

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

SUPPORTING STATEMENT PART A

Abstract

The National Marine Fisheries Service (NMFS), Alaska Regional Office, requests revision and extension 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 the proposed rule to allow the use of longline pot gear and add an exception to the 9-inch tunnel opening requirement for pot gear when directed fishing for Greenland turbot in the Bering Sea subarea for holders of License Limitation Program groundfish licenses that are endorsed for non-trawl gear (RIN 0648-BM77). This proposed rule is necessary to improve efficiency, provide economic benefits for the hook-and-line catcher/processor subsector, and minimize potential fishery interactions with killer whales.

This collection is revised because the rule would amend the requirement for vessels marking longline pot gear. This revision increases the number of respondents for Longline Pot Gear Marker Buoys, which increases the total annual responses, burden hours, and costs for this information collection.

This proposed rule would also affect information collection requirements approved under OMB Control Number 0648-0515. NMFS is submitting a separate request to revise this collection.

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 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.

Reasons for Revisions Due to the Rule (RIN 0648-BM77)

This collection is revised due to the proposed rule to allow hook-and-line catcher/processors to use longline pot gear for the Bering Sea Greenland turbot fishery, and 2) add an exception to the 9-inch maximum pot tunnel opening limitation for longline pot gear when fishing for Greenland turbot. This rule includes proposed additional regulation revisions to facilitate the administration, monitoring, and enforcement of this proposed rule. This proposed rule is necessary to improve efficiency, provide economic benefits for the hook-and-line catcher/processor subsector, and minimize potential fishery interactions with killer whales.

Currently, any vessel with a Federal Fisheries Permit (FFP) for groundfish and the necessary gear (non-trawl) and area endorsements on its License Limitation Program license may fish hook-and-line or pot-and-line gear (i.e., single pots) for Bering Sea Greenland turbot. The non-trawl sector consists of hook-

and-line catcher/processors associated with the Freezer Longline Coalition voluntary cooperative primarily targeting BSAI Pacific cod with some members relying on harvest of Greenland turbot and/or sablefish as secondary sources of income. This proposed rule would authorize, but not require, catcher/processors to use longline pot gear in the Bering Sea Greenland turbot fishery. Longline pot gear is an efficient gear type currently allowed in the sablefish IFQ fisheries in the Bering Sea and Aleutian Islands (BSAI) and GOA that prevents or reduces whale depredation from occurring and may have the same benefits if authorized for hook-and-line catcher/processors participating in the Bering Sea Greenland turbot fishery.

This proposed rule would require that vessel operators using longline pot gear to fish Greenland turbot in the Bering Sea subarea mark a buoy in the buoy cluster with the initials “LP” to distinguish this gear type from others authorized for this fishery.

This regulatory change would increase the respondents for Longline Pot Gear Marker Buoys in this information collection. Nine vessels are added to the respondents for Longline Pot Gear Marker Buoys. The Freezer Longline Coalition comprises 36 License Limitation Program licenses that are endorsed for Bering Sea or Aleutian Islands hook-and-line catcher/processors fishing for Pacific cod. Historically, only a small portion of these licenses have targeted Greenland turbot in the Bering Sea subarea. Since 2010, not more than nine catcher/processors have targeted Greenland turbot.

This rule would also affect information collection requirements approved under OMB Control Number 0648-0515. NMFS is submitting a separate request to revise this collections.

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.

No changes have been made to this information collection since it was last extended and revised in 2023.

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.

Regulations at [§ 679.24\(a\)](#) require marker buoys 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.

Current regulations at [§ 679.24\(a\)\(3\)](#) require that each end of a set of longline pot gear deployed to fish IFQ sablefish in the GOA must have one hard buoy ball attached marked with the capital letters “LP” in accordance with [§679.24\(a\)\(2\)](#). This proposed rule would amend § 679.24(a)(3) to add this requirement for longline pot gear deployed to fish Greenland turbot in the Bering Sea subarea. Amending this requirement adds nine vessels to the respondents required to mark longline pot gear with “LP,” which increases the total annual responses, burden hours, and costs for this information collection. See the section “Reason for the Revisions Due to the Rule (RIN 0648-BM77)” under Question #1 above for more information on this regulatory amendment.

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.

In general, Alaska Region information collections are prepared and reviewed by staff familiar with all of the information collection requirements for the region. Staff work together to develop information collection requirements for new programs. In addition, NMFS staff work closely with the staff of the Alaska Department of Fish and Game and the International Pacific Halibut Commission to reduce duplication in information collection requirements to the extent possible given overlapping jurisdictions and complex fisheries. Senior staff at the Alaska Region, NMFS headquarters, and the Department of Commerce General Counsel review all new and revised information collection requirements that are associated with rulemakings. This process minimizes the potential for duplication of information collection requirements for participants in the Federal fisheries off Alaska.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This proposed rule (RIN 0648-BM77) does not impact small entities. None of the vessels are considered small entities due to cooperative affiliation. For the purpose of the Regulatory Flexibility Analysis conducted for this action, NMFS believes that all of the entities directly regulated by this rule are large entities.

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 does not require respondents to report information to the agency more often than quarterly.

This collection does not require respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

This collection does not require respondents to submit more than an original and two copies of any document.

This collection does not require respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

This collection is not in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study.

This collection does not require the use of a statistical data classification that has not been reviewed and approved by OMB.

This collection does not include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

This collection does not require respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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 (RIN 0648-BM77) soliciting public comments will be published coincident with this submission.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided to the 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.

This proposed rule (RIN 0648-BM77) would amend the requirement for marking longline pot gear to include vessels in the Bering Sea Greenland turbot fishery. Nine vessels are added to the respondents for Longline Pot Gear Marker Buoys, which increases the total annual responses, burden, and costs for this collection.

The wage rate has been updated to use the most current hourly wage rate available (May 2023) from the U. S. Bureau of Labor Statistics (BLS). The wage rate estimate is the 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	\$24.21	\$66,820
Longline Pot Gear Marker Buoys	Vessel owner or operator	169	6 buoys	1,014	0.5	507	\$24.21	\$12,274
Totals				6,534		3,267		\$79,094

¹ Counts of the number of groundfish buoys are not available and would be expensive to prepare. Based on a comment received for the extension of this collection in 2023, 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 for the extension of this collection in 2023, vessels are expected to repaint 20 percent of their buoys each year. For purposes of this analysis, 30 marker buoys are used annually per respondent for longline pot gear in the BSAI and 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).

The estimated cost for supplies to mark the buoys 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	169	6 buoys	1,014	Marking supplies: \$100 per respondent	\$16,900
TOTALS	904		6,534		\$90,400

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.

This proposed rule (RIN 0648-BM77) would amend the requirement for marking longline pot gear to include vessels in the Bering Sea Greenland turbot fishery. This would increase the respondents for marking longline pot gear, which increases the total annual responses, burden hours, and costs for this collection. The labor costs have been adjusted to use the most current hourly wage rate available from the U. S. Bureau of Labor Statistics.

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	735	5,520	5,520	2,760	2,760	No change
Longline Pot Gear Marker Buoys	169	160	1,014	960	507	480	Program change: The rule would increase the number of respondents, which increases the total annual responses and burden hours.
Total for Collection	904	895	6,534	6,480	3,267	3,240	
Difference	9 (program change)		54 (program change)		27 (program change)		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Groundfish Hook-and-line Marker Buoys	66,820	58,374	73,500	73,500	Labor: (Adjustment) Updated to use the most recent BLS hourly wage rate.
Longline Pot Gear Marker Buoys	12,274	10,152	16,900	16,000	Program Change: This rule would increase the respondents, which increases the labor costs and miscellaneous costs for this collection. Adjustment: Labor costs were adjusted to use the most current BLS hourly wage rate.
Total for Collection	\$79,094	\$68,526	\$90,400	\$89,500	
Difference	\$10,568 (program change: \$653; adjustment: \$9,915)		\$900 (program change)		

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\(b\)\(3\)](#).