 2,200 + 2,625 + 20)
Total gear marking burden hours for all HMS gear = 1,687 hours (475 + 551 + 656 + 5) – *rounded down to 1,686 in ROCIS.*

Total number of vessel and gear marking respondents: **9,189** (8,332 + 857)
Total number of vessel and gear marking responses: 15,077 (6,745 + 8,332)
Total annual burden hours for vessel and gear marking: 7,936 (1,687 + 6,249) – *rounded down to 7,935 in ROCIS.*

Vessels requiring marking:	8,332
Additional vessels requiring shark or swordfish handgear marking;	288
Additional vessels requiring longline marking:	317
Total unduplicated respondents:	**8,937**

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 fishermen for vessel marking and gear marking is minimal. Materials needed are paint and paint brush or applicator, and possibly a stencil. Vessel marking and gear marking is approximately $24 per year each for vessel marking and each vessel's gear marking. It is estimated that the combination of weather and water exposure will result in painting once per year to maintain legibility.

Total annual vessel marking cost for 8,332 vessels @ $24 = $199,968
Total annual gear marking cost for 857 vessels @$24 = $20,568

TOTAL: $220,536.

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

There is no cost to the Federal Government.

15. Explain the reasons for any program changes or adjustments.

Adjustments:

The previous calculation for unduplicated respondents did not take into account vessels requiring gear marking, but not vessel marking, under this OMB Control No. (that is, for some of the vessels whose gear requires marking, the vessel marking itself is covered under other fisheries' vessel marking information collections). In this request, rather than the unduplicated respondents equaling the vessels requiring marking, the additional vessels requiring ONLY gear marking were added.

The hours and costs have been adjusted to reflect current activity in the various fisheries, as well as increased cost for marking materials. Net increases: 2,051 unduplicated respondents (8,937, up from 6,886), 1,034 responses (15,077, up from 14,043), 981 hours (7,936, up from 6,955).

Although the estimated cost per vessel marking and per vessel for its gear marking is now $24, there is an overall decrease in cost due to an apparent error in the last submission, in which the cost per vessel's gear being marked was multiplied by each gear marking, yielding a much higher cost. Net decrease in cost: $65,504: 220,536, down from $286,040).

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.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.