

**SUPPORTING STATEMENT
NOAA FISHERIES GREATER ATLANTIC REGION GEAR IDENTIFICATION
REQUIREMENTS
OMB CONTROL NO. 0648-0351**

A. JUSTIFICATION

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

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) requests the approval by the Office of Management and Budget (OMB) of an extension of the existing collection of information under OMB Control Number 0648-0351 for Greater Atlantic Region Gear Identification.

Regulations at [50 CFR 648](#) (§ 648.84, § 648.123(b)(3), § 648.144(b), § 648.264(a)(5)), and [§ 697.21\(a\) and \(b\)](#) require the identification of specified fishing gear. Furthermore, these regulations specify the method of identification for each type of fishing gear so that the gear is clearly visible, and ownership of the gear can be easily determined. It is important to note that the effort-control marking programs (involving designation of fishing categories, areas chosen, and/or tags to indicate this information) for gillnet and lobster trap 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 Number 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. 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 Greater Atlantic Region, gear marking is required of permit holders in the Northeast 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. Proper marking also makes gear more visible to other vessels in the water to aid in navigation and increase safety at sea.

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 NMFS, or to the public, 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, or 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. All 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.

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 gear marking requirements allow for the visual identification of fishing gear. Although technologies are available to electronically identify fishing gear, this technology is severely limited and visual identification of fishing gear through marking requirements is necessary. The visual collection of gear identification markings by the public and law enforcement personnel may involve binoculars, plain sight, or other sight enhancement technologies.

Information about the different gear marking requirements, containing information in the regulations, is posted on the region's website:
www.greateratlantic.fisheries.noaa.gov/nero/nr/nrdoc/11/11FixedGearBuoyLineMarkNEReq.pdf

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. However, it is not anticipated that the information collection will have any significant impact on the operations of these 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 the marked gear is lost at sea.

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

No special circumstances require the collection to be conducted in a manner inconsistent with the OMB guidelines.

8. Provide information on the Paperwork Reduction Act 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 27, 2016, (81 FR 95119) solicited public comments. No comments were received.

In addition, the Greater Atlantic Regional Administrator announced the open comment period at the New England Fishery Management Council meeting on January 24, 2017, and at the Mid-Atlantic Fishery Management Council meeting on February 14, 2017. The announcement included a summary of the information collection included in this renewal, and encouraged affected parties to review the Federal Register Notice and submit comments. The full comment period was also announced, with the deadline for comment submission made clear. The same information that was presented by the Greater Atlantic Regional Administrator was also available in physical form as a handout included with the meeting materials at the aforementioned Council meetings. 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 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, pot, and trap fisheries is not the actual number of hooks, pots, or traps; but rather the number of vertical end lines associated with each string of respective gear, as that is the unit that is marked. The average number of lobster traps per entity is roughly 1,250 and the average number of traps per trawl (string) is 10. Taking into account that each trawl has

two vertical end lines, this gives a total of approximately 250 vertical end lines per entity to be marked: $1,250/10 \times 2 = 250$. For both the black sea bass and scup fisheries, the average number of pots per entity is approximately 300, with five pots per trawl (string). This totals to about 120 end lines per entity: $300/5 \times 2 = 120$. Longline vessels (Tilefish, multispecies, etc.) typically fish six tub trawls (strings), resulting in 12 end lines per entity: $6 \times 2 = 12$. The average time estimated to mark gear is 1 minute per piece of gear. Table 1 shows the break-down of gear items subject to this collection by gear type and fishery. **The total estimated burden for this collection is 18,592 hours, annually.**

Table 1. Greater Atlantic Region Gear Identification Burden Table By Gear Type and Fishery

Gear Group	Fishery	Number of Entities	Items Per Entity	Total Number of Items	Response Time	Total Burden (Hours)	Annual Cost (\$)	
							Public*	Government
Trap/Pot Fisheries	Lobster	2,271	250	567,750	1 minute	9,463	22,710	N/A
	Black Sea Bass	229	120	27,480	1 minute	458	2,290	N/A
	Scup	125	120	15,000	1 minute	250	1,250	N/A
	Deep Sea Red Crab**	5	60	300	1 minute	5	50	N/A
Gillnet	All Fisheries	1,534	320	490,880	1 minute	8,181	15,340	N/A
Longline	Multispecies	498	12	5,976	1 minute	100	4,980	N/A
	Tilefish	677	12	8,124	1 minute	135	6,770	N/A
Total		5,339		1,115,510		18,592	53,390	0

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

**Only limited access red crab permits have gear marking requirements. There are currently only five limited access red crab vessels, so the number of affected entities in this case is five.

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 respondents is minimal. Materials needed are paint and paintbrush, permanent ink applicator, or a stencil. Annual 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 process will need to be repeated on an annual basis. **This action affects a total of 5,339 entities, thus the annual cost burden to respondents is estimated at \$53,390.00 (5,339 x \$10).** A breakdown of these costs by fishery and gear type is shown in Table 1.

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.

Changes reflect the most current information regarding the number of relevant vessels and gear estimated for the next three years. The total burden hours were reduced as a result of an updated analysis which included the average number of entities in each gear marking category from 2013-2015. The number of participants in each gear marking program varied by fishery. Overall, there was a reduction in the number of participants across all fishery groups (both by fishery and gear type) except for the deep sea red crab fishery, which remained the same. This declining participation could be caused by a number of reasons, including but not limited to: the general trend of the consolidation of fisheries overall, reductions in fishing quotas, industry downsizing, resource availability, and the general state of the economy. There were no changes to the regulations or gear marking requirements since the last collection renewal, so all changes in the burden are a result of changes in the number of participating entities. A description of all changes to the annual burden estimates associated with this collection of information is shown in Table 2.

Table 2. Reasons for Changes to Annual Burden Estimates

	Number of Respondents	Number of Transactions	Time Burden on Respondents (hours)	Cost Burden on Respondents (\$)	Cost Burden on Federal Government (\$)
Previous Collection	6,116	1,269,340	21,156	61,160.00	N/A
Program Change	0	0	0	0	N/A
Adjustment	-777	-153,830	-2,564	-7,770.00	N/A
Current Collection	5,339	1,115,510	18,592	53,390.00	N/A

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.

Not Applicable. No forms are used in this information collection.

18. Explain each exception to the certification statement.

Not Applicable. There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.