

**JUSTIFICATION FOR CHANGE  
NMFS ALASKA REGION  
VESSEL MONITORING SYSTEM (VMS) PROGRAM  
OMB CONTROL NO. 0648-0445**

Groundfish fisheries in the Gulf of Alaska (GOA) are managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act). Regulations implementing the FMP appear at 50 CFR part 679.

The FMP designates essential fish habitat and habitat areas of particular concern (HAPCs) in the Gulf of Alaska. HAPCs are areas within essential fish habitat that are of particular ecological importance to the long–term sustainability of managed species, are of a rare type, or are especially susceptible to degradation or development. The Council may designate specific sites as HAPCs and may develop management measures to protect habitat features within them. In order to protect HAPCs, certain habitat protection areas and habitat conservation zones have been designated. A habitat protection area is an area of special, rare habitat features where fishing activities that may adversely affect the habitat are restricted.

Two HAPCs are designated in the Fairweather Grounds and one HAPC is designated near Cape Ommaney in the Gulf of Alaska. Within these HAPCs, five Coral Habitat Protection Areas were identified where high concentrations of sensitive corals occur. Fishing is restricted only in the five Coral Habitat Protection Areas, not the entire HAPC.

Anchoring and the use of bottom contact gear by any federally permitted fishing vessel in these five areas are prohibited as they adversely affect coral habitat by breaking and injuring the coral and disturbing the substrates to which corals attach.

Mobile (removable, retractable) bottom contact fishing gear includes nonpelagic trawl, dredge, and dinglebar gear. Dinglebar gear is similar to salmon troll gear with the addition of a heavy metal bar that keeps the hooks close to the seafloor. Of the types of mobile bottom contact fishing gear, only dinglebar gear is used off the coast of Southeast Alaska in the State of Alaska–managed fishery for lingcod. Although lingcod is not managed under the FMP, if a vessel catches and retains any groundfish managed under the FMP in the exclusive economic zone off Alaska, it also is considered to be fishing for groundfish, and therefore must carry a Federal Fishing Permit.

All federally permitted vessels with mobile bottom contact gear aboard are subject to VMS requirements (50 CFR 679.7(a)(22)). Consequently, at this time, vessels fishing for lingcod with dinglebar gear also must carry a transmitting VMS onboard.

*Final rule RIN 0648-AX01, published January 21, 2009, removed the VMS requirement associated with one type of mobile bottom contact gear: dinglebar gear. This change did **not**: 1) remove dinglebar gear from the definition of mobile bottom contact gear; 2) exempt vessels*

using dinglebar gear for other fisheries from VMS requirements; nor 3) exempt vessels fishing for lingcod with other gear types from the VMS requirement.

The dinglebar fishery for lingcod does not overlap with areas where sensitive coral species occur, so the VMS requirements are an unnecessary burden to a small fleet. All such vessels are considered “small entities” for purposes of the Regulatory Flexibility Analysis. NMFS has identified eight to twelve small entities that would be affected by this proposed rule.

Twelve respondents would be removed from this collection, to create the following results.

Estimated total unique respondents: 1,842, down from 1,854. Estimated total responses: 10,638,853, down from 10,656,132. Estimated total burden hours: 23,766, down from 23,837. Estimated total miscellaneous costs: \$1,276,834, down from \$1,278,774.