

**SUPPORTING STATEMENT  
VESSEL MONITORING PROGRAM FOR THE PACIFIC COAST  
GROUNDFISH FISHERY  
OMB CONTROL NO.: 0648-0478**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

The Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). The fishery management plans are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from the resources for the benefit of the nation. These plans are implemented by Federal regulations (for this collection, 50 CFR 660.302, .303, .304, .306, .359) which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies.

Seven groundfish stocks are currently considered to be overfished<sup>1</sup>: widow rockfish, bocaccio, darkblotched rockfish, cowcod, canary rockfish, pop, and yelloweye rockfish. Measures have to be taken to protect the overfished stocks and to rebuild them to sustainable biomass levels. Large-scale depth-based management areas, referred to as Groundfish Conservation Areas (GCAs), are used to prohibit or restrict commercial groundfish fishing. These areas were specifically designed to reduce the catch of overfished species while allowing healthy fisheries to continue in areas and with gears where little incidental catch of overfished species is likely to occur.

GCAs are defined by points of latitude and longitude. The rockfish conservation areas (RCAs) are a sub-group of GCAs that are defined by points that approximate fathom curves for depth ranges where overfished rockfish species are commonly found. Deep-water fisheries on the slope have been permitted in areas seaward of the RCAs, and nearshore fisheries have been permitted in areas shoreward of the RCAs. Vessels intending to fish in the deep-water slope fisheries are allowed to transit through the RCAs, providing their gear is properly stowed. Target fisheries with relatively low catch rates of overfished species, such as midwater trawling for pelagic species and pink shrimp trawling with finfish excluders, have been allowed to occur in the RCAs. Various state-managed fisheries where groundfish are incidentally taken also occur in the RCA, however groundfish retention is restricted or prohibited within the RCAs. Traditional enforcement methods (such as aerial surveillance, boarding at sea via patrol boats, landing inspections and documentary investigation) are especially difficult to use when the closed areas are large-scale and the lines defining the areas are irregular. Furthermore, when management measures allow some gear types and target fishing in all or a portion of the conservation area, while other fishing activities are prohibited, it is difficult and costly to effectively enforce closures using traditional methods. Scarce state and federal resources also

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<sup>1</sup> In December 2005, NMFS announced, in the **Federal Register**, that the coastwide lingcod stock is no longer considered overfished and is fully rebuilt (December 19, 2005; 70 FR 75115).

limit the extent to which traditional enforcement methods can be used effectively.

To ensure the integrity of the GCAs and RCAs, a pilot Vessel Monitoring System (VMS) program was implemented on January 1, 2004. The pilot program required vessels registered to Pacific Coast groundfish fishery LE permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. Regulations, at 50 CFR Part 660 subpart G, require vessels registered to a Pacific Coast groundfish fishery limited entry permits to carry and use mobile VMS transceiver units while fishing in the EEZ off the coasts of Washington, Oregon and California. The regulations at 50 CFR 660 subpart G also require the operator of any vessel registered to a limited entry permit, and any other commercial or tribal vessel using trawl gear; including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut and sea cucumber, to identify their intent to fish within restricted areas.

These regulations further the conservation goals and objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by allowing fishing to continue in areas and with gears that can harvest healthy stocks with little incidental catch of low abundance species. To support this monitoring program, NMFS requests renewal of a collection to require the following information to be submitted:

Installation/activation certification reports require vessel owners and operators to follow specific procedures when installing or re-installing a VMS transceiver unit. Upon activation the VMS installer must complete, sign, and return the certification form to NMFS. The form contains information on the VMS hardware and satellite communications services that are provided by private communications companies approved by NMFS.

Hourly position reports are automatically transmitted to NMFS via satellite once the VMS transceiver unit is installed and activated. Vessels that are required to have VMS must operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year, except when a valid exemption report has been received by NMFS. The number of annual transmissions depends on the VMS transceiver that the vessel owner purchases and the number of fishing days per year in waters off the west coast. Many of the systems have a sleep function that automatically reduces the transmission reports when a vessel is in port. The sleep function allows for port stays without significant power drain or power shutdown. When the vessel goes to sea, the unit restarts and normal position transmissions automatically resume. Because the unit is continuously operable, NMFS may query the unit at any time to obtain a position report.

Exemption reports are optional. The exemption reports are sent by the vessel owner or operator wishing a vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Such exemptions are allowed only for vessels operating outside of the EEZ for more than 7 consecutive days and vessels that are continuously out of the water for more than 7 consecutive days. A vessel may be exempted from the requirement to operate the mobile transceiver unit continuously 24 hours a day if a valid exemption report, is received by NMFS, Office for Law Enforcement(OLE) and the vessel is in compliance with all conditions and requirements of the exemption. An exemption report is valid until a second exemption report is sent to cancel the existing exemption.

Declaration reports. Declaration reports are submitted to NMFS OLE by telephone and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. If a vessel operator intends to use the vessel to fish in a different fishing category, a new declaration report must be submitted to revise the old declaration report.

In 2007, NMFS is implementing additional closed area restrictions to protect bottom habitat from fishing gear impacts, as mandated by the Magnuson-Stevens Act. These areas are referred to as Essential Fish Habitat (EFH) conservation areas. Like GCAs and RCAs, the EFH conservation areas will be defined by points of latitude and longitude. An information collection request to support Proposed Rule 0648-AU08 will extend the VMS requirements to all Open Area vessels. After approval by OMB, this new collection will be merged with OMB Control No. 0648-0478.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

Installation/activation reports will be used to provide OLE with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communications service is necessary to ensure that automatic position reports will be received properly by NMFS and to identify the unique signature for each VMS unit. In the event that there are problems, NMFS will need to have ready access to a database that links owner information with installation information. NMFS can then apply troubleshooting techniques and as necessary, contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider. Vessel owners would be required to provide these reports following initial installation and after a re-installation or when the hardware or communications service provider changes. This is not expected to occur more than once per year.

Hourly position reports will be used by NMFS to maintain the integrity of EFH conservation areas and large geographical rockfish conservation areas where fishing activities are restricted. On a broad level, the VMS vessel location reports are a cost-effective tool used to facilitate enforcement of time/area closures in the fishery. The hourly position reports are transmitted 24 hours per day throughout the calendar year (note: that some type-approved models have a sleep mode that automatically reduces the transmissions after an extended period of inactivity and resumes transmission when the vessel moves) and provide NMFS and USCG with real-time vessel location and activity information. Position information will also be used by NMFS fishery managers to evaluate fishing effort and determine whether further management measures are needed to protect low abundance species. Vessel operators are required to operate the VMS unit continuously throughout the a year. This means that the vessel operator will maintain the transponder unit, antennas and the electrical sources that power the system. When an operator is aware that transmission of automatic position reports has been interrupted, or when notified by NMFS that automatic position reports are not being received, they must contact NMFS and follow the instructions provided. Such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's position or returning to port until the VMS is operable. In addition, some systems may require software to be updated. Many of the

transponders can have their set of features upgraded by being reloaded/flushed with updated versions.

Exemption reports allow vessels to discontinue or reduce transmissions when they are seaward of the monitored area or when the vessel has been removed from the water for an extended period and is without the electrical power source needed to operate the VMS transceiver unit. These reports allow flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel.

Declaration reports are needed by NMFS OLE and USCG to identifying vessels that are legally fishing within RCAs. To effectively monitor activity in the RCAs and efficiently use limited resources, it is necessary to require vessels to declare their gear before entering the RCAs. In addition to the groundfish fishery, there are numerous state and federal fisheries that occur in the EEZ off Washington, Oregon, and California. Because many of the groundfish vessels also participate in fisheries other than groundfish it is difficult to determine during an enforcement flyover if they are fishing for groundfish or for a species and with a gear for which harvest is allowed in the RCA. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use. Only those vessels that are difficult to identify are being required to declare their intent. For example, vessels such as salmon troll and sport charter vessels are visually unique and would therefore not be required to provide declaration reports. A single gear type is typically used for multiple trips, so to reduce the reporting burden each declaration report will be valid until cancelled (can apply to multiple trips) or revised by the vessel operator. After a declaration report has been sent, the vessel cannot engage in any activity with gear that is inconsistent with that which can be used in the RCA unless another declaration report is sent to cancel or change the previous declaration.

This information will be used in combination with VMS to more efficiently and effectively direct the use of enforcement resources throughout the fishing year. It is anticipated that the information collected will be used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Installation/activation reports The installation/activation reports will be made available over the Internet. Due to the need for the owner's signature NMFS will use facsimile submission for the installation report. NMFS OLE will accept mailed submissions if the vessel owner prefers this method. Hourly position reports are automatically sent from VMS transceivers installed aboard vessels. Once per hour, the unit automatically determines the vessel's location and transmits that

position to a processing center via a communication satellite. The VMS transceiver units type-approved for use in the Pacific Coast groundfish fishery include models that automatically reduce the number transmissions, and thus the transmission costs after and extended period of inactivity by the vessel. In addition, vessel owners may choose to take advantage of the VMS technology by linking personal computers to VMS transceiver units to improve communication (by adding email capacity) and add other services such as newspapers or weather reports.

Exemption reports and Declaration reports will be submitted by dialing a toll-free number, the caller is asked a series of questions. This system allows vessels to quickly and easily submit their report. NMFS has prepared an example of a worksheet that can be used by the caller to organize report information (attached). The worksheet is an example and would not be a form submitted to NMFS.

#### **4. Describe efforts to identify duplication.**

There are no alternate sources of this information or duplicative requirements.

#### **5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

Most of the respondents qualify as small businesses. The burden on fishery participants was considered and only the minimum data needed to monitor compliance with regulations are being requested from respondents. The VMS units that have been type-approved for this fishery range in costs and service features. This allows the vessel owner the flexibility in choosing the model that best fits the needs of their vessel. Vessels that have already purchased VMS transceiver units for other fisheries or personal purposes have been given consideration. Vessels will be allowed to retain existing VMS transceivers providing they are on the list of type-approved models and have been upgraded to the level required for the fishery. The submission of declaration reports was initially proposed as per-trip reports. Following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met with less frequently made declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until cancelled or revised by the vessel operator. This results in a significant reduction in the number of reports. Following consultation with fishery participants, it was determined that some vessels may prefer to reduce the costs of reporting when leaving the EEZ off the coasts of Washington, Oregon, and California. Because a substantial number of permitted vessels also fish in waters off Alaska and in areas outside the EEZ, and because vessels are commonly pulled out of the water for extended periods, a VMS hourly report exemption option was added, which included an exemption report.

#### **6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Installation/activation reports -- The use and submission of an of the installation/activation reports is required only for the initial installation, re-installation or when the hardware or communications service provider changes. Less frequent reporting would prevent NMFS and the vessel operator from confirming that the system is functioning properly.

Hourly position reports -- Implementing depth-based management measures over large geographic areas, the U.S./Canada border to the U.S./Mexico border, marks the transition to a much greater dependence upon at-sea enforcement. If the VMS was not operational, NMFS Law Enforcement agents and USCG would be tasked with monitoring closed areas via air and surface patrols. Because the USCG engages in multi-purpose missions, at-sea surveillance of fisheries, homeland defense, search and rescue, pollution response, law enforcement, and training, effort may be diverted from depth-based management patrols. VMS provides a level of coverage that cannot be attained by these more traditional enforcement methods, and at a substantially lower cost. A more liberal depth-based management regime is only possible if the integrity of the depth-based RCAs can be ensured. Without the ability to ensure the integrity of the RCAs, it is most likely that the depth-based management strategy will be discontinued. If this were the case, the management structure would revert back to very restrictive limits or no limits on healthy stocks in order to protect low abundance species. Less frequent position reports would be ineffective in deterring the illegal activity. Along some areas of the coast, the RCAs are narrow or prime fishing grounds are near the boundary line of the RCA. If reports were less frequently it would be possible for some vessels to fish within the RCA without being detected. This would undermine the integrity of the RCAs.

Exemption reports and Declaration reports are needed to efficiently and effectively direct the use of enforcement resources throughout the fishing year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The collection is consistent with Office of Management of the Budget (OMB) guidelines except that the VMS reports are sent multiple times per day. That frequency is necessary for enforcing regulations.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A federal register notice was published on February 23, 2006. No comments were received.

As described above in #5: following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met without requiring “per trip” declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until cancelled or revised by the vessel operator. It was also determined that some vessels may prefer to reduce the costs of reporting when leaving the EEZ or when pulled out of the water for extended periods. To reduce the reporting burden on vessels outside the EEZ, an optional exemption report was added to allow vessels to reduce or

discontinue VMS hourly position reports when they are out of the EEZ for more than 7 consecutive days.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are provided under this program at this time.

**10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Efforts were made in the design of the VMS program to ensure the security of all individual vessel location data, including analysis and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. In addition, VMS data is considered confidential under NOAA Administrative Order 216-100, Confidentiality of Fishery Statistics, and is subject to the confidentiality protection of Section 402 of the Magnuson-Stevens Act.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions are asked of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1 below. Total annualized responses are 3,723,312. Total annualized hours are 7,890.

**Table 1. Public Burden and Cost for VMS purchase, installation, maintenance, and reporting.**

| Activity                         | # Respondents                                     | Annual responses per respondent | Total annual responses | Time per response | Total annualized burden hours | Capital expenses/recordkeeping/reporting cost per response | Total annualized capital expenses/recordkeeping/reporting cost |
|----------------------------------|---|---------------------------------|------------------------|-------------------|-------------------------------|--|--|
| Purchase and installation of VMS | 424   | NA                              | NA                     | 4 hours           | 424                           | \$2900 (\$2,000 - \$3800)                                  | \$307,400  |
| VMS maintenance                  | 424   | NA                              | NA                     | 4 hours           | 1696                          | \$0  | \$0  |
| Activation report                | 424   | 1 (annualized = 0.25)           | 106                    | 5 min.            | 9                             | \$3  | \$318  |
| Hourly reports                   | 424   | 8760 (365 x 24)                 | 3,714,240              | 5 seconds         | 5159                          | \$3 (\$1-\$5)/day  | \$464,280 (424 x 365 x \$3)                                    |
| Exemption reports                | 145   | 2                               | 290                    | 5 minutes         | 24                            | \$0  | \$0  |
| Declaration reports              | 723 (424 LE + 294 exempted trawl+ 5 tribal trawl) | 12                              | 8,676                  | 4 minutes         | 578                           | \$0  | \$0  |
| <b>TOTALS</b>                    | <b>723</b>  |                                 | <b>3,723,312</b>       |                   | <b>7890</b>                   |  | <b>\$771,998</b>   |

Installation and activation hours and purchase costs are annualized by dividing by 4, the expected service life.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1 above. Total annualized capital costs are \$307,400. Total annualized reporting costs are \$464,598. Overall total annualized costs are \$771,998.

**14. Provide estimates of annualized cost to the Federal government.**

NMFS is required to ensure that VMS units have been installed properly and are operational. In addition, the review the data transmissions will be required to maintain the integrity of the restricted RCAs. NMFS has one full-time employee (FTE) (GS-13, \$85,000) and two contract employees, one at \$68,000 and one at \$48,000 from the NMFS OLE dedicated to maintaining the system.

The cost to the government during the first year of the program includes software (\$25,000) and equipment for a base station (\$54,000), software design (\$15,000), reporting system and telephone usage fees (\$1,500), as well as training, travel, office space, etc., approximately \$50,000. The estimated cost of the total program is \$306,000 for the first year and approximately \$212,000 in subsequent years. This includes the costs of maintaining the base station and continuing the reporting system.

The total annualized cost to the government is \$444,333.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

Responses were decreased by 318 and hours were decreased by 26, due to a calculation error in the previous submission (one-time activation report burden had not been annualized).

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

N/A.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-1.**

N/A.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No Statistical Methods are employed.