

SUPPORTING STATEMENT
SOUTHEAST REGION VESSEL AND GEAR IDENTIFICATION REQUIREMENTS
OMB CONTROL NO. 0648-0358

A. JUSTIFICATION

This request is for a revision of a currently approved information collection under Office of Management and Budget (OMB) Control Number 0648-0358, per **[RIN 0648-BD78]**.

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

The success of fisheries management programs depends on regulatory compliance. The vessel and fishing gear identification requirements are essential to facilitate enforcement. The ability to link fishing or other activity, and fishing gear to a vessel owner, operator, or permit holder is crucial to the enforcement of regulations issued by the National Marine Fisheries Service (NMFS) under the authority of the **Magnuson-Stevens Fisheries Conservation and Management Act at 50 CFR part 622**.

NMFS is proposing regulations to implement Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) (Regulatory Amendment 16), as prepared and submitted by the South Atlantic Fishery Management Council (Council). If implemented by NMFS, the proposed rule would revise the current seasonal prohibition on the use of black sea bass pot gear in the South Atlantic and modify the gear marking requirements for black sea bass pot gear. The purpose of the proposed rule is to reduce the adverse socioeconomic impacts from the current seasonal black sea bass pot gear prohibition while continuing to protect whales listed under the Endangered Species Act in the South Atlantic. The modified gear marking requirements in the proposed rule would also help to identify black sea bass pot gear in the South Atlantic.

Lines that connect to buoys to fish traps and pot fishing gear, including black sea bass pots are currently required to have specific line marking requirements as implemented through the **Atlantic Large Whale Take Reduction Plan (ALWTRP)** to help protect specific marine mammals (**50 CFR 229.32(b)**). Year-round, in the areas designated as Offshore Trap/Pot Waters, fish traps and pots must have three black marks of 12 inches in length on the buoy lines. In Southern Nearshore Trap/Pot Waters, fish traps and pots must have three orange marks of 12 inches in length. In the Southeast Restricted Area North from November 15 through April 15 each year, fish traps and pots must have three green and orange marks of 12 inches, in length on the buoy lines. Regulatory Amendment 16 would modify the current gear marking requirements by requiring three additional markings for black sea bass pot buoy lines during certain times of the year. The purpose of requiring sea bass pot gear to have gear-specific marking is to help distinguish black sea bass pots from other types of trap and pot gear in the South Atlantic. The proposed rule would require an additional 12-inch wide purple band be added onto the line at the end of and directly adjacent to each of the currently required 12-inch colored marks required through the ALWTRP. The proposed additional gear marking requirements would be required to be in place in the areas as defined in **50 CFR 229.32(b)** from November 15 through April 15 in the Southeast Restricted Area North, and from September 1 through May 31 in both the Offshore Trap/Pot Area and the Southern Nearshore Trap/Pot Waters Area.

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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.

If approved by OMB and implemented by NMFS, the modified gear marking requirements would be used to identify black sea bass pot gear in the South Atlantic if a line entangles a whale. The additional gear markings would also help law enforcement personnel differentiate black sea bass pots lines from other fishing lines.

There would be no information directly collected by the proposed gear marking modifications for purposes of disseminating to the public. However, information collected by enforcement agencies over time could potentially be used to track compliance. Such information may be used to evaluate progress of the ALWTRP or for other fisheries management purposes.

The information collected will not be disseminated to the public, as it consists solely of marking gear with additional color bands as described herein. This information is not submitted to NMFS.

The following information collections under OMB Control Number 0648-0358 have not been changed:

Vessel Identification

Regulations at **50 CFR 622.6** require a vessel's official number to be displayed on the port and starboard sides of the deckhouse or hull, and weather deck. The official number and color code, if applicable, identify each vessel and should be visible from enforcement vessels or aircraft. These markings provide law enforcement personnel with a means to monitor fishing, at-sea processing, and other related activities, to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel. The identifying number is used by NMFS, the U.S. Coast Guard (USCG), and other agencies and partners in issuing violations, prosecutions, and other enforcement actions. Vessels that qualify for particular fisheries are readily identified, gear violations are more readily prosecuted, and this allows for more cost-effective enforcement.

Gear Identification

Multiple regulations in **50 CFR part 622** 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 Spanish mackerel on the east coast of Florida must be marked with floats displaying the vessel's official number. 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 622.70** also require that aquaculture site materials (cultured live rock) be distinguishable from the natural occurring substrate, depending on the area either through marking or another 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. NMFS and the

USCG use the identifying number on fishing gear to ensure compliance with applicable regulations. Gear marking helps ensure that a vessel harvests fish only from its own fishing gear and that fishing gear are not placed or used illegally. Gear violations are more readily prosecuted, and this allows for more cost-effective enforcement. Cooperating fishermen also use the identifying numbers to report placement or occurrence of gear in unauthorized areas.

Fishermen compliant with regulations 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 each vessel and the fishing gear display an identification number does not lend itself to technology. Technology such as vessel monitoring system units and transponders are comparatively very expensive. No other technology appears to be less costly and still capable of providing the necessary information to support enforcement.

4. Describe efforts to identify duplication.

There is no duplication with other collections for vessel or fishing gear identification and display. The USCG assigns documentation numbers to applicable vessels under OMB Control Number 1625-0027. NMFS requires a vessel to display its official number, that is, the USCG documentation number, at certain sizes depending on the vessel's length.

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

NMFS categorizes all or nearly all vessels covered under this information collection 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.

If fishing vessels or gear were not identified or if marking requirements were reduced, NMFS and the USCG could not enforce the fisheries management measures or the effectiveness of enforcement could be significantly reduced.

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

The collection is consistent with 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.

NMFS will publish a proposed rule to implement Regulatory Amendment 16 in the Federal Register. The proposed rule will include a request for public comments on the proposed revision to gear marking requirements under OMB Control Number 0648-0358.

The proposed revision to the gear marking requirements is part of the proposed rule to implement Regulatory Amendment 16, as explained under Question 1. Fishermen potentially affected by Regulatory Amendment 16 and the proposed gear marking requirements participated in its development and routinely provided comments and feedback to the Council and NMFS.

In addition, NMFS contacted fishermen that would be affected by the proposed revision to the gear marking requirements for their estimates of increases in time and cost to comply with the proposed gear marking requirements. Their feedback is included in the estimated burden hours and costs for marking the fishing gear as specified by Regulatory Amendment 16.

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

No payments or gifts are provided.

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.

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.

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

The estimated total annual burden in hours to the public currently approved under this collection of information is 50,575 hours; the number of annual responses total **438,768**, and the number of annual respondents total **7,825**.

If approved, this revision request would increase the total estimated annual burden by 112 hours and add a maximum of 1,120 responses annually. One response would be a single buoy line with three additional marks. The 32 affected respondents have indicated the frequency of their responses at an additional 3.5 hours per respondent once per year. The number of annual respondents is not expected to change.

Therefore, for OMB Control Number 0648-0358, the new annual burden hour total would be **50,687 hours** (50,575 hours approved + 112 hours requested). The total number of responses would increase to **439,858** (438,738 approved + 1,120 requested). The number of annual respondents would remain unchanged at **7,825**.

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 current estimated total annual cost to the public is \$668,020.50.

NMFS estimates a maximum annual cost of \$90 for each of the 32 respondents. If approved, this revision request would increase the estimated annual cost to the public by \$2,880. This estimate would revise the total estimated cost for OMB Control Number 0648-0358 to \$670,900.50 annually (\$670,901).

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.

Program Change: The proposed rule to implement Regulatory Amendment 16 would revise the gear marking requirements for fishermen using pots to harvest black sea bass in the South Atlantic, as explained under Question 1. If NMFS implements the proposed rule for Regulatory Amendment 16, the total responses would increase by 1,120, the total burden to the public is estimated to increase by 112 hours, and costs would increase by \$2,880 annually.

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

The results are not 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.