OMB Control Number: 0648-0364
Expiration Date: 11/30/20XX (OMB Pending)
Title: Gear-Marking Requirement for Atlantic Large Whale Take Reduction Plan

CFR Citation: 50 CFR 229 Subpart C

Atlantic Large Whale take Reduction Plan Regulations

(a) ***Purpose and scope*** —

(1) ***Whales and fixed gear fisheries.*** The purpose of this section is to implement the Atlantic Large Whale Take Reduction Plan to reduce incidental mortality and serious injury of fin, humpback, and right whales in specific Category I and Category II commercial fisheries from Maine through Florida. Specific Category I and II commercial fisheries within the scope of the Plan are identified and updated in the annual List of Fisheries. The measures identified in the Atlantic Large Whale Take Reduction Plan are also intended to benefit minke whales, which are not designated as a strategic stock, but are known to be taken incidentally in gillnet and trap/pot fisheries. The gear types affected by this plan include gillnets (*e.g.,* anchored, drift, and shark) and traps/pots. The Assistant Administrator may revise the requirements set forth in this section in accordance with paragraph (i) of this section;

(2) ***Regulated waters*** —

(i) ***U.S. Atlantic waters.*** The regulations in this section apply to all U.S. waters in the Atlantic except for the areas exempted in paragraph (a)(3) of this section;

(ii) ***Northeast Region.*** The Northeast Region referred to in paragraphs (b)(1) (b)(2)(i), (b)(3), and (c)(2)(iv) of this section applies to ocean waters within an area bounded on the west by land or by a rhumb line from 41°18.2′ N lat., 71°51.5′ W long. (Watch Hill Point, RI) and on the south by the 40°00′ N lat. line running east to the EEZ line, and bounded on the east by the EEZ north to the U.S./Canada border except for the areas and specific purposes exempted in paragraph (a)(3) of this section; and

(2) *Markings.* All specified gear in specified areas must be marked with the color code shown in paragraph (b)(3) of this section. The color must be permanently marked on or along the rope or ropes specified under paragraphs (b)(2)(i) through (iv) of this section. Each colored mark must be clearly visible when the gear is hauled or removed from the water, including if the color of the rope is the same as or similar to the respective color code;

(3) ***Color code.*** Gear must be marked with the appropriate colors to designate gear types and areas as follows:

Table 9 to Paragraph (b)(3)

Color code scheme	
Plan management area	**Color**
Northeast Region, Lobster and Jonah Crab Trap/Pot Gear, Applicable beginning May 1, 2022	
Trawls fished by vessels permitted by the state of Maine and with a principal port identified in Maine when fished in state waters	Purple.
Trawls fished by vessels permitted by the state of Maine and NMFS, with a principal port identified in Maine when fished in Federal LMA 1 waters *	Purple, Green.
Trawls fished by vessels permitted by the state of New Hampshire and with a principal port identified in New Hampshire when fished in state waters	Yellow.
Trawls fished by vessels permitted by the state of New Hampshire and NMFS, with a principal port identified in New Hampshire when fished in Federal LMA 1 waters *	Yellow, Green.
Trawls fished by vessels permitted by the state of Massachusetts and with a principal port identified in Massachusetts when fished in state waters	Red.
Trawls fished by vessels permitted by the state of Massachusetts and NMFS with a principal port identified in Massachusetts when fished in Federal waters of LMA 1, OC, LMA 2 (including 2/3 overlap) *	Red, Green.
Trawls fished by vessels permitted by the state of Rhode Island and with a principal port identified in Rhode Island when fished in state waters	Silver/Gray.
Trawls fished by vessels permitted by the state of Rhode Island and NMFS, with a principal port identified in Rhode Island when in Federal waters of LMA 2 (including 2/3 overlap) *	Silver/Gray, Green.
Trawls fished in the Northeast EEZ Offshore Management Area 3 (LMA3) excluding the 2/3 overlap	Black, Green.

Table 9 to Paragraph (b)(3)

Color code scheme	
Plan management area	**Color**
Northeast Region, Other Trap/Pot gear	
Massachusetts Restricted Area	Red.
Northern Nearshore	Red.
Northern Inshore State	Red.
Stellwagen Bank/Jeffreys Ledge Restricted Area	Red.
Great South Channel Restricted Area overlapping with LMA 2 and/or Outer Cape	Red.
Exempt Rhode Island state waters (single traps)	Red and Blue.
Exempt Massachusetts state waters in LMA 1 (single traps)	Red and White.
Exempt Massachusetts state waters in LMA 2 (single traps)	Red and Black.
Exempt Massachusetts state waters in Outer Cape (single traps)	Red and Yellow.
Isles of Shoals, ME (single traps)	Red and Orange.
Great South Channel Restricted Area overlapping with LMA 2/3 and/or LMA 3	Black.
Jordan Basin	Black and Purple (LMA 3), Red and Purple (LMA 1)
Jeffreys Ledge	Red and Green.
Trap/Pot Gear	
Southern Nearshore	Orange.
Southeast Restricted Area North (state Waters)	Blue and Orange.
Southeast Restricted Area North (Federal Waters)	Green and Orange.

Table 9 to Paragraph (b)(3)

Color code scheme	
Plan management area	**Color**
Offshore	Black.
Gillnet excluding shark gillnet	
Cape Cod Bay Restricted Area	Green.
Stellwagen Bank/Jeffreys Ledge Restricted Area	Green.
Great South Channel Restricted Area	Green.
Great South Channel Restricted Sliver Area	Green.
Other Northeast Gillnet Waters	Green.
Jordan Basin	Green and Yellow.
Jeffreys Ledge	Green and Black.
Mid/South Atlantic Gillnet Waters	Blue.
Southeast U.S. Restricted Area South	Yellow.
Other Southeast Gillnet Waters	Yellow.
Shark Gillnet (with webbing of 5″ or greater)	
Southeast U.S. Restricted Area South	Green and Blue.
Southeast Monitoring Area	Green and Blue.
Other Southeast Waters	Green and Blue.
* For dual permitted vessels, state regulations will determine whether green marks can remain on gear being fished in state waters.	

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0364. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 6.6 to 8.6 minutes per mark (averaging 392 marks per vessel per year), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are mandatory for commercial trap/pot and gillnet fishermen operating in regulated U.S. Atlantic waters pursuant to 50 CFR Part 229, Subpart C (§ 229.32) and Section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387). The purpose of this gear-marking requirement is to designate commercial gear types and fishing management areas so NMFS can determine the fishery and geographic origin of gear recovered from entangled large whales (including North Atlantic right, humpback, fin, and minke whales) and develop targeted bycatch reduction measures. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden, to the National Marine Fisheries Service, Greater Atlantic Regional Fisheries Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930, Attn: Atlantic Large Whale Take Reduction Team Coordinator.