

pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reason stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 260925–0005]

RIN 0648–BN00

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Fixed Gear Marking and Entanglement Risk Reduction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rulemaking implements gear marking requirements and entanglement risk reduction measures for portions of the Pacific coast groundfish fishery. This rulemaking consists of mandatory requirements and voluntary measures. These new requirements and voluntary measures are established pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The intent of the gear marking requirements is to increase the likelihood of attributing entanglements to a specific fishery and gear type. The intent of the risk reduction measures is to reduce bycatch by decreasing the likelihood of marine animal entanglements with fishing line.

DATES:

Effective date: This final rule is effective January 11, 2027, with the exception of §§ 660.219(a)(1) and 660.319(a)(1), which are effective October 13, 2026.

Compliance date: The compliance date for §§ 660.219(b)(2) and 660.319(b)(2), is January 11, 2030.

ADDRESSES: A plain language summary of this rulemaking and the supporting statement for the Paperwork Reduction Act (PRA) information collection is

available at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0045>. Other information relevant to this rulemaking, which includes an analysis that addresses Presidential Executive Order 12866, the Regulatory Flexibility Act (RFA), and the statutory requirements of the Magnuson-Stevens Act (the Analysis), may be obtained from the NMFS West Coast Region website at: <https://www.fisheries.noaa.gov/region/west-coast>.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The Pacific Coast groundfish fishery in the U.S. exclusive economic zone (EEZ) seaward of Washington, Oregon, and California (the West Coast) is managed under the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP). This final rule implements gear marking requirements and entanglement risk reduction measures for portions of the Pacific Coast groundfish fishery. These measures are consistent with the authority provided through the Magnuson-Stevens Act section 303(a)(11) (16 U.S.C. 1853(a)(11)) for conservation and management measures that, to the extent practicable, minimize bycatch; and with the authority provided at Magnuson-Stevens Act section 303(b)(4) (16 U.S.C. 1853(b)(4)) for measures that allow for prohibiting, limiting, conditioning, or requiring use of specified types of fishing gear. The framework for gear definitions and restrictions is described in the Groundfish FMP in section 6.6, which notes that gear definitions and restrictions may be revised through a rulemaking process. Additionally, section 6.10.3 of the Groundfish FMP authorizes gear identification requirements, and provides that these requirements may be modified as necessary in Federal regulations.

This rulemaking consists of new mandatory requirements and voluntary measures and is promulgated pursuant to the Magnuson-Stevens Act section 303(c) and 304(b)(1)(A) (16 U.S.C. 1853(c) and 16 U.S.C. 1853(b)(1)(A)). The intent of the gear marking requirements for buoys and portions of lines is to increase the likelihood of attributing entanglements to a specific fishery. The intent of the risk reduction measures is to reduce bycatch by decreasing the likelihood of marine animal entanglements with fishing line. This rulemaking is, in part, in response to increased rates of entanglement of humpback whales with Pacific coast fishing gear since 2014. This rule also

clarifies requirements regarding the position of escape panels on pot gear to prevent the escape panel from being on the bottom of the pot and to promote consistency across the escape panel requirements for Federal groundfish pot fisheries off Alaska and the three West Coast states. This rulemaking also clarifies bottom longline regulations throughout 50 CFR part 660 for consistency with Pacific Fishery Management Council (Council) recommendations implemented in this rulemaking.

Pursuant to Magnuson-Stevens Act section 303(c)(2) (16 U.S.C. 1853(c)(2)), the Council deemed the regulations in this rulemaking necessary and appropriate to implement these actions in a December 20, 2024, letter from Council Executive Director, Merrick Burden, to Regional Administrator Jennifer Quan. The proposed rule was published on February 2, 2026 (91 FR 5408). The public comment period was open through March 9, 2026. This rulemaking implements the Groundfish FMP, consistent with the authority provided in sections 6.6 and 6.10.3 of the Groundfish FMP, for gear restrictions being described in this final rule.

Background

This final rule is based on the Council's final recommendations for gear marking and entanglement risk reduction in the groundfish fishery made at its June 2024 meeting in San Diego, CA. In developing the recommended measures, the Council considered the results of a 2022 workshop with the groundfish fishing industry, "Improving Gear Marking in the U.S. West Coast Sablefish Pot Fishery," as well as reports from its advisory bodies and public testimony. In spring 2026, NMFS considered public comments on the proposed rule and advice from the Council's enforcement consultants in developing this final rule.

The Needs and Scope of This Rulemaking

Marine animals, like whales and turtles, can get caught in fishing gear, which can prevent them from eating or cause serious injury or death. The animal most often entangled in gear associated with the Pacific Coast groundfish fishery is the humpback whale.

This rulemaking removes the regulatory requirement to use surface gear at both ends of groundfish pot and bottom longline gear sets, allowing vessels to reduce the number of vertical lines in the water. This voluntary measure is expected to reduce the

likelihood of entanglements. This rulemaking is also expected to help NMFS track the source of entanglements by requiring gear-specific marking on two types of commercial “fixed gear” used for catching groundfish off the coasts of Washington, Oregon, and California: (1) pot gear; and (2) bottom longline gear.

Groundfish pot gear (both traditional and slinky pot) uses a series of pots connected by a rope (groundline) on the seafloor. A vertical line and a surface buoy mark the gear’s location. Pot gear may sit unattended for 1.5 to up to 7 days, generally a longer period than for bottom longline gear (2 to 48 hours). Because pot gear is heavier than bottom longline gear, it may pose a higher risk of serious injury if an animal becomes entangled.

Bottom longline gear is a horizontal rope (or groundline) with many hooks that lies along the bottom of the sea

floor, also marked by vertical lines and surface buoys. It soaks for a shorter time, usually 2 to 48 hours, but may sit unattended for up to 7 days. Groundline for bottom longline gear poses entanglement risk when marine mammals attempt to eat hooked fish.

Entanglement can happen with these fixed gears on the surface with surface lines or surface buoys/markers, in the water column with vertical lines, or at/near the seafloor with the groundline or pots/hooks. Entanglements can also happen with any component as the gear is being hauled to the surface and retrieved. These pot and bottom longline groundfish gears, when fished in Federal waters, are the only gear types affected by this rulemaking. These two gear types, when used to harvest groundfish, are hereafter collectively referred to as the “subject gears” or the “subject gear types.” This rulemaking does not change the requirement that

the subject gear types be attended at sea at least every 7 days.

Gear Marking

This rulemaking implements new requirements in the Pacific Coast groundfish fishery for marking all buoys and the top 20 fathoms (fm) (120 feet (ft) or 37 meters (m)) of the vertical line used with the subject gears. For the first 3 years after the initial effective date of these requirements, temporary marking methods may be used to satisfy the line marking requirements, and thereafter the top 20 fm (37 m) of vertical line must be line manufactured in the designated color schemes. NMFS is implementing two color-coded schemes for the new gear marking requirements for the subject gears, as recommended by the Council: one for groundfish pot gear and one for groundfish bottom longline gear.

TABLE 1—TWO-COLOR MARKING SCHEMES FOR BOTTOM LONGLINE AND POT GEARS

Groundfish gear type	Color A & tag color	Color B	Core color (may be visible on some line types)
Bottom Longline	Brown	Blue	White.
Pot	Orange	Blue	White.

New Requirements for Marking Buoys

NMFS is implementing a new requirement for either gear-specific buoy tags to be attached to each surface buoy, or gear-specific marks to be made directly on each buoy. Tag and buoy markings are “GP” for pot and “GL” for bottom longline. Vessel identification information must be on at least one buoy, per current regulations, but is also required by this rulemaking to be marked on all other buoys used for the subject gear types, either on the tag or directly on the buoy. Markings are required on every buoy because it is possible that not all buoys would remain connected if the surface gear were to become entangled.

Each tag must have a physical indentation and a contrasting color. Buoy tags on every surface buoy must be in a gear-specific color (table 1), with a gear-specific letter combination legibly marked on it. Tags must be attached to fishing gear when deployed and must be on board the vessel on a trip where groundfish pot or longline gear will be or has been used to take and retain groundfish.

Gear-specific marks directly on buoys must be in capital letters at least 3 inches (7.7 cm) in height and must be present at all times on a trip in which the vessel is taking and retaining

groundfish with the subject gears, if gear marking tags are not on board.

In the proposed rule, NMFS proposed that the new buoy marking requirements would require tags attached to each and every surface buoy with a gear-specific color and engraved mark: capital letters “P” for pots and “L” for bottom longline. Buoy tags were proposed because they can be swapped out, which would allow a surface gear set up, including the large buoys used with groundfish gear, to be used to float different gear types. In this final rule, NMFS is requiring that pot and bottom longline gear buoys are marked either by using buoy tags, as proposed, or through gear-specific marks directly on the buoys in response to public comments.

As described below in the Comments and Responses section, one fisherman submitted comments on the proposed rule asking that vessel operators be allowed the option for permanent fishery and gear-specific marks on the buoys that are used to mark surface gear, in lieu of buoy tags, because this option would be more efficient for certain operators and require less maintenance than the proposed gear-specific buoy tags. The State of California requires lobster pots to have buoys marked with a “P.” NMFS considered the request in development of this final rule, and this

final rule implements the option to allow for buoy marking using tags or directly on buoys. This final rule also includes a requirement that the buoy marking include a fishery-specific mark as well as a gear-specific mark. These fishery and gear-specific markings must be “GP” for pot and “GL” for longline. See Changes from the Proposed Rule for additional details.

NMFS notes that current regulations require that all fixed groundfish gears, including the subject gears, have at least one buoy with the vessel identification legibly marked on it, per current regulations at 50 CFR 660.219 and 660.319. This requirement is not revised with this rulemaking.

New Requirements for Marking Lines

This rulemaking requires two-color, gear-specific color schemes for marking the top 20 fm (37 m) of each vertical line deployed in the commercial, non-tribal, limited entry and directed open access groundfish fishery for vessels using pot or bottom longline gears. Lines must be marked in the specified colors by the manufacturer, with strands in each color, except that temporary methods of marking (with the same color scheme) is allowed for 3 years after the effective date of the final rule.

With this rulemaking, NMFS requires that at least the top 20 fm (37 m) of vertical line be continuously marked. Manufactured line must consist primarily of only the two gear-specific colors A and B specified in table 1. Both colors must be used. NMFS requires that at least one-third of the strands in the rope be one color and all the other strands be the other color required in the gear-specific two-color scheme. Presence of a third color, other than white, is prohibited in the top 20 fm (37 m) to reduce the likelihood of mistaken gear identification for gear that is observed entangled on marine animals. NMFS acknowledges that some types of manufactured line may have an inner core color that is necessary and shows through on the outer surface of the line (*i.e.*, a tracer). This core is usually white. Manufactured line can be ordered by the coil; a standard coil has a line length of 1,200 ft (365.8 m) and costs approximately \$200–\$500, with custom colors available at no additional cost. Some manufacturers offer different size coils. Manufactured line may be used to satisfy the marking requirements for groundfish pot and bottom longline gears immediately upon the effective date of a final rule.

NMFS expects that the most efficient option for complying with new line marking requirements will be manufactured line in the specified color schemes. Manufactured line is expected to have the greatest longevity. However, some operators may have difficulties in initially procuring manufactured line. Thus, to afford fishery participants sufficient flexibility, and to achieve timely compliance with the line marking requirements in this final rule, this rulemaking includes the allowance to use temporary marking of existing lines for 3 years after this rule's effective date. Any temporary marking scheme requires continuous, alternating bands of the color schemes for each gear type on at least the top 20 fm (37 m) of every

vertical line. Alternating marks must consist of colored rope sections that result in a continuous, alternating two-color scheme for each groundfish fixed gear type, as detailed in table 1 above. Each colored band for temporary marks is required to be greater than 18 inches and up to 28 inches (46–71 centimeters (cm)) of linear rope length. Presence of any color rope, besides white, other than the color scheme shown in table 1 in the top 20 fm (37 m) of the vertical line is prohibited for vessels fishing for groundfish with the subject gear types. In order to give fishery operators flexibility in complying with this requirement, NMFS is not specifying a method or material for applying temporary marks in the first 3 years after this final rule is effective. In the development of this action, the Council discussed multiple ways to temporarily achieve the required marking scheme for vertical lines, such as paint (sprayed or dipped) or colored tape. NMFS expects temporary marks will have a lower immediate materials cost than manufactured line but may require more time for maintenance. NMFS is implementing this flexibility in this rulemaking, as recommended by the Council.

Summary of Gear Marking Requirements

The gear marking requirements implemented through this final rule apply to vessels fishing in the limited entry or directed open access groundfish fisheries with bottom longline or pot gear. This final rule requires vessels using the subject fishing gears to comply with the following gear-specific marking schemes (summarized in table 2).

All buoys deployed on limited entry or directed open access groundfish pot surface gear must have either: (1) gear-specific orange tags attached with capital letters “GP” engraved on both sides and the letters must be in a contrasting color; or (2) capital letters “GP” permanently marked directly on

the buoy in a contrasting color and at least 3 inches (7.7 cm) in height. The vessel identification number must be included on all buoy tags or directly on all buoys. All markings must be maintained to be legible on an ongoing basis.

All buoys deployed on limited entry or directed open access groundfish bottom longline surface gear must have either: (1) gear-specific brown tags attached with capital letters “GL” engraved on both sides and the letters must be in a contrasting color; or (2) capital letters “GL” permanently marked directly on the buoy in a contrasting color and at least 3 inches (7.7 cm) in height. The vessel identification number must be included on all buoy tags or directly on all buoys. All markings must be maintained to be legible on an ongoing basis.

At least the top 20 fm (37 m) of vertical line used to deploy bottom longline or pot gear in the limited entry or directed open access fishery must be continuously marked in the appropriate gear-specific color scheme. Bottom longline vertical lines are required to be continuously marked in brown and blue. Pot gear vertical lines are required to be continuously marked in orange and blue. Both colors must be used; manufactured lines must be at least one-third of strands in one color and all remaining strands in the other color, with any other color besides white prohibited in the top 20 fm (37 m). Temporarily marked lines are required to be gear-specific, two-color alternating, in continuous bands between 18 and 28 inches (46 and 71 cm) each for a minimum of 20 fm (37 m) at the top of every vertical line.

NMFS is requiring that manufactured line, and only manufactured line, be used to mark vertical lines for the subject gears, beginning January 11, 2030. After that date, temporary markings will no longer satisfy line marking requirements.

TABLE 2—SUMMARY TABLE OF GEAR MARKING AND VESSEL IDENTIFICATION (ID) REQUIREMENTS FOR THE LIMITED ENTRY (LE) AND DIRECTED OPEN ACCESS (DOA) GROUND FISH BOTTOM LONGLINE AND POT GEAR FISHERIES

Portion of gear	Marking requirement ¹	Marking details
Every Buoy—Pot (LE or DOA), when deployed.	Orange tags with at least 1.75 inch (4.5 cm) tall capital letters “GP” engraved in a contrasting color, or at least 3 inch (7.7 cm) tall capital letters “GP” permanently marked directly on the buoys; vessel ID on tags or buoys.	Every buoy must be marked, either with tags securely attached, or with legible marks directly on the buoy. Tags for any other fishery/gear must be removed.
Every Buoy—Bottom Longline (LE or DOA), when deployed.	Brown tags with at least 1.75 inch (4.5 cm) tall capital letters “GL” engraved in a contrasting color, or at least 3 inch (7.7 cm) tall capital letters “GL” permanently marked directly on the buoys; vessel ID on tags or buoys.	Every buoy must be marked, either with tags securely attached, or with legible marks directly on the buoy. Tags for any other fishery/gear must be removed.

TABLE 2—SUMMARY TABLE OF GEAR MARKING AND VESSEL IDENTIFICATION (ID) REQUIREMENTS FOR THE LIMITED ENTRY (LE) AND DIRECTED OPEN ACCESS (DOA) GROUND FISH BOTTOM LONGLINE AND POT GEAR FISHERIES—Continued

Portion of gear	Marking requirement ¹	Marking details
Every Buoy—Pot, On Board the Vessel (LE or DOA).	Orange tags with at least 1.75 inch (4.5 cm) tall capital letters “GP” engraved in a contrasting color are on board the vessel, or at least 3 inch (7.7 cm) tall capital letters “GP” permanently marked directly on the buoys; vessel ID on tags or buoys.	Marks directly on buoys must be legible. Tags must be ready to securely attach to every buoy and be presented to authorized officer upon request. Tags must be of sufficient quantity to attach to every buoy.
Every Buoy—Bottom Longline, On Board the Vessel (LE or DOA).	Brown tags with at least 1.75 inch (4.5 cm) tall capital letters “GL” engraved in a contrasting color are on board the vessel, or at least 3 inch (7.7 cm) tall capital letters “GL” permanently marked directly on the buoys; vessel ID on tags or buoys.	Marks directly on buoys must be legible. Tags must be ready to securely attach to every buoy and be presented to authorized officer upon request. Tags must be of sufficient quantity to attach to every buoy.
Vertical line(s)—Pot, Manufactured (LE or DOA).	At least the top 20 fm (37 m) is orange and blue manufactured line ² .	Colors other than orange and blue are prohibited on the top 20 fm (37 m). White tracers allowed.
Vertical line(s)—Bottom Longline, Manufactured (LE or DOA).	At least the top 20 fm (37 m) is brown and blue manufactured line ² .	Colors other than brown and blue are prohibited on the top 20 fm (37 m). White tracers allowed.
Vertical line(s)—Pot, Temporary (LE or DOA).	At least the top 20 fm (37 m) continuously marked in alternating orange and blue. Each color segment must be between 18 and 28 inches (46 and 71 cm) long.	Visible original line, in the full circumference, in any other color is prohibited in the top 20 fm (37 m). Temporary markings only satisfy marking requirements for 3 years from the effective date of the final rule.
Vertical line(s)—Bottom Longline, Temporary (LE or DOA).	At least the top 20 fm (37 m) continuously marked in alternating brown and blue. Each color segment must be between 18 and 28 inches (46 and 71 cm) long.	Visible original line, in the full circumference, in any other color is prohibited in the top 20 fm (37 m). Temporary markings only satisfy marking requirements for 3 years from the effective date of the final rule.

¹ Marking requirements are applicable when the vessel is fishing groundfish with either pot or bottom longline gears in the EEZ.

² NMFS requires at least 33 percent of strands in one color and the remainder of strands in the other color.

Entanglement Risk Reduction

This section describes voluntary and required management measures that are being implemented with the goal of reducing the risk of entanglement of protected species and bycatch in the subject gear types. These measures affect the same groups of fishermen subject to gear marking requirements described above that use bottom longline or pot gear in directed groundfish fisheries off the West Coast.

Fishing lines on or near the surface generally pose a higher risk of entanglement compared to fishing gear at deeper depths or on the bottom of the sea floor. Therefore, the measures implemented through this rulemaking are designed to reduce the amount of vertical lines required in the fishery and reduce the amount of surface line allowed for each gear set. NMFS expects these measures will reduce the risk of entanglement with surface and vertical lines in Pacific Coast groundfish pot and bottom longline gears.

Single Line Allowance for Gear Identification at the Surface

As noted above, vertical lines and surface gear both pose a risk of entanglement to protected species. Therefore, allowing vessels to reduce the amount of surface gear and the number of lines in the water may reduce risk of entanglement. This rulemaking removes the requirement that pot and

bottom longline gear be marked on the surface at both terminal ends (*i.e.*, creates a single surface gear and vertical line allowance). This voluntary measure allows vessel operators to use a vertical line and surface gear at one or both ends of their gear, at their own discretion. Gear would still be required to be marked at the surface on at least one terminal end in a manner consistent with the current gear identification and marking requirements. This single surface gear and vertical line allowance and the manner in which the subject gears must be marked at the surface are articulated in revised regulations at 50 CFR 660.219 and 660.319.

Limiting Surface Line

Surface gear consists of the buoys and flags associated with a gear set and the surface line between them. Surface gear marks the location of the terminal end(s) of the groundline anchoring the strings of pots and bottom longline gear set on the ocean floor and usually serves as the primary mechanism for identifying and retrieving gear. Surface lines need to have enough slack to adjust to changes in ocean conditions that may occur while gear remains in the water so that the buoys are not submerged completely.

This final rule restricts the maximum length of surface line, measured from the last trailing buoy (or the highflyer) to the first buoy (main buoy) closest to

the vertical line. Specifically, surface line used for the subject gears may not exceed 60 ft (10 fm (18 m)) in length, measured from the main buoy to the last trailing buoy. By prohibiting excess surface line, this rulemaking intends to reduce the risk of entanglement and the bycatch of protected species in the groundfish fishery with the subject gears. To enact this restriction, new definitions of surface line, vertical line, and main buoy are added to the definition of “Fishing gear” for the subject gear types at 50 CFR 660.11.

Additional Regulation Changes

Beyond the gear marking and risk reduction measures described above, this rulemaking also includes two additional changes (see the Proposed Rule for additional context and rationale for these changes). Current regulations require that pot and trap gears are fitted with an escape panel that biodegrades to create an opening of specified dimensions so that the pot does not perpetually entrap animals if the gear is lost (660.230(b) and 660.330(b)). Current regulations provide no specificity about the appropriate placement of the escape panel. This rulemaking prohibits escape panels from being positioned on the bottom of a pot, similar to regulations for fishing off the coast of Alaska and includes an exception from this requirement for collapsible pots in order to accommodate differences in gear

configurations. To facilitate this collapsible pot exception, a definition of “collapsible pot” is added to the definition of “Fishing gear” at 50 CFR 660.11.

Additionally, this rulemaking changes the maximum twine size for the cotton biodegradable twine used for closing escape panels for pots used in the Pacific Coast groundfish fishery. Specifically, this rulemaking revises the maximum untreated cotton twine size for closing escape panels from “not to exceed number 21” to “not to exceed number 30.” This modification aligns the maximum twine size for groundfish pot gear used in the Pacific Coast groundfish fishery with the twine size required for vessels fishing off the coast of Alaska (*i.e.*, the North Pacific).

NMFS is making technical changes to 50 CFR part 660 to revise references in the relevant regulations to longline and bottom longline gears to clarify key gear terminology, so that it is clear what type of longline gear is affected by this rulemaking. This rulemaking replaces “longline” with “bottom longline” in the definition of “fixed gear” at 50 CFR 660.11, and throughout limited entry and open access commercial groundfish regulations, where applicable.

This rulemaking also amends the current prohibition at 50 CFR 660.12(a)(2) about falsifying or failing to affix or maintain gear markings required under the regulations by adding the word “identifications” to revise the text to align with the current section titles for the regulations referenced in the prohibition (50 CFR 660.219 and 660.319), which are, respectively “fixed gear identification and marking” and “open access fishery gear identification and marking.”

Comments and Responses

The proposed rule was published on February 6, 2026 (91 FR 5408), and the public comment period ended on March 9, 2026. NMFS received comment letters from 28 individuals or organizations. The following themes were raised across individual submissions. NMFS received comment letters from five commenters expressing general opposition to the proposed measures in this rulemaking, of which three letters specifically described concerns with gear loss related to the measure that would remove the requirement that groundfish bottom longline or pot gear sets be marked with vertical lines and surface gear at both terminal ends (referred to henceforth as “the single-line allowance”). Of the five comment letters generally in opposition to the rule, three of those letters expressed general support for the gear marking and surface

line length restrictions in this rule and their objective to indirectly conserve marine mammals. However, commenters also expressed concern with the single-line allowance, asserting that the allowance would increase the risk of gear loss. NMFS received 13 comment letters that were generally in support of this rulemaking. Seven of these letters supported the bycatch reduction measures in this rulemaking but also expressed support for additional measures to conserve marine animals, above and beyond those proposed in this rulemaking. Of the 28 comment letters, 1 letter included comments regarding the PRA collection, which is responded to below and in the PRA supporting statement. Overall, most comments generally expressed support for this rulemaking.

NMFS appreciates the thoughtful comments on the proposed rule and has considered them thoroughly. NMFS collated the comments in the 28 letters, and is responding to 20 subject areas included across the unique comment letters below.

Comment 1: Two commenters opposed this rulemaking, describing it as unnecessary, and asserting that entanglements of marine animals in fishing gear are rare and are not a consequential conservation issue.

Response: Entanglements involving commercial fishing gear are estimated based on best scientific information available, and the gears that are the subject of this rulemaking have had multiple documented entanglements with marine animals. NMFS acknowledges that these observed and otherwise documented entanglements in groundfish fixed gear are relatively rare; however, documented entanglements of marine animals in fishing gear of unknown origin is not infrequent and should also be considered. The new requirements in this rule balance the need for reasonable steps forward toward reducing the risk of entanglements with the subject gears and better attributing entanglements in general to the gear-type, with a small additional cost and operational burden on fishermen.

Comment 2: Two commenters express concern with over-regulation of fisheries and assert that the measures in this rulemaking are unnecessarily burdensome to the regulated fishermen. One of these commenters also states that this rule will increase gear expenses and wear and tear on gear, and that fishermen should be financially compensated for the burden of complying with the measures implemented through this rulemaking.

Response: Gear marking measures implemented by this rulemaking are expected to increase the likelihood that NMFS can rule out the groundfish fixed gear fishery as the source of documented entanglements, thus reducing the need for further regulation in the future. However, NMFS acknowledges that the approximately 335 vessels that currently fish groundfish with bottom longline or pot gears will be required to incur costs over the next 3 years to comply with the gear marking measures in this rulemaking. NMFS is obligated under the PRA to annualize burden hours and costs over the initial 3-year period of an approved information collection (gear marking requirements are considered an information collection). Since it is unlikely that any vessel would need to purchase gear compliant with new gear marking regulations more than once in this 3-year period, annualized materials costs are one-third of the estimated total materials cost. The average cost burden for compliance with new gear marking regulations in this rulemaking is estimated to be \$809 per respondent (*e.g.*, vessel operator) to temporarily mark and replace their gear once during the three-year period preceding the compliance date for permanently marking fixed gear using manufactured line. This total accounts for the costs of gear-specific marked line, gear-specific marked buoy tags, and paint or markers. NMFS understands from fishery representatives that lines used in the fishery need to be replaced once every 5–10 years, with the actual lifetime of the gear depending on the intensity of use, method of storage, and other variables. To reduce the main source of costs associated with this rulemaking (*i.e.*, gear-specific manufactured marked line in a specified color scheme), line marking is only required for the top 20 fm (37 m) of the vertical line (allowing more sets of gear to be marked per spool of line purchased) and a 3-year transition period is included to allow more cost-effective temporary marking schemes to be used initially in lieu of manufactured line. The goal of this transition period is to allow current vertical lines used in the fishery to be phased out and replaced towards the end of their lifespan with gear-specific manufactured marked lines, avoiding unnecessary waste and defraying costs. This rulemaking is not expected to increase wear and tear on fishing gear beyond what usual use would do. In conclusion, NMFS finds that the cost burden on the regulated community imposed by this rule does not outweigh the conservation benefits from this rule.

Therefore, NMFS is implementing the proposed gear marking requirements in this rulemaking.

Comment 3: One commenter expressed concern that oil spills and pollution pose greater threats to marine animal conservation than entanglements in fishing gear, and, therefore, that is where NMFS should focus conservation efforts.

Response: NMFS does not discount the potential adverse impacts of other environmental conditions, such as oil spills and marine debris, which pose threats to marine animals. However, this action is taken under the authority of the Magnuson-Stevens Act and, as such, its regulatory scope is limited to the effects of federally managed fisheries on marine animals. The primary risk these fisheries pose to non-target marine animals is the potential for entanglement in fishing gear. Accordingly, the measures implemented through this final rule are intended to address this primary risk.

Comment 4: Two commenters state that the amount of fishing gear used in the West Coast EEZ could or will increase in the future, which could subsequently increase the risk of entanglement in the area. One of these commenters expressed concern that this rulemaking does nothing to mitigate this risk.

Response: NMFS acknowledges that there are no current restrictions on the total amount of gear sets or number of vertical lines that may be deployed annually in the Pacific Coast groundfish fixed gear fisheries, nor were any proposed at the proposed rule stage. However, a variety of facets of the groundfish fishery management regime coincide to keep the amount of fishing gear deployed in the EEZ annually relatively stable through time. For example, the groundfish sector with the majority of the fixed gear fishing effort, both in harvest volume and quantity of gear deployed (*i.e.*, the limited entry fixed gear (LEFG) sector), is Federally permitted through a limited entry program. These federal permits are transferable, but limit vessel size (and therefore limit harvest capacity), and are of a limited quantity (no new permits have been issued for over 20 years). This closed class limits the amount of gear that can be fished at any one time or in any season. Participants in the directed open access fishery may use any legal gear type, including pots and bottom longline gears, but are incentivized to use non-bottom contact gears (*i.e.*, gear that is not left unattended) because those gears are allowed to be fished in areas that are closed to bottom longline and pot gears. Most vessels fishing with

bottom longline and pot gear in the open access fishery are targeting sablefish in deeper waters outside gear-specific area restrictions. The amount of overall effort to harvest sablefish in the open access fishery is also limited by the sector's annual allocation and through inseason trip limit adjustments to keep harvest within that allocation. Meaning, if more vessels fish sablefish, trip limits for these vessels decrease to keep catch of sablefish within the annual sector allocation, which reduces the incentives for new entrants to join the fishery. In this manner, the number of vessels targeting sablefish in the open access fishery (regardless of gear type) is self-mitigating. Thus, all other things being equal, the single-line allowance established in this rulemaking is expected to decrease the total number of vertical lines that would otherwise be fished annually in the EEZ than without it. In addition, the single-line allowance creates the opportunity within the fishery for fishermen to test on-demand buoy lines and systems (*i.e.*, "pop-up gear"), if so desired, without an exempted fishing permit, and using their otherwise conventional and legal pot and bottom longline gear configurations.

Comment 5: Five commenters expressed concern for gear loss if future fishermen use only one vertical line (*i.e.*, voluntarily use the single-line allowance) when setting their gear. Generally, these commenters expressed concern that gear retrieval would be less likely, especially in circumstances where gear sets moved due to strong currents or became snagged or parted on some portion of line during attempted retrieval. One commenter specifically mentioned that the risk of gear loss would be highest for longline gear. Another asserted that a single-line allowance would reduce the likelihood of gear retrieval by 50 percent.

Response: The Council considered both a mandatory and voluntary single-line allowance during early scoping of this rulemaking. During scoping, concerns were expressed on multiple fronts. For example, industry representatives were concerned that relatively lighter-weight gear types (such as slinky pots and longline gears) would be much more likely to be lost if only a single-line were used, either voluntarily or if required, and explained that certain conditions and methods of deploying gear did not lend themselves to successful gear retrieval if gear could only be marked on one end (*i.e.*, under a mandatory single-line requirement). Multiple environmental groups expressed concern that a non-mandatory single-line would be ineffectual to

reduce the risk of entanglement. All comments were considered by the Council, and the Council ultimately recommended a voluntary single-line allowance for the subject gear types. NMFS has determined that the Council-recommended single-line allowance is appropriate because it will provide the flexibility to allow vessels to mark only one end of their pot or bottom longline gear if fishermen consider ocean conditions exist that are likely to enable full retrieval of the gear using a single vertical line. Some vessels may choose to use heavier single lines to increase the likelihood of preventing their gear from parting during retrieval. Other fishermen may choose to continue to use current gear configurations, with lines and surface gear at both ends, despite the rule change. Regardless, NMFS is confident that fishermen are both strongly disincentivized from losing their gear and from deploying extraneous gear, and will make their future gear use decisions accordingly. NMFS has heard testimony from multiple fishermen that they are likely to utilize the single-line allowance, which will reduce the number of vertical lines in the water. For these reasons, NMFS concludes that the voluntary single-line allowance appropriately balances the need to reduce the risk of entanglement in fishing gear against the need to prevent gear loss and subsequent ghost fishing.

Comment 6: Two commenters expressed concern with the limitation on the length of surface line associated with the terminal end of a gear set that is implemented in this rulemaking. The limitation is intended to reduce the amount of slack or excess surface line that attaches buoys to the vertical line. One commenter was concerned that the length limit of the surface line was too short and would result, under certain ocean conditions, in the gear fully submerging in the tide and therefore being lost. The other commenter expressed concern that the limit on the length of the surface line was too long to sufficiently eliminate the risk of entanglement.

Response: These comments exemplify the purpose of this measure: to keep fishing gear viable and retrievable while limiting excess line to try to reduce the risk of entanglements. In developing this measure, the Council heard from fishing industry representatives that, in their experience, 10 fm (18.3 m) or less of surface line would be an adequate length to prevent the gear from being submerged in most ocean conditions. NMFS acknowledges that allowing any fishing with fixed gears poses a greater than zero risk of entanglement,

regardless of the length of surface line. The goal of this rulemaking is to reduce the risk of entanglement. NMFS has determined that the surface line limitation of 10 fm (18.3 m) is the appropriate length for the surface line limitation to balance the need to reduce the risk of entanglement, and thus minimize the bycatch of marine animals with the subject gears, against the threat of gear submergence and loss.

Comment 7: Ten comment letters explicitly expressed support for NMFS to protect marine mammals and reduce bycatch and/or risk of entanglement for various marine species, either generally (without a reference to the measures in this rulemaking) or as it relates to measures in this rulemaking (e.g., the single-line allowance). Of these 10 letters, 7 letters expressed general support for greater protections for marine animals. However, only one of those 7 letters explicitly expressed support for the proposed measures. Though most of the 10 comments did not explicitly reference the measures in this rulemaking, it is inferred that comments asking for the strongest measures possible to protect marine mammals express concern that the proposed measures do not offer enough protection. Of the 7 comment letters requesting greater protections, 4 expressed general support for actions that would reduce lines in the water as means to achieve risk reduction, though none explicitly endorsed the single-line allowance. One letter mentioned a desire to “create less fishing lines” in the ocean, thought it was unclear whether this was an endorsement of the single-line allowance or not. One letter explicitly commented that the voluntary single-line allowance is inadequate because it was possible that, even if fishermen used one end-line, they may deploy shorter but more numerous gear sets, meaning the number of vertical lines per pot fished would stay the same.

Response: NMFS agrees that it is important to reduce the risk of entanglement and bycatch of marine mammals in fisheries and fishing gear. This goal is an important component of NMFS’ obligations under the Magnuson-Stevens Act and pursuant to other applicable laws, such as the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Minimizing bycatch to the extent practicable is a necessary part of fisheries management under the Magnuson-Stevens Act, and this action is consistent with that mandate. This rulemaking began as a response to increased entanglements on the West Coast in 2014. This rulemaking will

remove a regulatory barrier that currently prohibits fishermen from deploying fewer fishing lines. As discussed in *Response to Comment 5*, NMFS is confident that fishermen are strongly disincentivized from deploying extraneous gear and from losing gear. This rulemaking allows the flexibility for fishermen to decide and deploy their gear configurations to best balance these needs, based on ocean conditions. Because marking gear with only one end-line is voluntary, there is no specific incentive created by this rulemaking for fishermen to shift towards fewer pots per set. Finally, NMFS intends to collect data on the use of the voluntary single-line allowance via Federal observers and self-reported logbook entries. This will further inform future considerations regarding the efficacy of, and possible future adjustments to, the voluntary measure implemented in this rulemaking.

Comment 8: Two commenters suggested that NMFS make the single-line allowance mandatory instead of voluntary, one of whom asserts that the reduction in risk of entanglements is negligible if the single-line allowance in this rulemaking is voluntary because fishermen may not use only a single end-line.

Response: A requirement for marking only one end of gear (i.e., a mandatory single-line) at the surface was considered, but not recommended, by the Council. See also *Response to Comment 5* and *Response to Comment 7*, which are incorporated here. Groundfish are harvested at a variety of depths, but sablefish are abundant and commonly harvested with the subject gear types at depths of 600 fm (3,600 ft) and deeper. The effects of tidal swells, strong currents, and windy conditions are considerable at these depths and can cause the surface gear, which is used by a vessel to retrieve its gear, to become fully submerged at times. If submerged deep enough, or long enough, buoys may deflate and no longer mark the gear at the surface, even when conditions become more favorable. In these conditions, if regulations required only one set of surface gear to be used, it would most certainly increase the likelihood of gear loss, or ocean conditions would effectively close the fishery at those depths while such ocean conditions persist. Gear that is not successfully retrieved can continue to harvest fish (i.e., ghost fishing) and pose a continued risk of entanglement. Gear requirements that are reasonably expected to increase gear loss are not consistent with the Magnuson-Stevens Act mandates regarding minimizing bycatch to the extent practicable, and, as

such, the Council did not recommend that NMFS adopt a mandatory single-line requirement. For these reasons, and the reasons stated in *Response to Comment 5* and *Response to Comment 7*, NMFS has determined that the voluntary single-line allowance fishery management measure to minimize bycatch is consistent with the Magnuson-Stevens Act and other applicable laws, including the ESA and MMPA.

Comment 9: One commenter asked for NMFS to limit fishing in cetacean hotspots (e.g., enact closed areas) to reduce and prevent the entanglement of marine species.

Response: NMFS considered available information on timing and location of entanglements in groundfish bottom longline and pot gears during the development of this rulemaking. Given the relative rarity of entanglements in groundfish gear, and the lack of readily available information on the spatial or seasonal patterns for groundfish gear entanglements and for predicting the likely overlap of marine mammals and the groundfish fishery in space and time, the Council did not develop alternatives for this action that involved area closures (e.g., permanent or seasonal). NMFS expects that the gear marking provisions in this rulemaking are likely to provide new information on entanglements that may inform the development of future conservation measures, as needed.

Comment 10: One commenter noted that the single-line allowance would likely provide the most entanglement risk reduction for gears that are left in the water to “soak” longer (i.e., pot gear). This fisherman asked for NMFS to consider soak times when deciding whether to provide the single-line allowance to either longline or pot gears, or both, describing that if they tried to use a single-line with their bottom longline gear they might lose tens of thousands of dollars’ worth of gear.

Response: NMFS’ groundfish regulations require that all fixed gear (e.g., bottom longline, pot) used in the groundfish fishery be tended once at least every 7 days. Beyond this requirement, which is intended to discourage storage of fishing gear at-sea, there are no rules regarding minimum or maximum soak times; it is at the fisherman’s discretion. In the report for the “Improving Gear Marking in the U.S. West Coast Sablefish Pot Fleet; Workshop Summary Report, November 16, 2022,” published by Oregon Sea Grant, one sablefish pot fishermen testified that they soak their gear for 36 hours on average (but will sometimes

soak for 3 days and occasionally up to 5 days) between trips, because pots are highly selective and trap fish more slowly than hooks. The amount of time that fixed gear soaks in the water affects the entanglement risk associated with that gear, particularly if gear is marked at both ends. Based on this very limited sample, because pot gear tends to be in the water longer, it follows logic that if pots use the single-line allowance, it would be a bigger reduction in the hours that vertical lines are in the water than if a bottom longline were to use a single-line. During Council testimony, multiple pot fishermen testified that they would be very likely to use the single-line allowance in favorable ocean conditions, because of the gear configurations they use that prevent gear loss. The Council did not consider offering a single-line allowance only to pot fishermen. To reduce regulatory complexity, the single-line allowance applies to both bottom longline and pot gears, though NMFS acknowledges that fishermen fishing bottom longline gear may not utilize this flexibility due to concerns of losing their gear.

Comment 11: One commenter strongly suggested that NMFS approve the voluntary single-line allowance because it would, “dramatically improve our productivity while greatly reducing entanglement risk to wildlife.”

Response: NMFS agrees that allowing fishermen to voluntarily use one vertical line to mark their gear at the surface could reduce costs for unnecessary gear, reduce the number of vertical lines deployed in the fishery, and reduce risk of entanglement for marine animals. For these reasons, NMFS is approving this Council-recommended management measure.

Comment 12: One commenter only offered support for the marking of lines so entanglements can be properly attributed to the fishery it occurs in. Another commenter stated that the proposed measures would improve accountability for the harm caused to wildlife.

Response: NMFS agrees that the gear marking measures in this rulemaking are an important step in a larger effort across West Coast fisheries to improve our ability to attribute entanglements of unknown sources to particular fisheries, so that management responses can be effective at reducing entanglements without being overly burdensome.

Comment 13: Nine commenters explicitly supported all the gear marking and entanglement risk reduction measures in this rulemaking, expressing gratitude for consulting with fishermen, reducing marine mammal entanglements through science-based

decision making, and for practical, fishery-specific management approaches. NMFS notes that one of these seven commenters expressed support for the proposed measures only as a first step, stating that more conservation measures are needed (see *Comment 7*).

Response: NMFS appreciates these comments and notes that additional conservation measures are outside the scope of this rulemaking (see also *Response to Comment 7*).

Comment 14: Two commenters asked NMFS to monitor the efficacy of the measures implemented in this rulemaking, including whether marking requirements after the 3-year temporary marking transition period are working as intended, and whether entanglement rates decline.

Response: NMFS will continue to monitor entanglements of marine animals off the West Coast and continue to try to attribute them to identifiable sources. NMFS will take into account gear marking requirements in various West Coast fisheries, including the requirements established under this rule, when attempting to attribute an entanglement to its source. NMFS publishes entanglement reports annually and analyzes data for trends and other factors of concern. NMFS will also continue to enforce, in partnership with state offices, Federal fishing regulations, including measures implemented in this rulemaking.

Comment 15: One commenter asked NMFS to provide guidance with regards to line marking requirements, including temporary marking. They asked how to account for gaps, knots, wear, or the use of non-solid “tracer” lines. Also, they requested further guidance on acceptable temporary marking methods and what NMFS means by “continuous.” With this guidance, they hope to reduce compliance uncertainty and enforcement inconsistency.

Response: NMFS agrees that steps should be taken to reduce compliance uncertainty and enforcement inconsistency. NMFS offers the following clarifications to facilitate consistent enforcement of gear marking requirements promulgated in this rulemaking, in addition to forthcoming informational guides.

The gear marking requirements implemented through this final rule apply to vessels fishing groundfish in the commercial, non-tribal, limited entry or directed open access fisheries using bottom longline or pot gear.

With regards to buoy marking, before leaving port on a trip where gear marking requirements apply, the vessel is required to have either enough buoy

tags of the required color and marking to mark all applicable gear(s) on board the vessel, or all buoys must have compliant gear-specific markings directly on the buoys. Every buoy used to mark bottom longline or pot gear must have legible vessel identification, directly marked on the surface of at least one buoy on every set, and either directly on all other buoys or on marked tags ready to be attached for all other buoys. Buoys on board that are clearly marked for fishing in non-groundfish fisheries (e.g., pot gears marked for fishing spiny lobster) are not subject to groundfish gear marking requirements implemented in this rulemaking.

With regards to line marking, before leaving port on a trip where gear marking requirements apply, the vessel is required to have a sufficient length of marked line to mark at least the top 20 fm (37 m) of all vertical lines to be deployed on each set. Line is considered “marked” when it is manufactured in the applicable two-color scheme found in table 1, with at least one-third of strands being in one color and the remainder being in the other color. Presence of a third color, besides white, is prohibited in the top 20 fm (37 m) to reduce the likelihood of mistaken gear identification for gear that is observed entangled on marine animals. NMFS acknowledges that some types of manufactured line may have an uncustomizable inner core color that shows through on the outer surface of the line (i.e., a tracer). This core is usually white. Tracers that are not solid white will be found in non-compliance with line marking requirements. Until January 11, 2030, line is considered “marked” when original line is temporarily marked continuously in the applicable two-color scheme found in table 1, with alternating bands of color, for at least the top 20 fm (37 m) of every vertical line deployed with the subject gears. In the context of temporary line marking, “continuous” means marking is uninterrupted two-color (table 1) alternating bands of markings in the top 20 fm (37 m) of line, with the exception that the original line may be partially visible for less than 6 inches and not at all visible in the full circumference of the temporarily marked portion of the line. Markings that are partially worn (i.e., discolored or missing such that original line color shows through) on one or more sides of the line for a distance greater than 6 inches (15.2 cm) are not “continuous” and do not satisfy line marking requirements. Additionally, any amount of original line showing in the full circumference of the line is not “continuous” and

therefore does not satisfy line marking requirements. NMFS does not prescribe temporary marking methods, only the outcome: 20 fm (37 m) of continuous marking in the required length intervals and color scheme.

Comment 16: Two commenters asked NMFS to expand line marking requirements beyond the top 20 fm (37 m) of the vertical line, to include surface lines, the entire vertical line, and all groundlines. Both commenters argue that the only option that allows NMFS to determine with certainty that an entanglement is caused by certain gear (in this case, groundfish pot or bottom longline gear) and, conversely, rule out groundfish pot or bottom longline gear when it is not involved, is by requiring the proposed marking schemes for all parts of the gear. Both commenters argued that because only a small portion of gear (less than 20 ft but often less than 5 ft) is observed entangled, marking 20 fm out of hundreds of fathoms of line is inadequate to ensure entangled gear is identified as groundfish pot or longline gear. They assert that if only part of the gear is marked, entanglements may not be attributed to the groundfish bottom longline and pot gear fishery only because not all parts of the gear are marked. One commenter asserts that NMFS' desire to minimize costs cannot outweigh evidence that marking such a small portion of the gear will fail in many instances to allow NMFS to determine with certainty whether groundfish pot or longline gear is involved in an entanglement. The other of the two commenters argued that an observed entanglement in a sablefish pot groundline warrants additional marking of groundlines and that anything less than marking all parts of gear would be ineffective to definitively attribute entangled gear to a specific fishery.

Response: As reported at the 2022 Gear Marking Workshop, a groundfish pot gear fishermen described fishing in depths of up to 900 fm (137 m), using strings of pot gear (*i.e.*, sets) up to 1.5 miles (2.4 km) long. During the workshop, a groundfish pot gear fishermen commented that, when fishing so deep and with the influence of ocean currents, their vertical lines might each be up to 1,200 fm (2,195 m) long to allow successful gear retrieval. When up to 10 fm (18 m) of surface gear is attached to the top of the vertical line, this results in a single set of gear, even using the single-line allowance, that could have lines totaling up to 2,580 fm (4,718 m) in length. Spools of custom-colored braided poly cord (*i.e.*, line) are typically 200 fm (366 m) long and cost

approximately \$500 each. If gear marking were required for all parts of the gear, each set could take up to 13 coils of line to retrofit, at a cost of up to \$6,500 per set. Fishermen vary in how many sets they fish, but it is often 2 to 7 sets per trip. For a vessel that fishes more gear, retrofitting seven sets of groundfish pot gear entirely with manufactured lines in the required gear-specific color scheme could cost over \$45,000 in materials alone.

The cost of replacing worn-out gear is a known and budgeted fishing expense for most vessel operators and fishing businesses. It is likely that they would commonly budget to replace line on a small proportion of their gear each year and on an as needed basis. As discussed at the Gear Marking Workshop in 2022, the larger proportion of gear that is required to be marked, the greater the costs to the industry to comply. Industry representatives voiced concerns that the initial costs to replace all gear at once could be very expensive and asked for consideration of marking only a portion of their gear (*i.e.*, the parts of their gear that would be most likely to be involved in an entanglement).

As NMFS stated in the 2022 Gear Marking Workshop, based on current entanglement information, line marking on the upper portion of the gear would be most helpful at identifying the source of entanglements. This is because most entanglements involve buoys (*i.e.*, upper or surface portion of fishing gear) or portions of line identified to be from the upper portion of fishing gear. The Council considered various marking distances, including marking surface lines and marking more and less than 20 fm (37 m) on the upper portion of the vertical line. The Council did not recommend gear-specific surface line markings for the same reasons they did not recommend gear-specific markings on buoys: surface lines are commonly used to float different gear types or in different fisheries. The Council recommended the intermediate alternative for the distance of vertical line marking, the top 20 fm (37 m) or 120 ft, because that is the portion of gear most often documented in entanglements, and usually the amount of line in an entanglement is only 6 to 20 ft (2 to 6 m). The Council also recommended this distance because the average-sized groundfish pot fishing operation could mark all their groundfish pot gear (2 to 5 sets) by purchasing a single coil of line for approximately \$500, while larger operations may only need to buy two coils of line for approximately \$1,000. For these reasons, and for reasons described above in *Response to*

Comment 13, NMFS has determined that the measures implemented in this rulemaking minimize bycatch to the extent practicable and are reasonably expected to improve accountability in the groundfish pot and bottom longline fisheries, if entanglements occur in the future, while balancing costs to industry.

Comment 17: Two commenters state that the measures in this rulemaking are not sufficient to address entanglement concerns and satisfy legal requirements for the West Coast groundfish fishery, nor are they enough to reduce the large proportion of "unknown" entanglements that cannot be attributed to a specific fishery or region, and, therefore, NMFS will be unable to obtain reliable estimates of incidental bycatch.

Response: This rulemaking, taken under the authority of the Magnuson-Stevens Act, is consistent with NMFS' obligations under the Magnuson-Stevens Act, ESA, MMPA, and other laws. As discussed above, minimizing bycatch to the extent practicable is a necessary part of NMFS' fisheries management. Given the removal of the regulatory requirement to mark gear sets on the surface at both terminal ends (*i.e.*, voluntary single-line allowance), NMFS expects this rulemaking to reduce the number of vertical lines used to identify pot gear in groundfish fisheries, which NMFS expects to reduce the likelihood of entanglements with pot gear. Additionally, given the new limitation on surface line length implemented in this rule, NMFS expects this rulemaking to reduce excess surface line in the water, which NMFS anticipates will reduce the risk of entanglement in both pot and bottom longline gear. The single-line allowance measure in this rule balances minimizing bycatch from entanglements with active fishing gear against the flexibility fishermen need to keep bycatch from ghost fishing gear low. The surface line length limitation balances minimizing excess surface line in the water against the flexibility fishermen need to set gear that can withstand changing ocean conditions and tides, without submergence. Thus, these entanglement risk reduction measures minimize bycatch to the extent practicable, consistent with legal requirements, including the National Standards of the Magnuson-Stevens Act.

Comment 18: One commenter, referring to a 2012 biological opinion on the groundfish fishery, describes how NMFS thought, at that time, that the observer program would not be able to provide accurate bycatch estimates for entangled humpback whales because

the gear is left untended and the whales are mobile once entangled in the gear. Based on this, the commenter asserts that the observer program provides an underestimate of actual entanglements occurring in the fishery and that the magnitude of undocumented and unobserved entanglements within the groundfish fishery could be large.

Response: In 2012, when the referenced biological opinion was completed by NMFS, only one humpback whale had been reported entangled in groundfish fixed gear since 1982, and that entanglement (2006) was not witnessed by a federal observer. Because observer coverage rates of all vessels fishing groundfish pot and longline gears prior to 2011 ranged from 6 to 25 percent annually, averaging 16 percent of targeted landings, NMFS presumed at the time that observer data alone would be insufficient to discern bycatch rates of protected species in the fishery. Beginning in 2011, sablefish have been harvested with non-trawl gear, including the subject gears, under gear switching provisions in the Shorebased Individual Fishing Quota (IFQ) Program (historically quota that was harvested with bottom trawl gear). This IFQ fishing has been observed at much higher rates (approximately 100 percent) than in years prior. From 2011 through 2025, no entanglements were observed in pot or bottom longline gear in this sector. However, during that same period, 4 of the other 6 documented entanglements in groundfish fixed gear were observed (2014, 2016, 2023, and 2025) in non-IFQ sectors of the groundfish fishery. There have also been initial reports of entanglements in groundfish fixed gear during the 2026 fishing season. For example, on July 7, 2026, a deceased humpback whale was observed entangled in groundfish pot gear. Additionally, on July 23, 2026, there was a report of a whale entanglement associated with multiple gear types off the coast of Oregon, including sablefish pot gear. An investigation into the circumstances of these entanglements is ongoing by NMFS scientists and entanglement experts. Further information on the entanglements, and potential implications for future action(s) to address the mortality and serious injury of humpback whales in the sablefish pot fishery, will be discussed by the West Coast Take Reduction Team (TRT). The TRT web page is available at www.fisheries.noaa.gov by searching for “west coast take reduction team.”

To date, no entanglement cases have been clearly identified as involving a mobile, free-swimming entanglement

involving sablefish pot fishing gear. Since the 2012 biological opinion, NMFS has completed 2 additional consultations and biological opinions addressing humpback whale bycatch in the sablefish pot fishery, including consideration of reported entanglements that have occurred since 2012. Additionally, NMFS has modified the bycatch estimation approach since 2012 to better deal with relatively rare events like humpback whale entanglements in the groundfish fishery and limited observer coverage. NMFS has adopted and utilized methodologies for extrapolating observed entanglements to inform fleet-wide estimates in acknowledgement of limited observer coverage since 2020. Given the weight of updated information, the statement from the 2012 biological opinion is not representative of NMFS' current perspective. NMFS finds that it is unlikely that a whale that becomes entangled in groundfish pot gear will move the gear away from its original location due to the gear's weight and its propensity to anchor whales in place when entanglements have been documented in the past, and that there is an extremely low amount of gear loss documented in the fishery. If mobile entanglements occurred, rates of gear loss would be higher. Line marking requirements in this rulemaking will allow NMFS to ground truth this hypothesis.

Comment 19: Two commenters requested a 90-day transition period from the time when the final rule publishes to when new gear marking requirements are in effect.

Response: NMFS is publishing this final rule with a 90-day delay in effectiveness for most provisions in this rulemaking, including the gear marking requirements. NMFS is waiving the delay in effectiveness for the voluntary single-line allowance provisions, at 50 CFR 660.219(a)(1) and 660.319(a)(1), in this rulemaking. See Classification.

Comment 20: One commenter requested specific changes to proposed regulatory text to further increase flexibility on complying with new buoy marking requirements and to simplify and clarify regulatory requirements for the placement of escape panels on pots.

Response: NMFS finds merit in the suggested regulatory changes and concludes that they constitute a logical outgrowth of the specific requirements described in the proposed rule. See Changes from the Proposed Rule for additional information.

Changes From the Proposed Rule

Additional Buoy Marking Method

Based on public comments, NMFS is adding an additional method for complying with the requirement for gear-specific marks on buoys. Instead of buoy tags being the only method of compliance for the gear-specific buoy marking required, as proposed in the proposed rule, the final rule adds the option for gear-specific marks directly on buoys. This will allow vessel operators that use dedicated, gear-specific surface gear to float either pot or bottom longline gear, exclusively, to permanently and directly mark all buoys. As described in the proposed rule, this method of marking was considered by the Council, but was not recommended because some fishermen testified that they often used surface lines and buoys to float multiple gear types within a fishing vessel's portfolio of target species. For those fishermen, marking directly on buoys was disfavored because it would force the purchase and storage of extra surface gear. However, the Council did not consider allowing multiple methods of buoy marking during development of its recommendation. NMFS finds that expanding the allowable methods for compliance with the gear-specific buoy marking requirements in this rule is appropriate and consistent with the Council's recommendation. Adding this method of marking buoys to the final rule provides operational efficiencies to the fleet, while still achieving the intended goal of gear-specific markings on all pot and bottom longline buoys. As such, this change to the final rule is consistent with NMFS' original purpose for this action and considered a logical outgrowth of the proposed rule. The change neither raises new issues not addressed in, nor represents a substantial departure from the proposed rule. For these reasons, NMFS is revising regulatory text at 50 CFR 660.219(b)(1) and 660.319(b)(1) to add an additional method of complying with this rule's buoy marking requirements by marking directly on the buoys, using capital letters “GL” for bottom longline buoys and “GP” for pot buoys.

Additionally, NMFS is making technical revisions to these regulations providing that all buoy markings, whether directly on the buoy or via buoy tag, use the capital letters “GL” for bottom longline buoys/tags and “GP” for pot buoys/tags, rather than the “P” and “L” markings provided in the proposed rule. These technical edits are intended to ensure the fishery-specific and gear-specific buoy marks required for the groundfish fishery under this

rule are not too similar to buoy markings currently required in other non-groundfish fisheries, including those managed by the State of California. NMFS' revisions to § 660.12(a)(9), as contained in the proposed rule, included gear-specific buoy marking tags as a required component of fishing gear (whether attached to the gear or onboard the vessel) that must be presented to an authorized officer for inspection upon request. In this final rule, gear-specific buoy marking tags are required only if buoys are not directly marked with permanent fishery and gear-specific markings. Therefore, this final rule adds "when required" to the buoy tag inspection requirement at § 660.12(a)(9).

Clarifying Edits to Temporary Line Marking Requirements

Based on public comments, NMFS is adding clarifying text to regulations describing continuous temporary markings for vertical lines in the gear-specific color schemes (table 1). NMFS acknowledges that "continuous" may be open for interpretation, and clarifies specific allowances for original line color showing in the portion of line required to be marked. Line marked in alternating bands of color according to the temporary line marking requirements at § 660.219(b)(2)(ii) and § 660.319(b)(2)(ii) may have up to 6 inches of original line visible, and may not have any original line showing through in the full circumference in the portion of the line required to be marked. See also Response to Comment 15.

Clarifying Edits to Biodegradable Escape Panel Placement Requirements

The proposed rule added specificity in the regulations regarding the required location of the opening of a pot's biodegradable escape panel. The goal of this regulatory change being to ensure that the opening is not on the bottom of the pot or too close to the bottom of the pot to be obstructed by silting or other benthic obstructions. The proposed language was identical to the rules for biodegradable escape panels used in pot fishing off the coast of Alaska. Based on public comments, and after further consultation with regional enforcement agents, NMFS is rewording the requirement at § 660.230(b)(4) and § 660.330 (b)(2)(iii) to simplify the escape panel language and make it slightly less prescriptive by removing the phrase "parallel to," and to make the intent clearer by stating the escape panel opening must be positioned near but not on the bottom of the pot. The language revisions are consistent with

NMFS' original purpose for this regulatory change and neither raise new issues not addressed in, nor represent a substantial departure from the proposed rule action. Thus, these revisions are considered a logical outgrowth of the proposed rule.

Regulations at § 660.219 are revised from the proposed rule to expand the existing gear marking and identification requirements that would have been applicable to only bottom longline and pot gears to apply to all fixed gears authorized for use in the limited entry non-trawl fishery. This change revises the regulations, including language that was not proposed to change in the proposed rule, to bring these provisions into compliance with substantive regulatory amendments that were made in a separate but related rulemaking: the Limited Entry Fixed Gear (LEFG) Follow-On action, for which the final rule published on July 22, 2026 (91 FR 46000). The LEFG Follow-On action authorizes more types of fixed gear to be used in the limited entry non-trawl fishery (formerly limited entry fixed gear fishery). This means there are more types of fixed gear that need to have appropriate identification, per existing requirements in § 660.219. These changes are isolated in paragraphs (a)(1) and (a)(2) of § 660.219. The regulations at § 660.219 pertaining to the final gear marking regulation changes implemented by this rulemaking for bottom longline gear and pot gear at (a)(1) and (b) are not substantively changed from the proposed rule, other than the additional buoy marking method described above for pot and bottom longline types of fixed gear.

Surface Line Length Restrictions for the Limited Entry and Open Access Fisheries

The proposed rule included restrictions on the length of surface lines that may be used for bottom longline and pot gear in the limited entry fishery at § 660.230(b)(7). Since the proposed rule, the paragraph numbering in § 660.230(b) has been revised through a separate rulemaking. Accordingly, the surface line length restriction for the limited entry fishery is now published, as proposed, at § 660.230(b)(6) rather than § 660.230(b)(7). This technical correction is made simply to make the regulatory changes implemented through this final rule consistent with the new paragraph numbering in § 660.230(b).

Additionally, the proposed rule for this action mistakenly omitted the surface length restriction for the subject gears that is being implemented in this

rulemaking in the open access fishery gear restrictions, which are at § 660.330(b). As described in the preamble to the proposed rule, the intent of the surface line length restriction implemented in this rulemaking was that it would be applicable to all commercial fishing for groundfish on the West Coast using the subject gears, including vessels fishing for groundfish in the open access fishery. Accordingly, the proposed rule's omission of the surface line length restriction in the regulatory text at § 660.330(b) was a mistake and this final rule corrects that mistake by including the new surface line length restriction for vessels fishing with the subject gears in the open access fishery at § 660.330(b)(2)(v). This addition to the regulatory changes implemented through this final rule is consistent with NMFS' original purpose for this action and neither raises new issues not addressed in, nor represents a substantial departure from the purpose and intent for this action as described in the proposed rule. Therefore, this change is considered a logical outgrowth of the proposed rule.

Classification

Pursuant to sections 303(c)(2) and 304 (b)(1)(A) (16 U.S.C. 1853(c)(2) and 16 U.S.C. 1854(b)(1)(A)) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this rulemaking is consistent with the Pacific Coast Groundfish Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law.

This rulemaking has been determined to be not significant for the purposes of Executive Order (E.O.) 12866.

This final rule is considered an E.O. 14192 deregulatory action.

This action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of section (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under sections (5)(b)(2)(B) and (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

NMFS prepared an analysis for this action, which addresses the statutory requirements of the Magnuson-Stevens Act, E.O. 12866, and the RFA. The full suite of alternatives analyzed by the

Council can be found on the Council's website at <https://www.pcouncil.org>.

The NMFS Assistant Administrator finds that the requirement for a 30-day delay in the date of effectiveness for select regulations in this rulemaking does not apply pursuant to 5 U.S.C. 553(d)(1) and (3) and makes the regulations implementing the voluntary single-line allowance effective upon publication of this final rule in the **Federal Register**.

Pursuant to 5 U.S.C. 553(d)(1), this rule relieves a restriction on fishing because it creates additional flexibility in the amount and type of fishing gear required to be deployed for the subject gears by allowing fixed gear groundfish vessels to voluntarily mark only one terminal end of a pot or bottom longline gear set when a fisherman considers ocean conditions make doing so appropriate. This means that fishermen would be allowed to voluntarily decide to use surface gear (*i.e.*, a pole, flag, light, radar reflector, and a buoy) and a vertical line at only one terminal end of a pot or bottom longline gear set. Fishery participants are currently restricted from deploying the subject gear sets without the sets being marked at the surface on both terminal ends (per current regulations at 50 CFR 660.219(a)(1) and 660.319(a)(1)); thus, the voluntary single-line allowance provided for under this final rule will relieve that restriction and, pursuant to 5 U.S.C. 553(d)(1), the 30-day delay in effective date requirement does not apply to the regulations implementing the single-line allowance.

Additionally, pursuant to 5 U.S.C. 553(d)(3), the 30-day delay in effective date requirement does not apply to the single-line allowance in this final rule because a 30-day delay would be contrary to the public interest as it would delay entanglement risk reduction measures intended to provide conservation benefits to marine animals, particularly humpback whales, by reducing the number of vertical lines required to be deployed in the groundfish fishery during the 2026 fishing year. This provision taking effect without a 30-day delay will benefit the public because it will provide additional flexibilities for fishermen during the 2026 summer harvest of sablefish, which would likely reduce the number of vertical lines deployed, and thus reduce the likelihood of humpback whale and other entanglements, particularly over the summer months when whale presence is highest and overlaps with fishing using the subject gears. As described above in the response to comments, during summer 2026, there have been

multiple reported entanglements where initial reports indicate the presence of groundfish gear, including pot gear. Therefore, NMFS feels that it is in the public's interest to promptly implement the single-line allowance to provide fishermen with the flexibility to use only one set of surface gear and vertical lines with the subject gears, and thus to reduce the risk of entanglement, accordingly.

Additionally, NMFS finds it is in the public interest to make the single-line allowance effective upon publication of this rule in the **Federal Register** because the gear flexibility created by the single-line allowance is expected to increase efficiency within the fishery by reducing the amount of fishing gear required when using the subject gear types. The sooner fishery participants are allowed to use this flexibility during the 2026 season, the sooner the economic benefits of these efficiencies can be realized for fishery participants and fishing communities.

Finally, a 30-day delay in effective date is not necessary to provide sufficient notice to the fishing community to adjust to the single-line allowance. One of the general policy purposes for allowing for a delay in a rule's effectiveness is to give the regulated community time to adjust their practices to come into compliance with the requirements of a new rule. The voluntary single-line allowance promulgated in this final rule creates no new compliance burdens for the fishing community affected by this rule. Instead, the rule creates increased operational flexibility on the part of fishery participants. Therefore, there are no policy reasons to delay the effectiveness of the single-line allowance.

For the foregoing reasons, the 30-day delay in the effectiveness pursuant to 5 U.S.C. 553(d)(1) and (3) does not apply to the single-line allowance established at 50 CFR 660.219(a)(1) and 660.319(a)(1) and these provisions will be effective immediately upon the publication of this rule in the **Federal Register**.

Regulatory Impact review (RIR)

An RIR was prepared to assess all costs and benefits of available regulatory alternatives. A copy of this Analysis is available from NMFS (see **ADDRESSES** section). NMFS is recommending the regulatory revisions in this rulemaking based on its assessment of the net benefits to the nation of these measures.

Regulatory Flexibility Act (RFA)

A final regulatory flexibility analysis (FRFA) was prepared, as required by

section 603 of the RFA. The FRFA describes the economic impact this rulemaking will have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

For purposes of the RFA (5 U.S.C. 601 *et seq.*) only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. This standard applies to all businesses classified under North American Industry Classification System (NAICS) code 11411 for commercial fishing, including all businesses classified as commercial finfish fishing (NAICS 114111), commercial shellfish fishing (NAICS 114112), and other commercial marine fishing (NAICS 114119) businesses (50 CFR 200.2; 13 CFR 121.201).

All commercial groundfish participants that use bottom longline or pot gears in the limited entry or directed open access fisheries in the EEZ off the West Coast, which are managed under the Groundfish FMP, may be affected by this rulemaking. The gear marking and entanglement risk reduction measures require the specified gear marking and surface line limitation described in this final rule for non-Tribal commercial vessels deploying either gear type. Examples of gears that are not affected by this rulemaking include select non-trawl gear types (*i.e.*, troll gear and commercial vertical hook-and-line gear not anchored to the bottom, such as vertical jig gear or rod-and-reel gear with weights suspended off the bottom).

This final rule is needed to increase NMFS' ability to attribute protected species entanglements to specific fisheries and ultimately aid in understanding and reducing the risk of protected species entanglement in groundfish pot and longline gear. The gear marking and entanglement risk reductions in this rule are expected to improve NMFS' ability to attribute the source of protected species entanglements. This rulemaking is also needed to improve the effectiveness of the currently required biodegradable

escape mechanisms in pot gear. Regulations describing in greater detail the location of escape panels in pot gear is expected to ensure efficacy.

No public comments were received regarding the initial regulatory flexibility analysis and no significant issues were raised related to the analysis. Changes from the proposed rule are not expected to change the analyses and findings in the initial regulatory flexibility analysis. No comments were filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule.

Given that this action would apply to the entirety of all entities fishing groundfish with bottom longline and pot gear and that the majority are considered small entities, this rule is expected to have an impact on a substantial number of small entities. All open access groundfish fishing vessels are assumed to be small entities, with ex-vessel revenues for all landings (groundfish and non-groundfish) averaging \$85,601 in 2023. From 2019–2023, between 72 and 152 vessels harvested groundfish in federal waters in the directed open access fishery using one or both of the subject gears. In 2023, 197 of the 223 federal permit owners or holders (required to fish in the primary or limited entry fixed gear sectors) reported as small entities. For gear switching vessels, using non-trawl gear to harvest groundfish in the Shorebased IFQ Program, of the 10 that participated in 2023, all reported as small entities.

Note that there is not a strict one-to-one correlation between vessels, permits, operators, or entities. Some persons or firms likely have ownership interests in more than one vessel or permit. Multiple permits may be registered for use with a single vessel. Given these factors, the actual number of entities regulated by this action could be lower than the preceding estimates.

All vessels subject to this action would be subject to the new requirements to have lines marked in gear-specific colors (temporary markings allowed for interim period followed by requirements for manufactured lines) and buoys marked with gear specific tags or markings and vessel identification. These requirements are subject to the Paperwork Reduction Act (PRA). It is expected that commercial fishing vessel operators, or their employee(s) or other agent(s), would meet the requirement for line marking by marking the lines with temporary methods (e.g., paint or tape) in the transition period or ordering manufactured lines in the gear-specific color scheme. Vessels are only expected

to acquire manufactured line in the required color scheme once during the three-year interim period, as fishing lines often last 6 years or more. The three-year interim period is intended to allow current vertical lines used in the fishery to be phased out and replaced towards the end of their lifespan to avoid unnecessary waste and costs. Additionally, after initial acquisition, replacement of manufactured line in the required color scheme is not expected to increase incremental costs, as compared to what routine gear replacement costs would have been without this new gear marking requirement.

For buoy marking, buoys may be permanently marked directly on the buoy, or cattle ear tags could be ordered and the required identification information etched or stamped on each tag, then affixed to each buoy prior to setting the gear. NMFS estimates that during the 3-year period of this collection, each respondent will only need to purchase tags and line once and then perform ongoing maintenance of those markings.

To annualize gear marking costs, the number of respondents is divided by the 3-year period of this collection, resulting in an average of 112 respondents per year. NMFS estimates it takes approximately 5 hours to replace lines and mark buoys; therefore, the total burden would be approximately 560 hours per year. The estimated average cost burden for compliance with the new gear marking regulations in this rule is estimated to be \$809 per respondent (e.g., vessel operator). This total accounts for the costs of gear-specific marked line, gear-specific marked buoy tags, and paint or markers. This cost per vessel does not always equate to the cost per entity.

NMFS does not anticipate any additional compliance burden to the vessels subject to this action from complying with the biodegradable escape panel placement specifications or twine size changes in this rule. This is because industry representatives attest that no retrofitting of existing pots will be required to comply with revised regulations.

Economic impacts from this rulemaking come primarily from the gear marking requirements. The gear marking alternative adopted in the final rule requires marking of only approximately 1 percent of vertical lines; specifically, the portion of the line that is most commonly documented in entanglements. The rulemaking also requires marking every buoy because at least one buoy is observed in the majority of entanglements. For these reasons, the alternative adopted in this

final rule provides the best result in terms of assessing minimal costs to industry and providing benefits in terms of being able to positively or negatively attribute entanglements.

There are no expected economic impacts from any other measures in this final rule, including the voluntary single-line allowance to reduce risk of entanglement. The single-line allowance is voluntary in nature to minimize the risk of gear loss, while removing a regulatory barrier to reducing the number of vertical lines in the water. This entanglement risk reduction measure therefore implements NMFS' statutory obligation under the Magnuson-Stevens Act to minimize bycatch to the extent practicable. None of the other alternatives considered during this rulemaking would meet the stated objectives and minimize any significant economic impact of the rule as compared to the final action.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) states that, for each rule for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply. As part of this rulemaking process, a notification to permit holders and other interested parties that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the West Coast Regional Office, and the guide will be sent electronically to all holders of permits fishing for groundfish in the EEZ with the subject gear types. The guide and this final rule will also be posted to the NMFS website and made available upon request.

Paperwork Reduction Act

This rulemaking contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the PRA. This rulemaking revises and extends an existing collection with new requirements for fishermen, when using specific gear types to harvest groundfish, to disclose publicly what gear type they are deploying by marking their gear with gear-specific buoy marking and at least the top 20 fm (37 m) of the vertical line in a required color scheme. Line may be either temporarily marked in continuous alternating-colored bands (will only apply for 3 years following the effective date of final rule) or using manufactured line

with only the two specific colors. Burden estimates for the existing collection, which requires vessel identification on a buoy, are revised to update the estimated number of affected entities with updated fishery information and to adjust cost burden estimates for inflation. Public reporting burden for the vessel identification requirements remains 15 minutes per year per vessel. Public reporting burden for new gear marking requirements that are the subject of this rulemaking is estimated to average 5 hours per year per individual response to gear marking requirements. Burden hour estimates include the time for reviewing instructions, searching equipment sources, gathering and maintaining the equipment needed, and completing and maintaining the collection of information. This collection of information was previously approved by the OMB under OMB Control Number 0648-0352.

One public comment was received directly pertaining to the proposed collection, asking for a correction to an apparent typo in the Supporting Statement and asking NMFS to acknowledge the uncertainty in the burden hour estimates since they were not modeled. No public comments were received regarding: (1) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) ways to enhance the quality, utility, and clarity of the information to be collected; and (3) ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 25, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. Amend part 660 subparts C, E, and F by removing the word “longline” and adding in its place the words “bottom longline” wherever it appears, except for §§ 660.11, 660.12(a)(15), 660.13(d)(4)(iv)(A)(21), 660.21(b)(1), 660.21(c)(1)(iii) and (c)(2)(ii), 660.230(b)(4), 660.330(b)(2)(i).

■ 3. In § 660.11, amend the definition of “Fishing gear” by:

■ a. Revising paragraph (5);

■ b. Adding paragraphs (6)(i)(B), (C) and (D); and

■ c. Revising paragraph (10).

The revisions and additions read as follows:

§ 660.11 General definitions.

* * * * *

Fishing gear * * *

(5) *Fixed gear (anchored non-trawl gear)* means the following gear types: bottom longline, trap or pot, set net, and stationary hook-and-line (including commercial vertical hook-and-line) gears.

(6) * * *

(i) * * *

(B) Surface line means line at or near the water's surface that connects the main buoy to any additional buoys.

(C) Vertical line means the line connecting the main buoy to the groundline.

(D) Main buoy means the buoy closest to the groundline, attached to the vertical line at or near the water's surface.

* * * * *

(10) *Trap or pot* See § 600.10 of this chapter, definition of “trap.” These terms are used as interchangeable synonyms.

(i) Surface line means line at or near the water's surface that connects the main buoy to any additional buoys.

(ii) Vertical line means the line connecting a pot or groundline attached to multiple pots to the main buoy.

(iii) Main buoy means the buoy closest to the fishing gear (pot or groundline) and attached to the vertical line at or near the surface.

(iv) Collapsible pot means a cylindrical pot that is not rigid, and can be collapsed for storage when not deployed, also called “slinky pots.”

* * * * *

■ 4. In § 660.12, revise paragraphs (a)(2) and (9) to read as follows:

§ 660.12 General groundfish prohibitions.

* * * * *

(a) * * *

(2) Falsify or fail to affix and maintain vessel and gear identifications and markings as required by § 660.20 or § 660.219, subpart E or § 660.319, subpart F.

* * * * *

(9) When requested or required by an authorized officer, refuse to present fishing gear, including gear marking tags when required, for inspection, refuse to present fish subject to such persons control for inspection, or interfere with a fishing gear or marine animal or plant life inspection.

* * * * *

■ 5. Revise § 660.219 to read as follows:

§ 660.219 Fixed gear identification and marking.

(a) *Gear identification.* (1) Fixed gears authorized for use in the limited entry fishery (*i.e.*, bottom longline, trap or pot, and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be marked at the surface at each terminal end, with a pole, flag, light, radar reflector, and a buoy, except that bottom longline and pot gears (as defined at § 660.11) may be marked, as described in this paragraph (a)(1), at just one terminal end (*i.e.*, gear may be marked at either both terminal ends or one terminal end).

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

(3) At least one buoy used to mark fixed gear under paragraph (a)(1) or (a)(2) of this section must be marked with a number clearly identifying the owner or operator of the vessel. In addition, all buoys used to mark bottom longline or pot gear in the limited entry 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, and all other buoys must have the number directly on the buoy or included on gear marking tags attached to the buoy, as specified in paragraph (b)(1) of this section. For all these marking requirements, 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 trap or pot gear, as defined at

§ 660.11, used in the limited entry fishery must have gear-specific markings on any vertical lines (as defined at § 660.11) 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 in § 660.230.

(1) All buoys attached to the surface line of the subject gears in this paragraph (b)(1) must have a gear-specific marking. Marking must be either a permanent mark directly on the buoy or on a durable tag for each buoy; both are not required. Marks directly on the buoy must appear at least twice on each buoy on opposing sides. Tags 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 takes and retains groundfish in the EEZ with the subject gear, all buoys deployed with fishing gear are required to be marked either directly on the buoy or with a tag attached to the buoy with a single, exclusive gear-specific mark, as described in this paragraph (b)(1).

(i) Permanent buoy markings for bottom longline gear must be the capital letters “GL,” be legible, be at least 3 inches (7.7 cm) in height, and a gear-specific mark for pot gear may not be present. Tags used to mark buoys attached to bottom longline gear must be brown and large enough to accommodate a letter “GL” engraved that is at least 1.75 inches (4.4 cm) in height.

(ii) Permanent buoy markings for pot gear must use the capital letters “GP,” be legible, be at least 3 inches (7.7 cm) in height, and a gear-specific mark for bottom longline gear may not be present. Tags used to mark buoys attached to pot/trap gear must be orange and large enough to accommodate a letter “GP” engraved that is at least 1.75 inches (4.4 cm) in height.

(2) All vertical lines (as defined at § 660.11) of the subject gears in this paragraph (b)(2) 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) Line manufactured in a gear-specific color scheme must be used for the marked portion of the 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 the marked line must be one of the gear-specific colors specified here, and the

remainder of the strands the other color. Presence of any third color, besides white, is prohibited in the portion of the line required to be marked.

(ii) Until January 11, 2030, the colors specified in paragraph (b)(3)(i) of this section 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 (b)(2)(ii). Marking is continuous if no more than 6 inches of the original, unmarked line color shows through. If any amount less than 6 inches of original line is visible it may not be in the full circumference of the line.

■ 6. In § 660.230, revise paragraph (b)(3) and add paragraph (b)(6) to read as follows:

§ 660.230 Non-trawl fishery—management measures.

* * * * *

(b) * * *

(3) Traps or pots must have biodegradable escape panels that meet the following requirements:

(i) *General.* 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 results when the twine deteriorates, and the resulting opening is positioned within 3 inches (7.7 cm) from the bottom of the pot.

(ii) *Collapsible pots.* A collapsible pot (defined at § 660.11, subpart C) is exempt from the placement requirements for escape panels described in paragraph (b)(4)(i) of this section. Instead, a collapsible pot must have one of the following:

(A) 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.

(B) 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.

* * * * *

(6) Surface line, defined at § 660.11, that is used with bottom longline or pot gear may not exceed 10 fm (18.3 m) in length, measured from the terminal end to the main buoy.

* * * * *

■ 7. Revise § 660.319 to read as follows:

§ 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 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, as described in this paragraph (a)(1), at just one terminal end (*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, may be marked only with a single buoy of sufficient size to float the gear.

(3) At least one 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. In addition, all buoys 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, and all other buoys must have the number directly on the buoy or included on gear marking tags attached to the buoy, as specified in paragraph (b)(1) of this section. For all these marking requirements, 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) 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 (b)(1) must have a gear-specific marking. Marking may be either a permanent mark directly on the buoy or on a durable tag for each buoy; both are not required. Marks directly on the buoy must appear at least twice on each buoy and on opposing sides. Tags 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 takes and retains groundfish in the EEZ with the subject gear, all buoys are required to be marked either directly on the buoy or with a tag attached to the buoy with a single, exclusive gear-specific mark, as described in this paragraph (b)(1).

(i) Permanent buoy markings for bottom longline gear must be the capital letters "GL," be legible, be at least 3 inches (7.7 cm) in height, and a gear-specific mark for pot gear may not be present. Tags used to mark buoys attached to bottom longline gear must be brown and large enough to accommodate a letter "GL" engraved that is at least 1.75 inches (4.5 cm) in height.

(ii) Permanent buoy markings for pot gear must use the capital letters "GP," be legible, be at least 3 inches (7.7 cm) in height, and a gear-specific mark for bottom longline gear may not be present. Tags used to mark buoys attached to pot/trap gear must be orange and large enough to accommodate a letter "GP" engraved that is at least 1.75 inches (4.5 cm) in height.

(2) All vertical lines (as defined at § 660.11) of the subject gears in this paragraph (b)(2) 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 the 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 must 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 January 11, 2030, the colors specified in paragraph (b)(2)(i) of this section 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 (b)(2)(ii). Marking is continuous if no more than 6 inches of the original, unmarked line color shows through. If any amount less than 6 inches of original line is visible it may not be in the full circumference of the line.

■ 8. Amend § 660.330 by:

■ a. Revising paragraphs (b) introductory text and (b)(2)(i) and (iii); and

■ b. Adding paragraph (b)(2)(v).

The revisions and addition read as follows:

§ 660.330 Open access fishery—management measures.

* * * * *

(b) *Gear restrictions.* Open access gear is defined at § 660.11, and includes but is not limited to, bottom longline, trap or pot, hook-and-line (fixed or mobile), set net (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 identification requirements described at § 660.319. Vessels fishing with bottom longline and snap gears as defined at § 660.11, are subject to the requirements of the Seabird Avoidance Program described in § 660.21. 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 identification and marking requirements described in § 660.319.

* * * * *

(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 results when the twine deteriorates, and the resulting opening is positioned within 3 inches (7.7 cm) from the bottom of the pot.

(B) A collapsible pot (defined at § 660.11) 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.

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(v) *Surface line.* Surface line, defined at § 660.11, that is used with bottom longline or pot gear may not exceed 10 fm (18.3 m) in length, measured from the terminal end to the main buoy.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066; RTID 0648–XG100]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels using trawl gear to catcher vessels less than 60 feet (18.3 m) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2026 total allowable catch (TAC) of Pacific cod in the BSAI to be harvested.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 13, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Andrew Olson, 907–206–5813.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2026 Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 26,056 mt as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

The 2026 Pacific cod TAC specified for catcher vessels less than 60 feet (18.3