

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Alaska Region Gear Identification Requirements
OMB Control No. 0648-0353

This action requests extension of this collection.

INTRODUCTION

This information collection contains the collection instruments for gear identification requirements for participants in the groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska.

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 (GOA) and the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMPs). These FMPs are implemented by regulations at [50 CFR part 679](#).

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 (Convention).

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 EEZ off Alaska. Regulations implementing the IFQ Program are set forth at 50 CFR part 679. Sablefish is managed as a groundfish species under the FMPs, as well as under the IFQ Program. Pacific halibut is not an FMP species.

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.**

Marker Buoys

Regulations pertaining to vessel gear markings are set forth at 50 CFR part 679 and in the annual management measures published in the *Federal Register* pursuant to 50 CFR [300.62](#). Section 679.24(a) provides the identification information requirements for marker buoys carried on board or used by any vessel subject to 50 CFR part 679 that is using hook-and-line, longline pot, or pot-and-line gear.

In addition to Federal gear-marking requirements, Alaska Department of Fish & Game (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 participate in State groundfish and crab fisheries, they already are complying with this requirement.

Regulations that fishing gear 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 marking reduces the costs to NMFS Office for Law Enforcement (NMFS OLE) and the United States Coast Guard (USCG) for enforcement efforts and allows for more effective enforcement of fishing gear regulations.

Fishermen marking their gear correctly ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

Longline Pot Gear used to Fish for IFQ Sablefish in the GOA

In 2017, NMFS implemented voluntary use of longline pot gear in the GOA sablefish IFQ (82 FR 9501; February 7, 2017). This action was intended to improve efficiency and provide economic benefits for the sablefish IFQ fleet, and minimize potential fishery interactions with whales and seabirds. Fishermen had 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. 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. Minimization of gear interaction with marine mammals and seabirds is required by the Marine Mammal Protection Act and the Endangered Species Act.

In addition to the instruments approved under this collection, fishermen who choose to use longline pot gear are required to use logbooks (see OMB Control No. 0648-0213), use a Vessel Monitoring System (VMS) (see OMB Control No. 0648-0445), and must submit a Prior Notice of Landing (PNOL) (see OMB Control No. 0648-0272).

This information collection contains the following gear marking requirements for vessels using longline pot gear in the GOA sablefish IFQ fishery.

IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags

Section 679.24(l) requires a vessel owner using longline pot gear to fish for IFQ sablefish in the GOA to annually register their vessel with NMFS and be assigned and use pot tags for that vessel.

Vessel registration and the use of pot tags provide NMFS with an additional enforcement tool to ensure that the pot limits are not exceeded. 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, which allows at-sea enforcement and post-trip verification of

the number of pots fished.

IFQ Sablefish Request for Replacement of Longline Pot Gear Tags

Section 679.24(l) requires a vessel owner wishing to replace lost, stolen, or mutilated pot tags to submit a complete IFQ Sablefish Request for Replacement of Longline Pot Gear Tags form to NMFS.

Collecting this information is necessary to enforce pot limits and improve 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 have 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 increases the disadvantage of fishing less gear, thus increasing the incentive to seek replacements, and also improving NMFS’ information about the location of lost gear.

Marking of Longline Pot Gear

Section 679.24(a) provides the requirements for marking longline pot gear used to fish for IFQ sablefish in the GOA. Vessel identification information is necessary for reasons stated above under the subheading Marker Buoys.

2. **1Explain how, by whom, how frequently, and for what purpose the information will be used.**
1If 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.

Component	How is the Information Submitted? ^{1/}	Who is the Respondent?	How Frequently is the Information Submitted?
Groundfish Hook-and-line Marker Buoys	Not submitted. Buoys are painted with identification information.	Owner or operator of a vessel regulated under 50 CFR part 679 with hook-and-line marker buoys on board	Not submitted.
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags	Mail, fax, or delivery	vessel owner using longline pot gear to fish for IFQ sablefish in the GOA	Annually
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags	Mail, fax, or delivery	vessel owner using longline pot gear to fish for IFQ sablefish in the GOA	As needed

Marking of Longline Pot Gear	Not submitted. Each gear set is marked at both ends with buoys painted with identification information.	Owner or operator of a vessel using longline pot gear to fish for IFQ sablefish in the GOA	Not submitted.
------------------------------	---	--	----------------

Mail: NMFS Alaska Region, Restricted Access Management (RAM), P.O. Box 21668, Juneau, AK 99802-1668
Fax: (907) 586-7354

The following addresses the purpose for which the information is collected and some additional information about how the information is collected.

Groundfish Hook-and-line Marker Buoys

Hook-and-line marker buoys must be marked with either the vessel’s Federal fisheries permit (FFP) number or the ADF&G vessel registration number. 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 buoy must be maintained so the markings are clearly visible.

Materials needed are paint and paintbrush, or permanent ink applicator, and possibly a stencil.

NMFS and the USCG use the identification information on fishing gear when issuing violations, prosecutions, and other enforcement actions. Cooperating fishermen also use the gear identification to report placement or occurrence in unauthorized areas.

There is no form for this item.

IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags

A vessel owner that chooses to use longline pot gear to fish IFQ sablefish in the GOA must annually register their vessel with NMFS. Each pot used to fish for IFQ sablefish in the GOA must be identified with a valid pot tag issued by NMFS.

A vessel owner uses the IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags application form to annually register their vessel and to request new pot tags to be issued to this vessel. NMFS uses information collected by this form to identify vessels that intend to participate in the GOA sablefish IFQ fishery using longline pot gear, and to issue new pot tags to those vessels. This information is necessary for enforcement of regulations, including ensuring that pot limits are not exceeded.

This application form collects vessel owner information and vessel identification information. The vessel to be registered and to which the pot tags will be assigned must be licensed by the State of Alaska. The vessel owner specifies if they will be using pot tags previously assigned to this vessel. Pot tags assigned in previous years remain valid as long as the tag can still be secured to a pot and the serial number is legible. If previously issued tags need to be replaced, vessel owners use the IFQ Sablefish Request for Replacement of Longline Pot Gear Tags application form (see below).

The vessel owner is required to have tags for each pot, and on the form specifies the number of pot tags requested for each GOA IFQ regulatory area. The maximum number of pot tags issued to a vessel owner is equal to the following pot limits at § 679.42(l)(5)(ii) for each IFQ regulatory area for pot longline gear in the GOA IFQ sablefish fishery:

- Southeast Outside District (SEO) — 120 pots
- Western Yakutat District (WY) — 120 pots
- Central Gulf of Alaska (CGOA) — 300 pots
- Western Gulf of Alaska (WGOA) — 300 pots

NMFS sends the pot tags to the vessel owner at the address provided on the application form.

Each pot tag issued is a color specific to the IFQ regulatory area in which it must be deployed and imprinted with a unique serial number. A valid pot tag must be attached to each pot on board the vessel to which the pot tags are assigned before the vessel departs to fish. The tag must be fastened to the pot bridge or cross member such that the entire tag is visible.

There is no fee to obtain IFQ sablefish pot gear tags from NMFS. The cost of these tags is included in the management, data collection and enforcement costs assessed in the IFQ cost recovery program (see OMB control number 0648-0711).

IFQ Sablefish Request for Replacement of Longline Pot Gear Tags

A vessel owner submits the IFQ Sablefish Request for Replacement of Longline Pot Gear Tags application form when necessary to replace a longline pot tag that has been lost, stolen, or mutilated. This form is a sworn affidavit to the NMFS 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.

NMFS uses information collected by this form to enforce pot limits and enhance tracking of lost fishing gear. Fishermen who lose a tag while at sea must notify the enforcement agency that they will be landing a pot without a tag, thus, avoiding a citation or the seizure of an untagged pot.

This application form collects vessel owner information; identification information for the vessel to which the pot tags are registered; and the identification information, reason for the replacement, and number of tags by IFQ regulatory area for the tags being replaced.

Upon approval by the Regional Administrator, NMFS, issues the appropriate number of replacement pot tags, based on maximum number of pot tags that can be issued for an IFQ regulatory area and the number of pot tags issued to the vessel owner for the specified IFQ regulatory area that have not been replaced.

Marking of Longline Pot Gear

Vessels owners that choose to use longline pot gear to fish for IFQ sablefish in the GOA must mark both ends of the longline pot gear set with buoy clusters marked with the vessel's identification information. NMFS OLE and the USCG use the identification information on fishing gear when issuing violations, prosecutions, and other enforcement actions. Cooperating fishermen also use the gear identification to report placement or occurrence in unauthorized

areas. Marking both ends of a set with marker buoys and other features that enhance gear visibility to humans and radar also help the fleet track the location of gear on the fishing grounds.

NMFS requires both ends of a longline pot gear set deployed to fish IFQ sablefish in the GOA to have attached a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector floating on the sea surface.

One hard buoy in the cluster must be marked with the capital letters “LP.” All marker buoys must be marked with the vessel’s Federal fisheries permit (FFP) number or ADF&G vessel registration number. 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 and must be maintained so the markings are clearly visible.

Materials needed are paint and paintbrush, or permanent ink applicator, and possibly a stencil.

There is no form for this item.

The following section addresses whether the information collected will be disseminated to the public or used to support information that will be disseminated to the public and how the collection complies with all applicable Information Quality Guidelines.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS 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](#).

The identification information on the fishing gear is not disseminated to the public because the information is marked on the buoys 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.

Marking fishing gear does not involve automated, electronic, mechanical, or other technological techniques or forms of information technology.

The application forms IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags and IFQ Sablefish Request for Replacement of Longline Pot Gear Tags are available on the [NMFS Alaska region website](#). These applications are available as downloadable pdfs.

4. Describe efforts to identify duplication.

NMFS has identified no duplication with other information collections.

5. If the collection of information involves small businesses or other small entities,

describe the methods used to minimize burden.

NMFS attempts to minimize the burden of this collection on all respondents by collecting only information necessary to facilitate enforcement of regulations and to manage the IFQ sablefish longline pot gear fishery in the GOA.

Fishing gear is marked with the minimum information needed to identify the vessel owner or operator, and for the GOA sablefish IFQ fishery, the type of gear. Most fishermen properly identify marker buoys and are not adversely affected by this requirement.

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, is small relative to total gross fishing revenue. Any additional burden from meeting requirements will be outweighed by the positive impact of reducing whale depredation and seabird entanglement. Fishermen who judge the recordkeeping and reporting impact to be excessive can avoid these impacts 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.

If this collection is not conducted or is conducted less frequently, the ability of NMFS and the USCG to enforce the fishery management measures will be significantly impaired, 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.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe 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 *Federal Register* Notice published on November 13, 2019 (84 FR 61598), solicited public comments. No comments were received.

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. 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 (16 U.S.C. 1801, *et seq.*) and under NOAA [Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics. The System of Records Notice that covers this information collection is [COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries](#). An amended Privacy Act system of records notice was published in the *Federal Register* on August 7, 2015 (80 FR 47457), and became effective September 15, 2015 (80 FR 55327).

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. (add rows as necessary)

For wage costs: use www.bls.gov/oes , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b) ^{1, /2}	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Mean Hourly Wage Rate (for Type of Respondent) (f) ³	Total Annual Wage Burden Costs (g) = (e) x (f)
Groundfish Hook-and-line Marker Buoys	Vessel owner or operator	799 ⁴	599: 6 buoys 200: 12 buoys	5,994	0.25	1,499 ⁵	\$23.84	\$35,736
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags	Vessel owner	28	1	28	1	28	\$23.84	\$668
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags	Vessel owner	3	1	3	1	3	\$23.84	\$72
Marking of Longline Pot Gear	Vessel owner or operator	28	8	224	0.25	56 ⁵	\$23.84	\$1,335
Totals				6,249		1,586		\$37,811

¹ Counts of the number of groundfish buoys are not available and would be expensive to prepare. For purposes of this analysis, the assumption is that 75 percent of the vessels use 6 buoys and that 25 percent use 12 buoys.

² Vessel size influences the amount of pot longline strings a vessel can set on the fishing grounds. For purposes of this analysis, one string with 8 buoys is used.

³ Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations), Sector 11 (Agriculture, Forestry, Fishing and Hunting). [May 2018 Occupational Employment Statistics Research Estimates, Alaska.](#)

⁴ Active FFPs with a hook-and-line endorsement

⁵ For purposes of this analysis, it is assumed that each buoy is repainted every year and approximately 15 minutes is needed to paint each buoy.

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). (add rows as necessary)

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c)=(a) x (b)	Cost Burden / Response (h)*	Total Annual Cost Burden (i) = (c) x (h)
Groundfish Hook-and-line Marker Buoys	799	599: 6 buoys 200: 12 buoys	5,994	Miscellaneous supplies: \$1.99	11,985
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags	28	1	28	Postage: 0.55	15
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags	3	1	3	Postage: 0.55	2
Marking of Longline Pot Gear	28	8	224	Miscellaneous supplies: \$1.875	420
TOTALS			6,249		12,422

* Miscellaneous supplies = paint and paintbrush, or permanent ink applicator, and possibly a stencil; Operating costs include postage, fax, and photocopies

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

A cost recovery program is in effect for the IFQ Program (see OMB control number 0648-0711). NMFS levies their costs for the longline pot fishery through IFQ cost recovery fees on all landings of IFQ sablefish and IFQ halibut. Under the IFQ cost recovery program, NMFS is authorized to collect direct program costs from the permit holders. Therefore, the information collection requirements of the IFQ Program do not impose a cost on the Federal Government. Direct program costs are the costs NMFS incurs to manage, collect data from, and enforce the IFQ Program.

No costs to the Federal Government are associated with the requirement to identify gear because this involves marking gear by respondents from whom no information is received to process.

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Groundfish Hook-and-line Marker Buoys	799	980	5,994	7,350	1,499	1,838	Updated the number of respondents and responses
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags	28	4	28	4	28	1	Updated the number of respondents and responses, and corrected the time to complete the application from 15 minutes to 1 hour.
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags	3	2	3	2	3	1	Updated the number of respondents and responses, and corrected the time to complete the application from 15 minutes to 1 hour.
Marking of Longline Pot Gear	28	4	224	4	56	1	Updated the number of respondents and responses, and corrected the way annual responses is calculated
Total for Collection	858	990	6,249	7,360	1,586	1,841	
Difference	-132		-1,111		-255		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Groundfish Hook-and-line Marker Buoys	35,736	27,570	11,985	9,800	Updated the labor and cost of supplies and postage
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags	668	37	15	1,470	Updated the labor and cost of supplies and postage
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags	72	37	2	0	Updated the labor and cost of supplies and postage
Marking of Longline Pot Gear	1,335	37	420	40	Updated the labor and cost of supplies and postage
Total for Collection	\$37,811	\$27,681	\$12,422	\$11,310	
Difference	\$10,130		\$1,112		

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

NMFS publishes the annual list of IFQ sablefish pot tag registrations on the [NMFS Alaska Region website](#). This list includes the vessel name; the ADF&G, USCG, and NMFS Person ID numbers; vessel owner name; and tag type and numbers.

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.

The expiration date will be displayed for this information collection.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.

Part B

There is no statistical analysis employed with this collection.