

**SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM REQUIREMENT
IN THE WESTERN PACIFIC PELAGIC LONGLINE FISHERY
OMB CONTROL NO.: 0648-0441**

A. JUSTIFICATION

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

The Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson Act](#)) amended in 2006, established regional fishery management councils, including the Western Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. The fishery management plans are intended to regulate fishing to ensure sustained productivity and achievement of optimum yield from the resources for the benefit of the United States.

The Council prepared, and the Secretary approved and implemented, through regulations at 50 CFR Part 665, a Fishery Management Plan (FMP) for Pelagic Fisheries of the Western Pacific Region. The regulations require all permit holders participating in the Hawaii-based pelagic longline fisheries to maintain and operate vessel monitoring system (VMS) units on their vessels after they have been advised by NOAA of a requirement to carry such units. NOAA provides the units and installs them at no cost to the permit holders. Installation is arranged at times when the vessel is in port between trips to ensure minimal disruption to the vessel's other activities. However, the vessel owner or representative generally takes the time to observe the installation. In addition, the vessel owner or representative typically observes the maintenance check of the VMS unit and any firmware or software changes.

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.

On a broad level, the VMS reports provide authorized users (primarily NOAA Enforcement and USCG) with near real-time vessel location and activity information. These reports are used to facilitate enforcement of the area closures in the fishery, and may also be used to check the accuracy of vessel position information reported by the vessel operator in the daily fishing logbooks required by regulations. This is important in determining or verifying locations of catch by species and time, as well as locations in which there were interactions with protected species, such as endangered and threatened sea turtles. The information provides a basis for determining whether changes in management are needed to protect sensitive species or to address fishery interaction problems and for evaluating the impacts of potential changes. In addition, the VMS reports may be used to monitor compliance with regulations and fishing quotas under U.S. regulations implementing international treaties and agreements, such as the annual bigeye tuna

quota in the eastern tropical Pacific under the jurisdiction of the Inter-American Tropical Tuna Commission.

The information collected will not be disseminated to the public inasmuch as it is primarily for use internally by authorized users (including personnel from NOAA Enforcement, National Marine Fisheries Service (NMFS), USCG, and others per NOAA Directive 06-101 *VMS Data Access and Dissemination Policy*, and NOA 216-00 *Protection Of Confidential Fisheries Statistics*). The information will enable the both agencies to effectively monitor any potential for violations of the longline area closure regulation. The information may be used by NMFS scientists to cross-check the accuracy of logbook information submitted to NMFS by the vessel operators.

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 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. Any of the information that might be used to support publicly disseminated information would first be aggregated and/or summarized to maintain the confidentiality of the information pertaining to the individual vessels. The information will be subject to the quality control measures and 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 VMS requirement integrates current information technology in the fishery management and monitoring process. The collection of information is automatic and invisible to the vessel operator. Many vessel owners have taken advantage of this technology by linking personal computers to VMS units to improve communication with other vessels, or by using the VMS unit's data output to supply Global Positioning System (GPS) information to navigational plotters. Although not related directly to location reporting, there is potential for the VMS to be used by fishermen to transmit their catch and effort data to NMFS on a near real-time basis. NMFS is currently developing a program for electronic reporting to take the place of paper logbooks.

4. Describe efforts to identify duplication.

There are no similar comparable programs to collect near real-time vessel location information. Requiring vessel operators to report vessel locations at sea would have been much more costly and difficult, and would have imposed a direct reporting burden on the vessel operator. The VMS unit is passive and automatic, requiring no reporting time of the vessel operator.

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

Vessels affected by the VMS requirements in western Pacific longline fisheries generally range in size from 50 feet to 100 feet. Those who participate in the fisheries are categorized as “small businesses”, which are all affected in a similar manner by the VMS requirement. In all cases, NMFS notifies the vessel owner when the requirement would take effect and arrange times when installation of the unit could be performed to minimize interfering with vessel operations. There is no reporting burden on vessel owners to arrange for VMS installation. The vessel owner is free to decide whether to connect a personal computer to the VMS unit and use the capabilities of the VMS unit in transmitting messages to a home office or other vessels.

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

If the VMS is not operational, NOAA Enforcement, the USCG, and cooperating states would be tasked with monitoring longline fishing closed areas via air and surface patrols. The annual cost of relying on traditional surveillance methods using air and surface patrols for time and area coverage is estimated at more than \$25 million. Comparatively, VMS provides between 95% - 98% coverage at an estimated cost of \$100,000. Monitoring compliance with international treaties and agreements in areas under treaty jurisdiction would likewise be more difficult and expensive without VMS.

There is no reporting frequency requirement for the vessel owner. The frequency with which a vessel VMS is polled to determine location is set by NOAA depending on the proximity to longline fishing closed areas and the EEZ boundary.

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 and Budget (OMB) guidelines except that the VMS reports more frequently than quarterly (multiple times per day). That frequency is necessary for enforcing fishery 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, published on June 8, 2007, solicited public comments on this submission. One comment was received that was critical about the management of the fishery, but did not contain any comments relevant to this collection of data.

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

No payments or gifts are provided

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 at-sea position data on individual vessels, including data transmission, analyses, and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. These data are considered by vessel operators to be proprietary; hence, NMFS and USCG have taken steps to secure this information as “official use only” throughout the program design, and through policy directive that control the access to, and use, storage and dissemination of the VMS information. Information submitted is confidential under the Magnuson Act and NOAA regulations.

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.

In calculating the number of position reports per year we have used hourly reports, at 1 second per report.

$164 \text{ vessels} \times 24 \text{ seconds per day} \times 365 \text{ days per year} = 1,436,640 \text{ responses} / 3600 = 399 \text{ hours.}$

Total estimated burden hours = 399 hours per year.

Total estimated responses = 1,436,640.

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

No direct or indirect costs are imposed on vessel operators by the VMS requirement. The initial installation and maintenance costs for VMS are sustained by NOAA.

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

The initial cost to the government during the first year of the program (1994) included 120 VMS units, software, installation, and equipment for a base station, with a total estimated cost of approximately \$600,000. For subsequent years, the estimated cost of the total program is \$100,000 per year, primarily for messaging costs.

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

No changes.

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. NMFS and the Council will use the data (primarily in an aggregated, non-confidential format) for management reports and fishery management plan amendments and evaluations. 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-I.

N/A

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No Statistical Methods are employed.