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

This action requests extension of this collection.

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 an FMP species.

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.

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 hookand-line gear by various non-lethal means have proven unsuccessful.

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.

JUSTIFICATION

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

Regulations specify that all hook-and-line, longline pot, and pot-and-line marker buoys carried on board or used by any vessel must be marked with Federal Fisheries Permit number or State of Alaska Department of Fish and Game vessel registration number. 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.

Each vessel must use mandatory logbooks (see OMB Control No. 0648-0213) when participating in a longline pot fishery. 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. This allows at-sea enforcement and post-trip verification of the number of pots fished.

2. Explain how, by whom, how frequently, and for what purpose the information be used. If the information collected be disseminated to the public or used to support information that be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

This program 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. 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 program does not require the use of pot longline gear; fishermen will be permitted to continue harvesting their sablefish IFQ with the hook-and-line gear that is currently used in the fishery.

a. Request for IFQ Sablefish Pot Gear Tags [UNCHANGED]

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.

The owner of a vessel who wants to use longline pot gear to fish IFQ sablefish in the GOA must request pot tags by completing this form. The form requires 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 is 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.

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

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

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 be assigned and the number of tags requested by area

Vessel Name:

USCG Official Number

Alaska Department of Fish & Game (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

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

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

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

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. 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.

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 must notify 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 typically includes 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.

A complete form must be signed by the vessel owner. The form 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. Upon approval by the Regional Administrator, NMFS will issue the appropriate number of replacement pot tags, 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

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

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

c. Marking of longline pot gear [UNCHANGED]

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.

"Buoy clusters" and/or "trailing buoys" are 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. 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.

NMFS requires 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
- 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

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.

There are no forms for this item.

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"

Lgl Pot Marker buoys, Respondent	
Number of respondents	4
Frequency of response = 1	
Total annual responses	4
Total burden hours	1 hr
Time per response = 15 minutes	
Total personnel cost (\$37 x 1)	\$37
Total miscellaneous costs (\$10 x 4)	\$40
Miscellaneous supplies (paint and paintbrush)	

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

d. Groundfish Hook-and-line marker buoys [Formerly called hook-and-line marker identification; 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.

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 need approximately 10 minutes to paint each buoy with either the FFP number or the ADF&G vessel registration number.

There are no forms for this item.

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

Groundfish H&L Marker ID, 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 (1837.50)	1,838 hr
Time per response = $(15 \min x 7350)/60)$	
Total personnel cost (1838 x \$15/hr)	\$27,570
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 needed to mark buoys will not be disseminated to the public because the information identifies a marker buoy and is not submitted to NMFS.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. <u>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</u>.

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 is entered online and submitted directly and automatically into a database.

4. Describe efforts to identify duplication.

No other existing collection is duplicated.

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

All but one of the regulated small entities are catcher vessels. These entities are considered to be directly regulated because, should they choose to use pot longline gear, they are subject to pot limits, gear specifications, and gear retrieval requirements.

Small entities who voluntarily adopt the use of pot longline gear 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 and seabird entanglement. 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. <u>Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.</u>

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

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.

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 <u>Federal Register</u> Notice was published on October 21, 2016 (81 FR 72784) to solicit public comments.

In addition, a questionnaire was sent to 34 randomly selected participants for comments. Three comments were received. Two comments stated "No Comment." The third comment is listed below.

Comment:

- ◆ Public utility of the gear marking. **Clear & legible Gear Marking is important**.
- ◆ Clarity of instructions. **No comment**.
- ◆ Accuracy of time and cost estimates. **No comment.**

Response: NMFS acknowledges this comment.

The questionnaire is appended.

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

NMFS does not provide any payment or gift to respondents.

10. <u>Describe any assurance of confidentiality provided to respondents and the basis for</u> 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. <u>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</u>.

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.

There are no changes from the currently approved respondents responses, burden and costs. Total estimated respondents, 988. Total estimated responses are 7,360. Total estimated time burden is 1,841. Total estimated personnel cost is \$27,681. Personnel labor costs for marking buoys are estimated at \$15 per hour. Personnel labor costs for submitting paperwork are estimated at \$37/hr.

13. <u>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).</u>

Total estimated miscellaneous costs are \$11,310.

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

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

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

There are no program changes nor adjustments in this analysis.

16. <u>For collections whose results</u> <u>be published, outline the plans for tabulation and publication.</u>

The forms, IFQ Sablefish Longline Pot Gear: Request for Replacement of Longline Pot Gear Tags and IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags, are "fillable" on the computer screen at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, and may be submitted to NMFS by mail, courier, or fax.

The identification information on a marker buoy will not be disseminated to the public because the information 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 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.

APPENDIX

ALASKA REGION GEAR IDENTIFICATION OMB CONTROL NO. 0648-0353 (Expiration Date: 04/30/2017)

It is time for NMFS to renew the Alaska Region Gear Identification information collection with the Office of Management & Budget (OMB) for another 3 years.

A <u>Federal Register</u> Notice was published on October 21, 2016 (81 FR 72784) to solicit public comments. Comment period extends through December 20, 2016.

Here is your chance to offer suggestions to improve this program. Could you please help us by taking a few moments to provide comments on this program, the forms, and the marking of gear:

- ◆ Form: IFQ Sablefish Longline Pot Gear: Request for Replacement of Longline Pot Gear Tags (15 minutes to complete)
- ◆ Form: IFQ Sablefish Longline Pot Gear: Request for Replacement of Longline Pot Gear Tags or Lost Gear Affidavit (15 minutes to complete)
- ♦ Marking of longline pot gear with an attached flagpole and radar reflector, a 4-buoy cluster, including one hard buoy ball marked with "PL" (pot longline) marking on one buoy; and ADF&G number or Federal fisheries permit number on each buoy (15 minutes to complete)
- ♦ Marking of groundfish hook-and-line marker buoys with ADF&G number or Federal fisheries permit number on each buoy (15 minutes to complete)

Could you please take a few moments and provide comments on this program, specifically on the forms you are familiar with in this collection, i.e. does the form have:

- Public utility of the information we collect from you,
- ♦ Clarity of instructions,
- ♦ Accuracy of the time estimate, and
- ♦ Any other aspect of this information collection.

If you really have no comments, please just say "no comment", since this will count as a comment!

Please e-mail your responses to me at patsy.bearden@noaa.gov by **December 20, 2016**.

Call me at 907-586-7008 if you have any questions or need more information. Thanks in advance for your help.

Respectfully,

Sally Bibb Sustainable Fisheries Division NMFS Alaska Region