

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
West Coast Region Gear Identification Requirements
OMB Control No. 0648-0352

Abstract

This request is for an extension of a currently approved information collection. The success of fisheries management programs depends significantly on regulatory compliance. The requirements that fishing gear be marked are essential to facilitate enforcement. The ability to link fishing gear to the vessel owner or operator is crucial to enforcement of regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The marking of fishing gear is also valuable in actions concerning damage, loss, and civil proceedings. The regulations specify that fishing gear must be marked with the vessel's official number, Federal permit or tag number, or some other specified form of identification. The regulations further specify how the gear is to be marked (e.g., location and color).

Law enforcement personnel rely on gear marking information to assure compliance with fisheries management regulations. Gear that is not properly identified is confiscated. Gear violations are more readily prosecuted when the gear is marked, and this allows for more cost-effective enforcement. Gear marking helps ensure that a vessel harvests fish only from its own traps/pots/other gear and that fishing gear are not illegally placed. Cooperating fishermen also use the gear marking numbers to report suspicious or non-compliant activities that they observe, and to report placement or occurrence of gear in unauthorized areas. The identifying number on fishing gear is used by the National Marine Fisheries Service (NMFS), the United States Coast Guard (USCG), and other marine agencies in issuing regulations, prosecutions, and other enforcement actions necessary to support sustainable fisheries behaviors as intended in regulations. Regulation-compliant fishermen ultimately benefit from these requirements, as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

A. JUSTIFICATION

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

This request is for extension of the current collection for the West Coast Gear Identification Requirements.

Gear identification requirements are necessary to help ensure the success of fisheries management programs by facilitating fisheries law enforcement efforts. Gear marking is also valuable in actions concerning gear damage, loss, and civil proceedings. The ability to link fishing gear to the vessel owner or operator is crucial to enforcement of regulations issued under the authority of the [Magnuson Fishery Conservation and Management Act](#). Fixed-gear marking requirements are set forth in the regulations implementing the Pacific Coast Groundfish Fisheries Management Plan at 50 CFR [660.219](#) and [660.319](#). Gear-marking requirements specify that each type of fixed-gear must be marked with the owner's identifying number.

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.

The regulations specify that fishing gear must be marked with the vessel's official number, federal permit or tag number, or some other specified form of identification. Law enforcement personnel rely on this information to assure compliance with fisheries management regulations. Gear that is not properly identified is considered a violation of Federal regulations and is confiscated. The identifying marks on fishing gear is used by the National Marine Fisheries Service (NMFS), United States Coast Guard (USCG), and other marine agencies in issuing violations, prosecutions, and other enforcement actions. Gear marking also helps ensure that a vessel harvests fish only from its own traps/pots/other gear and that traps/pots/other gears are not illegally placed. Properly marked fishing gear facilitates prosecution of gear violations, and enhances cost-effective enforcement. Cooperating fishers also use the gear markings to report placement or occurrence of gear in unauthorized areas. Regulation-compliant fishermen ultimately benefit, as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

The information collected will not be disseminated to the public; as it consists solely of identification on gear, 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 techniques or other forms of information technology.

The requirement that fixed gear be marked with an identifying number does not lend itself to technology.

4. Describe efforts to identify duplication.

Existing Federal and State requirements have been reviewed to ensure that there is no duplication of requirements.

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

Although nearly all vessels in the respective fisheries are categorized as small businesses, the collection of information will not have a significant economic impact or burden on small businesses in terms of time and resources. Therefore, no special modifications of the requirements were considered necessary.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The NMFS and USCG would not be able to enforce the fishery management measures if the collection is not conducted or is conducted less frequently. The numbers must periodically be maintained to remain legible.

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

This collection is consistent with the OMB guidelines.

8. Provide a copy of 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.

A **Federal Register** Notice published on April 2, 2024 (89 FR 22683) solicited public comment. 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 decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Neither payments nor gifts will be provided to respondents.

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, as this is public information.

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.

This information collection does not involve information of a sensitive nature.

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

The estimated potential total number of vessels which require active gear markings and that have a reported landing utilizing a PacFIN data source is 942 vessels. There are three types of groundfish vessels which use the types of gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) that must be marked. Each vessel has a unique number of markings required because of variation in the gear, while some vessels participating in other gear types may not require active gear markings. Estimating the total number of marks in the fleet as 16,952 and 15 minutes per marking, the burden is estimated to be 4,238 hours. NMFS Sustainable Fisheries Division (SFD) staff previously consulted with various groundfish vessel captains participating in various groundfish pot, longline, midwater trawl, bottom trawl fisheries, and determined that gear markings have a five-year life span. Therefore, the number of marks is annualized to 3,390.4, and hours, to 847.6 (Table 1).

Labor costs in the fishing industry are estimated at \$21.00 per hour utilizing labor estimates provided via United States Bureau of Labor Statistics *Occupational Outlook Handbook* (<https://www.bls.gov/bls/blswage.htm>) for the occupation title “painters, construction, and maintenance.” Twenty one dollars per hour multiplied by 847.6 burden hours equals approximately \$17,799.6 total fleet labor costs for each vessel’s gear markings (Table 1).

Estimates for Fixed-Gear Marking Burden in the Pacific Coast Groundfish Fishery

2024 Gear marking burden estimates	OPEN ACCESS				LIMITED ENTRY			
	Longline	Vertical Hook and Line	Pot	Set net	Longline	Pot	IFQ gear switching	Total fleet
Number of vessels	633	34	109	11	124	15	16	942
Number of strings	10	5	5	3	10	5	10	
Number of buoys per string	2	1	2	2	2	2	2	
Number of markings per vessel	20	5	10	6	20	10	20	
Total number of markings	12,660	170	1,090	66	2,480	150	336	16,952
Total burden hours at 0.25 hours per marking	3,165	42.5	272.5	16.5	620	37.5	84	4,238
Material costs at \$0.25 per marking	\$3,165	\$42.50	\$272.50	\$16.50	\$620	\$37.50	\$84	\$ 4,238
Labor cost at \$21/hr	\$66,465	\$892.50	\$5,722.50	\$346.50	\$13,020	\$787.50	\$1,764	\$ 88,998
Total cost (materials + labor)	\$33,000	\$935	\$5,995	\$363	\$13,640	\$828	\$1,848	\$ 93,236
Total annual burden (once every five years) in cost (materials +labor)	\$13,926	\$187	\$1,199	\$72.60	\$2,728	\$165	\$369.60	\$18,647.20

Table 1. Total Annual Wage Burden Costs

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)
Open Access Longline Gear Markings	Painters, construction, maintenance	633	20	12,660	0.25	3,165	\$21	\$66,465
Open Access Vertical Hook and Line Gear Markings	Painters, construction, maintenance	34	5	170	0.25	43	\$21	\$892.50
Open Access Pot Gear Markings	Painters, construction, maintenance	109	10	1,090	0.25	272.5	\$21	\$5,722.50
Open Access Set Net Gear Markings	Painters, construction, maintenance	11	6	66	0.25	16.5	\$21	\$346.50
Limited Entry Longline Gear Markings	Painters, construction, maintenance	124	20	2,480	0.25	620	\$21	\$13,020
Limited Entry Pot Gear Markings	Painters, construction, maintenance	15	10	150	0.25	37.5	\$21	\$787.50
Limited Entry IFQ Gear Switching Gear Markings	Painters, construction, maintenance	16	20	336	0.25	84	\$21	\$1,764
Totals		942	91	16,952 (3,390.4*)		4,238 (847.6*)		\$88,998 (\$17,799.6*)

*Annualized over 5 years. Totals have been rounded up in ROCIS.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

The materials needed are paint and a paintbrush, or permanent ink applicator, and possibly a stencil. With most traps or pots, marking is done by means of a commercially available plastic tag that is fastened to the trap/pot by thin strands of wire and this tag number identifies the owner of the trap/pot. The total number of marks in the fleet is estimated at 16,952 (please refer to Table 5 for details), and the average cost per marking is approximately \$0.25. Therefore, the total annual cost burden for vessel marking materials is \$4,238 (Table 2). The estimated

total cost of materials and labor to the fleet is \$93,236. With the estimated five-year life span of gear markings, the estimated annual cost is estimated at \$18,647.20.

Table 2. Total Annual Cost Burden for Vessel Marking Materials

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) = (c) x (h)
Open Access Longline Gear Marking Materials	633	20	12,660	\$0.25	\$3,165
Open Access Vertical Hook and Line Gear Marking Materials	34	5	170	\$0.25	\$43
Open Access Pot Gear Marking Materials	109	10	1,090	\$0.25	4272.5
Open Access Set Net Gear Marking Materials	11	6	66	\$0.25	\$16.5
Limited Entry Longline Gear Marking Materials	124	20	2,480	\$0.25	\$620
Limited Entry Pot Gear Marking Materials	15	10	150	\$0.25	\$37.5
Limited Entry IFQ Gear Switching Gear Marking Materials	16	20	336	\$0.25	\$84
TOTALS	942	91	16,952 (3,390.4*)		\$4,238 (847.6*)

*Annualized over 5 years. Totals have been rounded up in ROCIS.

14. Provide estimates of annualized cost to the Federal government.

There would be no Federal cost associated with this collection because marking verification would be included as part of other enforcement actions and no information is received to process.

15. Explain the reasons for any program changes or adjustments.

Adjustments:

There are no adjustments to potential total number of vessels.

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

No results are published. Gear markings are displayed on each required item.

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.

There are no forms or survey associated with the collection where the OMB control number will be displayed.

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