

**SUPPORTING STATEMENT
ALASKA REGION GEAR IDENTIFICATION
OMB CONTROL NO. 0648-0353**

This is a resubmission of a request for revision of this collection with the associated final rule [RIN No. 0648-BD66]. There were no changes to the rule or to this request.

INTRODUCTION

National Marine Fisheries Service, Alaska Region (NMFS) manages the groundfish fisheries in the exclusive economic zone off the coast of Alaska, under the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area (FMPs). The North Pacific Fishery Management Council prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* as amended by Public Law 109-479. These FMPs are implemented by regulations at [50 CFR part 679](#). Regulations pertaining to vessel and gear markings are set forth at § 679.24 and in the annual management measures at [§ 300.62](#).

Federal regulations at § 679.24(a) require that buoys carried onboard or used by any vessel subject to 50 CFR part 679 that is using hook-and-line, longline pot, or pot-and-line gear must be marked with the vessel's name and either the vessel's Federal Fisheries Permit (FFP) number or the vessel's Alaska Department of Fish and Game (ADF&G) vessel registration number. FFPs are required for vessels fishing for groundfish (a legal category that does not include halibut) in the Gulf of Alaska (GOA) or Bering Sea and Aleutian Islands Management Area (BSAI), or fishing for any non-groundfish species when incidentally caught groundfish must be retained. Regulations at § 679.7(f)(8) prohibit vessels with individual fishing quota (IFQ) halibut or sablefish on board from discarding rockfish or Pacific cod under various conditions. Thus, vessels used to fish for halibut IFQ are required to have FFPs and comply with all regulations in 50 CFR part 679 that apply to vessels required to have FFPs, including requirements for marking buoys.

Identification markings on buoys in the Federal waters off Alaska also are regulated by the State of Alaska (State) and the International Pacific Halibut Commission (IPHC). The State shares management responsibilities with NMFS for king crab and Tanner crab in the Federal waters off Alaska, and regulates the buoy identification markings in these fisheries. The State requires at least one buoy on each commercial king or Tanner crab pot or ring net to be legibly marked with the permanent ADF&G vessel registration number of the vessel using the gear. IPHC identification marking requirements for halibut gear buoys require that all setline or skate buoys carried onboard or used by any U.S. vessel for commercial halibut fishing shall be marked with the vessel's state license number or the vessel's ADF&G registration number.

Law enforcement personnel rely on this information to assure compliance with fisheries management regulations. Gear that is not properly identified is confiscated.

JUSTIFICATION

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

This action would eliminate the requirement that buoys carried onboard or deployed by vessels to mark the location of hook-and-line, longline pot, and pot-and-line gear be marked with the vessel's name. While one vessel may share the same name as another vessel, vessel identification numbers are exclusive and unique to the recipient vessel; the vessel name is not necessary. In addition, by removing the requirement to mark the buoy with the vessel's name, NMFS would make Federal buoy marking regulations consistent with State and IPHC buoy marking regulations. The action would maintain the Federal requirement to mark the buoy with either the vessel's FFP number or ADF&G vessel registration number. The action would reduce costs to vessel owners by reducing the labor and materials needed to mark buoys.

Regulations that marker buoys be marked with identification information are essential to facilitate fisheries enforcement and actions concerning damage, loss, and civil proceedings. The ability to link fishing gear to the vessel owner or operator is crucial to enforcement of regulations.

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.

NOAA Fisheries Office for Law Enforcement (OLE) and United States Coast Guard (USCG) use the identification of fishing gear when issuing violations, prosecutions, and other enforcement actions. Cooperating fishermen also use the gear identification to report placement or occurrence of gear in unauthorized areas. Fishermen marking their gear correctly ultimately benefit, as unauthorized and illegal fishing are deterred and more burdensome regulations are avoided.

Most fishermen properly identify marker buoys and are not adversely affected by this requirement. In addition to Federal gear-marking requirements at 50 CFR § 679.24, ADF&G regulations (5 AAC 28.050) require fishermen to mark crab and groundfish pots with the ADF&G vessel registration number of the vessel operating the gear. Since many Pacific cod fishermen already participate in State groundfish and crab fisheries, they already are complying with this requirement. Marking of buoys reduces the costs to OLE and USCG enforcement efforts and allows for more effective enforcement of gear rules.

Markings must be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line. The vessel must be maintained so the markings are clearly visible. Fishermen incur the costs of marking their own marker buoys; the

cost to fishermen is minimal. Materials needed are paint and paintbrush, or permanent ink applicator, and possibly a stencil.

This action would remove the requirement to paint the vessel’s name on the buoy, and would remove an estimated five minutes per buoy. Assuming the buoy needs to be repainted every year, the operator of each vessel would need approximately 10 minutes to paint each buoy with either the FFP number or the ADF&G vessel registration number. By removing the requirement to paint the vessel’s name on the buoy, a time savings of 5 minutes per buoy is estimated to be saved, making the total time to paint each buoy at 10 minutes.

Marker buoys identification

Vessel FFP number, or
Vessel’s ADF&G vessel registration number

A vessel could have both hook-and-line and pot gear endorsements on an FFP. For 2013, the following endorsements were issued with an FFP:

980 vessels have hook-and-line gear endorsements

393 vessels have pot gear endorsements

Unfortunately, these endorsements are not additive because both endorsements could occur on the same FFP. Therefore, the higher number (980) is used because there are very few vessels with just pot gear. Each vessel could use 6 buoys or 12 buoys. It is estimated that 75% of the vessels use 6 buoys (735) and 25% use 12 buoys. The analysis also assumes that each buoy is painted annually.

Marker buoys identification, Respondent	
Number of respondents	980
Frequency of response = 1 per year	
Total annual responses	7,350
735 vessels have 6 buoys = 4410 buoys	
245 have 12 buoys = 2940 buoys	
Total burden hours	1,225 hr
Time per response = (10 minutes x 7350)/60	
Total personnel cost (1225 x \$15/hr)	\$18,375
Total miscellaneous costs (\$10 x 980)	\$9,800
Miscellaneous supplies (paint and paintbrush)	

Marker buoys identification, Federal Government	
Total annual responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous costs	0

The information collected will not be disseminated to the public because the information is identification on a marker buoy and 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 marking of fishing gear marker buoys does not use automated, electronic, mechanical, or other technological techniques.

4. Describe efforts to identify duplication.

No other existing collection is duplicated.

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

The collection does not have a significant impact or burden on small businesses, and no special modifications of the regulations were considered necessary to accommodate the needs of small businesses.

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

If the collection were not conducted or were conducted less frequently, the OLE and USCG could not enforce the fisheries management measures and the fisheries could be endangered.

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 information on 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.

NMFS published a proposed rule coincidentally with this notice to solicit public comments in the *Federal Register* on January 3, 2014 (79 FR 381). The 30-day comment period on the proposed rule ended on February 3, 2014.

NMFS received one comment letter, from a representative of the affected fishing industry, during the public comment period for the proposed rule to implement this regulatory amendment.

Comment 1: The commenter expressed general support for the proposed regulatory amendment.
Response: NMFS acknowledges this comment.

There were no changes to the regulatory text between the proposed rule and this final rule.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

The NMFS will not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The marking of fishing gear is not confidential. There is no assurance of confidentiality provided, as marking of gear occurs on an individual basis. No information is submitted to NMFS.

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.

Total estimated respondents, 980. Total estimated responses are 7,350. Total estimated time burden is 1,225, down from 1,838 hours. Total estimated personnel cost is \$18,375, down from \$27,570. Personnel labor costs are estimated at \$15 per hour.

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

Total estimated miscellaneous costs are \$9,800 (\$10 per respondent).

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

There are no Federal costs associated with this collection, because this collection involves marking of fishing gear by respondents from which no information is received to process.

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

Program change: A decrease of 613 hours was due to the shorter response time. The associated personnel cost decrease was \$9,195.

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

The information collected will not be published. The information collected will not be disseminated to the public because the information is identification on a marker buoy and is not submitted to NMFS.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection will not employ statistical methods.