

§ 660.319 Open access fishery gear identification and marking.

(a) Gear identification.

(1) Open access fixed gear (bottom longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be marked at the surface and at each terminal end, with a pole, flag, light, radar reflector, and a buoy, except that in the directed open access fishery (defined at § 660.11), bottom longline and pot gears may be marked at just one terminal end as described in this paragraph (*i.e.* gear may be marked at either both terminal ends or one terminal end).

(2) Open access commercial vertical hook-and-line gear that is closely tended as defined at § 660.311 of this subpart, may be marked only with a single buoy of sufficient size to float the gear.

(3) A buoy used to mark fixed gear under paragraph (a)(1) or (a)(2) of this section must be marked with a legible number clearly identifying the owner or operator of the vessel. Any buoy used to mark bottom longline or pot gear in the directed open access fishery must be marked with a legible number clearly identifying the owner or operator of the vessel. For these two gear types, the number must be marked directly on at least one buoy used with surface gear, all other buoys may have the number directly on the buoy or may have the number included on gear marking tags attached to the buoy, as specified in paragraph (b)(1) of this section. In all cases, the number may be either:

(i) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(ii) The vessel documentation number issued by the USCG, or, for an undocumented vessel, the vessel registration number issued by the state.

(b) Gear marking. Bottom longline and pot gears used in the directed open access fishery (defined at § 660.11) must have gear-specific markings on any vertical lines (as defined at § 660.11, subpart C) and all buoy(s). These gear-specific markings are in addition to identification requirements set out in paragraph (a) of this section and applicable gear restrictions set out in § 660.330.

(1) All buoys attached to the surface line of the subject gears in this paragraph must have a gear-specific durable tag for each buoy. Each gear-specific buoy tag must be stamped or engraved, where there is a physical indentation along with a contrasting color. Prior to gear deployment, if the tags are not securely attached to each buoy, tags for each buoy must be shown, upon request, to authorized agents. On a trip where a vessel is declared to fish with the subject gear, all buoys are required to be marked with a tag.

(i) Tags used to mark buoys attached to bottom longline gear must be brown and large enough to accommodate a letter "L" engraved that is at least 1 3/4 inches (4.4 cm) in height.

(ii) Tags used to mark buoys attached to pot/trap gear must be orange and large enough to accommodate a letter "P" engraved that is at least 1 3/4 inches (4.4 cm) in height.

(2) All vertical lines (as defined at § 660.11) of the subject gears in this paragraph must have gear specific marks. Marks must be continuous in at least the top 20 fm (37 m) of the vertical line, measured from the main buoy down towards the groundline.

(i) Manufactured line in a gear specific color scheme must be used for the marked portion of line. Lines must be both brown and blue for use with bottom longline gear. Lines must be both orange and blue for use with pot gear.

At least one-third of strands in marked line should be in one of the listed colors, and the remainder of the strands in the other color. Presence of any third color, besides white, is prohibited in the portion of the line required to be marked.

(ii) Until *[date three years after the effective date of the final rule]*, the colors specified in § 660.319(b)(2)(i) may be applied by temporary methods such that the colors are clearly visible and in continuous, alternating bands of 18-28 inches (46-71 cm) each, over the entire portion of the line required to be marked in this paragraph.

10. In § 660.330, revise paragraphs (b) introductory text, (b)(2)(i), and (b)(2)(iii) to read as follows:

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(b) *Gear restrictions.* Open access gear is defined at § 660.11, subpart C, and includes but is not limited to, bottom longline, trap or pot, hook-and-line (fixed or mobile), setnet (anchored gillnet or trammel net, which are permissible south of 38° N. lat. only), spear and non-groundfish trawl gear (trawls used to target non-groundfish species: pink shrimp or ridgeback prawns, and, south of Pt. Arena, CA (38°57.50' N. lat.), California halibut or sea cucumbers). Restrictions for gears used in the open access fisheries are as follows:

* * * * *

(2) * * *

(i) *Fixed gear.* Fixed gear (bottom longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be attended at least once every 7 days and is subject to the vessel identification requirements described at §

660.319 of this subpart. Vessels fishing with bottom longline and snap gears as defined at § 660.11, subpart C are subject to the requirements of the Seabird Avoidance Program described in § 660.21, subpart C. Vessels fishing with bottom longline or pot and trap gears in the directed open access fishery, as defined at § 660.11, are subject to the gear marking requirements described in § 660.319 of this subpart.

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(iii) Traps or pots must have escape panels.

(A) Traps or pots must have escape panels constructed with number 30 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter that is parallel to, and within 6 inches (15.2 cm) of the bottom of the pot, results when the twine deteriorates.

(B) A collapsible pot (defined at § 660.11, subpart C) is exempt from the placement requirements for escape panels described in this section. Instead, a collapsible pot must have one of the following:

(1) An escape panel placed anywhere on the mesh of the collapsible pot, constructed with number 30 or smaller untreated cotton twine and in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

(2) One door on the pot must measure at least 8 inches (20.3 cm) in diameter and be attached with number 30 or smaller untreated cotton thread.

PRA Burden Statement:

We estimate that completing the gear marking will take 5 hours on average. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NOAA, Gretchen Hanshew, 206-526-6147, gretchen.hanshew@noaa.gov. This collection has been approved by the Office of Management and Budget (OMB). The eight-digit OMB approval number that appears at the upper right of the form or login screen confirms this approval. If this number were not displayed, we could not conduct this collection.