

**SUPPORTING STATEMENT  
ATLANTIC SURFLAM AND OCEAN QUAHOG  
FRAMEWORK ADJUSTMENT 1  
OMB CONTROL NO.: 0648-XXXX**

**INTRODUCTION**

This submission requests Office of Management and Budget (OMB) clearance of information collection provisions for the vessel permit requirements proposed under Framework Adjustment 1 (FW 1) to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP). This information collection builds upon the information collection submission previously approved under OMB Control No.: 0648-0202 (Northeast Region Permit Family of Forms) and will be merged with that collection at a later date. This collection of information would require a notification that utilizes a vessel monitoring system (VMS), which will replace an existing telephone requirement in the Permit Family of Forms collection.

The Mid-Atlantic Fishery Management Council (Council) voted on December 13, 2006, to recommend to National Marine Fisheries Service (NMFS) that a VMS requirement for Atlantic surfclam and ocean quahog fishing vessels, including Maine mahogany quahog vessels, be implemented for the respective fisheries. VMS was identified as a need in this fishery in order to (1) eliminate the requirement to notify NMFS Office of Law Enforcement (OLE) via telephone prior to beginning a fishing trip, (2) facilitate the monitoring of areas closed to fishing due to environmental degradation (e.g., harmful algal blooms and former dump sites for military munitions), and (3) facilitate the monitoring of borders between state and Federal fishing jurisdictions. A VMS requirement was originally approved by the Council as part of Amendment 13 to the FMP in 2003. However, due to the high cost of complying with a VMS requirement at the time, the Council deferred implementation of the requirement until the costs decreased. As a result of recent cost reductions, due in part to the approval of two additional VMS vendors in the Northeast Region, the Council voted in June 2005 to begin the development of a framework adjustment to the FMP to require the mandatory use of VMS for surfclams and ocean quahogs. The Council held two public meetings on October 11, 2006, and on December 13, 2006, to discuss the management measures contained in the framework adjustment. The Council selected and approved the management measures to recommend to NMFS at the December 13, 2006 meeting. This requirement would replace the telephone-based trip notification requirement that is currently in place in the fishery.

**A. JUSTIFICATION**

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

Under the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)), the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the U.S. The majority of this responsibility has been delegated to the Regional Fishery Management Councils and NMFS. The Mid-Atlantic Fishery Management Council has responsibility over the management of the surfclam and ocean quahog fishery along the Atlantic coast. VMS was identified as a need in this fishery in order to (1) eliminate the requirement to notify NMFS OLE via telephone prior to

beginning a fishing trip, (2) facilitate the monitoring of areas closed to fishing due to environmental degradation (e.g., harmful algal blooms and former dump sites for military munitions), and (3) facilitate the monitoring of borders between state and Federal fishing jurisdictions. In addition, the industry has long desired to remove the telephone-based trip notification requirement. The VMS requirement will replace the old system and once this information collection is merged into OMB Control No.: 06487-0202, will decrease the reporting burden.

**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.**

The information requested would be used by several offices of NMFS and the U.S. Coast Guard for the monitoring, implementation, and enforcement of the provisions outlined in the FMP, as revised by FW 1.

The information gathered from a vessel's declaration of a surfclam, ocean quahog, or Maine mahogany trip would enable NMFS to monitor the individual transferable quota (ITQ) program and the limited access Maine mahogany fishing program. In addition, area-based regulations would be able to be enforced.

It is anticipated that the information collected would be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraph, the information gathered has utility. NMFS would retain control over the information and safeguard it from improper access, modification, and destruction, consistent with 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 would 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.**

The fishing trip notification and power-down requests would be submitted electronically through a vessel's VMS unit. The VMS activation certification form must be mailed or faxed.

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

NMFS is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

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

All of the respondents are considered to be small businesses according to Small Business Association size standards. This burden is minimized to most of the fishing fleet as VMS is already a requirement of the northeast (NE) multispecies, monkfish, scallop, and herring fisheries. Thus for many vessels that participate in these other fisheries the addition of another trip declaration would simplify their current reporting by removing the need to use a telephone and leave a long message with the NMFS port office. For the Maine mahogany quahog fishery the Council opted to give this small-scale fishery an additional year to comply with the VMS requirement in order to minimize costs associated with the initial start-up.

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

A trip notification requirement via the telephone is already implemented in the fishery and approved under OMB Control No.: 0648-0202. It is necessary to effectively monitor the ITQ and limited access quota programs. This new requirement simply changes the method by which the information is collected and enhances that information by allowing real-time position reports of the vessel so that areas that were previously not well monitored (e.g. paralytic shellfish poisoning closure areas, and former dump sites) may be monitored more effectively. Since trips are initiated by the vessel owner, it is the vessel owner who has discretion of the frequency of the information collection. This requirement is only one notification prior to the start of the fishing trip. The automatic hourly position reports are the standard used to determine, with some accuracy, the vessels' fishing activity.

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

The proposed collection of information may not be consistent with OMB guidelines with regard to the reporting frequency. While OMB does not allow that respondents be required to report more often than quarterly, requirements for the VMS declaration requested with this submission would require more frequent reports. This information collection (i.e., declaring a fishing trip) is required to be submitted by any federally-permitted vessel fishing for surfclams or ocean quahogs in the U.S. exclusive economic zone. This information is used to by NMFS OLE to enforce the ITQ cage tag program and monitor area-based 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.**

The Council voted in June 2005 to begin the development of a framework adjustment to the FMP to require the mandatory use of VMS for surfclams and ocean quahogs. The Council held two public meetings on October 11, 2006, and on December 13, 2006, to discuss the management

measures contained in the framework adjustment. The Council selected and approved the management measures to recommend to NMFS at the December 13, 2006 meeting. The information collections contained in this submission are part of a proposed rule, RIN 0648-AT62, to implement management measures outlined in FW 1 to the FMP. This rule announces the VMS fishing trip declaration provision described above and solicits public comment on the program and the information collection requirements necessary to implement this program. Once public comments have been considered, a final rule outlining the measures to be implemented, as modified by public comment, will be published in the Federal Register.

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

Neither payments, nor gifts are given to the respondents.

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

All data would be handled in accordance with NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.). In addition, any information submitted according to the provisions outlined in FW 1, or any other management action implemented by NMFS, would be considered confidential and would not be disclosed except as provided in Section 402(b) 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.**

There are no questions of sensitive nature contained in the proposed collection of information.

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

The universe of vessels potentially affected by this action consists of all surfclam and ocean quahog vessels participating in the ITQ program and limited access Maine mahogany quahog vessels. In 2006 there were 37 vessels participating in the ITQ program and 25 vessels participating in the Maine mahogany quahog fishery for a total of 62 vessels. Of these 62 vessels, 29 vessels already have VMS installed and in use on their vessel; 33 vessels do not. In 2005 these 62 vessels took a total of 5,500 fishing trips. This gives an average of 89 fishing trips per year per vessel. At a burden estimate of 1 minute per VMS trip, the estimated total burden hours associated with the proposed collection of information is approximately 92 hours ((62 vessels x 89 declarations x 1) /60). This new burden estimate is provided in Table 1 at the end of the text.

In addition to the above, the proof of VMS installation for a total of 33 entities over the three-year period, annualized, would be 11 entities. The annual burden, with responses taking 5 minutes each, would be 1 hour ((11 vessels x 5)/60).

For the permit requirement to request to turn off the VMS unit, the same 33 new entities from the previous paragraph would also be required to request a VMS power-down authorization if they would like to turn the VMS unit off for a period of time, with each response taking 30 minutes, resulting in a burden estimate of 5.5 hours, rounded off to 6 hours ((11 vessels x 30 minutes) / 60). The cost of annual operation of the VMS unit is included in the trip notification requirement.

In addition to the above, there is a one-time proof of VMS installation form and telephone call for a total of 33 entities over the three-year period. Annualized over three years, would be 11 entities. The response times would be 5 minutes each for the form and the call. The annual burden for submission of the form would be 1 hour (11 vessels x 5 minutes) and the annual burden for the telephone call to verify the proper functioning of the VMS unit would also be 1 hour (11 vessels x 5 minutes).

The total annualized burden for the 33 respondents will be  $92 + 5.5 \text{ hours} + 1 + 1$ , or 100 hours.

**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).**

Currently, there are three vendors that offer VMS equipment approved for use in the NE Region. The vendors are Boatracs Inc., Skymate Inc., and Thrane & Thrane. VMS purchase and installation costs between \$1,800-\$3,800, depending on the vendor and model, resulting in maximum annualized capital/start-up costs of \$41,800 ((33 x \$3,800) /3). As previously mentioned, only 33 vessel owners would be required to purchase a VMS unit.

Annual service costs, including transmission costs and customer support, are estimated to be between \$360 and \$960, depending upon vendor and service plan. Annualized over 3 years, the cost burden for service costs for 33 vessel owners would be \$31,680 (33 x \$960).

The total annualized miscellaneous costs would be  $\$41,800 + \$31,680 = \$73,480$ .

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

NMFS currently operates a VMS system for several fisheries in the Northeast Region. The ongoing (recurring) costs associated with the administration of the VMS system amount to \$352,293 a year and include staff costs, internet connection, training, travel and the annual costs for equipment and the back-up system (see Table 2). These costs are not expected to increase substantially with the VMS trip declaration requirement proposed in FW 1. These declarations are performed through the VMS and are automatically entered into computer databases.

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

This is a new collection. Adjustments to the burden and costs of OMB Control No.: 0648-0202 will be addressed when this collection is merged into it.

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

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

**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.**

All VMS related forms display the relevant OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

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

All instances of this submission comply with 5 CFR 1320.9.

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

No statistical methods are employed in the information collection procedures.

**Table 1: Burden Associated with the Collection of Information Requirements Contained in Framework 1 to the Atlantic Surfclam and Ocean Quahog FMP.**

Permit Requirement	Annualized # of Entities	Items Per Entity	Total # of Items	Response Time	Total Burden	Cost to:	
						Public	Govt. <sup>(1)</sup>
<b>VMS Trip Declaration</b> (time burden and VMS operation cost)							
Notification of start of fishing trip <sup>(2)</sup>	62	89	5,580	1 minute	92	\$73,480	\$0
<b>Proof of VMS Installation</b>							
Surfclam & Ocean Quahog (form)	11	1	11	5 minutes	1	0	
Surfclam & Ocean Quahog (OLE telephone call)	11	1	11	5 minutes	1	0	
<b>Request to turn off VMS unit</b>							
Surfclam and Ocean Quahog	11	1	11	30 minutes	6	0	
<b>Total</b>		92	5,613		100	\$73,480	

(1) No additional cost associated to Government since included in annual operating costs of Northeast Region's VMS Program (see Table 2).

(2) The cost estimate is based on the purchase, installation, and maintenance for 33 vessels annualized over a 3-year period. The costs for the other 29 vessels are included in the fisheries in which they were first required to purchase and install a VMS unit.

**Table 2: Current Costs to the Government from VMS Monitoring.**

<b>Annual Costs</b>	Salary and Benefits <sup>1</sup>	\$230,000
	Internet Connection <sup>2</sup>	\$7,500
	Equipment <sup>3</sup>	\$20,000
	Back-up System <sup>4</sup>	\$38,960
	Software Licensing	\$3,500
	Supplies <sup>5</sup>	\$11,000
	Training and Travel	\$8,000
	<b>Total Ongoing Costs</b>	<b>\$318,960</b>
<b>Start-up Costs</b>	Software Adaptations	\$100,000
	<b>Annualized Start-up Costs (at 3-year amortization)</b>	<b>\$33,000</b>
<b>Total Annual Costs<sup>6</sup></b>		<b>\$352,293</b>

1. Salary and benefits, three program support personnel
2. 24-hour maintenance of secure internet node at Gloucester, MA
3. Lease and maintenance contract on CPU and monitor
4. Lease and maintenance contract on CPU and monitor
5. Optical storage discs, repairs, and supplies associated with non-lease equipment (modem, router, thermal paper, WORM drive)
6. Estimated by adding up the start-up costs to ongoing costs