

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Atlantic Highly Migratory Species Vessel and Gear Marking**  
**OMB Control No. 0648-0373**

**Abstract**

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) requests the approval of the Office of Management and Budget (OMB) for an extension of the existing collection of information under OMB Control Number 0648-0373 for Atlantic Highly Migratory Species (HMS) Vessel and Gear Marking. Regulations at 50 CFR part 635.6 require that vessels for which a permit has been issued under section 635.4, other than an HMS Angling permit, must display the vessel's official U.S. Coast Guard or state registration number. Vessels using handline, buoy gear, harpoon, longline, or gillnet gear, must also display the vessel's name, registration number, or HMS permit number on each float or highflier attached to the gear.

**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.**

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 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 unless recreational vessels use buoys with handlines, in which case those buoys would need to be marked. However, because it is extremely uncommon for recreational vessels to fish a handline with buoys attached, for the purpose of this collection, the number of recreational vessels impacted by this collection is considered to be zero.

**Enforcement:**

Regulatory compliance is critical to the success of fisheries management programs. 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 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 ICCAT recommendations.

Vessel marking allows enforcement agents to monitor fishing activity and document fishery violations from the air, thus eliminating the need to board a vessel. Appropriate gear marking may protect finfish

(both target and non-target species) as well as marine mammals and seabirds by reducing 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. The ability to initiate enforcement action without boarding the vessel 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 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.

#### **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.**

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 and/or 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 at [50 CFR 635.6](#) specify that fishing gear must be marked with the vessel's official number. The regulations further specify how the gear is to be marked, (i.e., location of markings on gear). 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 (handlines) or vessels unless they use buoys with their handline gear, which is extremely rare.

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 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.**

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 is a simple, relatively low cost, non-technological requirement. Gear marking with a technological system, such as chips or radio beacon, are commonly used voluntarily by many vessels to aide in tracking their gear, but are not currently required under NMFS regulations. The non-technological method of gear marking currently used would still be required as it makes it easier for a wide variety of enforcement entities to identify vessels, and may be more appropriate in the long-term given salt water and harsh weather conditions may cause electronic gear marking options to malfunction, especially if gear is lost or left in the elements for extended periods of time as often occurs with marine mammal entanglements. Regulations pertaining to this information collection, and other HMS regulations will be available on the eCFR website [available here](#).

**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 with other collections.

**5. If the collection of information impacts small businesses or other small entities, describe any 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 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.**

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. In some cases if the collection were not conducted, the United States could be subject to international and domestic criticism for allowing fishing to take place in a way that might facilitate illegal, unreported, and unregulated fishing activities.

**7. Explain any special circumstances that would cause an information collection to be conducted**

**in a manner inconsistent with OMB guidelines.**

There are no special circumstances associated with this collection of information that would cause it to be conducted in a manner inconsistent with any of the OMB guidelines listed above.

**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 22, 2021 (86 FR 15198) solicited public comment on this collection. One comment was received in support of extending the current gear marking information collection in the HMS commercial fishery. The commenter felt the gear marking requirements necessitated only a modest investment of time and materials for fishing vessels while promoting greater accountability for complying with permit conditions and fishing responsibly.

The comment also expressed support for two recommendations from the Mid-Atlantic Fishery Management Council regarding the collection of USCG safety inspection sticker numbers from vessels during permit renewal, and the integration of NMFS and USCG databases to strengthen verification procedures during permit renewal. However, these aspects of the comment are out of the scope of this ICR renewal as Atlantic HMS vessel permits are covered under a separate ICR (0648-0327, currently being considered for renewal) and will be addressed separately in that ICR package renewal.

NMFS reached out to 5 fishermen of the HMS commercial fishery 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. No responses were received.

**9. Explain any decision to provide any payment or gift 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 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.**

There is no assurance of confidentiality associated with this information collection, since this is a display requirement.

**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 information of a sensitive nature is requested.

## **12. Provide estimates of the hour burden of the collection of information.**

In order to determine burden estimates for both vessel and gear marking the following databases were used, Automated Fisheries Management Support System database, [Greater Atlantic Regional Office permit data](#), and the [Southeast Regional Office FOIA page](#). These numbers are subject to change as permits expire and are renewed.

### **Vessel marking**

Of the 4,326 commercial permit holders in the Atlantic tuna fishery and general commercial swordfish fishery, 273 also have NMFS Northeast Regional Office permits and thus are covered under that vessel marking collection (OMB Control No. 0648-0350). This leaves 4,053 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 308. It is further estimated that approximately 85 percent of these longline vessels (262) 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 46 longline or gillnet vessels, plus 113 vessels that catch swordfish with harpoon or buoy gear, to be covered by the HMS vessel marking collection. Estimated time to mark each vessel is 45 minutes.

### **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 134 as of October 1, 2020. 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.

Longline gear: As of October 1, 2020, the total number of vessels permitted to fish for swordfish in the EEZ was 248. Most of these vessels primarily use pelagic longline gear. Also, as of October 1, 2020, 25 vessels actively use bottom longline gear to fish for sharks.

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, both the pelagic and 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.

Swordfish Buoy Gear: As of October 1, 2020, there are 81 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.

Gillnet gear: In HMS fisheries, gillnet gear can only be used in the shark fishery. As of October 1, 2020, 35 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.

Caribbean Small Boat Permit: The Caribbean Small Boat Permit is 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, 2020, there were 30 vessels that hold the Caribbean Small Boat Permit.

Hourly wage rates were obtained from the Bureau of Labor Statistic's Occupational Outlook Handbook, and used the 2020 wage rate for 45-0000 Farming, Fishing, and Forestry Occupations.

**Table 1. Estimates of the hourly burden and wage costs associated with the annual application of vessel and gear marks in the Atlantic HMS commercial fishery.**

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (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)
Vessel registration numbers	Fisherman	4,212	1	4,212	0.75	3,159	\$15.07	\$47,606
Gear Marking	Fisherman	553		7,155		1,791		\$26,986
Handline and harpoon buoys	Fisherman	134	5	670	0.25	168	\$15.07	\$2,532
Pelagic longline high-fliers and floats	Fisherman	248	10	2,480	0.25	620	\$15.07	\$9,343
Bottom longline floats	Fisherman	25	2	50	0.25	13	\$15.07	\$196
Swordfish/Caribbean buoy gear	Fisherman	81	35	2,835	0.25	709	\$15.07	\$10,681
Gillnet floats	Fisherman	35	2	70	0.25	18	\$15.07	\$271
Caribbean Small Boat	Fisherman	30	35	1,050	0.25	263	\$15.07	\$3,963
<b>Totals</b>				<b>11,367</b>		<b>4,950</b>		<b>\$74,592</b>

**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 fishermen for vessel marking and gear marking is minimal. Materials needed for vessel marking are marine paint (\$73) and paint brush (\$2) or applicator, and possibly a stencil (\$30). For gear marking, we estimate an additional \$10 in marine paint per gear mark is expended.

**Table 2. Estimates of the material cost burden associated with the annual application of vessel and gear marks in the Atlantic HMS commercial fishery.**

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Vessel registration numbers	4,212	1	4,212	\$105	\$442,260
Gear Marking	553		7,155	\$10	\$71,550
Handling and harpoon	134	5	670	\$10	\$6,700

buoys					
Pelagic longline high-fliers and floats	248	10	2,480	\$10	\$24,800
Bottom longline floats	25	2	50	\$10	\$500
Swordfish/Caribbean buoy gear	83	35	2,835	\$10	\$28,350
Gillnet floats	35	2	70	\$10	\$700
Caribbean Small Boat	30	35	1,050	\$10	\$10,500
<b>TOTALS</b>	<b>4,767</b>				<b>\$513,810</b>

**\*There are no capital costs associated with this information collection.**

**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 administration of this information collection.

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

Burden hours and cost estimates have been adjusted to reflect current numbers vessels in Atlantic HMS fisheries. Labor costs were not included in previous authorizations, but have been added for this renewal. Material costs were also adjusted as previous authorizations only estimated material costs on a per vessel basis, while this authorization re-estimated material costs on a per mark, or response, basis.

**Table 3. Adjustments to the annual burden estimates associated with the annual application of vessel and gear marks in the Atlantic HMS commercial fishery.**

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	
Vessel registration numbers	4,212	2,631	4,212	2,631	3,159	1,974	Adjustment in number of permit holders. Added additional granularity under "Gear Marking" IC to provide increased transparency to the public
Gear Marking	553	651	7,155	7,669	1,791	1,920	
Handling and harpoon buoys	134	139	670	695	168	174	
Pelagic longline high-fliers and floats	248	257	2,480	2,570	620	643	
Bottom longline floats	25	108	50	216	13	54	



Swordfish/Caribbean buoy gear	81	83	2,835	2,905	709	727	
Gillnet floats	35	29	70	58	18	15	
Caribbean Small Boat	30	35	1,050	1,225	263	307	
<b>Total for Collection</b>	<b>4,765</b>	<b>3,282</b>	<b>11,367</b>	<b>10,300</b>	<b>4,950</b>	<b>3,894</b>	
<b>Difference</b>	<b>1,483</b>		<b>1,067</b>		<b>1,056</b>		

**Table 4. Adjustments to the annual labor and material cost estimates associated with the annual application of vessel and gear marks in the Atlantic HMS commercial fishery.**

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
<b>Vessel registration numbers</b>	\$47,606	\$0	\$442,260	\$276,255	Adjustment in number of permit holders; adjustment to cost estimate per gear mark. Added additional granularity under "Gear Marking" IC to provide increase transparency to the public
<b>Gear Marking</b>	\$26,986	\$0	\$71,550	\$68,355	
Handling and harpoon buoys	\$2,532	\$0	\$6,700	\$14,595	
Pelagic longline high-fliers and floats	\$9,343	\$0	\$25,700	\$26,985	
Bottom longline floats	\$196	\$0	\$500	\$11,340	
Swordfish/Caribbean buoy gear	\$10,681	\$0	\$28,350	\$8,715	
Gillnet floats	\$271	\$0	\$700	\$3,045	
Caribbean Small Boat	\$3,963	\$0	\$10,500	\$3,675	
<b>Total for Collection</b>	<b>\$74,592</b>	<b>\$0</b>	<b>\$513,810</b>	<b>\$344,610</b>	
<b>Difference</b>	<b>\$74,592</b>		<b>\$169,200</b>		

**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 are published in conjunction with this information collection.

**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.**

This is not applicable as there are no forms associated with this information collection on which to display an expiration date.

**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\(b\)\(3\)](#).