

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 (PRA) 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 gear marking requirements apply to recreational vessels using handlines.

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](#) 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 as may be necessary and appropriate to implement recommendations 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 can 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 (OLE). 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 trip. Marking one's gear is a means of differentiating one's fishing gear

from another fishermen'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.

Regulations for both vessel and gear marking are at [50 C.F.R 635.6](#).

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 Atlantic 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 Atlantic HMS, radio beacons called high-fliers are used to locate the line upon retrieval. Gillnets and bottom longlines also use floats to control and locate 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 marking 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 are available on the HMS website at <http://www.nmfs.noaa.gov/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 commercial 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 December 31, 2014 (79 FR 78802) solicited public comment on this collection. No comments were received.

NMFS solicited comments from 3 fishermen, each participating in different Atlantic HMS fisheries. The 3 fisheries include the commercial bottom longline shark fishery, commercial gillnet shark fishery, and the commercial HMS pelagic longline fishery. The commercial gillnet fisherman agreed with the vessel and gear marking burden estimates. He stated the special importance of marking his gear in some areas, due to other fishermen tampering with the gear. Both the pelagic longline and bottom longline fishermen agreed with the burden estimates. Both noted that with gear marking, if loss of fishing gear occurs, there is an increased chance of having that gear returned.

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 7,406 commercial permit holders in the Atlantic tuna fishery and general commercial swordfish fishery, 710 also have NMFS Northeast Regional Office permits and thus are covered under that vessel marking collection (OMB Control No. 0648-0350). This leaves 6,696 Atlantic tuna or general commercial swordfish 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 or gillnet gear in the U.S. exclusive economic zone (EEZ) is estimated at approximately 459. It is further estimated that approximately 85 percent of these longline vessels (390) 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 69 longline or gillnet vessels, plus 92 vessels that catch sharks and swordfish with harpoon or buoy gear, to be covered by the HMS vessel marking collection. Estimated time to mark each vessel is 45 minutes.

Total annual respondents and responses: 6,696 Atlantic tuna or general commercial swordfish vessels + 69 longline or gillnet vessels + 92 harpoon or buoy gear vessels = 6,857 vessels.

Total annual burden for marking tuna and general commercial swordfish vessels:
6,696 vessels @ 45 minutes = 5,022 hours.

Total annual burden for marking longline, gillnet, harpoon, and buoy gear:
161 (69 + 92) vessels @ 45 minutes = 120 hours.

Total annual vessel marking burden hours for HMS: 5,022 + 120 = 5,142 hours.

Gear marking

Handline and Harpoon: The total number of vessels with commercial tuna or general commercial swordfish permits and vessels with recreational permits fishing for HMS using handline and harpoon in the EEZ is estimated at approximately 254 as of October 1, 2014. 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: 254 vessels
Total number of responses: 254 vessels @ 5 floats = 1,270 responses
Annual burden hours for marking HMS handline or harpoon:
254 vessels x 5 floats @ 15 minutes = **318 hours** (1,270 x 15/60)

Longline gear: As of October 1, 2014, the total number of vessels permitted to fish for swordfish in the EEZ was 243. Most of these vessels primarily use pelagic longline gear. Also, as of October 1, 2014, 206 vessels were permitted to fish for sharks. Because approximately 18 of these vessels use gillnet gear, we estimate that 188 vessels use bottom longline gear.

Vessels using pelagic longline gear use approximately eight radio beacons called high-fliers to monitor each longline set. These high flyers are generally not used on bottom longline gear. In addition, in both the pelagic and the bottom longline fisheries for HMS mark both ends of the longline with terminal floats. Estimated time to mark each high-flier or float is 15 minutes.

Total number of respondents: 243 swordfish vessels + 188 shark vessels = 431 vessels

243 vessels @ 10 responses (8 high-fliers + 2 terminal floats) = 2,430 responses
188 vessels @ 2 terminal floats = 376 responses
Total number of responses for marking HMS longline gear = 2,806

Annual burden for marking HMS pelagic longline gear (tunas and swordfish):
243 vessels x 8 high-fliers @ 15 minutes = 486 hours (1,944 x 15/60)
243 vessels x 2 terminal floats @ 15 minutes = 122 hours (486 x 15/60)

Annual burden for marking HMS bottom longline gear (sharks):
188 vessels x 2 terminal floats @ 15 minutes = 94 hours (376 x 15/60).

Total annual burden hours for marking HMS longline gear:
= **702 hours** (486 + 122 + 94).

Swordfish Buoy Gear: As of October 1, 2014, there are 77 vessels participating in the swordfish handgear fishery, which may include the use of 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: 77

Annual responses: $77 \times 35 = 2,695$

Annual burden for marking swordfish buoy gear:

77 vessels x 35 flotation devices @ 15 minutes = **674 hours** ($2,695 \times 15/60$).

Gillnet gear: In HMS fisheries, gillnet gear can only be used in the shark fishery. As of October 1, 2014, 18 vessels participate in the gillnet fishery for sharks. Gillnet gear is usually marked with terminal floats at each end. Estimated time to mark each float is 15 minutes.

Annual respondents: 18

Annual responses: $18 \times 2 \text{ floats} = 36$

Total annual burden hours for marking gillnet gear:

18 vessels x 2 floats @ 15 minutes = **9 hours** ($36 \times 15/60$).

Caribbean Small Boat Permit: The Caribbean Small Boat Permit was recently established as a commercial fishing permit for fishermen in the Caribbean region. Buoy gear is an authorized gear type for this commercial permit and similar to the swordfish handgear fishery, participants are limited to 35 flotation devices. As of October 1, 2014, there are 15 vessels that hold the Caribbean Small Boat Permit.

Annual respondents: 15

Annual responses: $15 \times 35 = 525$

Annual burden for marking swordfish buoy gear:

15 vessels x 35 flotation devices @ 15 minutes = **131 hours** ($525 \times 15/60$).

Total number of respondents for all HMS gear: 795 vessels (254 + 431 + 77 + 18 + 15)

Total number of responses for all HMS gear: 7,332 responses (1,270 + 2,806 + 2,695 + 36 + 525)

Total gear marking burden hours for all HMS gear = 1,834 hours (318 + 702 + 674 + 9 + 131).

Total number of vessel and gear marking *unduplicated* respondents: 6,857 (vessels counted for gear marking are a subset of those counted for vessel marking).

Total number of vessel and gear marking responses: 14,189 (6,857 + 7,332)

Total annual burden hours for vessel and gear marking: 6,976 (5,142 + 1,834).

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 marine paint (\$73) and paint brush (\$1) or applicator, and possibly a stencil (\$30). The total cost of materials per vessel marking or gear marking is approximately \$104 per year. It is estimated that the combination of weather and water exposure will result in painting once per year to maintain legibility. Total annual cost for marking 6,857 vessels and 795 sets of gear @ \$104 = \$795,808 (\$104 x 7,652).

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.

The responses, hours and costs have been adjusted to reflect current numbers vessels of in Atlantic HMS fisheries, as well as overdue updates to costs for materials. Responses have decreased from 15, 077 to 14,189. Hours have decreased from 7,935 to 6,976. However, costs now reflect an increase from \$220,536 to \$795, 808.

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.