

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
NOAA Fisheries Greater Atlantic Region Gear Identification Requirements
OMB Control No. 0648-0351

Abstract

The success of fisheries management programs depends on regulatory compliance. 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. 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. Overall, there was a reduction in numbers due to 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.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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 species pages on the NOAA Fisheries website: <https://www.fisheries.noaa.gov/>

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

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 impacts small businesses or other small entities, describe any 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 consequence to Federal program or policy activities if the collection is not

conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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 would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This information collection will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice published on March 11, 2020 (85 FR 14186) solicited public comments. We received one comment submitted by the Center for Biological Diversity, Conservation Law Foundation, Defenders of Wildlife, the Humane Society of the United States, the Humane Society Legislative Fund, and the Whale and Dolphin Conservation. The commenters were in support of the requirements, but noted that NOAA should expand the requirements to enhance efforts to reduce threats to endangered species and marine mammals. They did not comment on cost and hour burden.

9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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 or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No sensitive questions are asked as part of this collection.

12. Provide estimates of the hour 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 16,886 hours, annually.**

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

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Gear Identification - Lobster	45-0000 Lobster	2,130	250	532,500	0.017	8,875	15.00	133,125
Gear Identification - Black Sea Bass	45-0000 Black Sea Bass	223	120	26,760	0.017	446	15.00	6,690
Gear Identification - Scup	45-0000 Scup	114	120	13,680	0.017	228	15.00	3,420
Gear Identification - Deep Sea Red Crab	45-0000 Deep Sea Red Crab**	5	60	300	0.017	5	15.00	75
Gear Identification - Gillnet All Fisheries	45-0000 Gillnet-All Fisheries	1,338	320	428,160	0.017	7,136	15.00	107,040
Gear Identification - Multispecies	45-0000 Multispecies	420	12	5,040	0.017	84	15.00	1,260
Gear Identification - Tilefish	45-0000 Tilefish	559	12	6,708	0.017	112	15.00	1,680
Totals				1,013,148		16,886		253,290

**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 for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

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 **4,789** entities, thus the annual cost burden to respondents is estimated at **\$47,890.00 (4,789 x \$10)**. A breakdown of these costs by fishery and gear type is shown in Table 2.

Table 2. Greater Atlantic Region Gear Identification Cost Burden

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (a) x (h)*
Greater Atlantic Region Gear Identification-Lobster	2,130	250	532,500	10.00	21,300
Greater Atlantic Region Gear Identification -Black Sea Bass	223	120	26,760	10.00	2,230
Greater Atlantic Region Gear Identification -Scup	114	120	13,680	10.00	1,140
Greater Atlantic Region Gear Identification -Deep Sea Red Crab	5	60	300	10.00	50
Greater Atlantic Region Gear Identification -Gillnet	1,338	320	428,160	10.00	13,380
Greater Atlantic Region Gear Identification -Multispecies	420	12	5,040	10.00	4,200
Greater Atlantic Region Gear Identification -Tilefish	559	12	6,708	10.00	5,590
TOTALS			1,013,148		47,890

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

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

There are no costs to the federal government associated with the requirement to identify gear because no information is collected as a result of this requirement.

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

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 2016-2018.

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.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Gear Identification - Lobster	2,130	2,271	532,500	567,750	8,875	9,463	change in number of participating entities
Gear Identification - Black Sea Bass	223	229	26,760	27,480	446	458	change in number of participating entities
Gear Identification - Scup	114	125	13,680	15,000	228	250	change in number of participating entities
Gear Identification - Deep Sea Red Crab	5	5	300	300	5	5	
Gear Identification - Gillnet All Fisheries	1,338	1,534	428,160	490,880	7,136	8,181	change in number of participating entities
Gear Identification - Multispecies	420	498	5,040	5,976	84	100	change in number of participating entities
Gear Identification - Tilefish	559	677	6,708	8,124	112	135	change in number of participating entities
Total for Collection	4,789	5,339	1,013,148	1,115,510	16,886	18,592	
Difference	(550)		(102,362)		(1,706)		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Gear Identification - Lobster	133,125	-	21,300	22,710	change in number of participating entities and new labor cost display requirement
Gear Identification - Black Sea Bass	6,690	-	2,230	2,290	change in number of participating entities and new labor cost display requirement
Gear Identification - Scup	3,420	-	1,140	1,250	change in number of participating entities and new labor cost display requirement
Gear Identification - Deep Sea Red Crab	75	-	50	50	
Gear Identification - Gillnet All Fisheries	107,040	-	13,380	15,340	change in number of participating entities and new labor cost display requirement

Gear Identification - Multispecies	1,260	-	4,200	4,980	change in number of participating entities and new labor cost display requirement
Gear Identification - Tilefish	1,680	-	5,590	6,770	change in number of participating entities and new labor cost display requirement
Total for Collection	253,290	-	47,890	53,390	
Difference	253,290		(5,500)		

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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 that display would be inappropriate.

No forms are used in this information collection, so display of expiration date does not apply.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).