SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM REQUIREMENTS UNDER THE WESTERN AND CENTRAL PACIFIC FISHERIES
OMB CONTROL NO.: 0648-XXXX

A. Justification

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

The Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA), Title V of the Magnuson-Stevens Fishery Conservation and Management Act Reauthorization Act, gives the Secretary of Commerce the authority to enact regulations to fulfill the Western and Central Pacific Fisheries Convention (WCPFC) requirement that all member States require their vessels that fish for highly migratory fish stocks (HMS) on the high seas in the Convention Area carry and use near real-time satellite-based position-fixing transmitters ("VMS units") as part of a vessel monitoring system (VMS) operated by the Western and Central Pacific Fisheries Commission (Commission). The system will help ensure compliance with the Commission's conservation and management measures.

As a Contracting Party to the WCPFC and a member of the Commission, the United States is obligated to comply with this Convention provision. The National Marine Fisheries Service (NMFS) has been delegated the responsibility for implementing this and other provisions of the Convention.

Most of the United States (U.S.) vessels fishing for HMS on the high seas in the Convention Area already carry and operate VMS units under other laws and regulations. Hawaii and American Samoa longline vessels with limited access permits are required to do so under regulations promulgated under the Magnuson-Stevens Fishery Conservation and Management Act, and purse seine vessels are required to do so under the South Pacific Tuna Act. This new information collection requirement will impose a new collection burden only on those vessels fishing for HMS in the subject area that are not already required to carry and operate VMS units in the area.

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 the applicable Information Quality Guidelines.

Any vessel for which a "WCPFC Area Endorsement" (a new authorization that will be required of any U.S. vessel used for commercial fishing for HMS on the high seas in the Convention Area) has been issued will be required to carry a VMS unit and operate it at all times, except that the VMS unit may be turned off while the vessel is at port, provided that the vessel owner or operator notifies NMFS in advance of each such shutdown and each time the VMS unit is subsequently turned back on (termed "on/off reports"). In addition, "activation reports" will be a one-time occurrence per installed (or subsequently repaired and reinstalled) unit that will be made by the vessel owner or operator prior to the first use of the unit. Activation reports will be used by NMFS to incorporate the location reports from the VMS unit into the VMS system.

While the unit is operating, "position reports" from the vessel will be transmitted from the VMS units automatically at a specified frequency and received via a satellite communication system by NMFS and the Commission. Since the position reports will be automatically transmitted from the VMS unit, they will not impose any time burden on vessel owners or operators, but owners/operator will be responsible for the communication costs of the position reports to NMFS, which will be a function of their duration and frequency (the transmissions to the Commission will entail additional communication costs, but those costs will be borne by the Commission through its budget, and passed on to the U.S. government as part of the annual contributions of the United States to the Commission). The position reports will provide authorized users (primarily NMFS, including its Office for Law Enforcement (OLE), U.S. Coast Guard, and, only while a given vessel is on the high seas in the Convention Area, the Commission) with near real-time vessel location information. The frequency of these reports will be set by the Commission as high as one per hour, and that default frequency is used for the purpose of the burden estimates. These reports will be used to monitor, and thus help ensure, compliance with the Commission's conservation and management measures. They will also be used for scientific purposes, such as linking catch and effort information with vessel location.

When aware that transmission of automatic position reports from the VMS unit has been interrupted or when notified by NMFS that automatic position reports are not being received, the vessel owner or operator will be required to contact NMFS and follow the instructions provided, which might include submitting position reports by other means, such as by email, phone, or fax.

The information collected will not be disseminated to the public, but it will support information that will be disseminated to the public. National Oceanic and Atmospheric Administration (NOAA) complies with Office of Management and Budget (OMB) Information Quality Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies. VMS information is safeguarded from improper access, modification, or destruction to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. If the VMS data are used to support information disseminated to the public they will be synthesized or interpreted, and included in scientific and enforcement technical reports (*e.g.* regarding fishing patterns and compliance patterns). See response to Question 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, electric, mechanical, or other technological techniques or other forms of information technology.

The VMS information collection integrates current information technology in the fishery management and monitoring process. Once the VMS unit has been installed and activated, it automatically transmits reports of vessel location on a pre-programmed frequency, via satellite,

to a ground station, and then to the ultimate users. 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 capability to supply vessel location information to navigational plotters. Although not related directly to location reporting and not part of this collection of information, there is potential for the VMS units to be used by fishermen to transmit their catch and effort data on a near real-time basis.

4. Describe efforts to identify duplication.

NMFS has identified the fleets that are already required to carry and operate VMS units as part of a NMFS-administered VMS. Owners/operators of vessels in these fleets will be required to authorize the Commission to receive position reports via their VMS units, but they will not bear any additional time burden or cost burden as a result of the data transmissions to the Commission. These fleets are the purse seine fleet operating under the South Pacific Tuna Treaty (about 40 vessels) and the longline fleets based in Hawaii and American Samoa (about 135 vessels).

Aside from the use of a VMS, NMFS has not identified any comparable programs that collect near real-time vessel location information.

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

All fishing operations subject to this collection of information, with the possible exception of a few large-scale tuna purse seine, carrier, and bunker vessel operations, are small businesses.

As a member of the Commission, the United States has promoted the position that reporting rates should be frequent enough to fulfill the compliance function of the VMS but not so frequent as to be unduly costly. The default reporting period of one hour that has been adopted by the Commission appears to achieve that balance.

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

If the information is not collected, the U.S. government would not meet its obligations as a Contracting Party to the WCPFC and a member of the Commission, and would consequently fail to fulfill the provisions of the WCPFCIA. The lack of VMS data from the U.S. HMS fleets operating in the Convention Area would provide a disincentive to the other fishing nations in the region to provide VMS data for their fleets. The effective management of the fishery resources under the WCPFC would be compromised.

VMS vessel position reports on the order of one per hour are necessary to ensure compliance with temporal, spatial, and other types of restrictions and to facilitate the cost-effective use of enforcement patrols. Less frequent reports would result in a higher likelihood of non-

compliance.

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 hourly VMS reports would be more frequent than quarterly. This frequency is mandated as a default by the Commission, which has determined it to be necessary to ensure compliance with its conservation and management measures.

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 proposed rule, RIN 0648-AV63, "Initial Implementation of the Western & Central Pacific Fisheries Convention Implementation Act," will solicit public comments on this information collection.

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

No payment or gifts to respondents will be provided.

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

All data are collected by NMFS and will also be available to the U.S. Coast Guard and, only while a given vessel is on the high seas in the Convention Area, to the Commission, as well as other parties that receive authorization to receive and use the data pursuant to applicable policies and procedures (per NOAA Directive 06-101 *VMS Data Access and Dissemination Policy*, and NOAA Administrative Order (NAO) 216-100 *Protection of Confidential Fisheries Statistics*). Confidential data collected by NMFS are governed by regulations promulgated under the WCPFCIA and by NAO 216-100. Any of the collected information used by NMFS in the preparation of publicly disseminated information would first be aggregated and /or summarized to maintain the confidentiality of the information pertaining to the individual vessels.

Under the Commission's *Rules and Procedures for Protection of, Access to, and Dissemination of, Data Compiled by the Commission*, VMS data are defined as non-public domain data, and as such, the dissemination of these data to other parties will be authorized in accordance with the policies of confidentiality and security established in the Commission's Information Security Policy.

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.

The time burden associated with this collection will include time needed for:
(a) activation reports, (b) on/off reports, (c) VMS unit purchase and installation, and (d) VMS unit maintenance.

(a) Activation reports:

If the VMS unit has been newly installed or reinstalled or the communications service provider has changed since the previous activation, the vessel owner or operator must submit by mail, facsimile or email an activation report to NMFS that includes: vessel name; Coast Guard vessel documentation number, or if not documented, state or tribal registration number; VMS unit manufacturer and identification number; and telephone, facsimile or email contact information for the vessel owner or operator. Prior to leaving port, the owner/operator must also receive verbal or written confirmation from NMFS or the U.S. Coast Guard that proper transmissions are being received from the VMS unit.

VMS activation reports will be required for the projected 78 vessels that will be subject to this collection. Such vessels are expected to include the following: (1) 69 troll vessels, which is the maximum number of West Coast-based albacore troll vessels that fished in the Convention Area in any of the last five years; (2) 4 longline vessels, including the 3 Western Pacific-based vessels that were active as of April 2008 and the 1 West Coast-based vessel that has been active within the last two years and (3) 5 support vessels (i.e., carrier vessels, bunker vessels and other vessels used to support the operations of HMS harvesting vessels), which is the number which is roughly the projected number to become active in the Convention Area in the next few years. Thus it is projected that the owners/operators of a total of 78 vessels will be required to respond to this new VMS collection of information.

For the purpose of the following calculations (which include the time burden of receiving the confirmation from NMFS after submitting the activation report), it is estimated that the average lifespan of VMS units is four years and that repairs, changes in communication service providers or other circumstances requiring activation reports will occur an average of once per VMS unit lifespan; that is, in addition to the activation report required upon installation of a new unit, one additional activation report would be required for that unit during its four-year lifespan. In summary, activation reports will be required once every two years, on average.

78 vessels x 0.5 responses/vessel-year x 0.083 hr (5 minutes)/response = 3.2 hr/yr
Total estimated burden per year = 3.2 hours
Total estimated responses per year = 39

(b) On/off reports:

On/off reports must be sent to NMFS by mail, facsimile or email, and must include the following information: the intent to turn on or turn off the VMS unit; the vessel's name; the vessel's Coast Guard documentation number, or if not documented, state or tribal registration number; and telephone, facsimile or email contact information for the vessel owner or operator. In the case of turning a VMS unit on, the vessel owner/operator must also, prior to leaving port, receive verbal or written confirmation from NMFS that proper transmissions are being received from the VMS unit.

Vessel owners/operators will be required to submit on/off reports only if they choose to turn off the VMS units while at port. Their decision of whether or not to do so will likely depend on the size of the vessel (owners/operators of smaller vessels are more likely to want or need to shut down the vessel's entire electrical systems while at port, which would necessitate shutdown of the VMS unit) and the duration of the stay at port (longer stays more likely to result in the VMS unit being shut down). The frequency of the on/off reports will depend on the frequency of port calls. It is roughly estimated that owners/operators of half of the 78 vessels subject to the collection will choose to shut down their VMS units at least once during a given year, and that for each of those 39 vessels, the VMS units will be shut down and subsequently turned back on five times per year, on average (thus requiring 10 on/off reports per year, on average). It is estimated that each on/off report will require 5 minutes, on average (including, in the case of turning a VMS unit on, the subsequent confirmation from NMFS).

39 vessels x 10 responses/vessel-year x 0.083 hr (5 minutes)/response = 32.5 hr/yr
Total estimated burden per year = 32.5 (33) hours
Total estimated responses per year = 390

(c) VMS unit purchase and installation:

VMS unit installation time will be required for the estimated 78 vessels that will be subject to the requirement. It is estimated that 4 hours per vessel will be required for each installation, for a total initial burden of 312 hours. For the purpose of deriving an annual burden, it is estimated that the average lifespan of VMS units is 4 years. With 1 installation per vessel every 4 years, the total estimated annual burden is 78 hours.

(d) VMS unit maintenance:

VMS unit maintenance may occasionally be required. It is estimated that each of the 78 vessels will bear an average annual maintenance burden of 1 hour (including time to contact NMFS and make the VMS unit available for maintenance), for a total annual burden of 78 hours.

Total: Based on the calculations in paragraphs (a)-(d), the estimated total new annual responses and burden associated with this collection are: 39 responses and 3.2 hours (activation reports) + 390 responses and 32.5 hours (on/off reports) + 20 responses and 78 hours (purchase and installation) + 78 responses and 78 hours (maintenance) = 527 responses and 192 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 Question 12 above).

The cost burden associated with this collection will include costs for: (a) VMS unit purchase and installation, (b) VMS unit maintenance, and (c) position reports.

The costs of the activation reports and on/off reports are estimated to be nil: their preparation will require nothing other than the respondent's time, it is expected that all the reports will be submitted by facsimile or email, and the costs of sending reports by such means is estimated to be virtually zero.

(a) VMS unit purchase and installation:

The cost of purchasing and installing a typical new VMS unit is estimated to be about $4,000. With an estimated VMS unit lifetime of 4 years, the annualized cost per vessel is therefore about $1,000.

78 vessels x $1,000/vessel-yr = $78,000/yr

(b) VMS unit maintenance:

It is estimated that each of the 78 vessels will bear VMS unit maintenance costs averaging $250 per year.

78 vessels x $250/vessel-yr = $19,500/yr

(c) Position reports:

The communication costs of transmitting the position reports to NMFS will be borne by the vessel owner or operator. The transmission of the reports, at a reporting frequency of 24 reports per day, is estimated to cost $1.50 per vessel per day. As indicated in the response to Question 12, it is estimated that half of the 78 vessels subject to this collection will leave their VMS units turned on year-round, and half will choose to sometimes turn it off while in port. For those that choose to turn it off, it is estimated that they will do so five times per year on average, and that such off-periods will last 14 days on average. It is therefore estimated that 39 vessels will transmit position reports 365 days per year and 39 vessels will transmit position reports 295 days per year, and the total estimated cost burden will be $38,610 per year:

39 vessels x 365 days/yr x $1.50/day =	$21,353
39 vessels x 295 days/yr x $1.50/day =	$17,258
Total:	$38,611

Total cost resulting from the collection: $78,000 + $19,500 + $38,611= $136,111.

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

The Commission will initially bear the costs associated with the participation of U.S. vessels in the Commission VMS, including the communication costs of transmitting the position reports from the VMS units to the Commission. However, those costs will be passed on to the Federal government as part of the annual contributions of the United States to the Commission. For the United States, in addition to the 78 "new" vessels that do not currently participate in a NMFS-administered VMS, approximately 175 longline vessels that already participate in a NMFS-administered VMS will be required to participate in the Commission VMS, for a total of 253 U.S. vessels in the Commission VMS. The Commission has formulated a provisional budget that anticipates a cost of approximately $400 per vessel in the VMS' first year of operation. Given the approximately 253 U.S. vessels that are expected to participate, the annual U.S. contribution for its vessels is therefore expected to be about $101,000 (253 vessels at $400 per vessel per year).

15. Explain the reasons for any program changes or adjustments.

This is a new program.

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

The information collected is not generally intended for publication. NMFS, U.S. Coast Guard, and the Commission, as well as subsequent recipients, might use the data in such forms as technical reports of compliance patterns and related activities, but they would be presented in aggregated, non-confidential form. The data collected over a series of years might be used in scientific papers and publications, but again, in aggregated, non-confidential form.

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.

NA

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

NA

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.