

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

This is a resubmission, with the final rule, of a request for revision of this collection due to an associated rule [RIN 0648-BF42]. No changes were made to the information collection request.

National Marine Fisheries Service (NMFS), Alaska Region 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). These FMPs are implemented by regulations at 50 CFR part 679. Regulations pertaining to vessel gear markings are set forth at 50 CFR part 679 and in the annual management measures at § 300.62.

NMFS and the International Pacific Halibut Commission (IPHC) manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations governing the halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea.

The North Pacific Fisheries Management Council (Council), under the authority of the Halibut Act (with respect to Pacific halibut) and the Magnuson-Stevens Act (with respect to sablefish), manages the fixed gear Pacific halibut and sablefish Individual Fishing Quota Program (IFQ Program) and provides a limited access system for Pacific halibut in Convention waters in and off Alaska and sablefish (*Anoplopoma fimbria*) in waters of the Exclusive Economic Zone off Alaska. Regulations implementing the IFQ Program are set forth at 50 CFR part 679. Sablefish is managed as a groundfish species under the FMP, as well as under the IFQ Program. Pacific halibut is not a FMP species.

Fishermen have proposed using longline pot gear to protect captured sablefish from whale depredation. Depredation negatively impacts the sablefish IFQ fleet through reduced catch rates and increased operating costs. Depredation negatively impacts whales through increased risk of vessel strike, gear entanglement, and altered foraging strategies. Depredation also increases sablefish mortality and the uncertainty of sablefish abundance indices.

This analysis applies to the sablefish IFQ fishery in the Gulf of Alaska (GOA). The measures would:

- ◆ redefine legal gear to include pot longline gear, subject to a pot limit enforced by pot-identification tags,
- ◆ require that pot longline gear be moved or tended within a certain amount of time after being set, or removed from the fishing grounds when making a sablefish delivery,

- ◆ require marking of pot longline gear, and
- ◆ require retention of Pacific halibut if sufficient IFQ is held by fishermen to cover the halibut IFQ caught using pot longline gear.

Potential benefits of pot longline gear for sablefish fishing include: mitigation of whale interaction with fishing gear, reduced mortality of seabirds, reduced bycatch of non-target fish species, reduced overall halibut mortality when targeting sablefish, and better accounting of total sablefish fishing mortality.

The potential economic and social costs of allowing pot longline gear in areas where hook-and-line gear is also used include: the capital cost of purchasing pot longline gear and/or retrofitting a vessel, increased preemption of fishing grounds, gear conflict potentially resulting in gear damage or loss, and competitive imbalance between users of different gear types.

Using longline pots versus single pots will maximize fishing efficiency and ex-vessel value of the fishery. Single pots are heavy and their deployment results in lost gear and resultant ghost fishing. Handling of lighter pot longline gear enhances crew safety, particularly on smaller vessels. Pot longline strings, reportedly worth \$10,000 to \$12,000 each, can be parted and rejoined if they become wrapped up with other gear. However, use of single pots creates more gear conflict from increased number of anchor lines and buoys, and could result in increased whale interactions with the gear, some of which are protected under the Endangered Species Act and Marine Mammal Protection Act.

Fishermen who voluntarily adopt the use of pot longline gear will face some additional recordkeeping and reporting requirements. The owners of vessels on which pot longline gear is used must register to receive pot tags and must submit an affidavit in order to receive a replacement for lost tags. Skippers on pot longline vessels will be required to use logbooks (see OMB Control No. 0648-0213) and Vessel Monitoring System (VMS) (see OMB Control No. 0648-0445), and must also submit a Prior Notice of Landing (PNOL) (see OMB Control No. 0648-0272).

## **JUSTIFICATION**

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

Whales are able to strip hooked fish from hook-and-line gear, which reduces the amount of sablefish caught by fishermen. As such, whale depredation represents undocumented fishing mortality. The additional sablefish mortality could actually be higher than the specified quota, resulting in unrecorded harvests. Attempts to deter whales from preying on fish caught on hook-and-line gear by various non-lethal means have proven unsuccessful. This action will minimize potential IFQ sablefish fishery interactions with whales and seabirds in the GOA by allowing fishermen to choose to use longline pot gear.

Many seabird species are attracted to fishing vessels in order to forage on bait, offal, discards, and other prey made available by fishing operations. These interactions can result in direct mortality for seabirds if they become entangled in fishing gear or strike the vessel or fishing gear while flying. Interactions with hook-and-line fisheries are of particular concern, as seabirds are attracted to sinking baited hooks and can become hooked and drowned. Use of longline pot gear is expected to reduce gear interaction with seabirds and decrease the likelihood of incidental takes of seabirds.

**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.**

This action provides a voluntary opportunity for GOA sablefish IFQ fishermen to use a gear that physically protects caught sablefish from depredation by whales. That option, the use of pot longline gear, currently exists in sablefish IFQ fisheries in the Bering Sea and Aleutian Islands management areas. The action does not require the use of pot longline gear; fishermen would be permitted to continue harvesting their sablefish IFQ with the hook-and-line gear that is currently used in the fishery.

This action will specify authorized use of longline pot gear in any or all GOA areas: western GOA (WGOA), Central GOA (CGOA), West Yakutat (WY), or Southeast Outside (SEO). In addition,

- ◆ a limit will be placed on the duration of time that longline pot gear could fish IFQ sablefish and IFQ halibut in each IFQ regulatory area in the GOA before the gear must be retrieved and moved.
- ◆ a limit will be placed on the maximum number of pots a vessel could use in a longline pot gear configuration to fish IFQ sablefish and IFQ halibut in each IFQ regulatory area in the GOA.

NMFS will add the following gear retrieval requirements

- ◆ In the CGOA IFQ regulatory area and WY district of the EGOA IFQ regulatory area, all longline pot gear that is registered to a vessel and deployed must be retrieved and moved within five days of when the vessel deployed the gear.
- ◆ In the WGOA IFQ regulatory area, all longline pot gear that is registered to a vessel and deployed must be retrieved and moved with seven days of when the vessel deployed the gear.

- ◆ In the SEO, gear cannot be left on the fishing grounds when the vessel to which the pots are registered leaves the grounds to make a delivery.
- ◆ All sablefish pots set in GOA must be removed prior to the end of the season and cannot be set before the beginning of the season.

Each vessel must use mandatory logbooks (see OMB Control No. 0648-0213) when participating in a longline pot fishery. The logbooks help to determine whether vessels move their gear every four or seven days. When the number of pots deployed by a vessel is self-reported through logbooks, the use of pot tags provides an additional enforcement tool to ensure that the pot limits are not exceeded. The use of pot tags requires a uniquely identified tag to be securely affixed to each pot, and a logbook on every vessel. This allows at-sea enforcement and post-trip verification of the number of pots fished.

Fishermen who voluntarily adopt the use of pot longline gear will face some additional recordkeeping and reporting requirements. NMFS anticipates additional costs will be incurred for the GOA longline pot fishery to cover the purchase of pot tags. NMFS will levy their costs for the GOA longline pot fishery through IFQ cost recovery fees on all landings of IFQ sablefish and IFQ halibut (see OMB Control No. 0648-0711).

In order to benefit from the option to use pot longline gear and external benefits through the use of pot gear, individual vessel owners will have to make substantial capital investments in new gear and vessel reconfiguration.

The Council provided several anecdotal estimates of the cost for new pot longline gear. The Council did not provide a single consensus price, partly due to the fact that line configurations (spacing, length of groundline) vary by vessel. The estimated price for a mile of pot longline gear (shackles, skates of groundline with pots attached to ganglia at intervals, and other pieces of hardware that are set in the water) ranged from \$6,000 per mile to \$12,500 per mile. An individual might pay more or less per mile depending on how many pots are set on a given length of groundline, among other factors. These cost estimates do not include expenditures to upgrade hydraulics or line haulers, which are likely necessary for operations switching from light-weight hook-and-line gear to heavier pot gear.

Other additional gear could include an overhead hoist for lifting pots, buoys, flagpoles, heavier line anchors, and line reels (coiling pot groundline on deck might not be feasible on smaller vessel, given the line's substantially greater diameter relative to hook-and-line groundline). Vessel modifications, such as a cut-out stern for pot launching, could cost upwards of \$50,000. Vessels switching from hook-and-line gear may also incur costs in the removal and storage of hook-and-line gear. Noting the small amount of single pot gear currently deployed in some GOA areas, it is reasonable to assume that many participants would be in the market for new (unused) pot gear.

By comparison, the Council estimated that a string of hook-and-line longline gear (150 skates of

auto-line gear with swivels, plus anchors, buoys, and flag poles) would cost around \$100,000 new (\$666.67/skate). While gear configuration varies, the Council provided one estimate of length per hook-and-line longline set at three miles, and 30 skates per set (10 skates/mile). Again noting the rough nature of the estimate, a new hook-and-line longline set-up would cost around \$7,000 per mile. Participants anecdotally reported that hook-and-line set-ups for hand baited gear are likely to be shorter in length, which would affect the per-mile cost estimate.

The Council is seeking a method that would provide continued, equitable fishing opportunities for harvesters who do not choose to switch to pot longline gear, minimizing the likelihood and severity of excessive grounds preemption, gear conflict, and consolidation in the GOA sablefish IFQ fleet.

NMFS notes that recent revisions to the IFQ Program database for eLandings updates and implementation of the Guided Angler Fish Program in 2013 increased agency programmer and contractor costs by approximately \$25,000 relative to 2012. NMFS anticipates it would incur the same level of costs, at a minimum, to implement a pot tag program that does not authorize in-season transfers. There are additional costs for creating and distributing pot tags. It is difficult to estimate these costs because there are costs that are fixed (i.e., costs simply to design and produce pot tags) and costs that are affected by the number of vessel owners requesting pot tags (e.g., producing 1,000 pot tags vs. 10,000 pot tags). The number of pot tags required could vary substantially based on interest in the use of pot longline gear. Implementation of a pot tag program that allows in-season transfers would result in higher costs to revise the database as well as increased Restricted Access Management staff costs to provide user support. A more precise estimate of the total potential costs of implementing a pot tag program is not available at this time, given these factors.

#### **a. Request for IFQ Sablefish Pot Gear Tags [NEW]**

A vessel owner must apply to NMFS annually to purchase, register to a specified vessel, and be sent the number of pot tags requested by sablefish IFQ regulatory area or district within a regulatory area.

NMFS will require the owner of a vessel who wants to use longline pot gear to fish IFQ sablefish in the GOA to request pot tags by completing this form. The form will require the vessel owner to assign the requested pot tags to a vessel licensed by the State of Alaska. The vessel's length overall (LOA), as recorded on the vessel's U.S. Coast Guard (USCG) Certificate of Documentation, must be consistent with the length category specified on the IFQ permits used by persons harvesting IFQ on board the vessel.

NMFS will register the pot tags to the vessel owner including

- ◆ number of pot tags requested by IFQ regulatory area or district within a regulatory area (up to the maximum number of pots specified)

- ◆ unique serial number imprinted on each pot tag
- ◆ pot tag color unique to the IFQ regulatory area

Reported acquisition costs range between 60 cents and \$1.25 per tag. The cost to fishermen is typically \$1.50 to \$2.00 per tag (estimate 1.75). The margin covers shipping costs, some administration, and the cost of overstock tags that are not issued due to lower than expected fishery registration.

A valid pot tag will be inscribed with a legible serial number and color coded according to the IFQ regulatory area to which the tagged pot is registered and where the longline pot gear will be fished. A pot tag color coded to the regulatory area fished with the pot must be fastened to the pot bridge or cross member such that the entire tag is visible and not obstructed by the pot structure or another pot tag for a different regulatory area.

The vessel owner is required to have tags for each pot and may request a specific number of pot tags. The maximum number of annual pot tags issued to a vessel owner will be equal to the pot limit established for the use of pot longline gear in the GOA Sablefish IFQ fishery:

- Limit of 120 pots per vessel in WY and SEO.
- Limit of 300 pots per vessel in WGOA and CGOA.

A completed application may be submitted to NMFS:

- By mail: NMFS, Alaska Region  
Restricted Access Management (RAM)  
PO BOX 21668  
Juneau, AK 99802
- By fax: (907)586-7354
- By delivery: U.S. Federal Building  
NOAA, NMFS Alaska Region (RAM)  
709 W. 9th Street, Room 713  
Juneau, AK 99801

NMFS will not authorize transfers of pot tags during the fishing year.

**Request for IFQ Sablefish Pot Gear Tags**

Block A – Vessel Owner Information

- Name
- NMFS ID
- Business Mailing Address Indicate if permanent or temporary
- Business Telephone No., Business Fax No., Business E-Mail Address

Block B -- Vessel Identification

Identify the vessel to which tags will be assigned and the number of tags requested by area

Vessel Name:

USCG Official Number

ADF&G Registration Number

Number of Sablefish Pot Gear Tags Requested by Area:

Block C – Vessel Owner Signature

Enter printed name and signature of Vessel Owner Name and Date Signed

<b>Request for Pot Tags, Respondent</b>	
<b>Number of respondents</b>	<b>4</b>
Frequency of response = 1	
<b>Total annual responses</b>	<b>4</b>
<b>Total burden hours (1)</b>	<b>1 hr</b>
Time per response = 15 minutes	
<b>Total personnel cost (\$37 x 1 hr)</b>	<b>\$37</b>
<b>Total miscellaneous costs</b>	
\$1.75/tag x 120 pots x 2 = 420	
\$1.75/tag x 300 pots x 2 = 1050	<b>\$1,470</b>

<b>Request for Pot Tags, Federal Government</b>	
<b>Total annual responses</b>	<b>4</b>
<b>Total burden hours (15 min x 4)</b>	<b>1 hr</b>
<b>Total personnel cost (\$37 x 4)</b>	<b>\$148</b>
<b>Total miscellaneous costs</b>	<b>0</b>

**b. Request for Replacement of IFQ Sablefish Pot Gear Tags or Lost Gear Affidavit [NEW]**

Tags can be lost even if the gear is retrieved. Tags might be lost due to normal wear, tight gear stacking on small vessels, or the need to cut lines on tangled gear. Fishermen who realize a lost tag while at sea would radio the enforcement agency to notify them that they will be landing a pot without a tag, thus, avoiding a citation or the seizure of an untagged pot.

Replacement tags are issued at the normal cost after a permit holder submits a lost gear affidavit. Sometimes tender vessels are used to deliver replacement tags to vessels that are still on the fishing grounds. An affidavit will typically include information on the cause of the loss, and the last known latitude and longitude of the gear if the pot was lost as well. In addition to pot limit enforcement, this form provides an opportunity to enhance the tracking of lost fishing gear. Issuing replacement tags requires some level of trust that the tag was actually lost, but in the long run an individual who was using more tagged pots than the limit allows would be detected during a dockside inspection. ADF&G managers noted that some fishermen do not bother to seek a replacement tag, instead fishing with one less pot. Issuing pot tags on a multi-year basis would increase the disadvantage of fishing less gear, thus, increasing the incentive to seek replacements and also improving the department's information about the location of lost gear

To replace a longline pot tag that is lost, stolen, or mutilated, the vessel owner to whom the pot tag was registered must submit this form.

A complete form must be signed by the vessel owner and is a sworn affidavit to the Regional Administrator indicating the reason for the request for a replacement pot tag or pot tags and the number of replacement pot tags requested by IFQ regulatory area. A request to replace a pot tag or tags will be reviewed by the Regional Administrator, and NMFS will issue the appropriate number of replacement pot tags, if any, based on

- ◆ maximum number of pot tags that can be issued for an IFQ regulatory area and
- ◆ number of pot tags issued to the vessel owner for the specified IFQ regulatory area that have not been replaced.

Block A – Vessel Owner Information

Vessel Owner Name  
 NMFS ID  
 Business Mailing Address  
 Business Telephone No  
 Business Fax No  
 Business E-Mail Address

Block B -- Vessel Identification

Identify the vessel to which pot tags identified in Block C are registered.  
 Vessel Name  
 USCG Official Number  
 ADF&G Registration Number

Block C – Identification of Lost, Stolen, Mutilated Pot Tags

Identify pot tags to be replaced by area and serial number  
 Indicate the reason for the request for replacement  
 List serial numbers for pot tags to be replaced by area  
 Indicate reason for replacement pot tag  
 Number of replacement longline pot tags requested by area

Block D – Vessel Owner Signature

Vessel Owner printed name, signature, and Date Signed

<b>Replacement of Pot Tags, Respondent</b>	
<b>Number of respondents</b>	<b>2</b>
Frequency of response = when necessary = 1	
<b>Total annual responses</b>	<b>2</b>
<b>Total burden hours (0.5)</b>	<b>1 hr</b>
Time per response = 15 minutes	
<b>Total personnel cost (\$37/hr x 1)</b>	<b>\$37</b>
<b>Total miscellaneous costs</b>	<b>0</b>

<b>Replacement of Pot Tags, Federal Government</b>	
<b>Total annual responses</b>	<b>2</b>
<b>Total burden hours (15 x 2 = 0.5)</b>	<b>1 hr</b>
<b>Total personnel cost (\$37/hr x 1)</b>	<b>\$37</b>
<b>Total miscellaneous costs</b>	<b>0</b>

**c. Marking of longline pot gear [NEW]**

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.

Fishermen noted the use of “buoy clusters” and/or “trailing buoys” in other fisheries as a method to keep surface gear from being submerged during strong tides. Buoy clusters add buoyancy to surface gear by putting additional buoys on the main anchor line. Using additional buoys would have a direct monetary cost and would also require more deck space. The benefit of additional buoyancy is the reduced likelihood that important and expensive electronic equipment would be lost while unattended at sea. A trailing buoy is an additional buoy attached to the main anchor buoy by a separate line. If the anchor buoy is submerged, the trailing buoy could remain at the surface unless forces add tension to and submerge this additional length of line. For the purpose of this action, gear marking electronics could be attached to a trailing buoy.

NMFS will require both ends of a sablefish longline pot gear set deployed in the GOA to be marked (marking at both ends of a set and use of technology helps the fleet track the location of gear on the fishing grounds) with:

- ◆ an attached flagpole and radar reflector, and
- ◆ be marked by a 4-buoy cluster, including one hard buoy ball marked with “PL” (pot longline) marking on one buoy
- ◆ include ADF&G number or Federal fisheries permit number on each buoy

Pot tags must be attached to the vessel’s pots before leaving port. A tagged pot registered to a vessel using longline pot gear must be returned to shore before the tag is removed from the pot.

Markings shall 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 and shall be maintained so the markings are clearly visible. In addition, all buoys used at the beginning and end positions of a longline pot set in any or all of the regulatory areas of the GOA shall be marked with the initials “LP” before the vessel's Federal fisheries permit number or ADF&G vessel registration number.

**Marking of hook-and-line, longline pot, and pot-and-line gear**

Vessel FFP number or  
 Vessel’s ADF&G vessel registration number and  
 LP

<b>Lgl Pot Marker buoys, Respondent</b>	
<b>Number of respondents</b>	<b>4</b>
Frequency of response = 1	
<b>Total annual responses</b>	<b>4</b>
<b>Total burden hours</b>	<b>1 hr</b>

Time per response = 15 minutes	
<b>Total personnel cost</b> (\$37 x 1)	<b>\$37</b>
<b>Total miscellaneous costs</b> (\$10 x 4)	<b>\$40</b>
Miscellaneous supplies (paint and paintbrush)	

<b>Lgl Pot Marker buoys, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total burden hours</b>	<b>0</b>
<b>Total personnel cost</b>	<b>0</b>
<b>Total miscellaneous costs</b>	<b>0</b>

**d. Groundfish Hook-and-line marker buoys [Formerly called hook-and-line marker identification; Corrected calculation of burden; UNCHANGED]**

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. Assuming the buoy needs to be repainted every year, the operator of each vessel will need approximately 10 minutes to paint each buoy with either the FFP number or the ADF&G vessel registration number.

Marker buoys identification

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

<b>Marker buoys identification, Respondent</b>	
<b>Number of respondents</b>	<b>980</b>
Frequency of response = 1 per year	
<b>Total annual responses</b>	<b>7,350</b>
735 vessels have 6 buoys = 4410 buoys	
245 have 12 buoys = 2940 buoys	
<b>Total burden hours</b> (1837.50)	<b>1,838 hr</b>
Time per response = (15 min x 7350)/60	
<b>Total personnel cost</b> (1838 x \$15/hr)	<b>\$27,570</b>
<b>Total miscellaneous costs</b> (\$10 x 980)	<b>\$9,800</b>
Miscellaneous supplies (paint and paintbrush)	

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

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.

The Request for IFQ Sablefish Pot Gear Tags and the Request for Replacement of IFQ Sablefish Pot Gear Tags are available on the NMFS Alaska region website <https://alaskafisheries.noaa.gov/fisheries-applications>. The applications are fillable adobe forms. The forms may be completed on the computer screen by the participant, downloaded, printed, and faxed or submitted by e-mail. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

**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.**

In 2013, 316 vessels landed IFQ sablefish in the GOA. Of those, 311 are classified as small entities and five are not. Four of the five entities in this latter group are CPs that share a known business affiliation and had combined gross revenues of more than \$20.5 million. The fifth entity is a catcher vessel that is a member of a Bering Sea crab cooperative whose members had combined gross revenues of more than \$20.5 million.

All but one of the regulated small entities are catcher vessels, based on 2013 data. The average gross revenue for those directly regulated small entities in 2013 was around \$800,000. The highest revenue was more than \$3 million, and the lowest was less than \$5,000. These entities are considered to be directly regulated by the considered action because, should they choose to use pot longline gear, they will be subject to pot limits, gear specifications, and gear retrieval requirements.

Small entities who voluntarily adopt the use of pot longline gear will face some additional recordkeeping and reporting requirements. Any adverse impact resulting from these additional requirements, in the result of extra time spent fulfilling requirements or additional expenditures on pot tags, is expected to be small relative to total gross fishing revenue. Any additional burden from meeting requirements and the implementing regulations will be outweighed by the positive impact of reducing whale depredation. Small entities that take on additional recordkeeping and reporting requirements may very well have experienced greater adverse impacts from depredated hook-and-line gear. Moreover, adverse recordkeeping and reporting impacts can be avoided by fishermen who judge the recordkeeping and reporting impact to be excessive by choosing not to switch to pot longline gear.

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

The principal objectives include the minimization of marine mammal and seabird interaction with fishing gear, improved operating efficiency for the GOA sablefish IFQ fleet, and improved reliability in stock assessment information. Minimization of gear interaction with marine mammals and seabirds is required by the Marine Mammal Protection Act and the Endangered Species Act.

Fishermen have proposed using longline pot gear to protect captured sablefish from whale depredation. Depredation negatively impacts the sablefish IFQ fleet through reduced catch rates and increased operating costs. Depredation negatively impacts whales through increased risk of vessel strike, gear entanglement, and altered foraging strategies.

If the collection were not conducted or were conducted less frequently, depredation could increase sablefish mortality and result in uncertainty of sablefish abundance indices.

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

Not Applicable.

**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.**

A proposed rule (RIN 0648-BF42) published in the Federal Register on August 19, 2016 (81 FR 55408). Below are the applicable comments and NOAA responses:

**COMMENT 9:** Measures to protect Atlantic right whales from entanglement by pot gear have been recommended by the Marine Mammal Commission and those should be considered by NMFS for the GOA sablefish pot fishery. These measures include gear marking requirements, and closing areas likely to be used by Atlantic right whales. NMFS also should consider the applicability of mitigation measures suggested in the Atlantic Large Whale Take Reduction Plan to the GOA sablefish pot fishery.

**Response:** This final rule implements additional gear marking requirements for vessels using longline pot gear in the GOA sablefish IFQ fishery. Under this final rule at § 679.24(a) each vessel operator will be required to attach a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector to each end of a longline pot set. This final rule requires vessel operators to add the initials “LP” for “Longline Pot” to one hard buoy in the buoy cluster in addition to the FFP number of the vessel deploying the gear, or the ADF&G vessel registration number. This will distinguish buoys for hook-and-line gear from buoys for longline pot gear. As stated in the response to Comment 6, closing areas to the use of longline pot gear in the GOA sablefish IFQ fishery is unnecessary and outside of the scope of this final rule. Section 3.4 of the EA summarizes the history of ESA section 7 consultations conducted for GOA groundfish fisheries. Based on these conclusions, additional management measures such as those described by the Atlantic Large Whale Take Reduction Plan do not appear to be applicable or warranted. However, if information becomes available that indicates whales are interacting with this fishery, NMFS will work within the LOF and take reduction process under MMPA section 118 to consider mitigation measures that may be warranted.

**COMMENT 12:** We think there is substantial risk for conflicts between longline pot and hook-and-line gear under Amendment 101 and the proposed rule. There is widespread evidence of past gear conflicts based on previous Council actions to prohibit longline pot gear as described in the proposed rule preamble. Although these conflicts occurred before the IFQ Program was implemented, they also occurred before there was a derby fishery for the sablefish fishery—the sablefish season was open throughout the spring and summer in the early 1980s. The foreign fishing fleets lost or abandoned a substantial amount of pot gear in SEO many years ago and despite continued efforts by the fishing fleet to remove it from the fishing grounds, the lost and abandoned pot gear continues to preempt grounds off Sitka. Longline gear set near these lost pots still on occasion drift to tangle with the lost pots. Attempts to retrieve gear tangled with these pots are dangerous, with tremendous strain on the boat trying to haul the gear, and the end result is more lost gear and lost fish. Recent letters submitted to the Pacific Fishery Management Council provide evidence of present gear conflicts, safety issues, and grounds preemption driven by the entrance of three boats using longline pot gear in what has historically been hook-and-line grounds. This issue is clearly important because the Council’s Sablefish Gear Committee spent most of its time talking about gear conflicts and how to minimize anticipated conflicts.

**Response:** The Council and NMFS carefully considered the impacts of gear conflicts and grounds preemption when developing Amendment 101 and this final rule, including input from the Council’s Sablefish Gear Committee, its advisory bodies, and public testimony. Section 2.1.1 of the Analysis and the final rule to implement Amendment 14 to the FMP (50 FR 43193, October 24, 1985) describe the issues summarized in the comment. As described in the response to Comment 11, the Council and NMFS believe that management under the IFQ Program has substantially changed the likelihood of gear conflicts, grounds preemption, and safety issues overall in the sablefish IFQ fishery, and particularly related to the introduction of longline pot gear.

The proposed rule and Section 5.1 of the Analysis describe that the Council and NMFS carefully considered the impacts of Amendment 101 and this final rule on the safety of human life at sea, consistent with National Standard 10 of the Magnuson-Stevens Act. The impacts of Amendment 101 and this final rule on safety are also considered in Section 4 of the Analysis. While some participants in the hook-and-line fleet raised safety concerns to the Council and NMFS related to carrying longline pot gear on small vessels, the use of longline pot gear would be voluntary, and not mandatory, under this final rule. Section 2.4 of the Analysis describes that the Council and NMFS considered the impacts of this action on safety in developing the requirements for vessels to use longline pot gear instead of pot-and-line gear at § 679.2 and the gear retrieval requirements at § 679.42(l)(5)(iii).

The response to Comment 2 provides a detailed description of the management measures included in this final rule to minimize the potential for gear conflicts and grounds preemption. This final rule defines area-specific maximum times for which pot longline gear may be left on the fishing grounds in WY, CGOA and WGOA. This reduces the amount of time that vessels would be operating in these areas under a heavier and potentially less stable load, relative to the gear retrieval requirement at § 679.42(l)(5)(iii)(A) for vessels using longline pot gear in SEO. This final rule carefully weighs reducing the safety threat of gear conflicts with pots left on the fishing grounds against maximum retrieval timelines that could force fishermen to remove their gear from the fishing grounds before every delivery, even in harsh weather. Vessels fishing in SEO must remove their pots from the fishing grounds when making a delivery. In developing that recommendation for SEO, the Council noted that fishing grounds in that management area are relatively close to port. Given that SEO sablefish fishing grounds are small and somewhat constrained relative to other areas, the Council noted that allowing pot longline gear to be left on the grounds in SEO may create other, more imminent, safety hazards by increasing the likelihood of gear conflict relative to other areas in the GOA.

In addition, the Council recommended and NMFS is implementing gear marking requirements in this final rule at § 679.24(a)(3) to make longline pot gear more visible on the fishing grounds to further minimize the potential for gear conflicts and ground preemption, which promotes safety for all vessels on the fishing grounds.

**Comment 23:** NMFS should revise the final rule to clarify that vessels using longline pot gear in SEO must remove all longline pots in addition to anchors, buoys, buoy line, flags, etc. from the fishing grounds when they leave the grounds to make a delivery. As proposed, the rule only requires vessels using longline pot gear to remove pots from the grounds, allowing other components of a pot longline string to remain in the water and preempt fishing grounds.

**Response:** NMFS revised this final rule to address this comment. This final rule adds § 679.42(l)(5)(i)(C) to specify that the gear retrieval and removal requirements in paragraphs (l)(5)(iii) and (iv) apply to all longline pot gear that is assigned to a vessel and deployed to fish IFQ sablefish and to all other fishing equipment attached to longline pot gear that is deployed by the vessel to fish IFQ sablefish in the GOA. This final rule also specifies that all other fishing

equipment attached to longline pot gear includes, but is not limited to, equipment used to mark longline pot gear as required in this final rule at § 679.24(a)(3).

Although the Council and NMFS determined that the potential for grounds preemption is low under this final rule (see response to Comment 11), NMFS agrees with the commenter that the gear retrieval and removal requirements in the proposed rule applied to “longline pot” gear. Section 679.2 defines longline pot as “a stationary, buoyed, and anchored line with two or more pots attached.” This definition does not include buoys, flags, or radar reflectors that must be used to mark longline pot gear in this final rule (§ 679.24(a)(3)) or other equipment that vessel operators may use to mark their gear. Although it is unlikely that vessel operators would remove only pots and leave other equipment to preempt fishing grounds as suggested by the commenter, NMFS agrees that the intent of this final rule is to require vessel operators using longline gear to retrieve or remove all fishing gear from the fishing grounds to minimize the potential for gear conflicts and grounds preemption. This revision to the final rule clarifies that the gear retrieval and removal requirements apply to all pots and associated equipment deployed by a vessel using longline pot gear in all sablefish areas of the GOA.

**Comment 26:** We do not support the proposed gear marking requirements because each vessel operator should be able to use the gear marking equipment that best meets the specifications of their operation. The proposed requirement to mark gear with buoys, a flag, and radar detector on each end of a longline pot set creates a large amount of surface area and makes it more likely that the wind or waves could catch the marking equipment and move the gear from the deployed location. This increases the likelihood of lost gear on the fishing grounds. In some areas, vessels using hook-and-line gear do not mark their gear with flagpoles or radar reflectors due to the known gear loss that results from a combination of wind and tide. While we believe that each vessel operator should have the discretion to determine what gear marking equipment is appropriate for their vessel, it is important that any vessel on the fishing grounds can differentiate between a hook-and-line and longline pot gear set. We recommend revising the rule to require that end of a pot longline set be marked with one yellow hard buoy a minimum of 13 inches in diameter and marked with an “LP” and the vessel name.

**Response:** NMFS did not change this final rule in response to this comment. This final rule maintains current regulations at § 679.24(a) that require all vessel operators using hook-and-line and pot gear (including longline pot gear) to mark buoys carried on board or used by the vessel to be marked with the vessel's Federal fisheries permit number or ADF&G vessel registration number. This regulation also specifies that the markings must be a specified size, shall be visible above the water line, and shall be maintained so the markings are clearly visible. This final rule implements the following additional gear marking requirements: each vessel operator using longline pot gear in the GOA sablefish IFQ fishery will be required to attach a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector to each end of a longline pot set.

The Council received recommendations from the Sablefish Gear Committee, its advisory bodies, and public testimony to develop the gear marking requirements implemented by this final rule.

The Council and NMFS considered a broad suite of gear marking options during the development of Amendment 101 and this final rule. Section 4.9.5 of the Analysis describes the options considered and Section 4.10 describes the anticipated impacts of the additional gear marking requirements that would be implemented by this final rule.

The Council received public testimony that the marking requirements implemented by this final rule would enhance the visibility of the ends of a longline pot gear set to other vessels that are on the fishing grounds. As described in Section 4.9.5 of the Analysis, public testimony indicated that the gear marking equipment required by this final rule is commonly used by vessel operators that deploy pot gear in fisheries in Alaska and requiring the use of this equipment would not impose a substantial cost on vessel operators using longline pot gear in the GOA sablefish IFQ fishery. Section 4.9.5 of the Analysis describes public testimony indicating that using buoy clusters could be a viable method to keep surface gear from being submerged during strong tides and would minimize the potential for longline pot gear to move a substantial distance from its deployed location. The testimony indicated that buoy clusters add buoyancy to surface gear by putting additional buoys on the main anchor line. The Analysis also describes that requiring a vessel operator to use a flag mounted on a pole and a radar reflector to mark each end of a longline pot gear set would enhance the visibility of the location of the gear and minimize the potential for gear conflicts. This was supported by public testimony from vessel operators who indicated they planned to use longline pots in the GOA sablefish IFQ fishery.

As described in the response to Comment 11, the Council intends to review the use of longline pot gear in the GOA sablefish IFQ fishery three years after the implementation of this final rule. NMFS anticipates that if the gear marking requirements in this final rule impose costs on vessel operators or could be revised to better meet the Council's objectives, the Council will consider potential changes to the gear marking requirements in the future.

**Comment 27:** Vessels using longline pot gear should be equipped with a 25 watt, Class A Automatic Identification System (AIS) to enable other boats to identify and communicate with the vessel about the location of their deployed longline pot gear.

**Response:** Section 4.9.5 of the Analysis describes that the Council and NMFS considered an option to require both ends of a pot longline set in the GOA sablefish IFQ fishery to be marked with buoys, flagpoles, and a transponder that is compatible with a location and identification system such as AIS. The primary benefit of gear transponders would be that any fishery participant could view the location of deployed gear in order to avoid setting gear in the same area. The AIS transponder data are generally compatible with radar plotters that are typically present on GOA sablefish IFQ fishery vessels. Fishery participants would have to have internet access and a subscription with a service provider to view the AIS transponder information on their radar plotter. AIS technology, application, approximate cost, and some relevant regulations are described in Appendix 2 of the Analysis.

Section 4.9.4 of the Analysis describes the key challenges involved in making AIS a viable

approach for buoy transponders, including battery life, seaworthiness, and regulatory approval by the Coast Guard and international oversight bodies. The Analysis notes that implementing a longline pot gear tracking system using technology such as AIS or a scannable pot tag to locate pot longline gear on the fishing grounds is beyond the scope of available NMFS resources in the Alaska Region. In addition, anecdotal reports suggest that AIS or other scannable systems may not be effective in all weather and sea conditions (e.g., signals can be blocked or greatly attenuated in high seas). Section 4.9.4.1 of the Analysis concludes that given that these factors and that the total costs of fitting pot longline gear could be substantial, gear tracking systems, including AIS, are not appropriate at this time.

The Analysis describes that the Council did not adopt the option to require AIS transponders in this final rule due to the current challenges related to using AIS transponders in the GOA sablefish IFQ fishery and stakeholder willingness to pursue a voluntary program to report longline pot gear locations (see the response to Comment 29). In addition, as described in the response to Comment 11, the Council intends to review the fleet's co-management progress three years following implementation of this final rule, which will provide an opportunity for the Council and NMFS to evaluate whether additional gear marking requirements may be necessary for longline pot gear in the future.

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

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 identification of gear tags assigned to each vessel is confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. All information collected is part of a Privacy Act system of records (SORN): NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries, published on April 17, 2008 (73 FR 20914); an amended SORN was published August 7, 2015 (80 FR 47457).

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

**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, 984, up from 980. Total estimated responses are 7,360, up from 7,350. Total estimated time burden is 1,841, up from 1,225 hours. Total estimated personnel cost is \$27,681, up from \$12,250. Personnel labor costs for marking buoys are estimated at \$15 per hour. Personnel labor costs for submitting paperwork are estimated at \$37/hr.

**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 \$11,310, up from \$9,800.

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

Total estimated responses are 6, up from 0. Total estimated time burden is 2 hr, up from 0 hr. Total estimated personnel cost is \$185, up from \$50. Personnel labor costs for submitting paperwork are estimated at \$37/hr, up from \$0.

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

Program changes

Request for Pot Tags [new]

- an increase of 4 respondents, 4 instead of 0
- an increase of 4 responses, 4 instead of 0
- an increase of 1 hour, 1 hr instead of 0 hr
- an increase of \$ 37 personnel cost, \$37 instead of \$ 0
- an increase of \$ 1,470 miscellaneous cost, \$ 1,470 instead of \$ 0

Replace Pot Tags [new]

- an increase of 2 respondents and responses, 2 instead of 0
- an increase of 1 hour, 1 hr instead of 0 hr
- an increase of \$37 personnel cost, \$37 instead of \$ 0

Longline Pot Marker Buoys [new]

- an increase of 4 respondents and responses, 4 instead of 0
- an increase of 1 hour, 1 hr instead of 0 hr
- an increase of \$ 37 personnel cost, \$ 37 instead of \$ 0
- an increase of \$ 40 miscellaneous cost, \$ 40 instead of \$ 0

Adjustment

Groundfish Marker Buoys

- an increase of 613 hours, 1,838 hr instead of 1,225 hr
- an increase of \$ 15,320 personnel cost, \$ 27,570 instead of \$ 12,250

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

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 will be inappropriate.**

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.