

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

SUPPORTING STATEMENT PART A

Abstract

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 648.84(a),(b), and (d), 648.125(b)(3), 648.144(b)(1), 648.264(a)(5), and 697.21(a) and (b) require Federal fishery permit holders using certain types of fishing gear to mark the gear with information necessary to identify the vessel and gear (e.g., hull identification number, Federal fishing vessel permit number). The regulations also specify gear marking requirements for visibility (e.g., buoys, radar reflectors). These regulations are critical for successful fisheries management. State and Federal enforcement personnel rely on gear markings to identify owners of gear in an unapproved configuration or used in restricted areas or times. Gear markings also help determine ownership of gear that is lost, damaged, or involved in gear conflict and increase gear visibility to aid in navigation and safety at sea.

Overall, there was a reduction in the costs and burden hours associated with this collection due to the general trend of industry downsizing and an updated analysis based on the number of relevant permit holders that reported landings with the specified gear, rather than all permit holders within the fisheries. 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 and the approach to analysis.

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.

In the Greater Atlantic Region, gear marking is required of permit holders in the American lobster trap fishery, the black sea bass trap/pot fishery, the scup trap/pot fishery, the deep-sea red crab fishery, and the bottom longline and gillnet fisheries. Regulations at 50 CFR 648.84(a),(b), and (d), 648.125(b)(3), 648.144(b)(1), 648.264(a)(5), and 697.21(a) and (b) require Federal permit holders using certain types of fishing gear to mark the gear with information necessary to identify the vessel and gear (e.g., hull identification number, Federal fishing vessel permit number). The regulations also specify gear marking requirements for visibility (e.g., buoys, radar reflectors).

These regulations are critical for successful fisheries management and the enforcement of regulations under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and Atlantic Coastal Fisheries Cooperative Management Act. State and Federal enforcement personnel rely on gear markings to identify owners of gear set in an unapproved configuration or at times and in areas in which their use is restricted.

Gear can be lost or damaged as the result of weather and interactions with wildlife, other vessels, and other fishing gear. Gear markings help determine ownership of lost or damaged gear and identify the parties involved in gear conflicts, including for civil proceedings. Proper marking also increases gear visibility to aid in navigation and increase safety at sea.

Additional gear markings required for effort-control in lobster trap and gillnet fisheries (§§ 648.80, 648.92(b)(8)(B)(ii), and 697.21(a)(2)) are approved and accounted for under OMB Control Number 0648-0202.

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 the public because of this collection. Gear identification information must be affixed to the gear, as specified in the regulations. This identification allows law enforcement personnel, including U.S. Coast Guard, NMFS Office of Law Enforcement, and state enforcement agency marine patrols, to ascertain ownership of gear that is out of compliance with the Federal fishing regulations. Gear markings are also used to identify the owner of lost or abandoned gear, gear involved in interactions with protected species, and gear involved in conflicts with other fishing gear. The fishing industry ultimately benefits from this requirement, as unauthorized and illegal fishing is deterred, which reduces the need for more restrictive regulations.

Gear must be marked at all times, but owners likely need to re-mark gear annually due to wear and tear. All characters used in vessel identification (e.g., Federal vessel permit number, the vessel's official number) are considered public information. This is an ongoing collection, and no changes have been made to the requirements.

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.

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 or 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 programs 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 U.S. Coast Guard, or other cooperating enforcement agencies, the ability to enforce fishery regulations would be significantly impaired. The requirements of this collection are only repeated when the markings become illegible or when lost or damaged gear is replaced.

7. Explain any special circumstances that would cause an information 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:

- Requiring respondents to report information to the agency more often than quarterly:
 - Respondents are not required to submit any information to the agency because of this collection.
- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it:
 - Respondents are not required to prepare a written response for this collection.
- Requiring respondents to submit more than an original and two copies of any document:
 - Respondents are not required to submit a response to the agency for this collection.
- Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years:
 - There is no record keeping requirement for this collection of information.
- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study:
 - There are no statistical surveys related to this collection of information.
- Requiring the use of a statistical data classification that has not been reviewed and approved by OMB:
 - There is no statistical data collection related to this collection of information.
- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use:
 - The information included in gear markings is not considered confidential data. There is no pledge of confidentiality associated with this collection.
- Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law:
 - This collection does not require respondents to submit confidential information or trade secrets.

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 was published on April 2, 2024, (89 FR 22676) soliciting public comments. The comment period closed on June 3, 2024. No comments were received. In addition to the Federal Register notice, NMFS contacted stakeholders 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, and on the data elements to be recorded, disclosed, or reported. No comments 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 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.

The information included in gear markings (i.e., vessel permit number, hull number) is not considered confidential information, and 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. Wages are based on the mean hourly wage for farming, fishing and forestry, according to the Bureau of Labor Statistics. Table 1 shows the breakdown of gear items subject to this collection by gear type and fishery. **The total estimated burden for this collection is 9,571 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/ 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)
Greater Atlantic Region Gear Identification (Lobster)	45-0000 Lobster	2,010	250	502,500	0.017	8,543	19.22	164,166.43
Greater Atlantic Region Gear Identification (BSB)	45-0000 Black Sea Bass	63	120	7,560	0.017	129	19.22	2,450.55
Greater Atlantic Region Gear Identification (Scup)	45-0000 Scup	28	120	3,360	0.017	57	19.22	1,078.24
Greater Atlantic Region Gear Identification (DSRC)	45-0000 Deep Sea Red Crab**	5	60	300	0.017	5	19.22	98.02
Greater Atlantic Region Gear Identification (Gillnet)	45-0000 Gillnet-All Fisheries	152	320	48,640	0.017	827	19.22	15,866.49
Greater Atlantic Region Gear Identification (LL)	45-0000 Longline-All Fisheries	49	12	588	0.017	10	19.22	192.12
Totals		2,307		562,948		9,571		183,851.85

*Due to rounding in ROCIS, burden hours vary from 1-2 hours.

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. Estimated annual costs are \$20 to purchase the paint, ink, paintbrush, and/or stencil. Total estimated cost per vessel varies according to the type and amount of gear used. Given normal weathering of the fishing gear, gear needs to be re-marked approximately once per year. This action affects **2,306** entities, thus the annual cost burden to respondents is estimated at **\$46,110.00 (2,306 x \$20)**. A breakdown of these costs by fishery and gear type is shown in Table 2. There are no capital costs or operating and maintenance costs associated with this information collection.

Table 2. Greater Atlantic Region Gear Identification Cost Burden by Gear Type and 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)
Greater Atlantic Region Gear Identification- Lobster	2,010	250	502,500	20.00	40,195.00
Greater Atlantic Region Gear Identification - Black Sea Bass	63	120	7,560	20.00	1,250.00
Greater Atlantic Region Gear Identification - Scup	28	120	3,360	20.00	550.00
Greater Atlantic Region Gear Identification - Deep Sea Red Crab	5	60	300	20.00	100.00
Greater Atlantic Region Gear Identification - Gillnet	152	320	48,640	20.00	3,035.00
Greater Atlantic Region Gear Identification - Longline	49	12	588	20.00	980.00
TOTALS	2,307		562,948		46,110.00

*Due to rounding in ROCIS, burden costs vary from 1-2 dollars.

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 because 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 decreased because of an updated analysis that included the average number of entities in each gear marking category from 2019-2022. Overall, there was a reduction in the number of participants across all fishery groups (by both fishery and gear type) except for the deep-sea red crab fishery, which remained the same. The Greater Atlantic Region no longer requires permit holders to submit gear information as part of their permit application. While previous estimates were based on the number of permit holders for a specific gear and fishery, the current estimates are based on the number of relevant permit holders that reported landings with the specified gear. These updated estimates are more accurate because they exclude permit holders who are not actively participating in the fishery and would not need to re-mark their gear. This change likely accounts for the majority of the decrease in respondents, particularly in the gillnet and longline fisheries. In addition, there is a general trend of declining participation in fisheries in general due to things like a general trend of consolidation, reductions in fishing quotas, industry downsizing, resource availability, and the state of the economy. There were no changes to the regulations or gear marking requirements since the last collection renewal, so changes in the burden hours are a result of changes in the number of participating entities. The annual cost decreased slightly due to a decrease in the number of respondents but an increase in the cost of supplies. A description of all changes to the annual burden estimates (Table 3) and cost estimates (Table 4) associated with this collection of information are shown below.

Also, Scup gear requirements were broken out from the Black Sea Bass and Scup Gear Identification Requirements IC in order to provide more granularity into each fishery. This is not a change to the collection.

Table 3. Reasons for Changes to Annual Burden Hours

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	
Greater Atlantic Region Gear Identification- Lobster	2,010	2,130	502,500	532,500	8,543	8,875	Adjustment
Greater Atlantic Region Gear Identification - Black Sea Bass	63	223	7,560	26,760	129	446	Adjustment
Greater Atlantic Region Gear Identification -Scup	28	114	3,360	13,680	57	228	Adjustment
Greater Atlantic Region Gear Identification -Deep Sea Red Crab	5	5	300	300	5	5	No Change
Greater Atlantic Region Gear	152	1,338	48,640	428,160	827	7,136	Adjustment

Identification - Gillnet							
Greater Atlantic Region Gear Identification - Longline	49	979	588	11,748	10	196	Adjustment
Total for Collection	2,307	4,789	562,948	1,013,148	9,571	16,886	
Difference	-2,482		-450,200		-7,315		

Table 4. Reasons for Changes to Annual Costs

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Greater Atlantic Region Gear Identification- Lobster	164,166.43	133,125	40,195.00	21,300	Adjustment
Greater Atlantic Region Gear Identification - Black Sea Bass	2,450.55	6,690	1,250.00	2,230	Adjustment
Greater Atlantic Region Gear Identification - Scup	1,078.24	3,420	550.00	1,140	Adjustment
Greater Atlantic Region Gear Identification - Deep Sea Red Crab	98.02	75	100.00	50	Adjustment
Greater Atlantic Region Gear Identification - Gillnet	15,866.49	107,040	3,035.00	13,380	Adjustment
Greater Atlantic Region Gear Identification - Longline	192.12	1,940	980.00	9,790	Adjustment
Total for Collection	183,851.85	253,290	46,110.00	47,890	
Difference	-69,438.15		-1,780.00		

*Due to rounding in ROCIS, burden costs vary from 1-2 dollars.

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