

**SUPPORTING STATEMENT  
EXPANDED VESSEL MONITORING SYSTEM REQUIREMENT  
IN THE PACIFIC COAST GROUND FISH FISHERY  
OMB CONTROL NO.: 0648-**

**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 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 been taken to protect the overfished stocks and to rebuild them to sustainable biomass<sup>2</sup> 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 between these points 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.

In 2006, 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

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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).

<sup>2</sup> In this context, biomass refers to the cumulation of living matter: the total living biological material in a given area or of a biological community or group.

Essential Fish Habitat (EFH) conservation areas. Like GCAs and RCAs, the EFH conservation areas will be defined by points of latitude and longitude.

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 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 (OMB Control No. 0648-0478). The pilot program required vessels registered to Pacific Coast groundfish fishery limited entry (LE) permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. The VMS program is being expanded on January 1, 2007, to include all Open Area fisheries in addition to the limited entry fisheries. Expanding coverage of the VMS program is expected to enhance state and federal enforcement's ability to monitor vessel compliance with GCAs, RCAs, and EFH conservation areas. This new information collection request, to require participation in the VMS monitoring program for open access vessels, will be merged with OMB Control No. 0648-0478, Vessel Monitoring Program for the Pacific Groundfish Fishery, as soon as practicable.

To support the VMS monitoring program, the following information must be submitted to NMFS: 1) VMS transceiver installation/activation certification reports, 2) hourly position reports, 3) exemption reports, and 4) declaration reports.

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 when they want their 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 only allowed for:

vessels operating outside of the EEZ for more than 7 consecutive days, vessels that are continuously out of the water for more than 7 consecutive days, vessels that transfer the limited entry permit from the vessel and do not engage in any fishing of the west coast for the remainder of the year, vessels that depart the open access fishery for an extended period after the end of the fishing year, and for vessels that have had an emergency situation that resulted in vessel damage such as fire, flooding or other extensive physical damage that would require the VMS or power source to be disconnected. 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. After a vessel has made a declaration report to NMFS and has been confirmed for a specific gear category, it cannot fish with any gear other than a gear type that has been declared for the vessel. 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.

**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 certification reports are used by NMFS OLE to confirm that a type-approved VMS unit was installed according to the prescribed procedures and that service has been arranged with an approved communications service provider. Activating the unit and requiring confirmation from NMFS OLE that automatic position reports are being received without error ensures the integrity of the monitoring program. Each VMS transceiver unit has a unique transmission signal that needs to be linked with a specific vessel for processing position reports.

Vessels registered to limited entry permits are required to have contact information on file with NMFS. However, vessels participating in the open access fisheries do not have federal permits. Therefore it is necessary to collect contact information from open access fishers. Having contact information is necessary to provide confirmation and in the event that there are problems with the VMS reports. If there are transmission problems, NMFS will need to have ready access to contact information and 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 are required to provide these reports following initial installation and after a re-installation or when the hardware or communications service provider changes. A vessel is expected to submit a report the first time it participates in a fishery where VMS is required. Because the service life of a VMS unit is approximately 4 years, respondents are expected to submit 1 report every 4 years.

Hourly position reports will be used by NMFS to maintain the integrity of large geographical 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 fishing 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.

Exemption reports are sent by the vessel owner or operator when they want their vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Exemption reports are optional. The exemption 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. Approximately 500 vessels are projected to send 2 exemption reports each per year.

Declaration reports are used by NMFS OLE to identify the fisher's intent to use the vessel to participate in a particular fishery with a specific gear. Because area restrictions are specific to the gear type and target fisheries, declaration reports are needed to adequately assess the vessel's activity in relation to the area restrictions. 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, during an enforcement flyover or from a VMS position report alone it is difficult to determine if they are fishing for groundfish or for a species and with a gear for which harvest is allowed in the closed area. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use.

A single gear type is typically used for multiple trips, to reduce the reporting burden each declaration report will be valid until a new declaration is made or until an exemption report is received. This information will be used in combination with VMS to more efficiently and effectively direct the use of enforcement resources throughout the fishing year. Each vessel is estimated to send up to 20 declaration reports per year.

**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 certification reports The installation/activation certification reports are available on 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 an 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 phone on a toll-free number. This form of reporting, available 24 hours per day, creates minimal burden for fishermen reporting, as well as for NMFS staff entering information into the database where it can be used in reports to monitor fishing activity. NMFS has prepared an example of a worksheet - not for submission to NMFS - that can be used by the caller to organize report information (attached).

#### **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 participant 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 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 availability of federal funding for purchasing, installing, or maintaining VMS transceiver units, or for funding data transmission is not known at this time. Due to the critical need to monitor the integrity of EFH conservation areas and RCAs and GCAs that protect overfished stocks, NMFS believes it is necessary to proceed with this rulemaking. It is necessary, therefore to require fishery participants to bear the cost of purchasing, installing, and maintaining VMS transceiver units, hourly VMS data transmissions, and reporting costs associated with installation and declaration requirements. If federal funding becomes available, fishery participants may be reimbursed for all or a portion of their VMS expenses.

The installation and activation reports request contact information from open access vessels only. Vessels participating in the limited entry fishery are required to have permits registered to the vessels. Contact information for vessels registered to limited entry permits will be obtained from the permits database. There are no federal permit requirements for open access fishery participants.

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 revised by the vessel operator or an exemption report was sent. This results in a significant reduction in the number of reports.

Following consultation with fishery participants prior to implementation of the pilot VMS program in the limited entry fisheries, 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. During the development of the expanded VMS program additional exemptions were considered for: vessels that transfer the limited entry permit from the vessel and do not engage in any fishing of the west coast for the remainder of the year, vessels that depart the open access fishery for an extended period after the end of the fishing year, and for vessel that have had an emergency situation that resulted in vessel damage such as fire, flooding or other extensive physical damage that would require the VMS or power source to be disconnected. Exemption reports are optional. The exemption 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.

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

Installation/activation certification reports -- The use and submission of installation/activation certification reports is required once for the initial installation, and again for a 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 -- 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, that include at sea surveillance of fisheries, homeland defense, search and rescue, and pollution response, monitoring efforts may be diverted from monitoring depth-based and EFH conservation areas. VMS provides a level of coverage that cannot be attained by these more traditional enforcement methods 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 VMS it is likely that the depth-based management strategy will be discontinued. VMS is necessary to ensure the integrity of the RCAs. If this were the case, the management structure would revert back to very restrictive 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 and EFH areas are narrow or prime fishing grounds are near the boundary line. If reports were less frequently it would be possible for some vessels to fish within the restricted areas without being detected. This would undermine the integrity of the RCAs.

Exemption reports allow vessels to reduce or discontinue the VMS signal under specific conditions. If the reporting frequency were reduced, VMS signals would have to continue 24 hours per day throughout the calendar year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs.

Declaration reports are needed to determine if the vessels is engaged in a fishery that is allowed or prohibited in the closed area. The declaration reports allow traditional enforcement resources to be directed towards RCA or EFH conservation area incursions efficiently and effectively 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 OMB guidelines except that the VMS reports are sent multiple times per day. More frequent reporting is necessary to effectively enforcing the RCA and EFH area 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.**

There were no comments on the proposed rule, RIN 0648-AU08, which applied to this proposed information collection.

**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 (activation report, hourly reports, exemption reports and declaration reports) are 18,096,355. Total annualized hours are 38,334. Total annualized labor costs at \$30 per hour are \$1,150,020.

**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 below. Total annualized capital expenses are \$1,288,125. Total annualized reporting expenses (for activation reports and hourly reports) are \$2,258,341. Total overall expenses are \$3,546,466.

Exemption and Declaration reports-- Aside from the cost in time (see response to question 12) to summarize and call in a report, there will be no additional cost burden for respondents. All respondents are assumed to have access to a telephone. The telephone call will be placed through a toll-free number so the respondent will not pay for the call. All respondents are assumed to have access to a touch-tone telephone.



**Table 1. Total burden hours and annual costs for the VMS unit installation and operation**

<b>Installation/activation</b>		<b>831</b>
VMS Number of respondents (424 Limited Entry + 1,637 Open Access = 2,061)	2,061	13a
Initial cost of VMS unit (vessel owner purchases type-approved model that best suits their need)	\$1,200 - \$3,800 (\$2500)	
Cost of units for all respondents (unit cost * 2,061 respondents) to purchase VMS transceiver unit	\$2,440,800 - \$7,729,200 (\$5,085,000)	
Annual cost of transceiver unit for all respondents (given 4 year service life)	\$610,200 - \$1,932,300 (\$1,288,125)	14a
Total hours for installation at start-up (4 hours per vessel * 2,061 respondents)	8,244	
Annual hours for installation for all respondents (4 hours per vessel * 2,061 respondents/ 4 year service life)	2,061	13c
Annual hours for maintenance for all respondents (4 hours per vessel * 2,061 respondents)	8,244	13c
Annual number of installation/activation reports	515	13b
Hours per respondent to prepare installation/activation report	0.08	
Total hours for all respondents to prepare and submit installation/activation reports (5 minutes * 2,061 respondents)	172	
Annual hours for installation/activation reports per year	43	13c
Total cost to fax installation and activation reports ((\$3 per fax* 2,061 of respondents)/ 4 year service life)	\$1,546	14b
<b>Hourly Reports</b>		
VMS Number of respondents	2,061	
Number of responses per respondent (365 days per year * 24 transmissions per day)	8,760	
Annual number of responses (8,760 responses per respondent * 2,061 respondents)	18,054,360	13b
Annual hours for all respondents to send hourly position reports (5 seconds per transmission * 18,054,360 total number of responses)	25,074	13c
VMS position report transmission costs per respondent (\$1-\$5/day * 365 days)	\$365 - \$1,825 (\$1,095)	
Annual VMS position report transmission costs for all respondents (\$365-\$1,825 * 2,061 respondents)	\$752,265 - \$3,761,325 (\$2,256,795)	14b
<b>Exemption reports</b>		
Estimated VMS Number of respondents	500	
Annual number of exemption reports per year	800	13b
Hours per response to prepare and submit exemption report	0.08	
Annual hours for all respondents to prepare and submit exemption reports (0.08 hours * 800 reports)	64	13c
<b>Declaration reports</b>		
Estimated VMS Number of respondents	2,061	
Annual number of declaration report (20 is the estimated average per respondent * 2,061 respondents)	40,680	13b
Hours per response to prepare and submit declaration reports	0.07	
Annual hours for all respondents to prepare and submit declaration reports (0.07 hours * 40,680 reports)	2,848	13c

**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, review of the data transmissions will be required to maintain the integrity of the restricted GCAs, RCAs, and EFH conservation areas. NMFS has one full-time employee (FTE) (GS-13, \$85,000) and six contract employees, one at \$60,000, one at \$56,000 and four at \$48,000 each from the NMFS OLE who are 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 for interactive voice report (IVR) reporting system (\$15,000), telephone usage fees (\$1,500) and training, travel, office space, etc.(approximately \$50,000).

The estimated cost of the total program is \$437,000 for the first year and approximately \$343,000 in subsequent years. This includes the costs of maintaining the base station and continuing the telephone reporting system. The total annualized cost is \$374,334.

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

This new information collection requires VMS purchase, installation and reporting for 2,061 open access fishery participant. In addition, the program will modify existing requirements for exemption and declaration reports. Annualized hours for installation, maintenance, activation reports, hourly reporting, and exemption and declaration reports total 38,334. Annualized costs total \$3,456,466.

**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-I.**

N/A.

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

No Statistical Methods are employed.