



Chris Wright - NOAA Federal <chris.wright@noaa.gov>

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## Re: Request for Comments on List of Gear by Fisheries - OMB CONTROL NO. 0648-0346

1 message

**Kelly Denit - NOAA Federal** <kelly.denit@noaa.gov>

Thu, May 6, 2021 at 8:41 AM

To: David Witherell - NOAA Affiliate <david.witherell@noaa.gov>

Cc: Tom Nies <tgies@nefmc.org>, "Moore, Christopher" <cmoore@mafmc.org>, John Carmichael

<John.Carmichael@safmc.net>, Carrie Simmons <carrie.simmons@gulfcouncil.org>, Miguel Rolon\_2

<miguel\_rolon\_cfm<@>@yahoo.com>, Chuck Tracy - NOAA Affiliate <chuck.tracy@noaa.gov>, Kitty Simonds

<kitty.simonds@noaa.gov>, Chris Wright - NOAA Federal <chris.wright@noaa.gov>, Karen Abrams - NOAA Federal

<karen.abrams@noaa.gov>

Good morning Dave,

Thanks for your patience. Been a busy week. Your questions with responses pasted below and I've attached the 1999 rule for reference as well.

***This OMB data collection notice is just to allow a person to provide written notice that they intend to use a different gear type or engage in a new fishery?***

No, the April 21, 2021, OMB data collection notice under the Paperwork Reduction Act is not a request for a fishery participant to provide written notice to NMFS that they intend to change the gear they use or their engagement in a new fishery. Rather, it allows the Agency/Region via the Councils to collect the information from the public about whether NMFS is collecting the right information when considering changes to the list of authorized fisheries or gears, if our cost burden estimates are right and any suggestions to improve the process described 50 CFR 600.747.

***At what point do we get a chance to revise the list of fisheries and gear?***

A Council can request at any time to amend or add to the List per 16 U.S.C. 1855(a)(4).

***(4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.***

Attached is the 1999 FR Notice that includes the list of authorized fisheries and gears. 50 CFR 600.747(c) describes the procedures to request or recommend changes to the list of authorized fisheries and gears.

The last request was approved for the West Coast in 2014. (<https://www.federalregister.gov/documents/2014/12/23/2014-30014/fisheries-off-west-coast-states-list-of-authorized-fisheries-and-gear>)

Please let us know if you have further questions.

Cheers,

Kelly

On Tue, Apr 27, 2021 at 2:33 PM David Witherell - NOAA Affiliate <[david.witherell@noaa.gov](mailto:david.witherell@noaa.gov)> wrote:

Kelly:

Just so I understand... this OMB data collection notice is just to allow a person to provide written notice that they intend to use a different gear type or engage in a new fishery?

At what point do we get a chance to revise the list of fisheries and gear?

Thanks,

Dave

On Tue, Apr 27, 2021 at 6:55 AM Kelly Denit - NOAA Federal <[kelly.denit@noaa.gov](mailto:kelly.denit@noaa.gov)> wrote:

Hi All,

On April 21, 2021, NOAA Fisheries published the List of Gear by Fisheries and Fishery Management Councils (List), OMB Control Number 0648-0346 (86 FR 20665) seeking a 3-year extension of the information collection requirements in the current rule. Under the Office of Management and Budget (OMB) guidance, in addition to requesting comments via the Federal Register, we must also directly ask for comments from non-agency persons impacted by the requirements.

Section 305(a) of the Magnuson-Stevens Act requires publication of the List, and prohibits any person from employing fishing gear or engaging in a fishery that is not on the List unless they provide 90 days advance written notice to the appropriate Regional Fishery Management Council or the Secretary of Commerce (Secretary) in the case of Atlantic Highly Migratory Species. These requirements mean that Councils have advance notice of fishing in their region outside of their fishery management plans, and have an opportunity to request the Secretary to take emergency action to prevent the activity.

I'm requesting you provide any comments to OMB on the information collection requirements for the List per the attached Federal Register Notice. The comment period ends on June 21, 2021.

It would also help us to receive a copy of your comments, which can be e-mailed to Chris Wright at [chris.wright@noaa.gov](mailto:chris.wright@noaa.gov). **If you have no comments, we would appreciate an email stating "No comment."**

If you have any questions or need more information, please let Chris (301-427-8570 or 240-342-1719) or me know.

Thanks,  
Kelly

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**Kelly Denit (she/her)**

*Director, Office of Sustainable Fisheries*  
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David Witherell

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**Kelly Denit (she/her)**

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