SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM REQUIREMENT
FOR AMERICAN SAMOA PELAGIC LONGLINE FISHERY
OMB CONTROL NO. 0648-0519

INTRODUCTION

This Supporting Statement describes a renewal of the existing information collection under Office of Management and Budget (OMB) Control No. 0648-0519.

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, such as the Western Pacific Fishery Management Council (WPFMC or Council), to develop fishery management plans (FMP) for fisheries in the United States (U.S.)Exclusive Economic Zone (EEZ). These plans, if approved by the Secretary of Commerce (Secretary), are implemented by National Marine Fisheries Service (NMFS) via Federal regulations that are enforced by the National Oceanic and Atmospheric Administration, Office for Law Enforcement (NOAA OLE) and U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMP regulate fishing to ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S.

The WPFMC has management jurisdiction over fisheries in the Pacific Ocean seaward of American Samoa, Guam, Hawaii, Northern Mariana Islands, and certain other remote U.S. Pacific island possessions[1]. The Council has prepared, and the Secretary has approved and implemented through regulations, FMP for crustaceans, precious coral, pelagic, and bottomfish/seamount groundfish fisheries and coral reef ecosystems in the western Pacific region. The regulations include, but are not limited to, permit requirements, gear restrictions, temporal and spatial closures, harvest guidelines, reporting requirements, and protected species mitigation measures.

Regulations at 50 CFR Part 665.25, implementing the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FMP), require all large vessels (greater than 50 ft in overall length) registered for use with American Samoa longline limited access permits to maintain and operate VMS on their vessels after they have been advised by NOAA OLE of a requirement to carry such units. NOAA OLE provides the units and installs them at no cost to the permit holders. NOAA OLE arranges installation at times when the vessel is in port between trips to ensure minimal disruption of other activities by the vessel.

[1] Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll and Kingman Reef.

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 Vessel Monitoring System (VMS) vessel location reports are used to facilitate enforcement of the 50 nautical mileage vessel prohibited area around American Samoa (50 CFR 665.37). The reports provide NOAA OLE and USCG real-time vessel location and activity information. The VMS reports also can be used to check the accuracy of vessel position information reported by the vessel operator in the daily fishing logbooks required by the 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.

The information collected will not be disseminated to the public inasmuch as it is primarily for use internally by NOAA OLE and USCG. The information will enable both agencies to effectively monitor any potential for violations of the American Samoa large vessel prohibited area regulation. The information may be used by NMFS scientists to cross-check the accuracy of logbook information submitted to NMFS by the vessel operators. 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. See response #10 of this Supporting Statement for more information on confidentiality and privacy. If NMFS makes public non-confidential information, then 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.

The VMS requirement integrates current information technology in the fishery management and monitoring process. The collection of information is automatic and invisible. Many vessel owners have taken advantage of this technology by linking personal computers to VMS units to improve communication with other vessels. Although not related directly to VMS, the system could be used by fishermen to transmit their catch and effort data to NMFS on a real-time basis. The NMFS is implementing a program to enable electronic reporting to take the place of paper logbooks. This program is expected to be operational by the end of 2008 or early 2009.

4. Describe efforts to identify duplication.

There are no similar comparable programs to collect real-time vessel location information. Requiring vessel operators to make at-sea reports of vessel locations are much more costly and difficult, and would impose 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 in the western Pacific fisheries generally range in size from 20 feet to 100 feet. Those who participate in the fisheries are categorized as "small businesses" which are affected in a similar manner by the VMS requirement. In all cases, NOAA OLE notifies the vessel owner when the requirement would take effect and arranges 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.

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

Without VMS, NOAA OLE and USCG would be tasked with monitoring 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 95 to 98 percent coverage at an estimated cost of $100,000.

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 OLE and USCG.

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 more frequently than quarterly (multiple times per day). That frequency is necessary for enforcing regulations.

8. Provide information on 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 describing this renewal was published on December 10, 2007 (72 FR 69669). No comments were received. The NOAA Office for Law Enforcement was consulted for the accuracy of estimates and burden.

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 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. Vessel operators consider these data as proprietary, and NOAA OLE and USCG have taken steps to secure this information as "official use only" throughout the program design. Information submitted is confidential under the Magnuson-Stevens Act and NOAA regulations, except under certain circumstances as outlined in the Magnuson-Stevens Act.

Additional protections: Records are stored in computerized databases or CDs in locked rooms; paper records are stored in file folders in locked metal cabinets and/or locked rooms. Records are stored in buildings with doors that are locked during and after business hours. Visitors must register with security guards and must be accompanied by Federal personnel at all times. Records are organized and retrieved by NOAA internal identification number, name of entity, permit number, vessel name, or vessel identification number. Electronic records are protected by a user identification/password. The user identification/password is issued to individuals as authorized by authorized personnel.

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, Security of Automated Information Resources, OMB Circular A-130; the Computer Security Act; the Government Information Security Reform Act and follows NIST SP 800-18, Guide for Developing Security Plans for Federal Information Systems; NIST SP 800-26, Security Self-Assessment Guide for Information Technology Systems; NIST SP 800-53, Recommended Security Controls for Federal Information Systems.

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.

Under the American Samoa longline limited access permit program, 35 large vessels (greater than 50 ft in length) are currently registered in the fishery. The limited access program allows up to 12 Class A size vessel permits (up to 40 ft in length) to be upgraded to large vessels; four have already been upgraded and registered. If all remaining permit upgrades are used, the maximum number of large vessels possible would be 47. It is not likely that all permit upgrades would be used, however, as Class A vessels are not currently showing a great deal of profit; therefore, the estimate of 47 will not be used, but rather an estimate of 40 respondents.

This collection includes burden estimates for installation/replacement of a VMS unit and repair and maintenance of a unit. The actual VMS reporting is automatic and is thus not counted as respondent burden.

The estimated time per response is 4 hours to install a VMS unit (4 vessels per year estimated) and 2 hours per year to repair and maintain a VMS unit.

The vessel owner or representative generally observes the initial installation, which involves a total of about 16 hours (4 vessels x 4 hours per vessel). The vessel owner or representative also may observe any maintenance or repairs estimated at 80 hours per year (40 vessels x 2 hours per vessel per year).

4 vessels x 4 hours per vessel to install unit = 16 hours
40 vessels x 2 hours per year maintenance = 80 hours
Total estimated burden hours = 96 hrs
Total estimated responses = 44.

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).

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 OLE. The actual position report airtime costs are paid by the government.

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

The initial cost to the government during the first year of the program included 36 VMS units, software, installation, and equipment for a base station, with a total estimated cost of approximately $170,000. 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.

Adjustments were made to the burden estimate based on a revised estimate of responses: 1) since the first request involving 34 vessels, an additional five vessels have been affected and one more may be added, adding 12 hours for maintenance; however, 2) based on the OMB clarification that automatic transmission time does not equal burden hours for the respondent, the previous 83 hours for transmission have been removed, and no transmission burden hours have been added for the six additional vessels.

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 NMFS and the Council will use the data 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.