

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

SUPPORTING STATEMENT PART A

Abstract

The National Marine Fisheries Service (NMFS) requests the approval of the Office of Management and Budget (OMB) for a revision and 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](https://www.ecfr.gov/current/title-50/chapter-VI/part-635/subpart-A/section-635.6)¹ 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. This revision will incorporate changes under a proposed rule (RIN 0648-BN52) that will expand the number of permit categories that are authorized to use buoy gear. Specifically, the proposed rule (0648-BN52) will expand the authorization to use buoy gear to vessels possessing an open access Swordfish General Commercial or Atlantic Tunas General category permit, thus necessitating a revision to the gear marking burden estimates covered by this information collection.

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 a revision and 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

¹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-635/subpart-A/section-635.6>

under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#)² 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](#)³ (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.

In an effort to increase flexibility and remove inefficiencies in fisheries targeting HMS, NMFS is issuing a proposed rule (0648-BN52) that will expand the number of permit types that are authorized to deploy buoy gear, and authorize the targeting of additional species using this gear. Primarily, the proposed rule would expand the authorization to use buoy gear to target swordfish under the open access Swordfish General Commercial permit, with a limit of 5 buoys being allowed onboard the vessel or deployed at any one time. This information collection is being revised to reflect the increase in burden needed to mark the additional gear authorized under this proposed rule. The proposed rule would also authorize the retention of BAYs tunas (bigeye, albacore, yellowfin, and skipjack tunas), and sharks with buoy gear under several permit categories (Atlantic Tunas General, Atlantic Tunas Longline, HMS Caribbean Commercial Small Boat, Shark Directed and Incidental Limited Access Permits). However, no revision to the gear marking burden estimates is being made for these additional permit categories as 1) tunas and sharks are generally incidental catches when fishing with buoy gear, while swordfish are the primary target species, and 2) these permits, or permits they are held in conjunction with, are already covered under this information collection.

Protected Species:

In order to monitor compliance with the Marine Mammal Protection Act and the Endangered Species

² <https://www.fisheries.noaa.gov/s3/dam-migration/msa-amended-2007.pdf>

³ <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter16A&edition=prelim>

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-flyers 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](https://www.ecfr.gov/current/title-50/chapter-VI/part-635?toc=1)⁴.

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 boarding, 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.

OMB guidelines

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

⁴ <https://www.ecfr.gov/current/title-50/chapter-VI/part-635?toc=1>

- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- 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;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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; or
- requiring respondents to submit proprietary trade secret, 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.

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.

NMFS is publishing a proposed rule (RIN 0648-BN52) in the *Federal Register* concurrently with the submission of this information collection. Any comments received in response to this proposed rule will be addressed in the Supporting Statement submitted with the final rule package.

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 system 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. No information is collected from the respondent so no SORN or PIA is required.

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](#)⁵, and the [Southeast Regional Office FOIA page](#)⁶. These numbers are subject to change as permits expire and are renewed.

Vessel marking

Of the 6,736 commercial permit holders in the Atlantic tuna fishery and general commercial swordfish fishery, 1,074 also have NMFS Northeast Regional Office permits and thus are covered under that vessel marking collection (OMB Control No. 0648-0350). This leaves 5,662 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, harpoon, buoy gear, or gillnet gear in the U.S. exclusive economic zone (EEZ) was previously estimated at approximately 410. It is further estimated that approximately 64 percent of these longline vessels (58) 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 128 longline, handgear, or gillnet vessels to be covered by the HMS vessel marking collection. Finally, there were 120 vessels holding Caribbean Smallboat Permits also covered by the HMS vessel marking collection, for a combined 5,910 vessels covered by this ICR. 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 91 as of October 1, 2024. 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.

⁵ <https://www.fisheries.noaa.gov/data-tools/public-permit-lookup>

⁶ <https://www.fisheries.noaa.gov/southeast/resources-fishing/frequent-freedom-information-act-requests-southeast-region>

Longline gear: As of October 1, 2024, the total number of vessels permitted to fish for swordfish in the EEZ and primarily using pelagic longline gear was 91. Also, as of October 1, 2024, 15 vessels actively use bottom longline gear to fish for sharks.

Vessels using pelagic longline gear use approximately eight radio beacons called high-flyers 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-flyer or float is 15 minutes.

Swordfish Handgear LAP: As of October 1, 2023, there are 78 vessels participating in the swordfish handgear limited access 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.

Swordfish General Commercial: As of October 1, 2023, there were 619 vessels authorized to participate in the swordfish open access handgear fishery, which would be authorized to use buoy gear under proposed rule 0648-BN52. Participants in this fishery would be authorized to have up to 5 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, 2023, 22 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, 2023, there were 120 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 2024 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 Markings								
Vessel registration numbers	Fisherman	5,910	1	5,910	0.75	4,433	\$19.22	\$85,193
Totals		5,910		5,910		4,433		\$85,193
Gear Markings								
Handline and harpoon buoys	Fisherman	91	5	455	0.25	114	\$19.22	\$2,186
Pelagic longline high-flyers and floats	Fisherman	91	10	910	0.25	228	\$19.22	\$4,373
Bottom longline floats	Fisherman	15	2	30	0.25	8	\$19.22	\$144
Swordfish Handgear LAP	Fisherman	79	35	2,765	0.25	691	\$19.22	\$13,286
Swordfish General Commercial	Fisherman	619	5	3,095	0.25	774	\$19.22	\$14,871
Gillnet floats	Fisherman	22	2	44	0.25	11	\$19.22	\$211
Caribbean Small Boat	Fisherman	120	35	4,200	0.25	1,050	\$19.22	\$20,181
Totals		1,037		11,499		2,875		\$55,253
Totals		6,947		17,409		7,307		\$140,445

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 (\$95) and paint brush (\$5) or applicator, and possibly a stencil (\$30). For gear marking, we estimate an additional \$15 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 Markings					
Vessel registration numbers	5,910	1	5,910	\$130	\$768,300
Gear Markings					
Handline and harpoon buoys	91	5	455	\$15	\$6,825
Pelagic longline high-flyers and floats	91	10	910	\$15	\$13,650
Bottom longline floats	15	2	30	\$15	\$450
Swordfish Handgear LAP	79	35	2,765	\$15	\$41,475
Swordfish General Commercial	619	5	3,095	\$15	\$46,425
Gillnet floats	22	2	44	\$15	\$660
Caribbean Small Boat	120	35	4,200	\$15	\$63,000
TOTALS	6,947		17,409		\$940,785

***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.

Adjustments: Burden hours and cost estimates have been adjusted to reflect minor changes in the current number of vessels in Atlantic HMS fisheries.

Program Change: Burden hours and cost estimates have been changed to reflect the additional gear marking required due to proposed expansion of the authorization for the use of buoy gear to the Swordfish General Commercial permit category in the proposed gear modification rule. This permit category was already included in the burden estimates for vessel marking. This program change adds 774 burden hours and \$46,425 in gear marking expenses.

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	5,910	6,146	5,910	6,146	4,433	4,610	Adjustment in number of permit holders
Handline and harpoon buoys	91	109	455	545	114	136	Adjustment in number of permit holders
Pelagic longline high-flyers and floats	91	102	910	1,020	228	255	Adjustment in number of permit holders
Bottom longline floats	15	15	30	30	8	8	No change
Swordfish Handgear LAP	79	86	2,765	3,010	691	753	Adjustment in number of permit holders
Swordfish General Commercial	619	-	3,095	-	774	-	New gear authorization
Gillnet floats	22	22	44	44	11	11	No change
Caribbean Small Boat	120	76	4,200	2,660	1050	665	Adjustment in number of permit holders
Total for Collection	6,947	6,556	17,409	13,455	7,309	6,438	
Difference	391 (619 - Prgm Chg) (-228 - Adjustment)		3,954 (3,095 - Prgm Chg) (859 - Adjustment)		871 (774 - Prgm Chg) (97 - Adjustment)		

Differences between these tables and ROCIS is a result of rounding.

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

Information Collection	Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	
Vessel registration numbers	\$768,300	\$798,980	Adjustment in number of permit holders
Handline and harpoon buoys	\$6,825	\$8,175	Adjustment in number of permit holders

Pelagic longline high-flyers and floats	\$13,650	\$15,300	Adjustment in number of permit holders
Bottom longline floats	\$450	\$450	No change
Swordfish Handgear LAP	\$41,475	\$45,150	Adjustment in number of permit holders
Swordfish General Commercial	\$46,425	-	New gear authorization
Gillnet floats	\$660	\$660	No change
Caribbean Small Boat	\$63,000	\$39,900	Adjustment in number of permit holders
Total for Collection	\$940,785	\$908,615	
Difference	\$32,170 (\$46,425 - Prgm Chg) (-14,255 - Adjustment)		

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