

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Southeast Region Vessel and Gear Identification Requirements
OMB Control Number 0648-0358

Abstract

This is an extension request for an existing information collection. The National Marine Fisheries Service (NMFS) and other partners manage federal fisheries in the U.S. southeast region, which includes waters of the Gulf of Mexico, South Atlantic, and U.S. Caribbean. The purpose of the information collections approved under the Office of Management and Budget (OMB) Control Number 0648-0358 is to facilitate enforcement of regulatory requirements on fishing vessels and fishing gear in the U.S. southeast region. Specific markings on vessels and gear allow enforcement personnel and fishermen to locate, identify, and distinguish the owner or operator of such fishing vessels and 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.

The success of fisheries management programs depends on regulatory compliance. The vessel and fishing gear identification requirements enable law enforcement personnel to link fishing or other activity, and fishing gear to a vessel owner or operator. This is crucial to facilitate the enforcement of existing regulations for fishing vessel and gear identification requirements issued under the authority of the [Magnuson-Stevens Fisheries Conservation and Management Act](#) at [50 CFR part 622](#).

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.

Vessel Identification

Regulations at [50 CFR 622.6](#) require a vessel's official number to be displayed on the port and starboard sides of the deckhouse or hull, and weather deck. The official number and color code, if applicable, identify each vessel and should be visible from enforcement vessels or aircraft. It is common for a vessel owner to apply these six or seven-digit numbers to the vessel with paint. These markings provide law enforcement personnel with a means to monitor fishing, at-sea processing, and other related activities, to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel. The vessel identification number is used by NMFS, the United States Coast Guard (USCG), and other agencies and partners for vessel tracking, issuing violations, prosecutions, and other enforcement actions. Vessels that qualify for particular fisheries are readily identified, gear violations are more readily prosecuted, and this

allows for more cost-effective enforcement.

Gear Identification

Multiple regulations in 50 CFR part 622 require that each trap or pot for fish, crabs, or spiny lobster be marked with a tag stating the vessel permit number or marked directly with the vessel permit number, depending on the fishery, and have a buoy attached that meets specified identification requirements. For example, gillnets for Spanish mackerel on the east coast of Florida must be marked with floats displaying the vessel's official number. The marking of gear aids law enforcement, helps to ensure that vessels only harvest fish from their own gear, and makes it easier for fishermen to report the use of gear in unauthorized locations.

Regulations also require that aquaculture site materials (cultured live rock) be distinguishable from the natural occurring substrate, depending on the area through either marking or another method. The marking of aquacultured site materials aids determination of the origin of those materials and thereby helps ensure compliance with the regulations.

Law enforcement personnel rely on this information to assist with the compliance of fisheries management regulations. Fishing gear that is not properly identified is confiscated. NMFS and USCG use the identifying number on fishing gear to ensure compliance with applicable regulations. Gear marking helps ensure that a vessel harvests fish only from its own fishing gear and that fishing gear are not used illegally, and violations are more readily prosecuted, and this allows for more cost-effective enforcement. Cooperating fishermen also use the numbers to report placement or occurrence of gear in unauthorized areas.

Fishermen compliant with regulations ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

There would be no information directly collected by the vessel and gear marking requirements for purposes of disseminating to the public. However, information collected by enforcement agencies over time could potentially be used to track compliance.

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 requirement that each vessel and the fishing gear display an identification number does not lend itself to technology. Vessel monitoring system units and transponders are comparatively very expensive, and cannot be viewed without other technological investments. No other technology appears to be less costly and still capable of providing the necessary information to support enforcement.

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 for vessel or fishing gear identification and display. The USCG assigns documentation numbers to applicable vessels under OMB Control No. 1625-0027. NMFS requires a vessel to display its official number, that is, the USCG documentation number, at certain sizes depending on the vessel's length.

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

NMFS categorizes all or nearly all vessels covered under this information collection 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.

If fishing vessels or gear were not identified or if marking requirements were reduced, NMFS, USCG, and other law enforcement partners could not enforce the fisheries management measures or the effectiveness of enforcement would be significantly reduced.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection is conducted in a manner that is 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.

On May 9, 2024, NMFS published a notice in the *Federal Register* and sought public comment for a 60-day period on the extension of the vessel and gear identification requirements under OMB Control No. 0648-0358 (89 FR 39589). NMFS did not receive any public comments resulting from this notice. Based on the identification requirements and regulations, NOAA's attempted to reach five affected anglers via email, but no comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

NMFS does not provide payments or gifts to respondents for 0648-0358.

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.

NMFS does not provide assurance of confidentiality for 0648-0358. The vessel identification or registration number is publically available information.

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.

NMFS does not ask any sensitive questions of any nature as part of this information collection.

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

Information Collection	Type of Respondent (Occupational Title)	No. of Respondents per Year (a)	Annual No. of Responses per Respondent (b)	Total No. of Annual Responses (c) = (a) x (b)	Burden Hours per Response (d)	Total Annual Burden Hours (e) = (c) x (d)	Hourly Wage Rate (\$) for Respondent Type * (f)	Total Annual Wage Burden Costs (\$) (g) = (e) x (f)
Vessel Marking	Fisherman	7,229	1	7,229	75 minutes	9,036	18.71	169,064
Gear Identification Requirements	Fisherman	2,802	98.9850	277,356	0.11284 (hours)	31,299	18.71	585,604
Aquacultured live rock	Fisherman	9	5,000	45,000	10 seconds	125	18.71	2,339
Golden crab traps	Fisherman	11	1,000	11,000	2 minutes	367	18.71	6,867
Spanish mackerel gillnet buoys	Fisherman	1,804	9	16,236	20 minutes	5,412	18.71	101,259
Spiny lobster traps and buoys	Fisherman	154	1,200	184,800	7 minutes	21,560	18.71	403,388
Buoy gear	Fisherman	792	20	15,840	10 minutes	2,640	18.71	49,394
Black sea bass pots, buoys, and buoy lines	Fisherman	32	35	4,480	16 minutes	1,195	18.71	22,358
Totals				284,585		40,335		754,668

* Hourly wage rate source: U.S. Bureau of Labor Statistics website at https://www.bls.gov/oes/current/naics2_11.htm#45-0000. Accessed 8-9-24.

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 increase of the estimated total annual cost burden is based on inflation-adjusted prices only from 2021 to 2024 of approximately 16 percent. Source: <https://www.investopedia.com/inflation-rate-by-year-7253832>, accessed August 9, 2024.

Information Collection	Estimated Number of Respondents Annually (a)	Annual No. of Responses per Respondent (b)	Estimated Total No. of Annual Responses (c)=(a) x (b)	Estimated Cost Burden per Response (\$) (h)	Estimated Total Annual Cost Burden (\$) (i) = (c) x (h)
Vessel marking	7,229	1	7,229	39.44	285,112
Gear Identification Requirements	2,802	98.9850	277,356	Fixed Cost (1.250381)	346,801
Aquacultured live rock	9	5,000	45,000	0.012	580
Golden crab traps	11	1,000	11,000	2.32	25,520
Spanish mackerel gillnet buoys	1,804	9	16,236	1.74	28,251
Spiny lobster traps and buoys	154	1,200	184,800	1.51	278,678
Buoy gear	792	20	15,840	0.47	7,350
Black sea bass pots, buoys, and buoy lines	32	35	4,480	1.44	6,422
TOTALS	10,031		284,585		631,913

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 is no cost to the Federal Government other than the preparation of the renewal information collection package. This results in less than 1% effort of a single federal employee’s time and is thus negligible.

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

Information Collection	Labor Costs \$		Miscellaneous Costs \$		Reason for change or adjustment
	Current \$	Previous \$	Current \$	Previous \$	
Vessel marking	169,064	144,757	285,112	245,786	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Gear Identification Requirements	585,604	501,405	346,801	298,966	Gear marking totaled. Individual requirements listed in gray below.
Aquacultured live rock	2,339	2,003	580	500	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Golden crab traps	6,867	5,874	25,520	22,000	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Spanish mackerel gillnet buoys	101,259	86,700	28,251	24,354	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Spiny lobster traps and buoys	403,388	345,391	278,678	240,240	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Buoy gear	49,394	42,293	7,350	6,336	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Black sea bass pots, buoys, and buoy lines	22,358	19,144	6,422	5,536	Labor cost estimate increased. Added inflation to estimated total annual cost burden.
Total for Collection	754,668	646,162	631,913	544,752	
	108,506		87,161		

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.

NMFS does not plan to publish the results of 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.

There is not a form or other material associated with this information collection, so there is no corresponding display of the expiration date.

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

NMFS certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b) (3).