

**SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM FOR ATLANTIC HIGHLY MIGRATORY SPECIES
OMB CONTROL NO. 0648-0372**

A. JUSTIFICATION

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

This request is for a renewal of this information collection.

The purpose of this collection of information is to comply with the United States' obligations under the Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971), the Secretary of Commerce's obligations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), other domestic Federal regulations, and the implementing regulations at 50 CFR part 635.

ATCA requires the Secretary of Commerce to promulgate regulations as necessary and appropriate to implement measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). As a member nation of ICCAT, the United States is required to collect biological statistics for research purposes (fishing effort and catch) and to implement a Vessel Monitoring System (VMS) program for vessels in certain fisheries. In addition to this requirement, the United States, as one of several member nations fishing for bluefin tuna and swordfish in the Atlantic Ocean, must abide by the specific quotas assigned by ICCAT. A VMS program is necessary to facilitate enforcement of a fishery closure if the quotas are reached.

VMS also aids the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) in monitoring and enforcing closed areas implemented to reduce bycatch of juvenile swordfish, sharks, sea turtles, and other species necessary to comply with the Marine Mammal Protection Act, Endangered Species Act, and National Standard 9 (bycatch and bycatch mortality reduction) of the Magnuson-Stevens Act. There are currently five areas, totaling 158,580 square nautical miles, which are closed to fishermen fishing for Atlantic highly migratory species (HMS) with pelagic and bottom longline gear on board. The Northeast Distant (NED) gear restricted area (approximately 2.6 million square nautical miles) also is monitored year-round with VMS, and an area off of the Southeast United States is monitored during the North Atlantic right whale calving season for vessels fishing with shark gillnet gear. Traditional methods of surveillance by ships and planes would be ineffective in patrolling such large areas. VMS is designed to automatically report positions on all vessels carrying pelagic longline gear, bottom longline gear, or shark gillnet gear on board.

An installation and activation checklist must be submitted by the vessel owner to NMFS after installation of the VMS. Because there are several options for VMS hardware and satellite communications services provided by third parties that are NMFS approved, NMFS must obtain information regarding individual vessel VMS installation and service providers to ensure proper operation of VMS units. NMFS therefore requires that an initial certification and checklist be returned to NMFS.

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 applicable NOAA Information Quality Guidelines.

A VMS unit is programmed to report the vessel's location every hour, 24 hours a day, while the vessel is away from port. This allows vessels to traverse closed areas or remain at sea after a fishery has closed as long as they do not commence fishing operations. NMFS uses this information to reduce costs and improve enforcement of time/area closures, to monitor the fleet during the closed period, to deter illegal fishing, to increase efficiency of surveillance patrols, to provide probable cause for obtaining a search warrant in enforcement investigations, and to support enforcement of other regulations such as closed seasons once a quota has been reached.

The checklist indicates the procedures to be followed by the installers and, upon certification and return to NMFS, provides the OLE with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communications service is necessary to ensure that NMFS will receive automatic position reports properly. In the event that there are problems, NMFS will have access to a database that links owner information with installation information. NMFS can then contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider.

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 National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it 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.

VMS is the best technology available at this time for monitoring vessel locations to aid enforcement efforts. The integrated Global Positioning System (GPS) provides a near real-time mechanism for submitting accurate position reports. Some vessel owners, in other fisheries, have taken advantage of this technology by linking personal computers to the VMS units so that communications with other vessels and port facilities can be improved. This has personal, business, and safety advantages for fishermen and may provide a platform for future electronic logbook reporting of both target and non-target species.

The installation checklist is available over the Internet at http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting_forms.htm. NMFS is considering the use of electronic submission of the installation checklist (fax or email).

4. Describe efforts to identify duplication.

Position reports, at the start of each fishing set, are required in the HMS logbook, and will therefore be duplicated. Position reports are not required in the shark fishing vessel logbook record, and will therefore not be duplicated. However, VMS position reports are automated and require no action on the part of the vessel operator. If electronic catch reporting is developed in the future, paper logbooks may become obsolete.

There are no alternate sources of such specific and near real-time vessel location and activity information. While VMS may be required in other fisheries, fishermen who have purchased a VMS unit can use it in multiple fisheries and the information is only reported once to enforcement.

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

All vessels of the United States (U.S.) and their owners that have permits for HMS, *i.e.*, swordfish, sharks, and tuna, are considered small entities. Current VMS regulations require approximately 292 pelagic longline, bottom longline, and shark gillnet vessels to maintain VMS units at an annual average operation and maintenance cost of approximately \$865 (\$500/year maintenance and \$1.00/day for position reports). In an attempt to provide vessel owners with some flexibility, NMFS has published in the Federal Register approvals for four different types of VMS units from two manufacturers ranging in price from \$1,660-2,900, and the option to choose from two satellite service providers. This provides vessel owners with some flexibility of choice and helps to minimize costs. Because this requirement is already in place for the fishery, most active vessels will not need new equipment and will only need to pay for the annual operation and maintenance costs. Only vessels that are not currently active in the fishery, or in the case of bottom longline gear, near the closed area, will need to purchase the units.

Vessels that have VMS on board could experience some economic benefits. They will be able to continue fishing up to the date of a closure and steam back after the closure, as long as they are not fishing. Arriving in port after a market glut caused by a closure has dissipated would have significant positive economic benefits. Adverse impacts of mass offloading of the fleet, such as low prices, and lack of storage and transportation could be avoided as a result of the VMS program. In addition, current NMFS regulations require fishermen who fish in the South Atlantic to offload in the South Atlantic when the North Atlantic fishery is closed due to a regulation that prohibits possession of greater than the incidental catch limit of 15 swordfish during a closed period. Vessels with a VMS are permitted to transit the North Atlantic with greater than the incidental catch limit on board, as long as they are South Atlantic fish, caught when that fishery was open. This saves significant transport and shipping costs that result from fishermen having to offload South Atlantic swordfish south of 5 degrees N. latitude.

Using VMS to verify the location of a vessel is passive and automatic, requiring no reporting time on the part of the vessel operator. ICCAT recognizes the developments in satellite-based

VMS and their possible utility, including better resource management and, thus, more effective and sustainable use of resources. More specifically, benefits for management include increased compliance with and enhanced enforcement effectiveness regarding area restrictions, more timely data regarding fishing effort by areas, and more timely catch reporting. Other possible benefits of the VMS include increased vessel safety and dependable and confidential communications, which may improve fleet management.

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

Monitoring and enforcement are essential components of fisheries management. Monitoring fishing vessels facilitates enforcement of NMFS' conservation and management regulations by enabling detection of violations. Monitoring also promotes compliance by having a general deterrent effect. Lack of proper monitoring and enforcement makes it difficult to gauge the effectiveness of conservation and management measures. In the case of overfished stocks, enforcement is necessary to prevent further overfishing and subsequent decline to dangerously low stock levels. As a practical matter, it is very difficult for enforcement personnel to effectively monitor the full operational range of the U.S. pelagic longline fleet without having some method of detecting a vessel's location. With respect to pelagic longline time/area closures in particular, the size of the closed areas makes the likelihood of detection through conventional surveillance methods rather small.

VMS is considered much more accurate than logbooks for reporting geographical distribution of fishing effort for each trip. Logbooks are submitted by fishermen seven days after offloading and only provide information regarding the start of a fishing set. Thus, logbooks do not meet the real-time needs of enforcement and could allow vessels to fish illegally in closed areas without prosecution. VMS, on the other hand, provides 24 reports each day for the duration of the trip. This allows enforcement to react immediately if a vessel is found fishing in a closed area.

The use and submission of a checklist is required only for the initial 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.

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

VMS will be reporting positions 24 times a day, which is more frequently than Office of Management and Budget (OMB) guidelines suggest. This frequency is required for the near real-time and accurate tracking of vessel activities. The requirement for 24 position reports per day is designed to allow NMFS to distinguish between a vessel that is setting gear, and a vessel that is traversing a closed area. Fewer reports would indicate that a vessel was in the area but would not indicate whether the vessel was setting gear or traversing the area. The time burden as a result of this frequency, however, remains minimal because the position reports are automated and require no action on the part of the vessel operator.

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 published on November 6, 2008 (73 FR 66030) solicited public comments on this collection. No public comments were received.

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

No payments or gifts are to be offered as part of this information collection.

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

All automated position reports received by NMFS will be treated as confidential data in accordance with the Magnuson-Stevens Act and NOAA Administrative Order 216-100. This assurance is included in the VMS Certification Form.

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 of a sensitive nature are asked.

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

A total of 292 vessels are subject to the VMS requirement (Table 1). Based on the number of limited access permits for swordfish and tuna, an estimated 257 pelagic longline vessels are subject to the VMS requirement. Based on the number of limited access directed shark permits, an estimated 30 bottom longline shark fishing vessels and 5 shark gillnet vessels are also subject to the VMS requirement. Once the VMS is installed, no action is required on the part of the vessel operator except to turn the system on two hours before leaving port and verifying that the system is on. Once on, position reports are automatically sent from the VMS on an hourly basis. NMFS estimates a one-time burden of 5 minutes for completing a VMS installation and activation checklist during initial installation.

Table 1. Number of Vessels with HMS Limited Access Permits by Gear Type.

Type of Permit	Pelagic Longline	Bottom Longline	Gillnet	Total
Directed	181	16	5	202
Incidental	76	14		90
Total	257	30	5	292

Pelagic Longline Vessels:

All pelagic longline vessels participating in HMS fisheries should already have a VMS unit installed; therefore, the time and expense burden of the one-time installation of 4 hours/vessel, and the one-time submission of a paper checklist should have already been realized and is not duplicated in this burden assessment. For the 257 vessels (Table 1) that may be using pelagic longline gear there will be an annual maintenance of 2 hours/vessel for a total of 514 hours (257*2=514). The automatic position reports are not considered burden to the respondents.

Directed Shark Bottom Longline Vessels:

All directed and incidental shark bottom longline vessels that require the use of VMS should already have a VMS unit installed; therefore, the time and expense burden of the one-time installation of 4 hours/vessel, and the one-time submission of a paper checklist should have already been realized and is not duplicated in this burden assessment. For the 30 directed shark bottom vessels (Table 1) there will be an annual maintenance of 2 hours/vessel for a total of 60 hours (30*2=60). As stated above, the automatic position reports are not considered burden to the respondents.

Directed Shark Gillnet Vessels:

For the 5 shark gillnet vessels (Table 1), all of whom also already have a VMS unit installed, there will be an annual maintenance of 2 hours/vessel for a total of 10 hours (5*2=10). Again, the automatic position reports are not considered burden to the respondents.

The total burden for all 292 vessels combined is therefore 584 hours (514 + 60 + 10) and 292 responses (annual maintenance).

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).

Of the 292 vessels required to have VMS installed, all should have already purchased and installed their units, so the startup costs for these vessels have not been included in the annual cost burden estimates. However, communication and maintenance costs, which are ongoing, have been included for all vessels.

Table 2: Estimated annual cost of VMS position reports by vessel type and repair/maintenance costs.

Vessel Type	Daily Position Report Cost (includes 24 hourly reports)	Days reporting per year	Cost per Vessel	Number of Vessels	Total Position Reporting Cost	Total Repair/Maintenance Costs @ \$500	Total Cost
Pelagic Longline	\$1	365	\$365	257	\$93,805	\$128,500	\$222,305
Shark Bottom Longline	\$1	212	\$212	30	\$6360	\$15,000	\$21,360
Shark Gillnet	\$1	137	\$137	5	\$685	\$2,500	\$3,185
Totals				292	\$100,850	\$146,000	\$246,850

Total Annual Costs

For pelagic longline vessels: Communications (\$365/year), and repair and maintenance costs (\$500/year) for the fleet of 257 vessels would total \$222,305.

For shark bottom longline vessels: Communications (\$212 over the 212 day shark bottom longline time/area closure) and repair and maintenance costs (\$500/year) for the 30 vessels would total \$21,360.

For shark gillnet vessels: Communications (\$137 over the 137 day right whale calving period) and repair and maintenance costs (\$500/year) for the 5 vessels would total \$3,185.

The total cost for all three fleets combined would be \$246,850.

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

There would be no significant cost to the Federal government. NMFS is developing an integrated hardware and tracking system to manage the various VMS programs being developed for many other U.S. fisheries. Those costs are already covered by current programs of the Office of Law Enforcement and are extraneous to this collection. Given the current capacity of these systems, incremental costs specifically attributable to the HMS VMS program are negligible.

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

The hours and costs are adjusted to reflect the current number of vessels subject to the VMS requirement (previously, 329, now estimated to be 292), the number of vessels that may have already purchased and installed VMS equipment (all now have VMS; previously up to 168 still needed installation), and any changes to VMS equipment and maintenance costs. In addition, we are no longer counting the automatic position transmission as burden, per recent clarification from OMB.

Responses have decreased from 2,673,441 to 292, hours have decreased from 1,567 to 584, and costs have decreased from \$406,655 to \$246,850. NOTE: when this information collection was migrated to ROCIS, the costs were rounded off to \$407,000, but the actual change in cost is a decrease of \$159,805 rather than \$160,150.

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

No formal scientific publications based on this program are planned at this time. The data will be used for enforcement, management reports, and drafting or evaluating fishery management plan amendments by NMFS. However, subsequent use of the data collected over a series of years may be included in scientific papers and publications. Position data will remain confidential and will only be revealed to the public in aggregated 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.

Not applicable.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.