

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 extension and revision of this currently approved information collection, which 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-BL54) to implement Amendment 124 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 112 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intent of these amendments and this rule is to increase operational efficiency and reduce administrative burden for participants in the Individual Fishing Quota (IFQ) Program and the Community Development Quota Program. This rule also affects information collection requirements approved under OMB Control Number 0648-0665 (Alaska Community Quota Entity Program). Concurrent with this request to revise 0648-0353, NMFS is submitting a separate request for 0648-0665.

Due to the rule, this collection is revised to reduce the number of marker buoys required for longline pot gear deployed to fish IFQ sablefish in the Gulf of Alaska because the rule modifies requirements for marking each end of a set of longline pot gear. This rule decreases the burden to fishery participants by reducing the number of buoys required to be marked with identification information. Based on a comment received, the time to mark a buoy and the cost of marking buoys is increased.

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-BL54)

This information collection is revised due to an associated rule (RIN 0648-BL54) to implement Amendment 124 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 112 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). This rule amends regulations for the IFQ Program and Community Development Quota (CDQ) Program to increase operational efficiency and reduce administrative burden for program participants.

This rule also affects information collection requirements approved under OMB Control Number 0648-0665 (Alaska Community Quota Entity Program). Concurrent with this request to revise 0648-0353, NMFS is submitting a separate request for this collection.

This collection for -0353 is revised to reduce the number of marker buoys required for longline pot gear deployed to fish IFQ sablefish in the GOA. This rule removes the requirement for a vessel operator to mark each end of a set of longline pot gear deployed to fish IFQ sablefish in the GOA with a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector. This rule maintains the requirement that each end of a set is marked with one hard buoy with the capital letters, “LP.”

The gear marking requirements being removed by the rule were implemented in the final rule for Amendment 101 ([81 FR 95435](#), December 28, 2016). The purpose of these additional requirements was to enhance visibility of longline pot gear and improve safety. At the time, the Council received testimony that these marking requirements would not impose a substantial cost on vessel operators using longline pot gear. The testimony indicated that these marking tools are commonly used by vessel operators that deploy pot gear in fisheries in Alaska. Since then, further testimony and engagement in IFQ meetings and Council meetings have described that the additional gear increases demand on deck space—an issue particularly faced by small vessels attempting to switch to pot gear. In 2021, the Council reviewed the 3-year GOA sablefish pot review, which analyzed 3 to 4 years of fishery data and the efficacy of a suite of fishery

management measures for the IFQ sablefish fishery. The review and public testimony highlighted the inefficiencies of pot limits, gear retrieval, and tending requirements.

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.

Changes to this Collection Since the Last Extension

This collection has been revised once since the last extension. In December 2021, OMB approved a revision associated with a rule to remove pot gear tag requirements ([86 FR 70751, December 13, 2021](#)). This rule removed regulations requiring a vessel owner 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. This action reduced costs to IFQ Program participants and reduced administrative costs of the pot gear program. This information collection was revised to remove two forms, which reduced the total responses, burden hours, and costs for this information collection.

Marker Buoys [REVISED]

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.

All 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. Buoys must be maintained so the markings are clearly visible.

Materials needed to mark the buoys are paint and paintbrush, or permanent ink applicator, and possibly a stencil.

This information collection is revised to reduce the number of marker buoys required for a set of longline pot gear deployed to fish IFQ sablefish. The rule revises § 679.24(a)(3) to remove the requirement for each end of a set of longline pot gear to be marked with a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector. This rule maintains the requirement that each end of a set of longline pot gear be marked with one hard buoy ball marked with the capital letters "LP." This rule does not change § 679.24(a)(1), which requires all longline pot gear marker buoys to be marked with the vessel's FFP number or ADF&G vessel registration number. See the section "Reason for the Revisions Due to the Rule (RIN 0648-

BL54)” under Question #1 above for more information on removing this requirement. Removing this requirement decreases the burden for harvesters by reducing the number of buoys required to be marked with identification information.

A comment received (see Question #8) indicated that the estimated time to mark a buoy and the estimated cost of supplies to mark the buoys used previously for this collection were too low. The time to mark a buoy has been increased from 15 minutes to 30 minutes and the annual cost of supplies increased from \$15 to \$100.

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.

NMFS is continually working towards ways to reduce the burden. Reducing the number of marker buoys required for a set of longline pot gear through this regulatory action (0648-BL54) will reduce the burden and increase operational efficiency for program participants.

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 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 ([87 FR 71559](#)) soliciting public comments published on November 23, 2022. The comment period ended on December 23, 2022. In addition to publishing the proposed rule, NMFS contacted stakeholders 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; and on the data elements to be recorded, disclosed, or reported. One comment was received on this information collection from a participant in the IFQ fishery.

The commenter provided information about the estimated cost and hour burden of the gear marking requirements. The commenter stated they repaint about 20 percent of the buoys per year; out of a total of 30 buoys, six are repainted each year. Repainting takes approximately 30 minutes per buoy to do a good, legible job. Buoy paint costs \$85 quart. The commenter estimated it costs \$100 per year to mark the buoys.

Based on this comment, NMFS has updated the cost and time burden for the gear marking requirements in this supporting statement. NMFS increased the estimated time to paint a buoy from 15 minutes to 30 minutes, increased the annual cost of supplies to mark buoys from \$15 to \$100, and changed its estimate of the number of buoys marked per year to 20 percent.

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.

The associated rule (RIN 0648-BL54) removes the requirement for a cluster of four or more marker buoys at each end of a set of longline pot gear deployed to fish IFQ sablefish in the GOA. For purposes of this analysis, the number of marker buoys used for the longline pot gear calculations in the table below has been reduced to two from eight, which was used in the previous supporting statement. Two marker buoys is used because the rule maintains the requirement for a marker buoy at each end of the set.

Based on a comment received (see question #8), the number of buoys that are repainted each year (Annual # of Responses/Respondent) has been changed to an estimated 20 percent of a vessel's marker buoys. Also due to that comment, the time to paint a buoy (Burden Hrs/Response) has been increased from 15 minutes to 30 minutes.

The wage rate has been updated to use the most current BLS hourly wage rate available (May 2021). The wage rate estimate of \$21.15 uses the U. S. Bureau of Labor Statistics (BLS) mean hourly wage for Alaska for Occupation Code 45-0000 (Farming, Fishing, and Forestry Occupations; https://www.bls.gov/oes/current/oes_ak.htm#:~:text=1.5%25,-45%2D0000,5.7%25,-45%2D1011).

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)	Total Annual Wage Burden Costs (g) = (e) x (f)
Groundfish Hook-and-line Marker Buoys	Vessel owner or operator	735 ³	550: 6 buoys 185: 12 buoys	5,520	0.5	2,760	\$21.15	\$58,374
Longline Pot Gear Marker Buoys	Vessel owner or operator	160	6 buoys	960	0.5	480	\$21.15	\$10,152
Totals				6,480		3,240		\$68,526

¹ Counts of the number of groundfish buoys are not available and would be expensive to prepare. Based on a comment received, vessels are expected to repaint 20 percent of their buoys each year. For purposes of this analysis, each year 75 percent of the vessels are estimated to repaint 6 buoys and 25 percent are estimated to repaint 12 buoys.

² Vessel size influences the amount of pot longline strings a vessel can set on the fishing grounds. Based on a comment received, vessels are expected to repaint 20 percent of their buoys each year. For purposes of this analysis, 30 marker buoys are used annually for longline pot gear deployed to fish IFQ sablefish in the GOA of which 20 percent, or 6, would be repainted each year.

³ Active FFPs with a hook-and-line endorsement.

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).

Based on a comment received (see Question #8), the cost to annually mark the buoys is increased from \$15 to \$100 per respondent. The cost covers materials such as paint (\$85 per quart) and paintbrushes, permanent ink applicator, and stencils.

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden	Total Annual Cost Burden
Groundfish Hook-and-line Marker Buoys	735	550: 6 buoys 185: 12 buoys	5,520	Marking supplies: \$100 per respondent	\$73,500
Longline Pot Gear Marker Buoys	160	6 buoys	960	Marking supplies: \$100 per respondent	\$16,000
TOTALS	895		6,480		\$89,500

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 associated rule (RIN 0648-BL54) removes the requirement for a cluster of four or more marker buoys at each end of a set of longline pot gear deployed to fish IFQ sablefish in the GOA. This decreases the burden to these fishery participants by reducing the number of buoys required to be marked with identification information.

The number of respondents in this collection has been adjusted to reflect the most recent fishery participation levels. This adjustment affected the total responses, burden hours, and costs. The responses, burden hours, and miscellaneous costs have also been adjusted based on a comment received.

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	735	799	5,520	5,994	2,760	1,499	<p>Respondents and Responses (Adjustment) Respondents and responses decreased to reflect the most recent fishery participation levels.</p> <p>Burden hours: (Adjustment): The burden hours increased because the time to mark a buoy was increased from 15 minutes to 30 minutes based on a comment received.</p>
Longline Pot Gear Marker Buoys	160	100	960	800	480	200	<p>Respondents: (Adjustment) Increased to reflect the most recent participation levels.</p> <p>Responses (Adjustment): The rule reduces the number of marker buoys required; however, based on a comment received the number of responses used in this supporting statement (buoys marked annually) was increased.</p> <p>Burden hours: (Adjustment): The burden hours increased because the time to mark a buoy was increased from 15 minutes to 30 minutes based on a comment received.</p>
Total for Collection	895	899	6,480	6,794	3,240	1,699	
Difference	- 4 (Adjustment)		- 314 (Adjustment)		1,541 (Adjustment)		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Groundfish Hook-and-line Marker Buoys	58,374	41,118	73,500	11,985	Labor: (Adjustment) Updated to use the most recent BLS hourly wage rate. Misc.: (Adjustment) The annual cost of supplies to mark buoys was increased from \$15 to \$100 based on a comment received.
Longline Pot Gear Marker Buoys	10,152	5,486	16,000	1,500	Labor: (Adjustment) Updated to use the most recent BLS hourly wage rate. Misc.: ((Adjustment) The annual cost of supplies to mark buoys was increased from \$15 to \$100 based on a comment received.
Total for Collection	\$68,526	\$46,604	\$89,500	\$13,485	
Difference	\$21,922 (Adjustment)		\$76,015 (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\(b\)\(3\)](#).