

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

Abstract

This is a resubmission, with the final rule, of a request by the National Marine Fisheries Service (NMFS), Alaska Regional Office, for revision of a currently approved information collection.

This information collection contains the gear identification requirements for the groundfish fisheries in the Exclusive Economic Zone off Alaska. This information collection is necessary to facilitate enforcement of fishery regulations.

This information collection is revised due to an associated rule (RIN 0648-BK76) to remove pot gear tag requirements in the sablefish Individual Fishing Quota (IFQ) fishery in the Gulf of Alaska (GOA) and remove requirements to obtain and submit a notary certification on application forms. This rule removes recordkeeping and reporting requirements that are no longer necessary and is intended to reduce administrative burden on the regulated fishing industry and NMFS. This rule also affects information collection requirements approved under OMB Control Numbers 0648-0206 (Alaska Region Permit Family of Forms); -0272 (Alaska Pacific Halibut and Sablefish Fisheries: Individual Fishing Quota); -0334 (Alaska License Limitation Program for Groundfish, Crab, and Scallops); -0514 (Alaska Region Crab Permits); -0575 (Alaska Pacific Halibut Fisheries: Charter); and -0665 (Alaska Community Quota Entity Program). Concurrent with this request to revise 0648-0353, NMFS is submitting separate requests for these collections.

Two forms for pot gear tags are removed because this rule removes the requirements for IFQ sablefish fishermen using longline pot gear in the GOA to annually register their vessel and to obtain and mark their gear with pot gear tags. This action is expected to reduce costs to IFQ program participants by removing the requirements and associated administrative costs of the pot gear tag program.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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

Under the [Magnuson-Stevens Fishery Conservation and Management Act](#) 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act), the Secretary of Commerce is responsible for the conservation and

management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through the National Oceanic and Atmospheric Administration/NMFS. NMFS Alaska Region manages the groundfish fisheries in the EEZ of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska (GOA) under fishery management plans (FMPs) developed by the North Pacific Fishery Management Council (Council) for groundfish in the respective areas. Regulations governing U.S. fisheries and implementing the groundfish FMPs are at 50 CFR [parts 600](#) and [679](#).

The International Pacific Halibut Commission (IPHC) and NMFS Alaska Region manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the [Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c](#) (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). Regulations pursuant to the Convention are set forth at [50 CFR 300 subpart E](#).

The 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.

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](#). Regulations at [50 CFR 679.24\(a\)](#) provide 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.

In 2017, NMFS implemented use of longline pot gear in the sablefish IFQ fishery in the GOA under Amendment 101 to the GOA FMP (81 FR 95435, December 28, 2016). 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.

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). More information on using longline pot gear for the GOA IFQ sablefish fishery is available in an [FAQ posted on the NMFS AKR website](#).

Reason for the Revisions Due to the Rule (RIN 0648-BK76)

In April 2021, the Council requested NMFS propose regulations to remove the requirement to obtain a notary certification on IFQ Program transfer applications, as well as to remove the requirements for sablefish IFQ fishermen using longline pot gear in the GOA to annually register their vessel to participate in this fishery and obtain and mark their gear with pot gear tags. This rule (RIN 0648-BK76) modifies recordkeeping and reporting requirements to remove pot gear tag requirements in the sablefish IFQ fishery in the GOA and removes requirements to obtain and submit a notary certification on application forms submitted under the halibut and sablefish IFQ Program, Charter Halibut Limited Access Program, CQE Program, LLP, and the Crab Rationalization Program. The purpose of this action is to remove recordkeeping and reporting requirements that are no longer necessary. It is intended to reduce administrative burden on the regulated fishing industry and NMFS.

Pot gear tags have proven to be an impractical and ineffective at-sea enforcement tool for the purpose of enforcing pot limits implemented under Amendment 101 to the GOA FMP. During an at-sea boarding, an enforcement officer would need to be able to visually inspect each pot being used by that vessel during a single boarding to ensure that every pot was marked with the appropriate tag, the tags were all appropriately assigned to the vessel using them, and that the total number of pots did not exceed the area specific limit. Because an at-sea boarding typically occurs while a vessel is actively fishing, the total amount of gear being used by the vessel is typically not available to the boarding officer. At any given time, some gear may be on the deck of the vessel while other pots are located at the bottom of the ocean or stored on land. Other provisions implemented under GOA Amendment 101 including the daily fishing logbook (OMB Control No. 0648-0213), the prior notice of landing (OMB Control No. 0648-0272), and a VMS unit onboard the vessel (OMB Control No. 0648-0445) will remain in effect and are sufficient for enforcement purposes.

This rule revises §§ 679.7(f) and (19), and 679.42(l)(2) through (l)(5), to remove regulations governing the requirements to request and use pot gear tags when using longline pot gear in the GOA sablefish IFQ fishery and to annually register vessels participating in this fishery. Regulations requiring a vessel owner to request and receive pot gear tags by submitting an application to NMFS are removed. NMFS will no longer administer issuance of pot gear tags to vessel owners. Vessel owners will no longer be required to submit an application to NMFS for the purpose of assigning pot gear tags to the gear used by that vessel, and vessel operators will no longer be required to track individual pot gear tags marked with a unique identifier that are assigned to their vessel. Therefore, this information collection is revised to remove two forms: the IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags and the IFQ Sablefish Request for Replacement of Longline Pot Gear Tags.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Fishing gear is marked with buoys painted with identification information as described below. There are no forms for this collection and no information is submitted to NMFS. 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.

Marker Buoys

Marker buoys must be marked with the vessel's identification information—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 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.

Vessels owners that choose to use longline pot gear to fish for IFQ sablefish in the GOA must attach to each end of a set of longline pot gear a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector. One hard buoy in the buoy cluster must be marked with the capital letters "LP" in addition to the vessel's identification information. 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.

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

This form is removed due to the associated rule. A vessel owner using longline pot gear to fish for IFQ sablefish in the GOA used this form to annually register their vessel with NMFS and to be issued new pot gear tags for that vessel. See the section “Reason for the Revisions Due to the Rule (RIN 0648-BK76)” under Question #1 above for information on removing the this form.

IFQ Sablefish Request for Replacement of Longline Pot Gear Tags [Removed]

This form is removed due to the associated rule. A vessel owner using longline pot gear to fish for IFQ sablefish in the GOA used this form to replace lost, stolen, or mutilated pot gear tags. See the section “Reason for the Revisions Due to the Rule (RIN 0648-BK76)” under Question #1 above for information on removing the this form.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

NMFS has identified no duplication with other information collections.

5. If the collection of information impacts small businesses or other small entities, describe any 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.

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.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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 would cause an information collection to be

conducted in a manner inconsistent with OMB guidelines.

This collection will be conducted in a manner that is consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications 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.

A proposed rule ([86 FR 55560](#)) soliciting public comments published in the *Federal Register* on October 6, 2021. The comment period ended on November 5, 2021. No comments were received on this information collection.

9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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 or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not involve information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

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	\$27.43	\$41,118
Marking of Longline Pot Gear	Vessel owner or operator	100	8	800	0.25	200 ⁵	\$27.43	\$5,486
Totals				6,794		1,699		\$46,604

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 2020 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 for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden	Total Annual Cost Burden
Groundfish Hook-and-line Marker Buoys	799	599: 6 buoys 200: 12 buoys	5,994	Miscellaneous supplies: \$15 per respondent	\$11,985
Marking of Longline Pot Gear	100	8	800	Miscellaneous supplies: \$15 per respondent	\$1,500
TOTALS			6,794		\$13,485

Miscellaneous supplies = \$15 per respondent and covers buoy marking materials such as paint and paintbrush, or permanent ink applicator, and possibly stencils.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

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 reported in ROCIS.

The increase in the number of respondents for the marking of longline pot gear reflects recent participation in the fishery. Use of longline pot gear in the GOA sablefish IFQ fishery increased substantially in 2020 and 2021.

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	799	5,994	5,994	1,499	1,499	No change
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags	0	28	0	28	0	28	Program change: This collection instrument is removed because the rule removes the requirements for IFQ sablefish fishermen using longline pot gear in the GOA to annually register their vessel and to obtain and mark their gear with pot gear tags.
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags	0	3	0	3	0	3	Program change: This collection instrument is removed because the rule removes the requirements for IFQ sablefish fishermen using longline pot gear in the GOA to obtain and mark their gear with pot gear tags.
Marking of Longline Pot Gear	100	28	800	224	200	56	Respondents and responses were adjusted to reflect the most current data.

Total for Collection	899	827*	6,794	6,249	1,699	1,586
Difference	72 [0 change] [+ 72 adjustment]		545 [- 31 change] [+ 576 adjustment]		113 [- 31 change] [+ 144 adjustment]	

*Unique respondents. The number of unique respondents was used in the previous supporting statement because the IFQ respondents submitted more than one instrument in this collection. The number of unique respondents is the estimated number of individual participants who were expected to annually submit information during the renewal period for this information collection. The estimated number of unique respondents consisted of the 799 groundfish marker buoy respondents and the 28 longline pot gear respondents.

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Groundfish Hook-and-line Marker Buoys	41,118	35,736	11,985	11,985	Labor Costs: Adjusted to reflect the most recent BLS hourly wage rate (May 2020).
IFQ Sablefish Longline Pot Gear: Vessel Registration and Request for Pot Gear Tags [REMOVED]	0	668	0	15	Program change: This collection instrument is removed. The associated rule removes regulations that prohibit using pot gear in the GOA IFQ halibut and sablefish fisheries without a pot gear tag and removes regulations that require and describe the process for obtaining and using pot gear tags.
IFQ Sablefish Request for Replacement of Longline Pot Gear Tags [REMOVED]	0	72	0	2	Program change: This collection instrument is removed. The associated rule removes regulations that prohibit using pot gear in the GOA IFQ halibut and sablefish fisheries without a pot gear tag and removes regulations that require and describe the process for obtaining and using pot gear tags.
Marking of Longline Pot Gear	5,486	1,335	1,500	420	Labor Costs: Adjusted to reflect the most recent BLS hourly wage rate (May 2020).
Total for Collection	\$46,604	\$37,811	\$13,485	\$12,422	
Difference	\$8,793 [- 740 change] [+ 9,533 adjustment]		\$1,063 [- 17 change] [+ 1,080 adjustment]		

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Information from this collection is not published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no forms associated with this information collection on which to display an expiration date.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).